

AT A REGULAR MEETING OF THE  
BOARD OF COUNTY COMMISSIONERS,  
HELD IN AND FOR GADSDEN COUNTY,  
FLORIDA, ON JANUARY 4, 1994,  
THE FOLLOWING PROCEEDING WERE  
HAD, VIZ.

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

CALL TO ORDER

Chairman Dixon called the meeting to order. Commissioner Powell led in the pledge of allegiance to the U. S. Flag. Commissioner Peacock then opened the meeting with prayer.

ADOPTION OF THE AGENDA

UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO ADOPT THE AGENDA AS PRINTED.

APPROVAL OF THE MINUTES OF THE DECEMBER 21, 1993 MEETING

Commissioner McGill noted one error in the minutes of December 21, 1993. He asked that the word "block" be removed from the only sentence in the fifth paragraph of page 4. The grant is not a block grant - it is an individual grant which people apply for through Farmer's Home Administration.

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO APPROVE THE MINUTES OF THE DECEMBER 21, 1993 MEETING AS CORRECTED.

COUNTY ATTORNEY

**Public Hearing on the Proposed Nudity Ordinance**

Mr. Richmond announced the public hearing of the duly advertised Notice of Intent with regard to the proposed nudity ordinance. He asked for public input.

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The chairman asked the audience members if anyone would like to speak in favor of the nudity ordinance.

A gentlemen from the audience asked Mr. Richmond to read the ordinance.

Mr. Richmond stated that the ordinance was more than 20 pages and was too lengthy to read. He did read the title of the ordinance aloud.

Commissioner McGill asked that the adoption of the ordinance be tabled. He stated he had studied the ordinance and would like for it to include additional provisions which were omitted in the first draft.

The chairman asked the audience members if anyone wished to speak in opposition to the ordinance.

Commissioner McGill made a motion to table the discussion of the ordinance.

Mr. Richmond told the commissioners that if the proposed ordinance language is changed substantially, it would be necessary to readvertise it.

Commissioner Peacock asked what effect the delay in the adoption of the new ordinance would have on the county and if the county would be without protection from any person who wishes to open a business prior to the adoption of the new ordinance?

Mr. Richmond explained that the existing ordinance would be in effect until a new one repeals it.

The chairman asked Commissioner McGill to clarify the additions he wants to be included into the new ordinance.

Commissioner McGill stated he wanted the ordinance to address pornography, adult book stores, video stores, dress codes for public cafeterias, etc. He went on to explain that Leon County is having to amend their ordinance already because they did not include provisions for these concerns. He wanted to be certain that when the new ordinance goes into effect, it will withstand constitutional muster. He would also like for Attorney General Butterworth to at least give the county a legal opinion before advertising the proposed ordinance.

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Mr. Richmond told the board that it would be March before the matter could be addressed again.

The chairman stated once again that the nudity ordinance was tabled.

#### **Consent Order for the Chattahoochee Landfill**

Mr. Richmond reported that the consent order had been misplaced before reaching his office. He would locate it or a second one and have it prepared for the next board meeting.

#### **COUNTY MANAGER**

#### **Request from Citizens to re-open Bowling Green Drive - Colonial Estates**

Mr. Carter informed the board of receipt of a letter from Mr. Bill Penrose requesting confirmation from the county that Gadsden County does own Bowling Green Drive in Colonial Estates and is responsible for the maintenance.

In researching the matter, Mr. Carter was able to verify that the county did own the road (deed dated May 2, 1973) and is responsible for its maintenance. However, he told the board, the road has not been maintained for a number of years.

Cite inspection revealed that presently, the road is nothing more than a truck trail with trees growing in the front and back slopes of the road. Road and bridge staff advised Mr. Carter that a substantial investment would be required of the county to bring the road up to specifications.

He offered the following options:

1. Do nothing, which constitutes an action by default.
2. Reopen the road again to less than specifications for roads we are currently accepting from subdivisions.
3. Reopen and rebuild to specifications and incur substantial costs, essentially building a new road.
4. Make motion to abandon the road in accordance with provisions of 336.90-10.

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Mr. James Parramore, Road & Bridge Department Supervisor, told the board he estimated costs up to \$35,000 to bring the road up to specifications.

Commissioner Powell told the other commissioners he did not believe the owners of property along that road should be penalized for negligence of the previous administration of this board. He did not want the board to get into the posture of closing roads just because no one lived on them. He was of the personal opinion that the county was at fault.

Commissioner Peacock agreed with Commissioner Powell. He said that he was unaware of this road situation until he read about it in the Gadsden County Times on December 30, 1993. Since that time, he had researched the road maintenance history. He was apologetic to the land owners for the neglect. He noted several similar problems addressed previously by this board. He concluded his remarks by saying he wanted to put the road into good condition.

Commissioner McGill asked by what authority did the county stop maintaining the road.

Commissioner Davis said this road was accepted prior to the adoption of the subdivision ordinance but acknowledged the matter is clearly a county responsibility.

It was the consensus of the board to reopen the road to less than specifications - the second option offered by the county manager.

Commissioner Powell asked Mr. Parramore what would be done for the \$35,000. Mr. Parramore responded by saying the figure stated by him was based on the recent average costs of building a dirt road.

The chairman asked for public comment.

**Mr. Bill Hubert** asked if the county would have the Department of Transportation to test the roadbed to determine if it needs to be rebuilt.

The chairman responded by saying the county staff has the ability to make the proper assessment.

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**Lee Jackson** told the board that the ditches have not been maintained for many years either.

**Robert C. Crawford** representing Carl Crawford requested the board approve rebuilding the road.

**Bill Penrose** told the commissioners that he knows of at least three houses that are going to be built in Colonial Estates within a year. He went on to say he did not believe that it would cost \$35,000, but even if it did, the taxes on the new property would soon pay for the repairs. He thought just upgrading the old road would suffice.

**Roger Ellis** (a resident in Colonial Estates) said there is nothing wrong with the road. Some gravel would be appreciated, however.

**Mr. Glen Watt**, a resident of Colonial Estates and road contractor, stated the road could be put into acceptable shape for \$5,000. He offered to do it for that amount if the county would give him a contract.

**UPON MOTION BY COMMISSIONER POWELL AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO REPAIR BOWLING GREEN ROAD TO A SPECIFICATION TO BE DECIDED BY MR. WATT AND MR. PARRAMORE WHICH WOULD MAKE THE ROAD USEABLE AGAIN.**

The audience applauded.

#### **Fire Assessment Litigation Proposal**

The chairman tabled the discussion of this matter until the next meeting of the board. He said there were some new developments to be worked out with regard to the proposal.

#### **Consulting Services - Development of County-wide Budgeting System**

Mr. Carter informed the board that he was developing an RFP for consulting services for the development of a county-wide budgeting system. No action was required.

#### **Travel Allocation Requests**

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Mr. Carter requested authorization to travel to Daytona, FL to attend the Public Policy Forum on January 25-28, 1994 and to expend the amount of \$500.00 for registration and hotel registration. The travel and per diem costs will be submitted after his return.

He then asked for authorization to attend the National Conference for National Forum of Black Public Administrators in New Orleans for the period of April 27 - May 1, 1994. This is pursuant to the provisions in the employment contract and the money is in the travel budget. Travel and per diem costs will be submitted upon his return.

**UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 5 - 0 TO APPROVE THE TRAVEL AS REQUESTED BY MR. CARTER. (MEMOS ATTACHED)**

#### **Request to Apply for Grant**

Mr. Carter explained that the Grants Administrator has requested permission from the board to develop an application for a grant from the Department of Natural Resources for support facilities in (restrooms, parking access to roads and landscaping) the county's existing parks. There is no match requirements of the county up to \$50,000. Above that amount, it would be a dollar for dollar match.

**UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO APPROVE THE APPLICATION FOR A GRANT OF \$50,000 TO THE DEPARTMENT OF NATURAL RESOURCES TO DEVELOP SUPPORT FACILITIES FOR THE COUNTY'S EXISTING PARKS.**

**UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO APPROVE THE CONSENT AGENDA TO WIT:**

**Satisfaction of Housing Rehab Agreement  
Resolution to Amend 1992-93 SHIP Program  
Affordable Housing Incentive Plan  
Affordable Housing Commitment and Mission Statement**

**CLERK OF COURT**

**Budget Amendment (attached)**

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Clerk Thomas presented one budget amendment for the mosquito control and landfill fund.

**UPON MOTION OF COMMISSIONER DAVIS AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO APPROVE THE BUDGET AMENDMENT FOR THE MOSQUITO CONTROL AND LANDFILL FUND.**

#### **Quarterly Revenue Review**

Clerk Thomas told the board he would be presenting a quarterly report on the revenue at the next board meeting.

#### **Status Report on New Finance Software**

The clerk called attention to a memo concerning the installation and implementation of new finance software. He invited them to call him with any questions they might have.

#### **Request to Approve Payment of County Bills**

**UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO APPROVE THE PAYMENT OF THE COUNTY BILLS.**

Chairman Dixon commented on the memo from the clerk concerning the new software. He said he hoped that he and the county manager were working together to develop a system that will not conflict with each other.

Clerk Thomas stated that the system being implemented in the finance department will be a totally inter-active system. He told them that the finance software does have a budget development module which will be totally available to the county manager. The implementation began in December.

#### **DISTRICT 1 REPORT**

Commissioner McGill told the commissioners that he has almost completed the development concept of a council of local governments for Gadsden County. This council would provide a forum whereby all the local governments can come together and make a united effort for making future plans for the county. He will send a copy of it to each commissioner prior to the next board meeting for their consideration.

Commissioner McGill also stated that he and the chairman had met with the Committee on Community Affairs in reference to the proposed Committee Bill No. 135 which provides for exceptions to agency rules for small counties. It will allow a county to petition the rule making agency and seek relief from rules to which it does not significantly impact. He encouraged the commissioners to contact the proper delegation and ask them to support the bill.

He also asked the commissioners to follow up on the matters discussed at the meeting with our local delegation in December. The Legislature is set to begin in February and it is now time to contact the delegation again and make them mindful of concerns that will benefit Gadsden County.

**DISTRICT 2 REPORT**

Commissioner Powell told the board that he had received a request from St. John Elementary School to have the Board of County Commissioners participate in a political forum at their school. The invitation is for the week of January 7-14. He asked them to make their commitment through him.

**DISTRICT 3 REPORT**

Commissioner Peacock had nothing to report.

**DISTRICT 4 REPORT**

Commissioner Davis had nothing to report.

**DISTRICT 5 REPORT**

Chairman Dixon expounded on the impact of the proposed legislation for the agency rules which was already discussed by Commissioner McGill.

**CITIZENS REQUESTING TO BE HEARD**

Chairman Dixon asked for public input.

**Mr. Nolen Hancock** stated he would like the legislative delegation tackle the issue of allowing the tax payers of poorer counties, such as Gadsden County, to set the salaries of their elected officials.

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UPON MOTION OF COMMISSIONER POWELL, CHAIRMAN DIXON DECLARED  
THE MEETING ADJOURNED.

\_\_\_\_\_  
EDWARD DIXON, CHAIRMAN

ATTEST:

\_\_\_\_\_  
NICHOLAS THOMAS, CLERK

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Travel Request: County Manager to attend Conference of National  
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AT A REGULAR MEETING OF THE BOARD OF COUNTY COMMISSIONERS HELD IN AND FOR GADSDEN COUNTY, FLORIDA, ON JANUARY 18, 1994, THE FOLLOWING PROCEEDINGS WERE HAD, VIZ.

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

CALL TO ORDER

Chairman Dixon called the meeting to order. Clerk Thomas led in the pledge of allegiance to the U. S. Flag. Mr. Carter then opened the meeting with prayer.

ADOPTION OF THE AGENDA (attached)

Chairman Dixon asked that the agenda be amended to include a discussion on the fire assessment law suit under the county attorney's agenda and discussion about Gadsden Memorial/Healthmark's request for X-ray equipment added to the county manager's agenda.

UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO ADOPT THE AGENDA AS AMENDED TO INCLUDE A DISCUSSION OF NABORS, GIBLIN & NICKERSON/ST. JOE PAPER COMPANY LAW SUIT UNDER THE COUNTY ATTORNEY'S AGENDA AND DISCUSSION OF GADSDEN MEMORIAL HOSPITAL/HEALTHMARK TO THE COUNTY MANAGER'S AGENDA.

APPROVAL OF MINUTES - JANUARY 4, 1994 - REGULAR MEETING

UPON MOTION OF COMMISSIONER DAVIS AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO APPROVE THE MINUTES OF THE JANUARY 4, 1994 MEETING.

COUNTY ATTORNEY

Settlement Agreement - Chattahoochee C & D Disposal Facility (attached)

Mr. Richmond asked the commissioners to look at the settlement agreement provided to them regarding the Chattahoochee C & D Disposal facility (attached). He told them the agreement has been

reached with the Department of Environmental Protection (DEP) which will bring the facility into compliance.

The agreement calls for a \$1,200 civil penalty plus a \$500 recovery fund payment. At the time this matter was brought to the attention of the board, the staff of the City of Chattahoochee agreed to pay the \$1,700 and then take title of the landfill. When contacted again about the reimbursement to the county, the Chattahoochee staff remarked that the payment would be negotiable.

Mr. Richmond explained that the landfill is presently titled to Gadsden County and the county is responsible for the penalty. He noted that in light of what the potential assessments against the county could become if it was contested, he judged the agreement to be fair and equitable. He urged the commissioners to act favorably on the matter at this meeting.

Mr. Richmond told the commissioners that if the City of Chattahoochee should not reimburse the county as they originally agreed to do, steps could be taken at a later time.

There was some discussion among the commissioners concerning the future of the landfill. The discussion revealed the following facts:

- 1) The landfill is not closed at the present time.
- 2) It will remain open for building debris only.
- 3) Chattahoochee must be permitted to take over the landfill and until that time, Gadsden County is still liable for it.
- 4) Chattahoochee is supposed to be monitoring the landfill.

**UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO ACCEPT THE SETTLEMENT AGREEMENT WITH THE DEPARTMENT OF ENVIRONMENTAL PROTECTION REGARDING THE CHATTAHOOCHEE C & D DISPOSAL FACILITY, TO PAY THE PENALTIES AS OUTLINED IN THE AGREEMENT, THEN PROCEED TO DEAL WITH CHATTAHOOCHEE FOR REIMBURSEMENT OF THE PENALTIES IMPOSED.**

#### **Resolution**

**Supporting Florida Highway Patrol Budget Initiative (attached)**

Mr. Richmond told the commissioners of the efforts of the Florida Highway Patrol to support their requests for additional funding over the next three years. This will result in additional troopers patrolling the outlying areas in the counties.

Discussion followed regarding where the increase in the FHP budget would be derived.

**UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO PASS THE RESOLUTION SUPPORTING THE FLORIDA HIGHWAY PATROL IN THEIR EFFORTS TO OBTAIN ADDITIONAL FUNDING.**

### **St. Joe Paper Company Law Suit**

Mr. Richmond outlined the events relating to the filing of the law suits against Gadsden County because of the fire assessment:

1. Mr. Nolen Hancock & Tax Watch people filed a law suit contesting several issues. Among them were the following:
  - a. the constitutionality and
  - b. validity of the assessment and
  - c. the process used in adopting the ordinance that provided for the assessment
2. St. Joe Paper Company filed their first suit last year contesting:
  - a. the constitutionality and
  - b. validity of the assessment and
  - c. the process used in adopting the ordinance that provided for the assessment as well as
  - d. issues regarding the benefit provided versus the fee paid.

St. Joe contends that they receive no benefit and should not have to pay the assessment. It essentially attacks the method used in developing the \$.20 per acre figure on St. Joe Paper Company property.

Ms. Sarah Bleakly and her firm, Nabors, Giblin & Nickerson, successfully defended the county in the suit filed by the Tax Watch people at no cost to the county.

In the suit filed by Mr. Hancock and Tax Watch, Judge Padovano ruled:

1. The ordinance was a valid exercise of the county's legislative power and was declared constitutional-
  - a. the assessment was properly done and
  - b. the methodology was correct
2. The landowners were obligated to pay the assessments.

3. Revenues generated must be used for fire protection exclusively.

But, in the final judgment, the judge recognized there were some distinct issues raised in the suit. He instructed the fire assessment board to develop a plan that would insure a benefit for everyone. This is a matter for the fire assessment board to address. The continued validity of the assessment depends on the creation and use of facilities that are adequate to serve the needs of all of the residents who are paying the assessments including those in remote areas of the unincorporated lands within the county. If the revenue is not used for fire protection services or if the county fails to provide a benefit, then the court has a duty to declare the ordinance invalid.

Now, St. Joe has filed a second law suit for this years assessment.

Since Judge Padovano's ruling in the law suit filed by Mr. Hancock & Tax Watch, the only issues remaining unresolved in the first and second suits filed by St. Joe are:

1. Is there a benefit provided to St. Joe?
2. How is the county addressing the needs in providing a benefit to St. Joe?

The question presented for action at this meeting was whether or not to hire the Ms. Bleakley to represent the county in the pending law suits with St. Joe. This matter was discussed in the December commission meeting but was not resolved.

Mr. Richmond reported to the commissioners that he has had several discussions with Mr. Kent, the attorney for St. Joe Paper Company. He regretfully told the commissioners, that a settlement does not appear to be possible and these suits will result in a trial on both law suits.

Mr. Richmond told the board without hesitation, the Nabors, Giblin and Nickerson Law Firm, are the experts in this case and can do a better job of defending the county in these suits. At this point in time, there is timely work to be done in both suits.

Chairman Dixon stated that he was inclined to hire the Nabors, Giblin & Nickerson Firm.

Commissioner Powell remarked that the fire assessment board has made good faith efforts to comply with the judge's order. They

have developed a three year and five year plan for providing benefit for everyone.

**MOTION WAS MADE BY COMMISSIONER DAVIS AND SECONDED BY COMMISSIONER PEACOCK TO RETAIN THE NABORS, GIBLIN & NICKERSON LAW FIRM TO DEFEND GADSDEN COUNTY IN THE LAW SUITS FILED BY ST. JOE PAPER COMPANY WHICH RESULTED FROM THE FIRE ASSESSMENT.**

Mr. Richmond added one more comment. The question of two St. Joe law suits - whether the Nabors, Giblin & Nickerson Law Firm did in fact agree to do St. Joe Paper # 1 free of charge to the county. (The question of validity). A general statement was made by Ms. Bleakley that they would defend the validity of the ordinance at no cost to the county.

Chairman Dixon asked Mr. Richmond to look into that question and write a memo to the board with the answer.

**Public Input Requested** (Tape # 2 Position # 1767)

**Mr. Nolen Hancock** stated that the order issued by Judge Padovano also said that the fire assessment would be monitored. He then asked who was monitoring it.

The board responded by saying the fire assessment board was monitoring it.

Mr. Hancock related several incidents which occurred that caused him to doubt that it was being monitored.

Questions were called by Commissioner Peacock.

**THE BOARD VOTED 5 - 0 TO RETAIN THE NABORS, GIBLIN & NICKERSON LAW FIRM TO DEFEND THE COUNTY IN THE LAW SUITS FILED AGAINST IT BY ST. JOE PAPER COMPANY RESULTING FROM THE FIRE ASSESSMENT.**

**County Liability Insurance Program Recognition** (Tape #2;1901)

Mr. Kent Monnigan who works with Florida Association of Counties (FAC) was present to advise the commissioners of things happening within the association. (Gadsden County is a member of the FAC.)

There are now 26 counties within the program. It is doing very well and providing broad insurance coverage to the participating counties.

Structural changes have been implemented in the areas of claims handling, litigation management and risk management.

He invited the county to inform FAC of the needs at the local level so that they might devise a plan to address problem areas and help the county to reduce its losses.

**Bill Grumhaus** informed the commissioners of some of things being done by FAC within the realm of risk management that provide benefit to its members. The success of the activities in risk management is directly related to the cooperation and participation of the counties.

1. FAC conducts training seminars for the FAC members
  - a. general liability
  - b. road departments
  - c. advanced driver training
  - d. parks & recreation - geared toward recreational injury liability.
2. Video tape lending library geared toward local government.
3. Printed materials library.
4. Research of particular matters unique to individual counties.
5. Analysis of claims occurring within a county. Tailoring of programs to curtail problems resulting in claims.

Mr. Grumhaus then delivered certificates of completion for two Gadsden employees, Leonard Brown and MacArthur Dunn, who participated in a seminar in Tallahassee recently.

**PLANNING AND ZONING RECOMMENDATIONS** (Tape #2; 2212)

Mr. Mike Sherman presented the following:

**Rock-of-Ages Funeral Chapel of Havana, Inc. Project #94PZ-1-201-2-1**

Rock-of-Ages Funeral Chapel of Havana is proposing to locate a funeral home in an existing building on the west side of US 27, approximately .4 miles south of the Havana Town Limits. The property consists of 3.5 acres. The applicant is Mr. Steve Cox, 2204 S. Monroe St. Tallahassee, FL 32301. The property owner is Mr. Jimmy Creamer, P. O. Box 3765, Tallahassee, FL. 32315.

No cremation and embalming will be done on site. It will be a viewing parlor only. If they wish to expand their services in the future to include embalming and cremation, the funeral home must appear before this board again for permission as this is one of the special conditions listed.

The Planning and Zoning Commission (P & Z) recommended approval subject to special conditions listed by the P & Z staff. (attached) The P & Z staff also recommended approval.

**UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO APPROVE THE ROCK-OF-AGES FUNERAL HOME PROJECT.**

#### **Road Paving Prioritization** (Tape #2;2536)

At the December 7, 1993 meeting of the county commission, the board approved the settlement agreement between the State of Florida and Gadsden County. Part of that agreement dealt with road paving and the prioritization of those roads and how it affects the remedial amendment that the county must adopt in order to be in compliance with the various rules governing growth management.

Mr. Sherman asked the board for their comments and guidance on how to proceed with establishing the criteria for prioritizing roads within the county for paving.

Commissioner Dixon opened the discussion by saying he was uncertain of some of the language and felt that a workshop should be held to help him understand what the amendment was really saying with regard to ranking of roads and the impact it will have. He then asked for input from other board members.

Commissioner Powell voiced concern over the methodology used to rank the roads. He would like to come up with some way of evaluating needs that would lend the ranking to some type of proportional system county-wide. Whatever method is determined, certainly, must include all the unpaved roads, not just the 35 listed in the plan at present.

Several scenarios were posed for lengthy discussion regarding the establishment of criteria of road paving prioritization.

(A verbatim account of this part of the meeting has been prepared but not made an official part of the minutes. It is on file in the clerk's office.)

Commissioner Peacock made a motion to table the discussion and to hold a workshop to fully analyze the situation before reaching a decision.

Mr. Sherman reminded them of time constraints. There is only 60 days to adopt the remedial amendment which could require an amended ordinance.

The general consensus of the board was to schedule a workshop on Wednesday, January 26th at 6 p.m.

(The workshop was later changed to January 31, 1994 at 6 p.m.)

### **Public Input**

Chairman Dixon recognized **Mr. Dan Winchester** who asked to address the board.

Mr. Winchester spoke briefly saying he thought a workshop on the road paving prioritization was very appropriate. He stated that this policy should get as much public debate as humanly possible. He closed his remarks by indicating that he would like to be a part of the workshop on the 26th.

### **COUNTY MANAGER**

#### **Roof Repair - Administration Building (Tape #2;3836)**

Mr. Carter reminded the commissioners he had requested permission at the last meeting to prepare an RFP to have the roof repaired on the administration building. In retrospect, he decided to have some estimates prepared by a roofing contractors.

The contractors gave Mr. Carter four options with estimated costs for each option. (A memo from Lamar Kent, Building Inspector is attached to these minutes explaining the options and the estimates.)

In developing a five-year plan for capital improvements, Mr. Carter felt that # 1 would be the best option because it has a five year warranty and does not involve a lot of work. The cost would be \$5,000. After the five year period, the roof could be re-coated for approximately \$1,500 - \$2,000 which would yield another 5 years of roof life. Essentially, for \$6,000 - \$7,000 the roof should last for 10 years.

**MOTION WAS MADE BY COMMISSIONER POWELL AND SECONDED BY COMMISSIONER MCGILL, TO ACCEPT OPTION #1 AS THE SPECIFICATIONS FOR THE RFP WHICH WILL REPAIR THE ROOF ON THE ADMINISTRATION BUILDING.**

Discussion followed.

Questions called by Commissioner McGill.

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

**Gadsden Memorial Hospital/Healthmark (Tape #2;4420)**

Mr. Carter addressed the board with a request from Mr. Jon Hufstedler, Healthmark of Quincy, Inc., Administrator of Gadsden Memorial Hospital. Mr. Hufstedler requested sufficient funds to purchase or lease X-ray equipment for the hospital. (attached)

Mr. Carter and Mr. Hufstedler had met with each commissioner individually concerning This request. Mr. Carter explained that the radiology equipment in place at Gadsden Memorial is outdated and inoperable.

After the first meeting with Mr. Hufstedler, Mr. Carter asked him to secure price quotes for the machinery he was requesting. Mr. Hufstedler submitted those quotes on January 7, 1994. After other discussions, Mr. Hufstedler was asked to produce more estimates as well as lease/purchase options. Those estimates have been received and were presented to the board for consideration.

Mr. Carter also read a letter from Dr. Wasserman supporting the request for the X-ray equipment.

The average estimate for a re-furbished (MPX) piece is near \$120,000.

Mr. Carter's recommendation (if the board voted in favor of this request) to the board was for the lease/purchase for the MPX model and requested permission to advertise for bids.

**Mr. Jon Hufstedler, Administrator of Gadsden Memorial Hospital** spoke to the board explaining the extreme need of the hospital for this equipment. He restated much of what Mr. Carter had already explained to the board, but in addition, asked them to waive the bidding process.

Discussion followed.

Mr. Richmond interjected that the board was under no obligation to purchase equipment for the hospital. Under the terms of the contract agreement with Healthmark, he was not prepared to tell the board for certainty that the county could purchase the equipment for a private entity using tax dollars. He also told the commissioners that the money could not be taken from the hospital trust fund. The \$ 1 million line of credit was a one-time deal where a circuit court judge said it could be done. It can only be used in a genuine emergency and must have judicial approval.

Mr. Carter clarified that there is \$500,000 + which is interest income derived from the corpus of the body of the trust fund. The income from that now totals near \$500,000. He asked if this money could possibly be used for the purchase.

Clerk Thomas explained that the money Mr. Carter is referring to is a fund that was set up initially to pay the Florida Patient's compensation claims. There are some years in which the county has to pay claims. In other years, the county receives a refund. It is very unpredictable and has the claims have the potential to be exorbitant. The use of the money initially had to have approval of the hospital board and the county commissioners. The language used in the agreement is not real specific as to how the money can be used. The only thing specifically stated is that it can be used to pay those Florida Patient's compensation claims.

Commissioner Davis pointed out that the balance on the line of credit still owed by Healthmark is \$450,000. At least that amount should be held in reserve in the endowment dividends in the event the board should have to pay that money back.

Commissioner Davis also said that prior to the time the agreement was amended to provide for the Florida Patients compensation claims, the dividends had been used to purchase capital improvements for the hospital. But the county was operating the hospital at the time and the hospital board was active and made those recommendations. Then the agreement was amended to use the dividends for these hospital claims.

Commissioner Peacock stated there were too many unanswered questions in order to make a decision on this matter at this meeting.

Chairman Dixon suggested that the attorney investigate the options with the general funds and the endowment dividends.

**COMMISSIONER PEACOCK MADE A MOTION TO DENY THE REQUEST OF HEALTHMARK FOR THE COUNTY TO PURCHASE OR LEASE X-RAY EQUIPMENT FOR THE HOSPITAL. COMMISSIONER DAVIS SECONDED THE MOTION.**

More discussion followed.

Questions were called.

**COMMISSIONERS PEACOCK, DAVIS AND DIXON VOTED IN FAVOR OF THE MOTION TO DENY THE REQUEST BY HEALTHMARK. COMMISSIONERS MCGILL AND POWELL OPPOSED THE MOTION TO DENY THE REQUEST.**

Chairman Dixon suggested that the attorney examine all the pertinent documents and provide the board with more definitive information that could be considered later if the request should come before the board again.

Mr. Carter asked for clarification of the action.

Chairman Dixon said that any of the commissioners could bring the matter up again. But as of this night's meeting, the request is denied and closed discussion on the matter.

**\$7,000 Budget Amendment for Supervisor of Elections (Tape #3;1430)**

Mr. Carter told the board of a request coming from the Supervisor of Elections then asked Clerk Thomas to expound on the request.

Clerk Thomas explained that Supervisor Hutchinson has requested an additional \$7,000 to cover expenses relating to the installation and implementation of the new voting equipment. The supervisor believes it is necessary to adequately hold the elections.

Discussion ensued.

**UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO GRANT THE REQUEST \$7,000 TO BE TAKEN FROM CONTINGENCY TO GIVE THE SUPERVISOR OF ELECTIONS PER HIS REQUEST.**

Clerk Thomas reported that the contingency fund was \$78,000 before this meeting began. He asked Mr. Carter if the roof repair to the administrative building will be taken from contingency. Mr. Carter told the clerk that he would leave that up to him but that decision could be made at the next meeting. The clerk added that

if the roof repair and the Supervisor's budget amendment is taken from contingency, the balance will be \$66,000.

#### **Request to develop RFP for road paving**

Mr. Carter asked the board for authorization to develop a RFP to get actual costs based on a structure of road that is specifically .5 mile. This would enable him to determine what the actual bid price would be if we bid a project for a double surface versus a triple surface and also for construction of a road base. He suggested a pilot project based on bids received from actual contractors. That information would tell the staff how far it can actually go, based upon the number of dollars in the budget, doing triple surface as opposed to high-grade paving.

It was the consensus of the board to allow Mr. Carter to develop a RFP on a pilot road paving project. This was only for securing bids and determining actual costs.

#### **CONSENT AGENDA** (attached)

**UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO APPROVE THE CONSENT AGENDA TO WIT:**

1. 4-H/Youth Position for County Extension Office
2. Litter & Marine Debris Prevention Grant Application
3. Section 504 Grievance Procedure
4. Change Order - #2 Gadsden Memorial Hospital Project

#### **DISTRICT 1 REPORT**

Commissioner McGill reported complaints from people in his district about excessive costs for Waste Management Services. He asked the County Manager to look into possible negotiations with Waste Management at the time the franchise is up for renewal.

Commissioner Davis suggested to Mr. McGill that he tell those people to pool their garbage with others.

#### **DISTRICT 2 REPORT**

Commissioner Powell told the board that he knew of contractors in the county who could not pass the county's exam to get a contractors license but had proven proficiency in their work. He asked if there was a way these people could be allowed a window to be grandfathered in without taking the exam.

Mr. Carter was asked to do some research into the matter.

Commissioner Davis said another window could really create problems for the county and he was not in favor of doing that.

After more discussion, Commissioner Powell appeared satisfied that it would not be in the county's best interest to open a window for this purpose.

#### **DISTRICT 3 REPORT**

Commissioner Peacock had nothing to report.

#### **DISTRICT 4 REPORT**

Commissioner Davis had nothing to report.

#### **DISTRICT 5 REPORT**

Chairman Dixon had nothing to report.

#### **CLERK'S AGENDA**

##### **Financial Reports**

Clerk Thomas presented a revenue update for the present fiscal year. (attached) He said if everything stays on schedule, the county will be o.k. from the revenue standpoint. There were no fund balances included in the report - only revenue income.

He then presented the cash balance report.

##### **Purchase of county owned property inquiry (attached)**

Clerk Thomas told the commissioners of a request from a citizen to purchase a lot in the St. Johns Subdivision from the county. It was acquired by the county for delinquent taxes. It is 70' x 150' lot and is assessed at \$425.00. He asked if the board was interested in selling the lot.

**UPON MOTION BY COMMISSIONER POWELL AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO APPROVE ADVERTISEMENT OF THE LOT DESCRIBED BY CLERK THOMAS (ATTACHED) BY NOTIFICATION.**

##### **Budget Amendments (attached)**

Clerk Thomas presented the budget amendments and requested approval.

UPON MOTION BY COMMISSIONER DAVIS AND SECOND BY COMMISSIONER  
MCGILL, THE BOARD VOTED 5 - 0 TO APPROVE THE BUDGET AMENDMENTS  
TO WIT:

1. County Transportation # 1
2. General Fund
3. Grants/Special Projects

Clerk Thomas informed the board he would be out of town at the  
time of the workshop on road paving.

**Payment of Bills**

Clerk Thomas asked for approval the payment of the county's bills.

UPON MOTION BY COMMISSIONER POWELL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO APPROVE THE PAYMENT OF THE COUNTY BILLS.

UPON MOTION BY COMMISSIONER PEACOCK, THE CHAIRMAN DECLARED THE MEETING ADJOURNED.

\_\_\_\_\_  
Edward Dixon, Chairman <sup>E</sup>

ATTEST:

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Nicholas Thomas, Clerk

**LICENSING BOARD**

Chairman Dixon called the meeting to order.

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER  
MCGILL, THE BOARD VOTED 5 - 0 TO APPROVE THE LICENSING OF  
WILLIAM JEFFERY WEST AS A RESIDENTIAL CONTRACTOR.

\_\_\_\_\_  
Edward Dixon, Chairman E

**ATTEST:**

\_\_\_\_\_  
Nicholas Thomas, Clerk

AT A REGULAR MEETING OF  
THE AFFORDABLE HOUSING  
ADVISORY COMMITTEE ON  
JANUARY 25, 1994, THE  
FOLLOWING PROCEEDINGS  
WERE HAD, VIZ.

PRESENT: Millie Forehand, Chairperson  
William Carr, Special Needs Representative  
Patrick Brown, Labor Representative  
James Rogers, Building Industry Representative

ABSENT: Craig McMillan, Vice Chairman & Real Estate

Repre  
senta  
tive

James Atkins, Provider Representative  
Alice Kelly, Human Services Representative  
Len Starret, Bank & Mortgage Representative  
Tony Jones, Program Beneficiary Representative

COUNTY STAFF PRESENT: Rosemary Banks, SHIP Co-ordinator  
Edward J. Butler, Grants Administrator  
Muriel Straughn, Deputy Clerk

There was no quorum therefore, no business was conducted.

AT A SPECIAL MEETING OF THE BOARD OF  
COUNTY COMMISSIONERS, HELD IN AND  
FOR GADSDEN COUNTY, FLORIDA, ON  
JANUARY 31, 1994, THE FOLLOWING  
PROCEEDINGS WERE HAD, VIZ.

PRESENT: ED DIXON, CHAIRMAN  
FORREST DAVIS, VICE-CHAIRMAN  
BILL MCGILL  
ANTHONY POWELL  
JAMES PEACOCK  
HAL RICHMOND, COUNTY ATTORNEY  
NICHOLAS THOMAS, CLERK  
JAMES CARTER, COUNTY MANAGER

AU - Audience Member  
ED - Ed Dixon, Commissioner, District 5, Chairman  
BM - Bill McGill, Commissioner, District 1  
AP - Anthony Powell, Commissioner, District 2  
JP - James Peacock, Commissioner, District 3  
FD - Forrest Davis, Commissioner, District 4  
NT - Nicholas Thomas, Clerk  
JC - James Carter, County Manager  
HR - Hal Richmond, Attorney  
MS - Michael Sherman, Planning and Zoning Director

Chairman Dixon opened the meeting saying the purpose of the meeting was to conduct a workshop in reference to establishing a road prioritization policy.

Commissioner Peacock led everyone in pledging allegiance to the U. S. Flag. Commissioner McGill then opened the meeting with a prayer.

Chairman Dixon thanked the audience for their attendance and told them the evenings discussions would not include individual roads. The matter for discussion at this meeting is road paving policy to be included in the comprehensive plan.

The chairman turned attention to Mr. Mike Sherman, Gadsden County Planning and Zoning Director.

Mr. Sherman began the meeting by explaining how the county got to this night's meeting.

In November, 1991, Gadsden County adopted a comprehensive plan.

In June, 1992, the plan was found not in compliance by Department of Community Affairs. (DCA)

In addition to the notice of intent to find the plan not in compliance, there were people who intervened into the comprehensive plan on behalf of homeowner's associations and various businesses.

The Rich Bay Road property owners intervened because the county did not have a road ranking system based on criteria by which they prioritize roads for paving.

DCA and the homeowners association asked Gadsden County to come up with a set of criteria for analyzing the dirt roads in the county and come up with a system for paving based on need.

Gadsden County has done this. The criteria used is as follows:

1. Average daily trips
2. Available right-of-way
3. Accident frequency
4. Maintenance frequency
5. Population
6. Collector roads linking two arterial roads
7. Existing infrastructure along the road

The P & Z staff analyzed 35 unpaved roads which they judged to be the most highly traveled roads in the county.

P & Z staff negotiated a settlement agreement with DCA which would bring the county into compliance with the growth management plan. In December, the County Commission adopted that settlement agreement which called for a remedial amendment to the capital improvement element of the growth management plan.

The reason for this workshop is to determine how the county intends to implement the criteria already established in the settlement agreement.

Commissioner Peacock asked Mr. Sherman to read the list of the roads ranked for paving. (attached)

Audience questions:

AU: Is Central Road in Midway in the plan?

MS: No, it is not.

AU: How many roads is the county anticipating paving each fiscal year for the next 3 - 4 years.

ED: That's a question that has to be determined and it depends on how we go about it. Just let me say that and I'm going to offer a proposal in just a minute, but are there any more questions. I'm gonna try and answer your question in just a minute. Yes, sir?

AU: Would you read off the other roads that you've analyzed?

MS: We did Rich Bay, Dupont, Kitrell, Del Rio, Dusty House, Goldwire, Shilo, McNair, Holt, Bear Creek, Leslie Lewis, Wayside Farms, Hillside Farms, Deer Run, Lanier, Carter Road, Kever Road, Squaw, Frank Smith, Rod Shaw, Glen Julia, Colonial Estates, Merritt Lane, Neal Temple, Collins, Gibson, Bell, Rosedale Tower, Rice, Hough Farm, Jamison, Frank Jackson, Hardaway II, J & J Lane.

ED: Yes, sir?

AU: Does Lanier Road include South Lanier Road?

MS: No, Sir.

ED: I'll have some more questions.

AU: (question inaudible)

MS: We have trouble with people destroying our traffic counter and tossing it around and things like that. So what we have done is we selected the highest 1/100th hour and do it around P M Peak hour counts. We sit there from probably 4 o'clock to sometimes 7 o'clock at night trying to figure out the P M peak hour. You take the (inaudible) figure out the highest hour, multiply it by 10 and then average the two ends.

(This portion of the tape is inaudible.)

MS: The PM Peak hour gives us a pretty good idea of what the average daily trips is. It's not going to be 100% accurate I know, but I don't have 24 hours that I can hang out.

AU: Let me get a clarification, did you say Deer Wood Road or Deer Run Road?

JP: Deer Run.

MS: Deer Run.

AU: Has there been a traffic count on all of these and if so what bearing does that have on your priority list.

MS: Yes, sir. We have done a traffic count on all the roads we have analyzed so far. As I was explaining, we did it as a PM peak hour. That's one of the criterium. We did not try and rate one any higher than the other.

ED: Yes, sir?

AU: I'm sure you don't know about Dupont cause a lot of them have not been reported to -

MS: You are correct. If it was not reported, we have no records of that.

AU: About a year and one-half ago, you could have paved every road in the county for what you almost paid for from a woman sliding off that was pregnant.

(inaudible)

About six months ago, we had one that run into a tree down here that just couldn't stop cause it was so muddy.

MS: If it was reported to the Florida Highway Patrol or the Sheriff, we have got that.

AU: What's not reported is when they live out there and they just go and get someone that's got a tractor, like myself, and we go down and pull them out with that or either with trucks. I pulled three of them at one time. There were three of them in the ditch down there. I had to pull them out of the ditch between Kenny's court and where I live.

AU: And those things you all don't see. There's no evidence of them.

MS: Right, but there is realistically - at least using this criteria, there is no way for us to even be aware of that.

AU: The main thing is, I know that everybody in here would like to have their road paved. But, the way we read it in the paper, the county has no money to pave nothing. I'd like to know how many has been paved in the last three years. Probably very few.

ED: Very few.

AU: We are all here, hoping our roads will get paved, but we read in the paper, we have no money. We're spending our money on other things and everybody in here probably pay taxes. I paid the county \$150 a month in taxes and I see no benefit. Every time we hear ya'll meet, the first thing ya'll cut is the road department.

ED: Sir, if you will give us a minute, we plan to get into the meat of what it is we plan to do. Because that is part and parcel of the problem. We've had no plan to do anything.

What we're going to do now is try and try and establish the process by which roads will be paved and yes, we do have some monies available. We need more. If you're talking about 120 some odd thousand dollars to asphalt a road in this county per mile, the little monies we have don't go very far. So, what we have been doing is looking around trying to see if there are alternative methods.

One thing we have found is our plan is bad. The way we go about paving roads - that's bad.

Here we are in the middle of fiscal year now, five months down, and we don't even have a paving project. It's because of - the policy we're trying to get through now is to set it up to where it can be self functioning and not wait on the board to always approve a road before it gets paved. It should be in the capital improvement as an item. Road and Bridge should automatically know a year or two in advance which roads they're gonna do. You should know in advance which roads are gonna be paved.

In saying that, Mr. Sherman if you will read that paragraph that gave us so much trouble at the end of the ordinance.

MS: My ordinance is not in front of me, but, what it says among other things, of adopting a settlement agreement language for the remedial amendment so we can get in compliance with the state law, is that in that remedial amendment, a five-year schedule of capital improvements will be amended to list the road paving and associated storm water management projects. And that something needs to be done in 60 days, approximately 2 months from today.

ED: Now, that entails, while it sounds harmless, that entails the problem. What has happened? Last year, we as a board, sat here and we paved some roads in Commissioner Peacock's district, Commissioner Davis and Commissioner Powell's district and understanding was that this year we would come back we would pick up the gentlemen we left off - myself and Commissioner McGill.

Well, with DCA's ruling, that's basically out. We've got to find a new way to go about it. Mr. Sherman offered us a listing he has read for you that ranked 35 roads county-wide that will be paved.

Well, a lot of us didn't sit easy with that list because in my district, for instance, that meant I was going to wait another 4 years before I got a road paved. That wasn't fair to my people.

So what we have been trying to do in the meantime is to find an equitable solution to this problem and a process that can be self driven and it will no longer have to come before the board and get tied up in the political squabble like it has been in the past.

So, what I am offering is not a county-wide ranking but a district-wide ranking. So instead of one list, we'll have lists. One per district. One per commissioner.

We'll also will go in and take the monies, split them up five ways. What that allows for is for the political "in-fighting" to end. Because now we have equitable resources going to the districts.

I can't say my roads are worse than Commissioner Peacock's because he'll sit here and tell that his roads are worse than mine. He has more miles to pave than I do and so on and so forth. What it allows for us to do also is for us to go in with that criteria Mr. Sherman has said, has spoken about, set in place that criteria but also allow for commissioners that has a road will not meet up to the criteria - many of my roads don't meet the criteria - they're not long enough, they're not populated enough and so on - so we won't ever get any roads paved. What it allows for is for a commissioner to go in say "Hey, we have some roads that need to be on the list in that particular district and add to that district." So what you have created is instead on one window, five windows a year

happening.

AU: Are you going to be able to pave five roads a year?

ED: We think we can.

AU: That'll be great.

JP: That you won't know though until your gas tax money comes in.

FD: And another thing you're gonna have to think about is re-surfacing. A commissioner may want to use that to re-surface a road that may be deteriorated in his district.

ED: Yes sir. Let me just say one thing real quick - if you're gonna speak, please stand and state your name for the record.

AU: I live on Rich Bay Road, but if you've got another road that needs paving worse than Rich Bay, then pave it. But, your system won't work because you're not going to be sitting there all the time. Probably not two years from now, neither one of you. You'll be gone. So what's gonna happen to the next commissioner.

ED: It's dedicated. The money is not dedicated to me, it's dedicated to the district.

AU: You are a county commissioner, not a district commissioner, you are a county commissioner. So, you put it in the county, not in your district.

ED: I'm sorry, I didn't get your name.

AU: Earl Hughes.

ED: Hughes?

EH: Yes.

ED: Mr. Hughes, this does not discount Rich Bay Road. Rich Bay becomes the first road in Mr. McGill's district.

EH: I'm not talking just about Rich Bay Road. I said if you have another road that warranted paving ahead of Rich Bay, pave it. But, put it in the county priority - not your district priority. You are a county commissioner. You are not a

district commissioner. You are a county commissioner so work for the county. at large.

ED: Yes sir. We are working for the county.

EH: At large.

ED: At large.

EH: You can't take the money that is appropriated per district. It's to be spent for the benefit for the whole county. Now work for it for the county, not your district or your area.

ED: What has happened in the past is that road paving, as important as it is, gets caught up in political squabble. And nothing gets done. Everything is stalemated.

EH: The man's got a priority list over there, work according to it and you're alright.

BB: My name is Bill Bradford. I agree with the other gentleman. It should be a county-wide thing. I also agree - I live in your district, Mr. Dixon, - there should be a weighting factor from district to district. If we haven't gotten a road paved in our district within the county the last five years, that one factor should be one along with all the other factors.

ED: All we are looking for, and this is not the end product, we're looking for a way to satisfy the problems that are going on. That was my suggestion. I thought it was pretty good and equitable. So -

BB: Excuse me for saying so, but I don't think it should be split up five ways. I think it should be a county-wide effort. Just the weighting factor of how long it has been waiting.

ED: All of them have been waiting. That's the problem. Yes.

VR: My name is Virginia Ruff. I would like to know about this stipulated agreement with the state - with DCA. Have ya'll already signed off on the stipulated agreement? And if you're gonna start changing tonight, about what you want to consider for the road criteria, then what happens to the agreement that you have supposedly reached with DCA?

ED: The criteria has not changed. Yes, sir.

SH: Sandy Harrell. I want to continue. This is a workshop and ya'll want input from the people here. We all agree, I think most of us in here, you can't have one from each district. Just because it's your turn and you've got 2 miles with one house on it, you pave that and leave some other road with a bunch of houses on it waiting for that commissioner's turn. You should have a priority list and come right down it every year. If you're gonna pave four roads, get the top four on it that year and next year get four more or whatever it is - county-wide. You all work for the county and most of these people in here, if we knew, I think my road is number 5. If I knew I was going to get my road paved in two years, I wouldn't have no gripe. But the way it is now - I don't know of a road being paved - I'm sure there is some being paved but you know like everybody in here we are all being patient, we all pay taxes. I think the commissioners need to be aware that. The public, you know, - most of us - when you cut something, you cut the road department. You know - we'd like to have our road graded twice a month or every two weeks. By the time you get it paved, it supposed to be on rotation, but that dam rotation is going somewhere else. All of us in here would like to have our road graded.

ED: It's not going. I'm not talking about one road here and there per district. What I am saying is, let us just say each commissioner, each district is awarded \$200,000.

AU: No! No! No! We are a county and that tax belongs to everybody in the county, it doesn't belong to a district.

ED: What I am saying is that you can go look in my district. There are five roads that I can do with \$200,000. In that window - that can be done in one project. There will be five.

AU: Some of those on the priority could be done too.

ED: That is the priority. That is the priority. Yes, Ma'm.

BF: I'm Bonnie Fowler and I think you have developed a  
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ED: Mr. McGill?

BM: I have a question to direct to Mr. Sherman. I believe I heard a question about a Central Road in Midway. Is that right?

MS: I'm sorry, what was that sir?

BM: Central Road in Midway - As I understand it, we're under contract with the City of Midway so I think they must first file a resolution with the city and then have that resolution come before the county commission.

MS: O.K. So, that's a city road.

BM: Yes.

MS: I see.

BM: So she - where is that person - have the council in Midway and have them send the county commission a resolution on that road.

GJ: My name is Greg Jabinski and I live on Lanier Road. I've got a couple more basic questions related to this issue. First of all, I applaud your idea - we are in a workshop, we need to come up with new ideas and try to evaluate every possible way that we could approach this situation. One of my basic questions is: When these funds come into the county, what's the split between federal and state dollars or is there a split? Is it all state dollars?

ED: I think they are mostly state dollars. Gas tax, gas tax money.

GJ: Are we talking "GR" or trust fund money? Do we have the ability in the county to -

ED: It's dedicated money.

GJ: It's dedicated money. Will these funds go into the county trust and can be rolled over from one year to the next?

ED: Correct.

GJ: If your idea, there is something good about it. But I see the need to come up with a new priority system based upon what you're saying. Because, say, Mr. McGill here decides he's got all and we're dealing with \$120,000 per mile to pave a road. He's got roads that average 3 - 4 miles long. Mr. Davis, You've got some good size roads. It will take considerably more dollars to pave. Are you going to be able to take your dollars that were deeded to your district and be able to bank roll those over a period of several years until sufficient

funds are available so that you can pave that road all in one shot?

ED: Yes.

GJ: Then the other side of that is what kind of infrastructure is going to be built so that we assure that roads are going to be maintained 8 - 10 years down the road?

ED: Here's and let me answer this for Mr. Davis. In the program, 70 - 80 percent of monies collected would go to the district. The remaining 20 - 30 percent will be left for those capital projects. The capital resurfacing of major arterial, collectors, for emergency monies, and yes, from year to year, you will be able to roll over that money. I mean it is dedicated to that particular district and let's say for instance that you have a Rich Bay Road. Since it's so popular these days, it will probably require \$200,000 to \$300,000 to do it. We're gonna have to roll that money over unless you can borrow it from another district. Under the situation that I've developed. You will have the ability.

GJ: What I hear you saying is there might be some sort of an arrangement so that you can borrow from Mr. McGill so that you can pave that last mile of road X.

ED: Let us say that Commissioner does not have many miles of paved roads or dirt roads left in his district. He don't have many miles left in his district. That money is available to be moved over.

FD: But one thing, those roads have got to be resurfaced, so if I decided with my money that I wanted resurface some of those roads, see -

ED: Right, but those options are available.

GJ: We'd see another criteria similar to what he put together where we would look at the primary thrust of the project would be paved roads initially within an individual districts. Secondly, Mr. Davis or Mr. McGill or whomever would have the option of going back in and resurfacing a road before other roads in the county are paved.

ED: Yeah! If it needs to be, certainly.

GJ: Are there going to be any contingent established up front where its gonna be taken into account that Mr. McGill have 15 miles of roads versus Mr. Davis having 4 miles of road so that there's going to be equitable dollars.

ED: We were talking about tweaking it, and I haven't discussed tweaking it, just massaging it as Mr. Sherman said to allow for that. What I was looking at mainly was equity and yes it can be adjusted because Commissioner McGill has considerably more miles than Commissioner Davis. I mean dirt roads - dirt roads.

GJ: Unimproved roads or what not.

ED: Yeah!

GJ: I called them improved roads cause I like dirt roads - whatever.

ED: That's the basic idea, yes sir.

FD: But I could - just like Mr. McGill wanted to pave Rich Bay Road, and see - I've got \$200,000 and I didn't want to use mine or there wasn't enough for me to do my project, I could lend that to Bill and he could let me have his \$200,000 next year.

GJ: O.K. Now, will that be built into the priority system and the criteria cause I think that's something that the taxpayers need to know up front is - alright - Forrest is gonna give \$150,000 to Mr. McGill so he can pave this road. So, now Mr. McGill is in the hole \$150,000 to Mr. Davis for that resurfacing that needs to occur of Road X 15 years down the road. Like I said early on - your idea is good, you need to throw some ideas around here but you need to be up front with how we're gonna manipulate funds and make sure that it is done based upon miles of road - unpaved in each individual district.

ED: Let me say this, under, I think under the system that we have in place now that the first system that we were discussing, the county-wide road, instead of being able to pave one or two miles per year under this system, you could pave up to at least 10 miles a year, based on the funds that were put in place. Because each district would be paving roads in a given

window. Each district would be paving roads.

GJ: But, based upon the length of the road, it may be a partial surfacing of that road. Is that correct?

ED: Correct. Correct.

GJ: I have two more questions.

ED: O.K.

GJ: Total dollars coming into the county for road improvements.

ED: Right now in our transportation # 2 fund, it averages about \$500,000, I think. Is that right commissioners, I mean Mr. Clerk?

NT: About \$540,000 a year.

GJ: Does that include funds for road maintenance or is that just road improvements and does that include maintenance?

NT: That just goes into the fund that is set aside for paving the roads, it doesn't include any money for maintaining the Road and Bridge Department and maintenance.

ED: Am I correct, do we do very little maintenance of paved roads now?

James Parramore: Recapping. resurfacing or whatever, that money is used for, I believe.

NT: That money he was asking about first was the money for paving. That 80% constitutional gas tax is what it is called. It goes into a fund by itself and it is used for paving.

GJ: What's that figure again?

NT: About \$540,000 comes in a year.

FD: What about the local option gas tax?

NT: That goes into transportation # 1 and we've got six cents of local option gas tax and that brings in about \$809 - \$830,000 a year but that mainly goes to fund Transportation # 1 - the road and bridge department - maintenance and all.

GJ: Are those figures available?

NT: Sure.

GJ: I'd love to have a copy of it. I guess I'm talking to you now, Mr. Thomas. What's the balance of that account at this point?

NT: This fiscal year, the board will have over \$700,000 for road paving because the money has built up from the past. So there will be about \$737,000 to \$747,000 available for paving this fiscal year.

GJ: I have one more question, then I'll sit down and be quiet for 5 - 10 minutes. As far as alternatives to road paving, I know there has been some interest in the past by the road department to look at lime rocks on roads, oyster shells and that kind of thing, is that even a consideration anymore or are we going straight for the asphalt.

ED: Right now, we're trying to go around asphalt. I mean it is way, way too expensive. We are looking at triple surfacing. We looked at some up in Georgia. They're doing it for \$45,000 a mile. It is a quality surface for a neighborhood. You don't want it for collector or anything like that but for folks who are just driving home, ah, it is a very good surface. And if you're talking about each district being awarded \$200,000 and being able to put this into the neighborhoods, you're talking two good miles of road per year that a district could do.

GJ: And you call that triple surfacing? Can you describe the process, what the elements of that.

ED: You'll have to speak to Mr. Carter.

GJ: Hello Mr. Carter. I knew I'd get around to you.

ED: I defer to my road and bridge boys.

GJ: That triple surface process, what's the elements of that?

James Parramore: It's called surface treatment.

GJ: What's in it?

James Parramore: It's granite rock that's used and put in place of the - it's called slag rocks. It used to be the old iron-ore rocks. They can't use that anymore. I've got a question for Mr. Thomas.

Mr. Thomas, is all of that money that's accumulating just for new paving, new construction?

NT: It can be for resurfacing.

James Parramore: I noticed at a workshop and I hate to bust everybody's bubble, but we've got over 400 miles of paved roads that needs working on now.

ED: We've tried to adjust that because we knew it was coming up, then we'll let Commissioner Peacock have a word. What we've done is - we said that instead of looking at or in leu of looking at assessments, in continuing and in hand in hand with assessments, for some of those subdivisions, is that if we can raise the gasoline tax, because you've got those 400 miles already out there and we are very very far behind. Remember all this is contingent upon funding. The money is not there. O.K. Let me allow Commissioner Peacock to make some comments.

JP: I want to get back to the resurfacing -the slag type roads that ya'll were talking about. Now you've heard it \$42,000 - \$45,000 per mile that's just for the slag. Now when you go to talking about building the road bed to put that slag, you're talking about another \$90,000 to \$92,000 a mile.

JC: No, sir. That's not exactly correct. We've looked at some estimates. If you contract building the road base, we have two estimates. We received one from Mitchell Brothers and one from Peavy. Peavy was about \$92,000 and Mitchell Brothers was about \$111,000, just to build one mile of base.

JP: Right.

JC: We're saying, if allowed the opportunity, we have the expertise and the skills and abilities to do it in-house and could do it at a cheaper rate. Which I asked you at the - I believe it was at the January 18 meeting for an opportunity to try and bid two roads which were Del Rio and what was the other one? Goldwire.

JP: Were you bidding the entire job?

JC: Yeah! We bid the entire job just to get a good estimate.

JP: Then that's where you get your \$92,000 for the base and then the \$45,000 for the

JC: No, sir. It wouldn't cost \$45,000 to slag a road. Not a mile of road.

JP: Well, that's what I just heard here just a minute ago.

JC: No, No, No. That's the total costs. That's building the base and the surface treatment.

JP: Not if you contract it out, it won't be.

JC: No, not if you contract it out. The cost may be much higher.

JP: Well, if you go in-house with it, what will it cost us in-house - I know we done Atwater Road - ya'll done that and the costs .

James Parramore: Atwater was a little different type road. If you're talking a road that's already has, let's say you're dealing with a road with a forty ft. right-of-way, and its got a good base on it, we don't need any more right-of-way to do a surface treatment. Then you're looking at a lot less costs. These things we're working on now, I don't have the figures. We're a little premature with this meeting as far as what my figures are. I'm about two weeks from showing all of ya'll this new program. Mr. Carter and I have been working on it pretty hard.

JC: I think what we're trying to move toward is being able to offer some alternatives and some options so that you don't just look at high grade asphalt as being the only option. I think this gentleman mentioned the possibility of lime rocking some of the roads. If you can build a base, then put lime rock down, you can stabilize that road and that road base will stay there until you can get back to pave it. But, in the interim we haven't done that. What we're trying to do is work - one of the things I talked to Mr. Dixon about this morning was from representation which I would view actually be represented which makes it political - we're trying to move it from there to a level where we can deal with it and that's one of analysis plus implementation. We've got to move it

from the policy to where we can actually do what we need to do at our level and that's implement whatever program they decide upon. I think that's why Mr. Dixon and I -

ED: Let me recognize this young lady. She's been waiting a while.

Mable Morgan: My name is Mable Morgan and I live on Rich Bay Road. There is only about 2 miles on that road and it's one of the oldest roads in the county. And it goes from old Bainbridge Road to 27 and there is lots of traffic on it. Four years ago we made a survey and there was 160 homes on that road.

ED: Thank-you ma'm. Yes, sir.

AU: Mr. Dixon, a few minutes ago, you commented, or somebody commented, I'm not sure it was you, that the district as opposed to the county-wide program went, that 7 - 8 miles of road could be done compared to 2 miles just roughly in numbers. Is the funding different if it goes district as opposed to county. Do you get in more money to go district.

ED: No. No. No. And perhaps I misrepresented that. The biggest thing is that under the current system, I haven't had any roads paved in my district in a couple of years. Please let me finish. Now, we were scheduled to get road paving this year. Under the current system, my district won't get any roads until 97. O. K.? Whereas Mr. Powell's district will probably get 5 - 6 miles before then. But we're saying is that the way the system is designed now is not very equitable. That's all we're saying.

AU: That's ridiculous.

ED: It's not equitable at all. What the system relies upon is for the board to come together and agree on a road to be paved and we go out and pave usually one road.

AU: What concerns me if I May. I have several thoughts to speak out about. You know, on the surface, it sounds appealing. If you break the problem into smaller parts, you think maybe this will help solve the problem. But it also may lead more back into "in-fighting" among the groups. Yet, over here we have perhaps an objective or useful tool in assessing what roads need to be paved first in fact and which ones - you know you only have a certain amount of money. You've got to make

decisions. But it does seem like we are a county and it ought to be - as much as I'd like my road paved and unfortunately it is not on the list, - it does seem like it might be more reasonable with a county-wide system but linked to the absolute best assessment of what roads be bid first.

ED: Also, understand, that once you go to the districts, those roads still remain at the top of the district's list. Those roads don't change.

AU: I'm not - I know I've removed district from the vocabulary. We're talking county at that point. If you look at all the road which need to be paved, which of course is all of them, then start rating them according to an objective criteria of some sort - that everybody has decided is fair, then the chips should fall where they fall. But, here's a second layer of my comment. You know the old story where Jerry Glower says "shoot up amongst us, one of us has got to have some relief". We've got to have some relief.

ED: No, sir.

AU: You know, everybody is in the mud. Having to back up because people are stuck and having to drive an extra half hour to go around, so in the interim, if we could take a certain percentage of the paving funds, and bail us out by getting some sort of drivable surface in the rain for ambulances and all the emergency services not to mention the home owners, on there, like limerock or whatever is the least expensive - then concrete companies will give away the wash-out. They just want you to come get it. There are some things that can be used to put on the mud to appease everybody and help us out while the other goes on at perhaps a slower pace. Maybe it would help get people out of the mud. This is what most people are upset about. Doesn't have to be paving. It has to be something so we know we can get home at night and know that if you get in trouble and we call an ambulance we'll know they can get there and if the house catches on fire, you can get a truck through there.

ED: Thank-you. Mrs. Brown.

Sealy Brown: You say that each district - so much money goes to each district.

ED: Under the proposal I have, yes ma'm.

Sealy Brown: Well, I don't see no need for any to go to your district cause you say yours might not get none until 1997. Ain't no need for any money to go to your district. And you say won't none of yours get paved caused they too short. Well, the county put that through there, it wasn't no district person I don't imagine. - It was the county put it there. The school bus and the mail man run up and down there everyday. School bus done have to be pulled out of the ditch from down there, wasn't no long road and it wasn't all that wide. But the county put it through there, let the county clean it up and do their work, they get the money. But every time something needs to be done, the county is broke. One reason the county is broke - Don't tell that man to tell me to sit down - One reason the county is broke is cause ya'll just keep on - every time you hire somebody, you try to pay 'em too much money. You ain't got no money. (inaudible)

AP: I guess with the current criteria we have right now for paving county-wide, in a district pool, my district along with McGill's district has the most unpaved roads. No doubt about that. Out of the top ten roads, four of those fall in my district. Now, I like to system - how it is now. But, I'm willing to share the costs with the others. So I think if we look at the county approach right now, the criteria Mr. Sherman came up with, and with what Mr. Winchester came up with, you know, it spells out here what roads are the top ten roads in the county. I know a lot of ya'll aren't going to like that, but for as statistics show, four of the top ten roads are in district two. So, if you go county-wide, like Mr. Dixon said and Mr. Davis, and Mr. Peacock, you go on living without. All the work will be done in districts one and district two.

AU: That's all right. At least it will be county wide.

AP: I guess what Mr. Dixon has been trying to say is more affordable cost county-wide. Now personally, I would like to see paving assessments. A lot of people don't approve of assessments where we share the cost. But if you want your road paved real bad, and you are willing to share the costs on a 1/3 to 1/3 basis, that's my plan. We'll stretch the money further and it will be better planning if you know the money is steady coming back into the pot. When you pay that money back, we can do some better planning. We'll have some seed money. On a 1/3, 1/3 basis, we can spread our money farther.

We've got to start sharing the costs to get better mileage on our money.

Dan Winchester: My name is Dan Winchester. I don't know - this whole process first started probably before I even graduated from high school because I grew up on Rich Bay Road and I attended the public schools in this county. I'm proud to be from Gadsden County and I'm also real excited to see this many people turn out tonight. We all may disagree on which road fits which criteria and where they all fall, but one thing I think we all agree on is that historically in this county, roads have been paved based on who you are, where you live, how much money you have, whether you're white or whether you're black, that's always been the bottom line. Our goal is when this whole thing started was not to get Rich Bay Road paved. My goal and our association's goal was to help the county excuse the pun, but assist the county somehow in coming up with criteria that ranked roads based on need, not based upon how much money you had, not based upon whether you are black or whether you are white, not based upon who you know, not based upon whether you are Lawton Chiles. One of those roads recently paved was Atwater Road and we all know that's what's been going on for years. I don't really care whether it boils down to being district-wide or county-wide, as I said our goal was county-wide. But I'll sit here today, and I'll tell you tomorrow, this criteria has been two years in the making through the Gadsden County Planning Department then again by consultants. This criteria has been tested. It is decisively transportation engineered criteria. I am a certified planner and I will submit to you today that this criteria will withstand any legal challenge and I also submit to you that the criteria that has been used in the past to pave roads, will not stand in water. So we all need to understand that we all have a common goal. We need to reach that goal. We need to have some orderly process of getting there.

Audience Applauded.

ED: Thank you, Mr. Winchester.

BM: I think one thing that the audience needs to understand as well and that is that the county is not in a position to purchase or buy right-of-way. So when we start talking about paving a road, we're going to probably ask them along those roads to deed the right-of-ways to us. One thing the county

is considering is how small a road do they really need. Will a 40 ft. road do it, or 60 ft. road do it, or an 80 ft. road do it. I will tell you now, I am not willing to vote on an 80 ft. road to take that many feet from people when I don't think it is necessary. I don't feel like we need a 60 ft. road. I am willing to go with the smallest right-of-way that we need to pave the road as cheaply and cost effective as we can.

ED: Thank-you, Mr. McGill. Are there any other comments?

L.L. Shaw: I'm out on Bear Creek Road. Thirteen years ago, before any of you gentlemen were on this commission, I presented a petition with over 3200 names of people using Bear Creek Road daily. I was told at that time that they would put it on the program, it would be next in line. I was told that by the commission and ah, there's a member in the audience - Is Bill Parramore in the audience anywhere? Bill could give you the dates better than I can. His father donated quite a bit to that cause. Not only did I deliver over 3200 signatures, it is a known fact, that the money was collected and in the bank specifically for Bear Creek Road paving. Somewhere when you start juggling, and I picked that up a while ago when you was talking about borrow from this one and he borrows from that one, you start juggling back and forth, there's not going to be very much of that money that gets into the paving. Believe me, that's the way it's been. The money that was in the bank at that time, disappeared. It was never returned. This is record people. I have followed it up and found for a fact that the money was in the bank, it was juggled around and used by somebody that had no interest in Bear Creek Road. Bear Creek Road never got a dime of it to this day. When I moved up here, some 14 years ago, the first thing I done was to have a surveyor come out and survey the line from the 65-C pavement to the Bear Creek Bridge which is approximately a mile, back from the center of the road, what is required in this county for the county and state to pave. We surveyed that down, we told the county commissioners that part of mine from where the survey line is to the ditch, you can have it, you don't have to buy it, I give it to you in case you do decide to pave the road, you don't have to get in no right-of-way from me because it's out there. I told everybody out there that I sold any property to on Bear Creek Road, if they ever pave this road, you won't have to give up a foot of your property cause I've already give it to them. Some of the people that are living out there, I see is in the audience and can testify to that fact.

When the Bear Creek Bridge washed out not too long ago, it was absolute golden time to take advantage and paved that. But there was a lot of money spent patching and keeping that road up so traffic could go back and forth cause they couldn't get on down at 267. They would not do it. I was told, (I didn't put it on a tape recorder, since then I carry my tape recorder every with me if I'm going to say good morning to one of you gentlemen, I want to turn my tape recorder on I want a record of it ) that as long as L. L. Shaw owned property on that road, it would never be paved. Now I was told that by a commissioner. Well, right now, I can tell you I don't own any property on Bear Creek Road so you can go ahead and pave it. I have sold all my property on Bear Creek Road. I have moved eight families on Bear Creek Road. They all have beautiful places - places anybody can be proud of but any of it belong to L. L. Shaw. So get your shovels and go on out there and go to work.

ED: Thank you Mr. Shaw. Just one more.

Glen Watt: I'm Glen Watt. How much would you be allowed to raise the gas tax?

ED: There are five cents available.

Glen Watt: You can raise it that much?

ED: There are five cents available. I'm not sure -

Glen Watt: Is that what is already coming in?

ED: No, Sir. You'll have to ask the clerk.

FD: There is six cents coming in but I thought there was one cent you could do by referendum I think.

Glen Watt: Just raise an additional gas tax because that's the people who are riding on the road and use it strictly for paving.

ED: That's what we are trying to do. Thank you Mr. Watt. Let me get someone who has not spoken.

Judy Tucker: O. K. Well, personally I guess we all feel like there's a great deal of funds.

ED: State your name for the record please. State your name for the record, I'm sorry.

Judy Tucker: My name is Judy Tucker. I live on Rich Bay Road and yes, we've heard all the exact same things that Mr. Shaw heard. I think it is a standard phrase that they use on everybody. We are the county and we elect you guys. And we feel like you are here to serve us and that we should have input and you know help make the rules. Cause a lot of them was made without any of us you know there to say that is how we feel. So, what pretty much we propose is that you do a county-wide list based on need, in the meanwhile take care of the rest of us you know with upkeep and whatever is necessary you know to survive until we can get paving.

ED: Thank-you. Yes Ma'm.

Margaret Brown: I also live on Rich Bay Road. My name is Margaret Brown and I think I can go a little further back. We've been waiting 19 years for Rich Bay to be paved. My question is;  
All of you are political, you were voted into office, if we should go to the district alignment of money as you suggested, and you're voted out of office, who is going to make the decision as to take the money from this district to repair this road instead of paving this one? Who is going to make the decision?

ED: No commissioner has to agree to that.

Margaret Brown: I said, if it went to that, who, well who makes the decision anyway?

ED: Each individual commissioner.

Margaret Brown: You mean, since I live in McGill's district, he has the right then to say my road is going to be paved next?

ED: No. No. No ma'm.

Margaret Brown: That's what I want to know. Who makes that decision?

ED: Under the criteria, under the district plan, that's what

you're asking me about?

Ms. Brown: Yes.

ED: Under the district plan, he would have the opportunity to list the roads in his district that would fall under, that would meet the criteria that he wants to pave in the next five years in that district alone. He will get funding based on that and that's it, I think. Did I answer your question?

Margaret Brown: The decision whether his district or somebody else's district is going to get first paving?

ED: No ma'm. There will be .. under the plan there are five windows a year for each commissioner will pave roads each year - each year - each year.

Margaret Brown: Still going to be able to pave "x" number of miles per road.

ED: Yes ma'm.

Margaret Brown: For 5 different roads, whether this one's 2 miles or this one is 10, you're still going to be able to fund it?

ED: Well, if he doesn't have the money to pave and he wants to pave a 2 mile long road, then he will probably decide not to pave this year, he'll wait until funding next to couple his funding and to pay that 2 mile long road.

Margaret Brown: That's not priority.

ED: Yes ma'm it is. Even now.

Margaret Brown: No, not if you're going by district, it's not priority.

ED: Yes ma'm. Even now, if we say we're going to pave 5 miles of road, we probably can't. We'll have to wait to do the third and fourth mile.

AU: That's better than nothing.

ED: That's what - It is. True - don't get me wrong. It is better than nothing. But what I am saying is, under the district

plan, I can go and (inaudible) my roads, the ones that are highest on the list only a quarter mile long. I can go in and pave those roads in my district in that first year. Probably for \$100,000.

Margaret Brown: Well, why should you have priority to pave a 3/4 mile stretch of road when there is one over here in this district that is in much worse condition and needs the paving a lot worse?

ED: And, and, and that's the difficulty. The roads are not in much worse shape. My roads are just as bad or worse.

Margaret Brown: Would you come out to Rich Bay Road?

ED: I've been out to Rich Bay Road. I've been out to Rich Bay Road. Under the criteria...

Margaret Brown: Oh God!

ED: .. the criteria gives you points for population plus the average daily trips which shows a long road a heavily populated road like Rich Bay Road clearly to the top.

Margaret Brown: We did not have garbage pick up until today because the garbage - Waste Management district refuses to go down that road when its raining.

ED: what if some of the folks here in Spring Meadows - In my district on Spring Meadows, the buses can't go down in. I mean, they stop at the highway. So, I mean, what I'm saying is you've got the same problems we've got county-wide. What we're trying to do is find an equitable way to address them. And I think it is wrong to sit here and say your roads are worse than mine. That's where all the problems start.

Margaret Brown: Well, I think it should be county-wide. You should pick the worst road in the county and pave it first.

ED: It is county-wide. It is county-wide. The worst road in each district, I'll guarantee will be paved first. Yes, ma'm.

Dorothy Fields: My name is Dorothy Fields and I have a

question for Mr. McGill. Do you have  
Seventeen East Ave. on your list?

BM: No, it's not on this list - no. That's in Havana, right?

Dorothy Fields: Yes.  
AP Is that in the city or the county?

Dorothy Fields: It's outside.

BM: It's outside. O. K.

ED: Then that's one that needs to be evaluated and put on the  
list. Yes, Ms. Carter, I yield to you.

Archie Mae Carter: I just would like to say that it seems like that  
if the commission would get together and get the worst roads - the  
worst roads- and try to go ahead and get those paved and if they  
get the worst one this year, next year to get the other road.  
Because if they keep going, ..

ED: Mrs. Carter, the problem is we don't have one worst one. We  
don't have one bad road.

Archie Mae Carter: You have some roads that are worse than  
others. School buses and garbage trucks and  
people can't get in and out without getting in  
ditches - those roads, I think you should go  
ahead and try and do something about them.

ED: That's what we're trying to address. They are located all  
across the county. That's the problem. Yes, sir.

AU: Mr. Dixon, I live on Rich Bay Road and I want to ask you a  
question. Say, you split it up. Alright - I know for a fact  
and everybody in here knows it too. O. K. Mr. McGill asks  
this fellow here - Mr. Davis, I need \$2,000 you know \$100,000  
because I'm short. Well, no - I've got to resurface some of  
my roads. Nobody's going to give that money up.

ED: Well I, I - you know - I think they will.

AU: Why can't we go by this criteria, and I'm not saying Rich Bay  
Road, I'm saying any road in this county that needs paving

worse, pave it first. I mean, they've already done the assessments on these roads. Go by what the planning people tell you and do it that way. It's the only way it's going to work.

Rick Soskis: You spoke earlier about trying to remove the political process from it, that clearly needs to be done. And, I mean you've got a scientific process right here.

Ed: We are not circumventing the process. The criteria.

Rick Soskis: If you divide it into districts (inaudible)

ED: All the bad roads are not located in one place.

Rick Soskis: I'm sorry, will you say that again.

ED: All the bad roads are not located in one place. What we're saying when we divide the county into districts is that we understand that all the bad roads are not in one part of the county. Yes, sir.

Rick Soskis: If you have a road with one or two people on it, that road in fact under the district system could well get paved before one that has been identified through a scientific process as needing it first.

ED: No. Those roads have to meet the criteria. The roads on the list - right these are the same roads.

Rick Soskis: As the list.

ED: As the ones on his list. They are the same roads, just broken down into districts.

Rick Soskis: O. K. Maybe a lot of people didn't understand that.

ED: O.K. They are the same roads just broken down into districts. Yes, sir in the blue & white stripped shirt.

AU: My name is (inaudible) and I live on Dupont Road. I'm a new comer to this county I guess - I've only lived here 7 years. But, I appreciate your position because it makes it sound like we're all getting money, but I think Mr. Powell's roads need the money just as bad as all of you put together if he's got

four roads on the top ten. So, if we are paying this guy to do these studies, why don't we listen to him if it is scientific.

ED: We have.

AU: We are all county, so lets start with number 1 and if it takes 20 years, go through them - go through them. And the thing about them is - My question is What happens in 5 years. I've only lived on Dupont for 7 years. But in 7 years, it has gone - it is 100% worse than it was the day I moved there. So what happens in 2 years? Do we have another study to change the priority list or?

ED: The roads are in the condition because the board has not funded road paving and because we've not had a process in place to keep up with the paving and maintenance of roads in the county. That's the bottom line.

Dan Winchester: That's because roads in the past, Mr. Chairman, have not been paved by needs.

ED: Right. Correct.

AU: The thing about it is - We're hearing is -If you divide it up into districts, you can't get the political part out of it.

ED: Yes sir. You will take it out.

Audience: No - you won't.

ED: These roads will be in the comprehensive plan. They will be paved. They will have to be paved. I think Mr. Winchester and some those folks from Rich Bay understand that. These roads will be paved.

AU: What year?

ED: Right now what we trying to do is get a lot of roads paved instead on one or two. Let me have her sir, then you.

AU: (inaudible) I live on Dupont Road. Seems like with this study, you have solved your basic problem of figuring out who to do first. Why are you further complicating it by breaking it down into 5 different districts which means you're gonna have to have more money to figure who's going to take care of

who. Whereas if you've got it in one fund, as opposed to 5 different funds, (inaudible)

AU: Rick Soskis asked - correct me if I'm wrong - but he asked if you go to the district approach as you're proposing, you're going to and what I'm reading out of this is you're going to be in your district - you're going to try and prioritize what roads get paved first, second and third as opposed

ED: No. No.

AU: The roads are the same according to this list? O.K. What

ED: What I am saying is that the roads in my district no longer compete against districts 1, 2, 3 or 4.

AU: O. K. So I did understand you correctly. So what you have done is, we have , we have gone from a master list as Mr. Sherman come up with Rich Bay being # 1, now Rich Bay is # 1 in its district. What's # 1 in yours?

ED: What becomes #1 in mine? Holt. Holt Road.

AU: Mr. Davis, what's # 1 in yours?

FD: I don't know. But I would use most of mine to resurface with because my roads is getting in bad shape.

AU: What's # 1 in yours?

BM: Rich Bay.

AU: Rich Bay. I'm sorry. O. K. So each one of you - We've taken this master list, we've broke it down into 5 smaller lists. So even though we're still dealing with essentially is road paving, we have broke this in microbits now. What we've done - I have to agree, we've added another whole layer of bureaucracy to this thing by your proposal. I like your idea, it's great. It works for me but for the majority of these people, it doesn't.

JP: What you are saying is and I agree with this, instead of going from one road which you say is Rich Bay Road being to # 1, you're going with Rich Bay, Del Rio, Rosedale, Keever and Kitrell. You've got 5 # 1's instead of 1 #1.

AU: What is causes you to do is fragment that money 5 ways so now you're going to have to start borrowing money here amongst each other in order to get one or two roads paved depending on the mileage.

JP: Where as if you go with the criteria that Mr. Sherman has got, you're going to go with the # 1 road to start with. And whether it's my district or whose district, you're going to go with that road. Then the next in line whether it be my district or his district or whose district we'll go with that. I agree with you.

AU: Right.

ED: What the formula tries to do is to make up for the inequities that have been done. It tries to make up for the inequities and the fact that some parts of the county is growing faster than other parts. And so, you're going to say, do you pave the new folks coming in and do you forget about the L. L. Shaws who have been on a roll and won't ever make high on the list. You forget about those folks who have been living here and been paying those taxes and deserve some equity. They don't get any equity off that list. Off the master list. What they will get equity out of is if we can fund each district enough and I think we can, fund each district to the point where each commissioner has the ability to go out every year and pave 2 miles of road. That's the goal.

AU: It will never work.

ED: Let me hear from this gentleman here.

Sandy Harrell: I've got a couple of questions. I would like to reemphasize what everybody in this room - We have had this hearing. Ya'll are getting our input. And I guarantee if you voted right now, there is not a person in here right now that would go along with your suggestion. It is just a hearing. The county has worked on it for two years. It's proven. He said it would work in the courts and anything. Why? I dang sure wouldn't want to be sitting up there with any one of us coming in there gripping Well - let's see - Are you in my district? I might could help you on this road. But if you've got a master list here, Here, we're coming down this master list and when it comes your turn,

it will be done. There is no gripping. There is no complaining. I've got one more question. How long have we had these taxes - gas taxes? Where's the money going, that's what I want to know.

ED: Is the clerk still here? That's easy to explain. I know we've had it for a while.

NT: What is the question?

ED: Gas Taxes?

JP: We've paved last year?

NT: We paved Atwater, Tillman and Hanna Mill Pond Road.

JP: We have paved three roads - I've been on here 5 years and we have paved 3 roads out of the five years.

FD: I've been on here 16 years and the first 8 years, we never paved the first road. We resurfaced because the roads got into such bad shape we had to use all the money to resurface with. I think that's one thing we forget is this resurfacing.

Sandy Harrell: Are ya'll held accountable, I mean this money has got to be used strictly for road paving.

ED: Yes, sir. strictly for roads.

Sandy Harrell: I mean we have had it for 5 years, and only three roads.

ED: It's not that much money.

Sandy Harrell: You said you'd probably get \$500,000.

ED: That's right. But if you're talking about and if you run into an Atwater Road - you are talking about spending \$500,000 on 1 road.

JP: It's not that much now.

Ed: I mean you can wind up spending a lot of money on one road.

Sandy Harrell: But the way you're wanting to do it, if we ain't paved but 3 roads in 5 years, we split it up 5 ways, there ain't no damn road going to get paved.

ED: Please, not the vulgarity. We don't need the vulgarity now. Please understand, we're trying to have a discussion. Please keep the vulgarity to yourselves.

Sandy Harrell: I apologize for that.

ED: Thank you. Yes, Ma'm.

AU: My name is (inaudible) and I live on Rich Bay (inaudible) I think most of us will agree that we are here tonight to help you work out a problem that is very close to all of us. I would like to caution you as commissioners, I work for the State of Florida as operations management consultant, I worked with a lot of problems. I would like to caution each one of you gentlemen here tonight, please do not create a budgetary nightmare for yourselves. That's what you stand a very good chance of doing by dividing this up in the manner that you have in mind. It is something to consider. And I would also - Mr. Sherman and your people - it is obvious that you have done a great deal of work on this plan that they have designed and it would appear that it is a good plan. I do think that you need to consider that very closely before disregarding it and dividing up into districts. I think all of us would like to see this resolved as just as possible. But as you see, there are a lot of emotions here and I am sure that all you understand that. I just wanted to caution you on that one issue.

ED: Thank you ma'm.

AU: Hi! I'm Bonnie Cowart. I have one question and well a couple of questions. My first question is "What is not political about going to your buddy because maybe Mr. McGill and Mr. Dixon are better buddies than someone else down here that needs - I don't know but to me - some of the feelings that I have gotten from some of the people back here is - How is that not going to become political. It may not be with the existing commissioners, but what about the next ones that come in. That's just something to think about. I don't know what your reasoning is.

ED: That is not and is not considered in my thinking to be standard operating procedure to just say "Commissioner, loan me a hundred thousand dollars." I don't think that many commissioners would be able to. As I said, everybody's

district is really in bad shape. And so no one probably will. If we were under this particular fiscal year, the way my numbers look, we would only get \$90 - \$100,000. And so, I would not be able to go out and pave a Rich Bay Road in this fiscal year. But under next year's proposal, that number would increase up to \$200,000 and I would be able to go and pave a Rich Bay Road. So what I would do this year is by-pass Rich Bay Road, go in and pave the next road down on the list that I could afford to pave, wait until the new fiscal year, come back and do Rich Bay Road. Most commissioners, or you could borrow if the option was available. Roads are so bad right now, I don't think, I think Commissioner Davis is probably the only one who could lend some money. And he is considered resurfacing. So, it's gonna be - you have to use - Rich Bay Road either way would not fall in this fiscal year. It probably will fall in 94/95 because it is a great big project.

Bonnie Cowart: The way it was presented at least to says to me and maybe I misunderstood what you were saying but I hear that if you did it this way, everybody would get a little piece of the pie and if your piece wasn't big enough, then you could you know talk to the next commissioner and they'd probably be willing to give you some and it sounded to me a little bit more like splitting it up would accomplish more than what it might actually accomplish.

ED: No, ma'm. It's just that we're in this fiscal year, since we are in the middle of the fiscal year, we have to work with the monies that are there now and that's all.

Bonnie Cowart: My other question and I don't know who to direct it to - the road superintendent or you, but, it's to think about you get what you pay for and a lot of these roads, using not asphalt and you know let's look at all the alternatives but not using asphalt - a lot of these roads are major thorough-fares and they are just going to get torn up real fast because people will not drive through them like they drive through neighborhoods.

ED: We have taken that into account. That's why we are only - under my proposal, that we are probably only going to spend 70 - 80% of that money in the neighborhoods. The remainder

will go to actually putting down good asphalt on those roads that are major connectors and that are major arterial.

Bonnie Cowart: Then what goes to the maintenance funding?

ED: That will be coupled into that fund. We'll project enough money out there to do both of those things.

AU: Chairman, the problem with that is that and I hate to interrupt, but I'm going to , the problem with that is that I'm not disagreeing with that concept, but problem that may occur is you say you can borrow from Peter to pay Paul, and what you just said a minute ago...

ED: I wouldn't describe it as borrowing from Peter to pay Paul.

AU: Well, you borrow dollars from one district to lever in another district, but the problem is if you have a road like Rich Bay Road or Dupont Road or Lanier Road or any of these roads that are major thoroughfares and major collector roads, you can say - one district has \$500,000 divided by 5 is 100 grand. That \$100,000 with an asphalt paving is probably - you're going to be lucky to get a mile down that road. That would be pushing it. What happens in a year or two, three, four or five. That road is sitting there half-way finished ...

ED: If that road is a major collector or major arterial, then it would fall into that fund that we've established to do major collectors and major arterial. No matter whose district it is in.

Dan: But, if you have \$100,000 and my other question was engineering. It would cost, I know, I would estimate around \$30 - \$50,000 for engineering. Then that's gonna chew up - if Mr. Powell's district has \$100,000 and he's got to pave one road, he may spend \$30 - \$40,000 on that one road just for costs of engineering that the (inaudible) blown up just to have the engineering done. Then he's left with 60 or \$50,000 to actually pave a road.

ED: Under our estimates, the engineering costs are no where near that amount.

Dan: They came real close to that amount.

ED: It depends on the quality of the road.

DAN: My final question is and I'll sit down is are there any roads in the county right now under contract to be paved?

ED: No.

AP: No.

DAN: You are sure about that.

ED: Did ya'll approve any?

AP: None.

JP: We're winding up the last road now which is Atwater Road. That was contracted back last year.

AP: In 93.

ED: Under the board, now somebody privately might be. We did, well, we did one down at the lake. Because of an accident but we did not pave that road. Private home owners paid for that road to be paved.

Rick Soskis: I'm a little bit concerned cause I'm not sure ya'll are hearing what is being said. I know that everybody up there that anything to do with answering the people who want roads paved in their district wants to do something for them. If I were in your shoes, I would want to do something for them too. I recognize that breaking it up might do that. But when you break it up, you complicate it and you get away from the equity. The most important thing to do - you've got this certain amount of money - you've got to simply, you've got to establish by an objective system in order to be fair and you've got to absolutely stick to it.

ED: Mr. Soskis,

AU: May I - I've been standing quite a while.

ED: Let me - go ahead sir.

OW Hartsfield: O. W. Hartsfield. I live on Dupont Road. Why are you spinning your wheels trying to devise another method when you already have it right here. Why

don't you begin tomorrow with shovels and spend this \$800,000 and pave the first one that is on the list and forget this. To heck with this. What you are doing is delaying the process. Now if you take a vote here, who is in favor Mr. Chairman of your proposal,

ED: Oh, I expect no one would be.

OW Hartsfield: Absolutely.

ED: Because you have an interest in it.

Let me make a point here. This was a workshop and continues to be. But had I known that we would stack the deck so to speak, I would have invited the people out from district 5 who would have said the same things that would have said the same thing that you are saying. Where are we at the top of the list?

AU : But you have a priority list already.

ED: That's right. That's right. We do. Let me, let me.... Please Mr. Winchester, let me here from the people, you've had your turn.

Susan Willis: My name is Susan Willis and I am from District 5. And sitting here listening to all of the other people speak, I, certainly I think everybody would like to have their road paved especially after having a summer like we did last year. I live pretty close to the road and I fought dust all year. But, I have a list here in my hand and I think if what was proposed here. And I think I have to agree being from district 5 that we do have money - Mr. Thomas said we do have money - in our budget for paving roads. So, why not pave #1 on the list and go ahead and get that road paved and work from the list. He said you're gonna have \$520,000 - \$540,000 coming in again. So, if you have \$700,000 - \$800,000 that's in there, go on and pave Rich Bay Road. I have no objection being and living in district 5 and living on Bear Creek Road.

Roosevelt Carter: My name is Roosevelt Carter and I'd also like to speak on the matter. I live on Dear Wood Road and we

didn't even make the list. I think the biggest thing that people want to hear is when they are going to get their roads paved. O.K. You've got a prioritized list right here. I know that everybody in every district want to get their roads paved. But, why don't you just take - do this - and go down the list and pave them as they come.

AP: You're on the list.

Roosevelt Carter: I am. Well, anyway, go down the list, go down the list and tell your constituents that you won't get paved this year but you'll get paved next year.

ED: Well, they won't get paved next year.

(inaudible)

Roosevelt: You got to understand though that you only got such a certain amount of money that you can pave roads with. Maybe this year, you can pave the first two roads and maybe the next year, you might get 3 or 4 of them. When it comes down to miles, you're going to pave the roads. First of all, if you keep going back and forth on how we are going down the list, the list is already established. What we need to be looking at is how many roads are we going to pave? We got to move on cause we want (inaudible) but lets take the official list and go down it. It don't make any difference what's been done in the past, so we just want 1 road started paving or 2 roads started paving. Then come back each year and then we go from there.

applause

AU : I would like to ask you one question. Has the county in the last 5 - 6 years received any suits that resulted from accidents on any of these roads?

ED: I'm sure we have. Yeah.

AU: Do you recall how much money was spent on these suits?

ED: No, Sir.

- AU: It would seem to me from a legal standpoint if we accept the plan as presented by the gentleman here, we could certainly avoid a lot of legal issues probably because we are following the comp plan. Secondly, if we pick the roads they have selected as priority roads, these probably are going to be the roads that you are going to receive the most law suits from because these are the most heavily traveled roads. These are some of the worst roads. So these are going to be the roads where you are going to have accidents on. These are going to be the roads where the law suits are gonna come from. I feel personally, that the less of these law suits we have, the county will have more money to spend on roads for the people who don't (inaudible). So you might consider the legal aspect.
- ED: Let me comment on that in the interest of discussion. These are the same roads that we are talking about. All of these roads are on the criteria list and meet the criteria list. We are not talking about a new set of streets. The information that we are approving is the same information that Mr. Winchester said would hold up in court. We are only going to take a few more questions and we're going to wrap this up.
- AU: First of all, I'd like to direct this to Mr. Sherman. Are you a county employee?
- MS: Yes, sir, I am a county employee.
- AU: How much money was spent on this study?
- MS: It's - We factored in our regular salaries, I just do comp for overtime and try and give some of my people time off for their hours they work after 5. So it's just figured in our regular budget. Our budget this year, I believe, it was about \$97,000 for this department's budget.
- AU: What percentage of that do you figure was spent specifically on this study? Do you have a ball park idea?
- MS: Well, we generally do three days a week from 4 to 7 o'clock at night counting roads, counting traffic for the last six months. So I'm factored in at salary, so it's no cost for me. The other person who goes with me is factored in at salary, so. It's not an increase to the budget for us to do this is what I am saying.

ED: Let's just try and address the questions to the policy at hand.

AU: Why I want to know is why is it that we spent -

ED: We have already said, the list doesn't change.

AU: Mr. Dixon, you have already come up with a new idea of how to approach this situation. I'm wondering if any of the other commissioners have some similar thoughts with coming up with any innovative ideas on their own.

ED: I don't know. You'll have to ask them.

AU: O. K. Well, I'd like to ask ya'll.

JP: Yes, sir. I have. I've been sitting here listening to all this. Of course, sticking with the criteria like it is, I'm probably going to get less roads paved than any commissioner here. Me and Mr. Davis. But I am in agreement with you people out there. I don't care how you set it up. It's going to be political. And I know that in the past, there have been some roads paved that shouldn't have been. There are other roads that should have been paved that maybe fit the criteria better. But back then, we didn't have to have a comp plan. Now, we do. So, you know to go district per district - I don't think I could support it. I would like to see us take it, the criteria that our planning and zoning director has, and start at the top and three years down the line, if one of my roads comes into that criteria, we'll pave it. The next thing that none of us has said too much about is We're going to set aside and I don't think 20% will cover it money to resurface these roads we already have and put some stripes on them. We've got roads that at night when it is raining, honestly you can't see where the shoulder of the road is, where the middle of the road is, even if the road is in good shape. When you go to talking stripping, you are talking money. They don't do it for nothing and we're not set up to do it. We will have to go out on contract to get it done. We have - over the next two years, if we don't resurface some of these roads that's in bad shape like they are, we're going to have to build new road beds for that road. That's more money. Whereas if we get to it in the next 2 - 3 years, we save a lot of money by doing that. I think our road superintendent can vouch for that. Again, I, you know, I would like to find something that would work better, but sitting here, listening

to all this, I don't see anything that going to work better than the criteria we've got.

AU: I came here realizing ya'll are under a 60 day time-clock with DCA and I personally came here to help you all with the situation. I'm done.

ED: Just these last two comments. Yes, sir.

AU: If you are going to pay this department over here to plan all this stuff for you, and you're not going to do it, why are you wasting our money?

ED: We are not talking about not doing it. I think ...

AU: What I am saying is they have went to the trouble and the people on Rich Bay Road did not do this. That department did this and any road. If they are going to go to the trouble of doing it, why not listen to them. They are the ones that drew this up.

ED: Thank you. Yes, sir. This gentleman. You first.

AU: I'd like to know from the commissioners that are sitting there, how many support your idea and how many support that one.

ED: I think that will be decided tomorrow night at the meeting and we are not here to make any decisions. So.

AU: The people out here want to know about the list.

ED: That decision will be made tomorrow night at the meeting. Yes sir.

AU: On the criteria points, what did you settle for in the way of road width.

MS: The county from what I understand, based on the functional classification of the road, whether it's a local road, a collector road, arterial or free road, there is a minimum right-of-way width. That will vary from road to road. I believe the local set a 60 ft. minimum right-of-way. But based on the features of that particular road, it can be lessened. There is a minimum but it could be reduced if necessary.

AU: Also, another question. You did say we had \$700,000.

NT: Yes.

AU: And you did say we will not pave Rich Bay Road this fiscal year right?

ED: I said probably under the plan because of all the work that has to be done on Rich Bay Road anyway. I'm saying it probably won't get paved. I'm not saying the work won't go forward.

AU: Why won't it get paved?

AU: The road department said our road was ready to get paved.

AU: You did say \$150,000 per mile right?

ED: Somewhere around there.

AU: IF you go down the list, that's five different roads that can be paved.

AU: It's two miles. So you're talking about \$300,000. You already have that in the fund. We have six months to go in this fiscal year. Why can't we proceed?

ED: Yes, Ma'm.

AU: You did not answer my question.

ED: I can't.

AU: Through what process Mr. Dixon do you have to go through to get your proposal approved in the policy and what can we do to oppose it and voice our opinion about your policy.

ED: Tomorrow night, the board will decide on the policy.

AU: Will we be able to have a say in that?

ED: Certainly.

AU: Tomorrow night - what time?

ED: 6:00 p.m.

AU: Here?

ED: Yes ma'm.

FD: I'd like to point out one thing. I've been on here probably longer than any of the rest of them and in the 16 years I have been on here we have not paved but about 5 roads in that period of time that was not grant related roads. The rest of it went to resurfacing. So we can't forget about all these roads in the county that's got to be resurfaced.

ED: Yes, sir.

AU: We don't care about resurfacing, we want to get a surface.

BM: I've been trying to be pretty patient and be quiet as I listen to this and while I came to agree with Mr. Peacock that we cannot forget resurfacing, I still believe that those citizens who live on paved roads that have never been paved period, ought to get top consideration. I'd rather dodge a pothole 50 yards than dodge a whole hole 50 yards. I really don't think that this the same. Now with respect to the plan, I'm having some problem. I'm getting more grey hair now than ever, I'm having a real problem with Commissioner Dixon's proposal. See, if you look at 5 roads being number 1 in each district, which is going to be number 1 of 5. Now obviously you cannot go out and start paving 5 roads at the same time but keep them all number 1 and all number 2. At some point, we're going to have to look at something that tells us yes, this is moved from the group to be number 1. This one is going to be number 2. Whether its going to be in district 1 or 2 or district 5 in inconsequential. Its hard for me to conceive let just go across the list and say Rich Bay is number 1 in district 1, Del Rio is number 2 in district 2 and road 3 is number 3 in district 3. How are we going to start all three at the same time?

ED: Mr. McGill, I said in the proposal that there would be 5 windows basically. Basically a window every 2 months.

BM: I'm sorry commissioner.

ED: And what you would do basically, is the number 1 or however many miles of road you could do in that district is what would be done.

BM: I understand that. But as we look at 5 number 1's, what in the criteria would say whether Del Rio is really number 1 or

ED: The criteria would say, would list the roads by district.

BM: You've got 5 roads, all having the same weight, same criteria, Are we talking about contracting with 5 different contractors to make sure they all start at exactly the same date and same time to get through the same time?

ED: That's easy enough done.

BM: By contractors?

ED: Yes, sir.

JP: I've got one more.

ED: Sir.

AU: Suppose now we've got enough money to pave Rich Bay Road.

ED: Yes sir.

AU: O.K. You want to divide that 5 ways.

ED: Only is the board approves that plan.

AU: IF. That's not going to leave enough money to pave Rich Bay Road is it?

ED: Probably not this year.

AU: You going to pave one, he's going to pave one if he's got enough money.

ED: Probably not this fiscal year.

AU: Not this fiscal year. When? It does extend into years - if not this year maybe next year and then this year turns into 22 years, if not this year but maybe next year. Let's leave it like it is and go with the plan that's already been approved. Your plan won't stand up in court anyway, I don't think.

ED: Yes it will.

AU: I don't think so. And still (inaudible) cause for putting it through there. You've got to wait for it to get through before you can put it through. You got to wait for court approval. Because definitely, you're going to have to get it if you try to.

ED: We'll hear from Commissioner McGill and then the chair will entertain a motion to adjourn.

JP: I need to make one comment.

ED: I'm sorry, I didn't mean Commissioner McGill, I meant Commissioner Peacock.

JP: I've got one comment to make to the board. If we go with your proposal - just say we went with your proposal. And like the gentleman states out here, we divide the money up and we don't have enough money to pave Rich Bay Road. Mr. McGill comes to me and wants to borrow \$150,000 from my district to help out with Rich Bay Road. He comes down to Mr. Powell and wants to borrow \$150,000 from him.

AP: I won't give him any.

JP: If I give him \$150,000 and I don't pave Rosedale Road over here with the money I've got set aside in mine, you talk about political, man it's going to get political. If that happens to be election year, I can assure you that those people of Rosedale Road, they ain't going to vote for Peacock.

ED: Thank you. Can I get a motion to adjourn?

AP: So moved.

BM: Second.

ED: Consider yourselves adjourned.



AT THE REGULAR MEETING OF THE  
GADSDEN COUNTY BOARD OF  
COMMISSIONERS HELD IN AND FOR  
GADSDEN COUNTY ON FEBRUARY 1,  
1994, THE FOLLOWING PROCEEDINGS  
WERE HAD, VIZ.

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

1. CALL TO ORDER Tape # 1; position 1

Chairman Dixon called the meeting to order. Commissioner Powell led in pledging allegiance to the U. S. Flag. Clerk Thomas then opened the meeting with prayer.

2. ADOPTION OF AGENDA Tape #1; position 36

Chairman Dixon presented the agenda for adoption asking for any additions or corrections.

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO ADOPT THE AGENDA AS WRITTEN.

3. APPROVAL OF MINUTES - JANUARY 18, 1994 REGULAR MEETING

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO APPROVE THE MINUTES OF JANUARY 18, 1994.

4. COUNTY ATTORNEY

At the last meeting, the board voted to retain the Nabors, Giblin & Nickerson Law Firm to defend the county in those proceedings relating to the law suits filed against the county by St. Joe Paper Co. Since the last meeting, the clerk has raised some questions regarding the use of funds from the fire assessment itself to pay the legal fees in the defense of the law suit.

Mr. Richmond stated that he believed that it would be within the legal ramifications of the fire assessment ordinance to use the assessment funds to pay those costs under the administrative provision of the ordinance. The suit is in defense of the fire assessment itself and there is provision for attorney fees in some amount.

The clerk asked Mr. Richmond to provide the finance department with a written legal opinion to that effect.

Mr. Richmond recommended to the board that they approve the clerk's request to have him prepare a written legal opinion in support of using fire assessment funds to pay the legal fees for defending the county in the St. Joe Paper Company law suits.

Questions from the board.

Commissioner Peacock: "Hal, I understand this suit now is just for pertaining to St. Joe Paper Company, right?"

Mr. Richmond: That's correct. St. Joe is claiming they get no special benefit. There are no other law suits pending except the two St. Joe Paper Company law suits at this time. And any decision will be only as it relates to St. Joe.

Commissioner Peacock: Thank you, that's the only question I have.

Commissioner McGill: Do you have any idea how much is set aside in the fire assessment ordinance to cover legal fees?

Clerk Thomas: Right now there's no money actually budgeted for legal fees. I mean, we will have to move money from contingency within that particular budget. There is no money currently in the fire fund budget to cover legal fees.

Commissioner McGill: Oh - I thought the ordinance itself provided for legal fees.

Chairman Dixon: It does, but there is no line item.

Attorney Richmond: There's administrative costs in there and I guess there are no attorney fees after all.

Clerk

Thomas: I'm just wanting clarification from my end so that I can feel covered that this is allowable. That's all.

Commissioner Peacock: That the money will come out of the fire assessment fund.

Clerk Thomas: Right, I'm just asking for a legal opinion from the attorney.

Commissioner Davis: How much is in the contingency?

Clerk Thomas: There is \$30,000 in contingency within that fund.

Chairman Dixon: Continue Mr. McGill.

Commissioner McGill: It will come out of our contingency?

Clerk Thomas: Contingency of the fire fund. Not the general fund contingency.

Commissioner McGill: I know you probably won't know this at this point probably, but, lets assume that say there are \$75,000 in legal fees as a figure, will each city then have a reduction on a proportional basis against that?

Clerk Thomas: Well, that's something you're gonna have to look at. You've got \$30,000 for contingency and you've got other money budgeted for other things. If it goes past the amount you've got in contingency, then that's a whole other question.

Attorney Richmond: That law suit shouldn't cost that much.

Clerk

Thomas: I'm just asking for a legal opinion so that I can feel comfortable.

Commissioner  
McGill: I so move.

Commissioner  
Peacock: Second.

Chairman  
Dixon: We have a move and second that we authorize the attorney to give to the clerk a written legal opinion.

Commissioner  
McGill: I call the questions.

**UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO APPROVE THE CLERK'S REQUEST TO HAVE THE COUNTY ATTORNEY PREPARE A WRITTEN LEGAL OPINION TO THE EFFECT THAT THE FIRE ASSESSMENT FUNDS CAN BE USED TO PAY THE ATTORNEY FEES TO DEFEND THE COUNTY IN THE ST. JOE PAPER COMPANY LAW SUITS.**

**5. COUNTY MANAGER** Tape #1; position #156

Mr. Carter called attention to a request from Hendry County Board of County Commissioners asking Gadsden County Commissioners for a resolution in support of their efforts to register complaints as local elected officials with the Department of Revenue. The complaint is for their being effectively excluded from participation in early stages of annual budget process for certain county officials. He asked for the pleasure of the board in this matter.

Chairman Dixon spoke as a proponent for the complaints expressed by Hendry County Commissioners. He would like to see the Property Appraiser's and the Tax Collector's budget be brought into the same time frame or calendar as the other constitutional officers of the county. They presently come into the budget process very late and consequently makes anticipated changes very difficult.

Commissioner McGill wondered aloud if the Legislature will take a serious look at the complaint. He was of the opinion that such a complaint would be an exercise in futility. He suggested that a campaign to cause the Legislature to change the statute would be appropriate.

Chairman Dixon explained that the best form of action at this point would be to send a resolution to the legislative delegation strongly urging them to propose amendments to the statutory budgets requirements set forth in Chapter 195 of the Florida Statutes.

**UPON MOTION BY COMMISSIONER DAVIS AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO SEND A RESOLUTION TO OUR LEGISLATIVE DELEGATION URGING THEM TO PROPOSE AMENDMENTS TO THE STATUTORY BUDGET PROCESS THAT WOULD CAUSE ALL COUNTY OFFICIALS TO SUBMIT THEIR BUDGETS TO THE COUNTY COMMISSION IN THE SAME TIME FRAME.**

**McSwain Riegler Corporation - U. S. Corrections Corporation**

Tape 1; Position 309

Mr. Carter introduced Mr. Hank Riegler of McSwain Riegler Corporation who spoke to the board requesting a letter of support in their efforts to build an addition prison facility adjacent to the one now under construction.

Mr. Riegler spoke briefly of the benefits to the county and community.

Mr. Richmond pointed out to Mr. Riegler that in giving this letter of approval, the county would not be acquiring any liability. If, in the future, the corporation should change their minds or if the board should deny the new prison, this letter can not be interpreted to be conceptual approval of the project.

Chairman Dixon asked Mr. Riegler to explain what was the advantage, if any, to having a private prison as opposed to state operated prison system.

Mr. Riegler stated the opposition to private prisons comes basically from the Florida Sheriff's Association - mainly because of loss of patronage. In some counties there is opposition from the State Department of Correction. There is some opposition to the Governor's setting up of a Privatization Commission because it takes from these entities some measures of control that they feel should remain with them. These are opinions. He could not relate any disadvantages.

Mr. Riegler went on to say that the biggest advantage to a private system is that they do not have to go

through the advertising and purchasing procedures required by the state prisons. Private institutions can buy locally without considering the state purchasing policies. Private corporations can put money directly into the local economy.

U. S. Corrections does not buy in bulk and does not have to store products. They prefer purchasing locally eliminating the need to warehouse goods necessary to run the prison.

The state owns the facility and if the prison is not operated effectively, operation of it will revert to the state. U. S. Corrections is required to operate the facility at a cost which is 7% less than the cost for the state to operate it. The state has many benefits that a private vendor does not receive and it must still operate at 7% less. At the end of 20 years it will be turned over to the state anyway.

The new facility will house the same classification of prisoners as the other prison. It will be a medium custody secure institution. It is to provide drug rehabilitation and vocational education.

**UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO WRITE A LETTER SUPPORTING MCSWAIN RIEGLER CORPORATION IN THEIR EFFORTS TO BUILD ANOTHER PRISON FACILITY IN THE GRETNA AREA.**

Mr. Riegler told the commissioners that his company will hold a job fair in the community sometime in March. He remarked they were very pleased with the community response saying also it was the best response they ever had anywhere.

**Bid Committee Recommendations** Tape # 1; position 744

**Bid 94-03; Development of County-wide Budgeting System - Tabled**

Mr. Carter presented the bid committee's recommendation for the contract to be awarded to OMB & Associates at a cost of \$9,000 to be taken from the board's contingency funds if approved.

Commissioner Peacock requested the courtesy of the board and made a motion to have this matter tabled until the next regular meeting of the board. He explained he was in the process of gathering information and financial figures. Since this matter is not an urgent matter, a two week delay should not impact in any way.

Commissioner Davis seconded the motion but was not necessary since a motion to table is a matter of personal preference.

Chairman Dixon declared the matter tabled.

**Bid 94-04; Concrete and Concrete Blocks - no bid**

Mr. Carter explained only bid was received before the dead line and it was a no-bid. Two bids were received after the dead line and will be returned to the vendors unopened.

**Bid 94-05; Steel Pipe - awarded to Gulf Atlantic Culvert**

The bid committee received three bids. The committee recommended awarding the bid to Gulf Atlantic Culvert.

**UPON MOTION OF COMMISSIONER DAVIS AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO AWARD THE BID FOR STEEL PIPE (94-05) TO GULF ATLANTIC CULVERT.**

Commissioner Powell asked if these culverts would be available for sale to residents. The answer was "no". The county will install them for residents but they must purchase their own. The county does not sell culverts to anyone.

**Bid 94-06; Hydraulic and Diesel Motor Oil - Tabled**

The bid committee received only two bids and Mr. Carter expressed disappointment and concern that only two bids were submitted. The committee recommended awarding the bid to Hinson Oil Company of Quincy.

Commissioner McGill asked Mr. Carter what the cost was on the hydraulic and diesel oil. Mr. Carter did not have the information with him and could not recall the prices and he was unable to answer Commissioner McGill's question. Chairman Dixon stated that the price was broken down for each of the items advertised.

Commissioner Peacock remarked that prior to this meeting, the bid committee has always had the prices broken down and each commissioner was furnished a list of all bidders and respective

bids. He suggested that the bid committee go back to the old format of presenting all bids with their recommendation.

Commissioner Dixon assured the board the bid committee has not changed any policy and noted that the person who typed the minutes of the meeting and the bid recommendations was obviously not the person who ordinarily prepared them.

Commissioner McGill explained that there are certain criteria that a bidder has to meet. In the absence certain pertinent information, he suggested that awarding of this bid be tabled.

Chairman Dixon asked the commissioners if all bids should be tabled.

Commissioner Peacock recommended that all bids be tabled.

Chairman Dixon asked Mr. Carter how many of the bids are needed immediately.

Mr. Carter replied saying there was no real urgency on any of them and delaying action for two weeks would be permissible.

Commissioner Peacock remarked that he was certain that the bid committee had done their job appropriately, but expressed reluctance to take action without examining all the bid figures for himself.

**COMMISSIONER MCGILL MADE A MOTION TO TABLE ALL BIDS.**

Chairman Dixon explained that in order to table all bids, it would be necessary to rescind the action already taken on the Gulf Atlantic Culvert bid.

**COMMISSIONER MCGILL MADE A MOTION TO RESCIND THE BID AWARDED TO GULF ATLANTIC CULVERT. COMMISSIONER PEACOCK SECONDED THE MOTION. MOTION FAILED BY A VOTE OF 3 - 2 WITH COMMISSIONERS MCGILL AND PEACOCK VOTING TO RESCIND THE BID AND COMMISSIONERS POWELL, DAVIS AND DIXON VOTING TO OPPOSE RESCINDING THE AWARD. COMMISSIONER DAVIS MADE A MOTION TO AWARD THE FUEL BID TO HINSON OIL COMPANY. COMMISSIONER POWELL SECONDED THE MOTION.**

Discussion followed. There was considerable confusion at this point of the meeting. Commissioner McGill thought he had tabled the bids and could not understand why this motion was on the floor. It was his intention to table any more bid awards.

Since it was Commissioner McGill's intention to table any further bid awards, the chairman asked Commissioner Davis if he would like to rescind the motion on the Hinson Oil Bid award.

**COMMISSIONER DAVIS WITHDREW HIS MOTION TO AWARD THE BID TO HINSON OIL COMPANY.**

**COMMISSIONER MCGILL MADE A MOTION TO TABLE THE AWARDED OF ANY OTHER BIDS.**

Commissioner Davis insisted that the board rise to a point of order.

Mr. Richmond explained that the motion to rescind the bid award to Gulf Atlantic Culvert **failed**, therefore the **bid award stands**.

A motion was made and seconded to award bid No. 94-06 to Hinson Oil Company but no vote was taken. The motion was then rescinded by Commissioner Davis.

Lastly, there was a motion by Commissioner McGill to table further awarding of bids. At that point all other bid awards were tabled and Chairman Dixon called for further discussion to cease.

**CONSENT AGENDA** Tape # 1; Position # 1141

**UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO APPROVE THE CONSENT AGENDA TO WIT:**

1. 1994 Committee assignments (attached)
2. Resolution approving Housing Assistance Plan (attached)
3. Affordable Housing Incentive Plan Resolution (attached)
4. Affordable Housing Commitment and Mission Resolution (attached)
5. Satisfaction of Housing Rehabilitation Agreement (attached)
6. Resolution Continuing Support of Preservation 2000 (attached)
7. Hazardous Waste Collection Interlocal Agreement with Leon County (attached)

**CLERK OF COURT**

Clerk Thomas reviewed briefly some concerns he has with regard to the expenditure side of the budget.

The first area of concern was the contingency fund. The fund's balance is presently \$71,961.00. He reminded them they had led the Chamber of Commerce to believe they would consider amending the budget in April to give them an addition \$10,000 which would return their level of funding to what it was the previous year.

The clerk's second concern dealt with court appointed conflict attorneys. That line item was funded at the beginning of the year at \$60,000 - \$2,000 more than last year. The balance is now \$27,222.00.

At present, there are two pending capital murder cases on the trial calendar for March and April. Both cases have court appointed conflict attorneys. It is reasonable to expect the costs to defend those cases to exceed the amount left in the budget. The only other budget source to cover those costs will be from the contingency fund.

In view of the facts, the clerk recommended that the board approach any future contingency spending with caution, limiting it for extreme emergencies until nearer the end of the year.

**Cash Balance Report - \$2.9 Million in general operating accounts**

**Budget Amendments (attached)**

The Clerk called attention to a mistake on the first budget amendment for the general fund. Repair and maintenance of equipment \$13.00 - the \$13.00 should have parenthesis around it.

**UPON MOTION BY COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO APPROVE THE BUDGET AMENDMENTS AS AMENDED TO WIT:**

1. General Fund
2. Grants - set up Hazardous Waste Grant
3. General Fund Account
4. General Fund - Information only - Supervisor of Elections Contingency Amendment

**Distribution of the Fire Assessment - Board approved distribution of fire assessment monies by request.**

Clerk Thomas told the board he has received several requests from municipalities and volunteer fire departments for their share of the fire assessment monies. He asked the board for their wishes.

**UPON MOTION BY COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO APPROVE THE DISTRIBUTION BY REQUEST OF THE FIRE ASSESSMENT MONEY TO THE MUNICIPALITIES AND VOLUNTEER FIRE DEPARTMENTS.**

#### **Approval of Payment of County Bills**

**UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO APPROVE THE PAYMENT OF THE COUNTY BILLS.**

#### **DISTRICT 1 REPORT**

Commissioner McGill asked that Central Road in Midway and Seventeenth Street in Havana be added to the road paving prioritization list.

#### **DISTRICT 2 REPORT**

Commissioner Powell asked Mr. Carter how to go about having the road paving assessments added to the criteria to be used in the ranking of roads.

Mr. Carter responded by saying, "If you accept the stipulated agreement and remedial amendment the way it was presented originally and the way it was accepted, the only way you can get it added is when you go back and add it as an additional criteria when we do the first amendment to the comp plan which could be sometime in March. We thought it would be in February, but we haven't had any response from DCA in reference to our stipulated settlement agreement."

Chairman Dixon suggested that Commissioner Powell speak to Mr. Sherman to see if it needs to be added as a part of the criteria in the comp plan or included in the implementing policy.

Commissioner Powell emphatically stated that he wanted it added as a part of the road paving prioritization process - whatever it takes to get it done.

Mr. Carter once again stated, "If you accept it the way it is written now, it will not go in until we send in the first actual amendments to the comp plan. At that time we plan to send in more than just the paving assessments to be added to the comp plan as an additional criteria for the rating of roads. I think that is the only way it can go in now based upon the criteria. Provided that DCA signs off on it within the next few days and we get it back and we have 60 days to respond to it and the board may take a different action within that 60 days."

Commissioner Powell then asked "What was the problem with ranking all the roads that were unpaved. I know that we did 20 per district, I think we said. What was the problem with ranking all the county's unpaved roads?"

Mr. Carter responded, "Time - Time is all. The time between the last time we met we just - basically what happened initially was - those 37 roads that were submitted - Mr. Sherman submitted those - and then we went back and just compiled a list of all the roads that we could identify with the records, by talking to sources - then compile a list and basically, just trying to distribute those to each district based upon roads we can identify. There are still some unnamed dirt roads in the county. I don't know what the process would be, but those need to be identified also and be added to the list. But if that is a request from the board that those be added into the hopper and then add the criteria and then you go back and re-rank them, then based upon those seven criteria and everything stands as is, you can possibly get a definite ranking system in those 37."

Mr. Carter had discussed this with Mr. Sherman earlier in the week. Mr. Sherman has requested some summer intern help to chart road traffic and perform other related tasks. Mr. Carter went on to explain that it takes an enormous amount of time to guess when the peak hours of traffic will be, conduct traffic counts, then come back and do the analysis based upon criteria and weights. The P & Z staff consists of only 2 people. They need help to continue the study requirements. Mr. Carter stated that he is confident the staff is conducting the studies scientifically but they need help. University interns could possibly offer assistance during the summer without costs to the county in terms of pay.

### **DISTRICT 3 REPORT**

There was no report.

### **DISTRICT 4 REPORT**

There was no report.

### **DISTRICT 5 REPORT**

There was no report.

### **PUBLIC INPUT**

Mr. Hosea Smith who resides on Atwater Road had several questions concerning the recent improvements made to Atwater Road.

He particularly asked the commissioners if they intended to make similar improvements to the opposite end of Atwater Road which was paved some years ago. The biggest difference is the mitered ends. He also observed that Highway 267 is getting mitered ends. He asked why they wouldn't improve the other end of Atwater Road with mitered ends while they are working out there already. He stated the older pavement is needing repair now.

Chairman Dixon explained that Highway 267 is a state road project - not a county road project. The state requires mitered ends.

Commissioner Peacock responded to Mr. Smith by saying that the mitered ends are now required by Department of Environmental Protection to comply with stormwater run-off. It is a new requirement that was not required at the time the other end of Atwater Road was paved.

Commissioner Peacock concluded his remarks by saying he would pass along his request to the Road and Bridge Department.

**UPON MOTION BY COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL, THE CHAIRMAN DECLARED THE MEETING ADJOURNED.**

\_\_\_\_\_  
Edward Dixon, Chairman

ATTEST:

\_\_\_\_\_  
Nicholas Thomas

**GADSDEN COUNTY LICENSING BOARD**

Chairman Dixon declared the meeting of the Gadsden County Licensing Board convened.

**UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO APPROVE THE LICENSING OF REGINALD VINCENT GUNN AS A RESIDENTIAL CONTRACTOR.**

**UPON MOTION OF COMMISSIONER PEACOCK, THE CHAIRMAN DECLARED THE MEETING ADJOURNED.**

\_\_\_\_\_  
Edward Dixon, Chairman

ATTEST:

\_\_\_\_\_  
Nicholas Thomas, Clerk

AT THE REGULAR MEETING OF THE  
GADSDEN COUNTY BOARD OF  
COMMISSIONERS HELD IN AN FOR  
GADSDEN COUNTY, FLA. ON  
FEBRUARY 15,1994, THE FOLLOWING  
PROCEEDINGS WERE HAD, VIZ.

PRESENT: ED DIXON, CHAIRMAN  
FORREST DAVIS, VICE-CHAIRMAN  
BILL MCGILL  
ANTHONY POWELL  
JAMES PEACOCK  
HAL RICHMOND, COUNTY ATTORNEY  
JAMES CARTER, COUNTY MANAGER  
NICHOLAS THOMAS, CLERK

CALL TO ORDER

Chairman Dixon called the meeting to order. Commissioner Davis led in the pledge of allegiance to the U. S. Flag. Commissioner Powell then opened the meeting with prayer.

ADOPTION OF THE AGENDA Agenda amended then adopted.

The chairman called for the adoption of the agenda. Commissioner Peacock asked that the bid committee recommendations be removed from the consent agenda and be placed for discussion. The chairman placed the item on the county manager's agenda.

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO ADOPT THE AGENDA AS AMENDED TO WIT:

The bid committee recommendations be removed from the consent agenda and be placed on the county manager's agenda for discussion.

APPROVAL OF MINUTES

Minutes of February 1, 1994 approved as written.

UPON MOTION OF COMMISSIONER DAVIS AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO APPROVE THE MINUTES OF THE FEBRUARY 1, 1994 MEETING AS WRITTEN.

SMALL COUNTIES TECHNICAL ASSISTANCE PROGRAM

Larry Arrington presented the board with a Technical Assistance Work Plan (attached).

Mr. Larry Arrington spoke to the board briefly explaining the technical assistance work plan he had prepared for Gadsden County based on survey results. After his overview of the plan, he asked the commissioners to consider it for approval.

After brief discussion among the commissioners, it was the general consensus to have each commissioner study the plan at their leisure and have the matter brought up for approval at the next regular meeting.

#### **COUNTY ATTORNEY**

**The County attorney and county manager were given the authority to negotiate a lease agreement for the Library/Tallahassee Community College.**

Mr. Hal Richmond pointed attention to the lease agreement with Tallahassee Community College. (attached). He asked for permission from the board for himself and the county manager to negotiate with TCC on the lease agreement.

**UPON MOTION OF COMMISSIONER DAVIS AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO AUTHORIZE MR. HAL RICHMOND AND MR. JAMES CARTER TO NEGOTIATE THE TERMS OF THE LEASE AGREEMENT WITH TALLAHASSEE COMMUNITY COLLEGE.**

#### **County Attorney's analysis and BOCC activity update**

Mr. Richmond told the commissioners that he would be providing them with a different type of agenda addendum in the future which will update the commission routinely with regard to the status of assignments being performed by the attorney's office.

**ECONOMIC DEVELOPMENT ACTIVITIES** Tape # 1 Position # 445  
(Memo outlining activities attached)

Mr. Rick McCaskill from the Chamber of Commerce gave the commissioners an update on the Economic Development activities in the county.

#### **New Industry**

**Seminole Trust Company** has opened in the Midway location in the old window plant. That operation is currently is employing 45 people. They are expecting to expand and hire people in that area.

**Gulf Steel Plant** has been purchased by Steel City out of Panama City. There is no plan at present to occupy the building. The Chamber of Commerce is assisting in the cleaning of the

property in hopes the new property owner will soon be utilizing the building.

Construction of the **Holiday Inn Express** is progressing quickly. Several local contractors have been used in the construction.

Co-ordinated efforts have begun with the Department of Transportation and the local Planning and Zoning Department to accommodate the new tomato packing plant west of Quincy.

### **Industrial Parks Development**

The City of Quincy and Florida Power Company have begun research to find the types of industry that can use the treated waste water which the city would otherwise send to sedimentation ponds. It is their hope to entice such an industry to relocate to local industrial parks and utilize the water thus eliminate having to process the water back into the system.

### **Existing Industry Expansion**

The Chamber is still trying to locate a larger facility for **Fiberstone Quarries**.

### **U. S. Corrections - Gretna**

Mr. McCaskill reported good progress in the new prison employment situation. The Chamber is working with the law enforcement academy in planning educational classes to assist potential employees in meeting the employment requirements. Tests are administered locally. Classes have been designed for varying degrees of remediation when test results warrant it.

### **News Stories**

Channel 6 News featured stories on the new sewing factory on Lake Talquin Road and another on the Holiday Inn Express. Both stories were very positive.

### **Economic Development**

Mr. McCaskill reported that he and Mr. Carter had attended the Florida's Magnetic North meeting in Steinhatchee, Fl. This is an economic development group which was developed by Florida Power. The meeting was informative and sparked some interest in new areas.

### **State Fair**

The centerpiece used in Gadsden County's state fair booth was an old painting (12' x 8') of an old farm scene which was used in a state fair booth 60 years ago. The fair will run for three weeks.

**PLANNING AND ZONING** Tape # 1 position 661

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

**Shaw Subdivision**

**The board approved 18 month extension of the preliminary plat approval for Shaw Subdivision.**

In September of 1991, the county commission gave preliminary approval to Branch Mahaffey's development of 42 houses on 30 acres, situated on the northeast side of the intersection of CR 65 and Woodward Road.

A preliminary approval is good for 18 months and at the end of that time period, final approval must be obtained or it reverts back to conceptual approval status.

Before final approval can be obtained, all improvements (paved roads, drainage-ways water lines and electric lines) must be in place. Even though the development received a stormwater permit from Department of Environmental Protection (DEP) in July 1993, none of the required infrastructure has been constructed. (Theoretically, infrastructure improvements should have begun after the DEP permit was secured.) There has been no construction on the site.

The preliminary approval time period can be extended at the discretion of the board of county commissioners. Mr. Mahaffey has requested that the project's preliminary approval be extended and he be allowed to continue to progress toward final approval as a paved road, affordable site-built home development. The site is designated rural residential on the future land use map.

Both the P & Z staff and commission recommended approval of the extension.

**UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO EXTEND THE PRELIMINARY PLAT APPROVAL OF THE SHAW SUBDIVISION FOR 18 MONTHS.**

**Destiny Lane Road and Naming**

The P & Z Department received a request to name an unnamed private dirt road in District 2. The road is located in Balmoral Estates, .4 miles west of CR 159 and .15 miles east of Reston on the north side of CR 270 and extending for .4 miles. The Road Naming Committee met on January 24, 1994 and recommended approval. The petitioner is Ms. Joe Anna Emery, Rt. 3, Box 380, Havana, FL 32333.

**UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO APPROVE THE NAME "DESTINY LANE" FOR THE UNNAMED DIRT ROAD AS DESCRIBED IN THE ATTACHED MEMO WITH THE UNDERSTANDING THAT THE COUNTY IS ASSUMING NO LIABILITY FOR THE MAINTENANCE OF THE ROAD BY APPROVING ITS NAME.**

**Stewart's Ridge - Project #92PZ-13-207-5-7 Tape #1: Position 885**

**The board gave preliminary plat approval of Stewart's Ridge Subdivision**

Stewart's Ridge is a proposed residential subdivision for mobile homes and/or site-built homes on five lots, totaling 3.4 acres (.58 acres average size) that is seeking preliminary approval. The property consists of 46 acres. The site is located on the east side of Gene Williams Road, just off Spooner Road (CR267A), approximately .5 miles north of Old Federal Road (CR 65B). The applicant and property owner is Mr. D'Arsey Stewart, Rt. 3 Box 2024, Quincy, FL 32351. The developer's agent is Mr. John Johnson, P. O. Box 582, Quincy, FL 32353.

The project received conceptual approval from the BOCC on June 15, 1993 and has been approved by Department of Community Affairs. (Small scale map amendment from Agricultural 2 to Rural Residential.)

The P & Z Commission and the P & Z Staff recommended preliminary plat approval subject to conditions as outlined in the memo attached.

**UPON MOTION BY COMMISSIONER DAVIS AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 5 - 0 TO GRANT PRELIMINARY PLAT APPROVAL FOR STEWART'S RIDGE SUBDIVISION.**

**Alaniz Quick Store - Project #94PZ-2-205-2-2 Tape # 1: Position**

920

**The board approved the establishment of the Alaniz Quick Store.**

Alaniz Quick Store is a proposed convenience store to be situated in an existing building on the east side of CR 65 and south side of Tillman Road. The property consists of 3.75 acres and the site consists of approximately 1.25 acres. The applicant is Ms. Eva Alaniz, Rt. 2 Box 167-C, Quincy, FL 32351. The property owner is Mr. Frank Engle, Rt. 2 Box 170, Quincy, FL 32351.

P & Z Commission and P & Z Staff recommended approval with special conditions. (memo attached)

**UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO APPROVE THE ESTABLISHMENT OF ALANIZ QUICK STORE SUBJECT TO SPECIAL CONDITIONS AS LISTED BY P & Z STAFF.**

**Alapaha Tomato Growers - Project 94PZ-3-207-4-3**

The board approved the Alapaha Tomato Growers packing house project subject to conditions listed by P & Z staff. Also approved was the installation of a traffic light at a future point in time to be determined by P & Z and the Florida Department of Transportation. No further board action will be required for the installation.

Alapaha Tomato Growers is proposing to locate a tomato packing house on the south side of US 90 and the west side of Bostick Road. The property consists of 31 acres. The applicant and property owner is Gil Autrey, Jr., Alapaha Tomato Growers Assoc. Rt. 1 Box 20A, Jennings, FL 32053. The developer's representative is Will Slone, P. O. Box 1506, Valdosta, Ga. 31603.

P & Z Commission and Staff recommended approval with special conditions recommended as listed. Mr. Sherman pointed out two of the special conditions: 1) City of Quincy must provide central water and sewer. The property owner will be extending the lines

from where they are now to his property. 6) P & Z staff is concerned about the way the intersection is designed with the road coming off a hill as well as in a curve. It creates a blind spot and there is already a problem at the intersection. Discussions with Mr. McCaskill and the property owners and the planning commission have resulted in a unified effort to have Florida Department of Transportation to put a traffic light at the intersection. Until such time as a traffic control device can be put into place, P & Z staff is recommending that they access the packing house from US 90 just west of the intersection rather than at the intersection itself.

Mr. McCaskill spoke briefly with regard to installation of a stop light. He explained that DOT has a steadfast rule that requires a traffic count of 180 cars traveling per hour for eight hours to justify a traffic light. The required traffic count does not exist at the present time. DOT does recognize that the intersection is dangerous and poorly designed but they will not use projected figures - they base the need on actual traffic counts. DOT welcomed the opportunity to work with P & Z to alleviate the problem with the intersection until they reach a point that they are satisfied.

It was the consensus of the board that the project should be approved but efforts should continue toward the installation of a traffic control device.

**UPON MOTION OF COMMISSIONER DAVIS AND SECOND OF COMMISSIONER POWELL, THE BOARD VOTED 5 - 0 TO APPROVE THE PROJECT SUBJECT TO THE CONDITIONS AS LISTED IN THE MEMO ATTACHED. THIS MOTION ALSO INCLUDES ADVANCE APPROVAL OF THE INSTALLATION OF A TRAFFIC CONTROL DEVICE AS SOON AS TIME AND CIRCUMSTANCES PERMIT IT. THE INSTALLATION WILL NOT REQUIRE ANOTHER REVIEW FROM THE BOARD.**

**HRS GRANT SUB-CONTRACT WITH SHERIFF** Tape #1: Position 1485

**The board approved the sub-contract arrangement with the sheriff for grant from HRS for Emergency Medical Dispatch.**

Tommy Baker, Gadsden EMS Director explained to the commissioners that Gadsden County has been awarded a matching grant through HRS-EMS to enhance dispatch services by adding medical dispatch for EMS calls. EMS is unable to meet the required match of \$33,040.50. The sheriff has agreed to meet the match if the board would approve the sub-contract agreement for the sheriff's office to receive the grant money. The sheriff will then be responsible for the terms and conditions of the grant. EMS will

monitor the terms and conditions and assist the sheriff with reporting and meeting the HRS requirements.

Mr. Baker recommended that the board approve the sub-contract and authorize the transfer of \$99,121.50 HRS funds to the sheriff for this project.

**UPON MOTION BY COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO APPROVE THE SUB-CONTRACT AGREEMENT WITH THE SHERIFF FOR THE HRS-EMERGENCY MEDICAL SERVICES GRANT #3272 (ATTACHED) AND AUTHORIZE THE TRANSFER OF \$99,121.50 HRS FUNDS TO THE SHERIFF'S DEPARTMENT.**

**EMERGENCY MANAGEMENT GRANT**      Tape #1; Position 1527

Mr. Herb Chancey informed the commissioners that the Legislature had taken steps to improve the statewide emergency management programs. The Emergency Management Preparedness and Assistance Trust Fund has been established and funded. Gadsden County's share of the fund is \$71,924. The state has already purchased a computer system and provided one to each county which will link all the 67 counties in Florida. The base allocation of \$2,730 has been deducted from the grant. The only requirement of the county is to maintain the match amount for the Emergency Management Assistance Grant at the same level as it has done for the last three years. Gadsden's match amount is \$13,989 which is already allocated in this year's budget. The money can be used for education, coordination, restructure the plan and for preparedness training & exercises.

Mr. Chancey entertained questions from the board.

**UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO APPROVE AND ACCEPT THE EMERGENCY MANAGEMENT GRANT FROM THE DEPARTMENT OF COMMUNITY AFFAIRS.**

**COUNTY MANAGER**      Tape #1; Position 1639

**Request from Judge Hood for instant developing Cameras**

**Request from Judge Hood for instant developing cameras for the Florida Highway Patrol was tabled.**

Mr. Carter called attention to a letter written by Judge Hood (attached) requesting the county to purchase four instant developing cameras to be used by the Florida Highway Patrol for use

in photographing and identifying traffic offenders when they do not present a valid driver's license at the time the violation occurs. The cameras could be used on a trial basis to see if they would be helpful in properly disposing of cases resulting from such infractions. The alternative to cases involving wrong identities is to subpoena the law enforcement official who wrote the ticket - which entails much greater costs.

The costs of each camera would be \$50.00 plus the costs of the film.

Discussion ensued and some of the board members were unclear of the circumstances which prompted the request from the judge and whether the board is obligated to supply this type of request.

**UPON MOTION OF COMMISSIONER DAVIS, JUDGE HOOD'S REQUEST FOR INSTANT DEVELOPING CAMERAS WAS TABLED.**

#### **Public Hearing for adopting Comprehensive Plan Compliance Schedule and Sunshine Pipeline**

**The board approved setting March 8, 1994 for the public hearing for adoption of the comprehensive plan compliance schedule and to make a decision on recommending the placement of the Sunshine Pipeline.**

County Manager Carter told the commissioners that the stipulated settlement agreement on the comprehensive plan has been returned by the Department of Community Affairs. The next step is to conduct a public hearing on the issue before its adoption. He added that a public hearing on the placement of the Sunshine Pipeline could also be scheduled for the same evening.

Mr. Carter asked for the board's wishes concerning the public hearings.

Commissioner Peacock presented the board with 22 individual petitions he had received from citizens opposing the pipeline. He read the following from the petition and asked that it go on record:

"We the property owners of lands in western Gadsden County who are affected by Variation 19 of Sunshine Natural Gas Pipeline, by our signatures below, petition your commission to oppose Variation 19 and hereby make it known that we are not in favor of this proposal. We ask that you reconsider the Preferred corridor or the existing right of way in Calhoun County."

An audience member asked what would take place at the public hearing - would the commission make their decision?

It was the consensus of the commissioners that they would make a decision at the public hearing.

Attorney Richmond spoke to the issue briefly. He pointed out that the difficulty is if Gadsden County rejects their proposal, Sunshine will take it to an administrative hearing in Tallahassee. The administrative hearing officer will respect the rejection but it is not a licensing situation. Gadsden County can be overruled. If Gadsden County or any individual wants to contest it, someone has to present evidence to prove that it is not the best corridor. Otherwise, Sunshine will present evidence to support that their proposed route is the best place. In the absence of other testimony to the contrary, the hearing officer will likely rule in favor of Sunshine's proposal. A simple rejection from Gadsden County will be considered but would not in itself influence the hearing officer greatly.

#### **Citizen Input**

Mr. Walt Jaudzimaus spoke to the board imploring them to come to a decision as to which route they would prefer the pipeline to go if it must go through Gadsden County and present it to DEP as Gadsden's preference.

Mr. McCaskill spoke saying that if Gadsden presents an alternative, they must present evidence with it in support of why they think it is a better route.

Mr. Jaudzimaus was of the opinion that evidence would not be required for an alternate to be considered by DEP. He asked the commission to embrace a choice of route and defend it as being best choice with the least adverse affect for their constituency.

#### **Bid Recommendations**

**Bid # 94-06 for Hydraulic Oil & Diesel Motor Oil was awarded to Hinson Oil Company**

**Bid # 94-03 for a County-wide Budgeting System was awarded to OMB & Associates of Tallahassee**

Mr. Carter presented two bid committee recommendations for board decision. He reminded the commissioners that both bids were



which to manage the county's budget. It is not just for consultants to do a budget.

Commissioner Peacock stated there was nothing in the bid relating to software.

Commissioner Davis asked if the board had authorized an advertisement for bid on this. The answer was yes, the board had approved going out for bid for the county-wide budgeting system.

Commissioner McGill asked how much of the money would be for software and equipment to produce the budgeting system and who would own the system when it is done?

Chairman Dixon stated that the county would own it.

Commissioner Peacock asked how much equipment would the county be getting?

Chairman Dixon replied that it was software.

Commissioner McGill asked what we would be getting for this system that we can not get now?

Chairman Dixon replied "everything."

Questions were called by Commissioner McGill.

#### **Public Input**

Mr. Nolen Hancock said he was tired of the county's money going out to consulting firms. If the elected and appointed officials are not capable of producing a budget, then they should get out.

**A VOTE WAS TAKEN ON THE MOTION TO DENY THE BID. COMMISSIONERS PEACOCK AND DAVIS VOTED IN FAVOR OF THE DENIAL. COMMISSIONERS MCGILL, POWELL AND DIXON VOTED TO OPPOSE THE DENIAL OF THE BID. THE MOTION FAILED BY A VOTE OF 3 - 2.**

**UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 3 - 2 TO APPROVE THE BID AWARD TO OMB & ASSOCIATES OF TALLAHASSEE FOR THE COUNTY-WIDE BUDGETING SYSTEM. COMMISSIONERS POWELL, MCGILL AND DIXON IN FAVOR AND COMMISSIONERS PEACOCK AND DAVIS OPPOSED.**

**CONSENT AGENDA** Tape # 1; Position 2908

(attached)

UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO APPROVE THE CONSENT AGENDA TO WIT:

1. Emergency Management Assistance Grant
2. Library State Aid Contracts
3. Library Five Yr. Long Range Plan
4. EMS Billing and Collection System
5. Authorization to Sign CDBG Documents
6. CDBG Citizen Participation Committee

CLERK OF COURT Tape # 1; Position 2921

Budget Amendments approved (attached)  
Cash Balance Report - \$2,750,988 in general operating accounts  
Payment of county bills approved

Clerk Thomas described the budget amendments then asked for approval.

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED TO APPROVE THE BUDGET AMENDMENTS TO WIT:

1. General fund - Computer equipment for County Manager
2. Grants - Homebuyer education for SHIP
3. General Fund - Administration Bldg. Roof
4. Library - to cover Health Insurance for new full time employee.
5. Library - show receipts from Friends of the Library

Clerk Thomas reported the general operating account balance was \$2,750,988.24.

The clerk then asked for approval of the payment of the county bills.

UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 FOR THE APPROVAL OF THE PAYMENT OF THE COUNTY BILLS.

GADSDEN EAST LANDFILL

Chairman Dixon presented a proposal of \$1,500 from Bishop Engineering to prepare a closure permit application to Florida Department of Environmental Protection (FDEP) for the Gadsden East Landfill. He stated further that this is to renew the existing landfill permit. The proposal does not include making responses to FDEP. If further comments are needed, they will submit an additional proposal.

Commissioner McGill asked why the matter was not brought up under the county manager's agenda.

Mr. Carter responded by saying he had asked the chairman to present it because the agenda had already been prepared when it was received and expedient board action is necessary on the proposal.

**UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO AUTHORIZE BISHOP ENGINEERING AT A COST OF \$1,500 TO PREPARE AN APPLICATION TO FDEP FOR A CLOSURE PERMIT ON GADSDEN EAST LANDFILL.**

The chairman gave the clerk a check from Government Risk Management in amount of \$3,701.

#### **DISTRICT 1 REPORT**

Commissioner McGill reported everything was smooth in his district.

#### **DISTRICT 2 REPORT**

Commissioner Powell commented that he had received several complaints about young people gathering on street corners in early morning hours that often erupt into gang fights. He asked the other commissioners to begin considering a curfew. He recommended a workshop for this concern.

#### **DISTRICT 3 REPORT**

**Board approved Commissioner Peacock, County Manager and R & B Superintendent to negotiate repairs to CR 269 - 270A with party responsible for damages.**

Commissioner Peacock focused attention on the destruction of the road on CR 269 to 270A by companies hauling asphalt to I-10. He asked for permission from the board for himself, the county manager and R & B Superintendent to speak to whomever is responsible for the destruction in regard to repairing them or imposing a fee for damages incurred.

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO AUTHORIZE COMMISSIONER PEACOCK, MR. CARTER AND MR. PARRAMORE TO SPEAK TO WHOMEVER IS RESPONSIBLE FOR DESTRUCTION OF THE COUNTY ROADS (FROM 269 - 270A) TO EFFECT EITHER REPAIR TO THE ROAD OR IMPOSE A FEE FOR THE DAMAGES.

#### DISTRICT 4 REPORT

Commissioner Davis reported a lot of pot holes in the roads in his district and county-wide. He questioned how the county might be liable for damages caused as a result of the pot-holes. He urged the commissioners to take action to get them repaired.

Commissioner Davis voiced concern once again about the consent agenda. He asked that the board revert back to the old way of approving each of the items on the consent agenda by separate motion rather than all of them with a single motion. He felt that the public and the board would be better informed as a result.

Commissioner McGill stated that the consent agenda is an acceptable way to conduct the business of the county. The agenda is made available to the public. If there is a controversial item listed on the consent agenda, anyone in the public can ask that it be removed from the consent agenda and be discussed individually.

Commissioner Peacock told the board that he did not believe it was correct for the bid committee recommendations to be put on the consent agenda. He would like for it to be done as a part of the county manager's agenda.

#### DISTRICT 5 REPORT

Chairman Dixon spoke briefly to the financing of road paving. He asked for a consensus from the board as to how the board can move forward with respect to building new roads.

Mr. Ray Rentz from the audience spoke in protest of raising the gas taxes.

Commissioner McGill said he would like for the board to develop a road paving/maintenance policy to include new construction, old construction, pot-holes and everything relating to roads. Then the county would have a long range plan and how to accomplish it. He also asked the board to consider a road-paving bond.

Commissioner Peacock asked to go on record as opposing any tax to build roads without a referendum to approve it. If the public desires it, he would support it.

Commissioners McGill and Commissioner Davis concurred with Commissioner Peacock.

Chairman Dixon reminded the board that the problems are real and the board must decide how to deal with them.

**Public Input**

Dan Winchester asked the board to inform the public at least five days prior to the board considering any action in support of any additional revenue source.

Mr. Ray Rentz told the board that the only way to increase funds through a gas tax is to lower the taxes.

Other public comment was called for by the chairman. There was none.

**CHAIRMAN DIXON DECLARED THE MEETING ADJOURNED.**

\_\_\_\_\_  
Edward Dixon, Chairman

ATTEST:

\_\_\_\_\_  
Nicholas Thomas, Clerk

**CONSTRUCTION INDUSTRY LICENSING BOARD**

The Board of County Commissioners reconvened as the licensing board.

**UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO APPROVE THE LICENSING OF PAT CHESTER LAMB AS ROOFING CONTRACTOR.**

\_\_\_\_\_  
Edward Dixon, Chairman

ATTEST:

\_\_\_\_\_  
Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE AFFORDABLE HOUSING ADVISORY COMMITTEE ON FEBRUARY 22, 1994, THE FOLLOWING PROCEEDINGS WERE HAD, VIZ.

**PRESENT:** Ms. Millie Forehand, Chairperson  
Craig McMillan, Vice-chairperson  
Real Estate Representative  
William Carr, Special Needs Representative  
James Rogers, Building Industry Representative  
Alice Kelley, Human Services Representative  
Len Starret, Bank and Mortgage Representative

**ABSENT:** Patrick Brown, Labor Representative  
Tony Jones, Program Beneficiary Representative  
James Atkins, Provider Representative

**COUNTY STAFF PRESENT:** Rosemary Banks, SHIP Co-ordinator  
Edward J. Butler, Grants Administrator  
Muriel Straughn, Deputy Clerk

**I. CALL TO ORDER**

Ms. Millie Forehand, Chairperson, called the meeting to order.

**II. APPROVAL OF MINUTES OF PUBLIC HEARING ON DECEMBER 28, 1994**

UPON MOTION BY JAMES ROGERS AND SECOND BY WILLIAM CARR, THE COMMITTEE VOTED 6 - 0 TO ACCEPT THE MINUTES OF THE DECEMBER 28, 1994 PUBLIC HEARING.

**III. AFFORDABLE HOUSING INCENTIVE PLAN**

**A. Resolution adopted by BOCC**

Mrs. Rosemary Banks called attention to the resolution adopted by the Board of County Commissioners on January 4, 1994 approving the Affordable Housing Incentive Plan in accordance with the State Housing Initiatives Partnership. No action was necessary as it was provided for information purposes only.

**B. Florida Housing Finance Agency Question and Answer Memorandum 94-01.**

This memorandum was explained by Mrs. Banks and was addressed again later in the meeting.

**C. Recommendation Worksheet Session**

Ms. Forehand began the worksession by asking Mrs. Banks for the information dealing with two of the incentives which was requested from Mr. Sherman at the last meeting.

Mrs. Banks explained that Mr. Sherman has been unable to supply the information due to his increased work load. But he would continue working toward providing the information to the committee.

**INCENTIVE # 1 - THE AFFORDABLE HOUSING DEFINITION IN THE APPOINTING RESOLUTION.**

No change was deemed necessary. If the definition of the term "affordable housing" changes in the HUD guidelines, this committee will amend the definition in the Incentive Plan accordingly.

***Incentive Plan Worksheet***

VII. Housing Cost Reduction anticipated from implementing this recommendation: \$ \_\_\_\_\_ (Specify how the savings benefit the eligible households(s).)

This is not applicable.

**INCENTIVE # 3: MODIFICATION OF IMPACT-FEE REQUIREMENTS, INCLUDING REDUCTION OR WAIVER OF FEES AND ALTERNATIVE METHODS OF FEE PAYMENT.**

There was no discussion.

***Incentive Plan Worksheet***

VII. Housing Cost Reduction anticipated from implementing this recommendation: \$ \_\_\_\_\_ (Specify how the savings benefit the eligible household(s).)

Housing cost reduction can not be determined at this time.

**INCENTIVE # 4 - ALLOWANCE OF INCREASE DENSITY LEVELS**

**VII. HOUSING COST REDUCTION....**

Housing cost reduction cannot be determined at this time.

Ms. Forehand asked Mrs. Banks and Mr. Butler if there were particular concerns that need to be made known to the committee for immediate consideration.

**INCENTIVE # 2 - THE EXPEDITED PROCESSING TO PERMITS FOR AFFORDABLE HOUSING PROJECTS.**

Mr. Butler called attention to the memorandum 94-01 saying that the Incentive Plan must provide a schedule for implementation of expedited permit processing for affordable housing. They insist that the local government identify how they will expedite permitting for affordable housing if the current "no delay" situation should change and what would trigger the implementation of the expedited permitting process.

**Committee's recommendation for change:**

The current permitting process for Gadsden County should be retained until the case load increases to such a degree that a backlog is experienced. In accordance with the county's comprehensive plan, this includes a continual refinement and streamlining of the existing developmental approval process plus expedited plan reviews and inspections, explanatory brochures and computer programs to further refine the existence of permitting and development review process and reduce the financing costs for developers will be included.

UPON MOTION BY JAMES ROGERS AND SECOND BY CRAIG MCMILLAN, THE COMMITTEE VOTED 6 - 0 TO MAKE THE ABOVE RECOMMENDATION FOR ADDITION TO THE INCENTIVE # 2 - THE EXPEDITED PROCESSING TO PERMITS FOR AFFORDABLE HOUSING PROJECTS.

**INCENTIVE # 5 - THE RESERVATION OF INFRASTRUCTURE CAPACITY FOR HOUSING FOR VERY LOW-INCOME PERSONS AND LOW-INCOME PERSONS.**

The committee recommends that reservation of thirty percent (30%) of available infrastructure capacity be allowed for housing for very low-income and low-income persons.

Recommendation Worksheet:

- V. *Explanation of Advantages/disadvantages of changing or adopting this incentive.*

**Advantage:**

You are reserving the infrastructure for affordable housing.

**Disadvantage:**

You are forcing the local municipalities that have that infrastructure to upgrade their systems.

- VI. *Benefit to public health, safety, or welfare*

Most low income houses do not have sanitary health conditions. By reserving infrastructure, you are allowing those persons to have access to systems that normally they would not have.

Negligible effect: none

- VII. *Housing cost Reduction anticipated for implementing this recommendation.*

It can not be determined at this time.

- IX. *Recommended schedule for implementation:*

Immediately upon adoption of the Incentive Plan by the Gadsden County Board of County Commission and Affordable Housing Finance Agency.

**Mission Statement Approved by BOCC**

Mr. Butler told the committee that he had prepared a mission statement for the affordable housing program. It was submitted to the county commissioners and approved along with a resolution in support of affordable housing for the record. It should provide sufficient information about the program to future board members in the event of change.

The meeting was adjourned by the chairperson.

\_\_\_\_\_  
Millie Forehand, Chairperson

ATTEST:

\_\_\_\_\_  
Muriel Straughn, Deputy Clerk

AT A REGULAR MEETING OF THE BOARD OF COUNTY COMMISSIONERS, HELD IN AND FOR GADSDEN COUNTY, FLORIDA ON MARCH 1, 1994, THE FOLLOWING PROCEEDINGS WERE HAD, VIZ.

**PRESENT:**

FORREST DAVIS, VICE-CHAIRMAN  
BILL MCGILL  
JAMES PEACOCK  
ANTHONY POWELL  
HAL RICHMOND, COUNTY ATTORNEY  
JAMES CARTER, COUNTY MANAGER  
NICHOLAS THOMAS, CLERK

**ABSENT:** ED DIXON, CHAIRMAN

**CALL TO ORDER**

In the absence of the chairman, Vice-chairman Davis called the meeting to order. Commissioner Powell led in pledging allegiance to the U. S. Flag and Commissioner Peacock then opened the meeting with prayer.

**ADOPTION OF THE AGENDA**

The agenda was amended to include a public hearing on the lot abandonment in Peacock Estates.

County Attorney Hal Richmond asked that the agenda be amended to include an advertised public hearing on the abandonment of lots 24-34 in the Peacock Estates Subdivision. He added that it should be placed under the county attorney's agenda.

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 0 TO APPROVE THE AGENDA AS AMENDED TO INCLUDE THE PUBLIC HEARING ON LOT ABANDONMENT IN PEACOCK ESTATES UNDER THE COUNTY ATTORNEY'S AGENDA

**APPROVAL OF MINUTES**

The minutes of February 15, 1994 were approved.

UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 0 TO APPROVE THE MINUTES OF THE FEBRUARY 15, 1994 MEETING AS WRITTEN.

**COUNTY ATTORNEY**

## **PUBLIC HEARING**

### **The board approved abandonment of lots # 24 - 34 in Peacock Estates with specific conditions.**

Mr. Richmond asked Mike Sherman, Planning and Zoning (P & Z) Director, to speak to the commissioners concerning Grady Peacock's request to abandon 10 lots in Peacock Estates Subdivision.

Mr. Sherman stated that Mr. Grady Peacock has requested that the county allow him to abandon 10 lots in Peacock Estates which amounts to 62 acres of land. The matter was before the board some months ago and the board gave approval to advertise the abandonment for a public hearing.

Mr. Sherman added that Chapter 177 of the Florida Statutes states that when you annul or vacate a plat, all restrictions that go with the plat are also voided. He had notified the property owners by mail of the vacation of the plat and the possible removal of the subdivision restrictions. He reported that he had received several calls from property owners with concerns surrounding the removal of the subdivision restrictions particularly those dealing with the lot sizes, minimum square footage of homes, type of homes, as well as some requirements of property owners to maintain a lake on the property and liabilities for the use of the lake.

Commissioner Peacock asked Mr. Sherman if once vacated, would future home builders on that land be required to come before the P & Z commission and could the same restrictions be reimposed at that time.

Mr. Sherman responded by saying that the land is zoned a "one to ten agricultural 2 area." An individual could purchase a ten acre lot and come before P & Z for permission to place a unit on the property but P & Z would only verify to make sure that driveways were placed in a safe location, the culvert pipes are the correct size and that the density requirements meet the zoning restrictions. Beyond that, the P & Z staff does not have the ability to impose any restrictions which are not listed in the comprehensive plan.

Vice-chairman Davis asked if there was any one present who wished to speak against the proposal.

Mr. Al Poppell introduced himself as a professional land surveyor and asked to address the board on behalf of Mr. Peacock. He stated that it would take the approval of all of the current

land owners to relieve the restrictions originally imposed by Peacock Estates. He went on to say that the covenants and restrictions are a different document of record and not part of the plat itself. From a legal position, once the lots are vacated, the land becomes acreage tracts again but unless 100% of the land owners release those original restrictions, they are still applied to the property at hand. He asked for clarification from Mr. Richmond.

Mr. Richmond concurred with Mr. Poppell. The restrictive covenants will remain in effect. For the record, as a condition of the abandonment, Mr. Peacock could agree that restrictions would remain in effect unless agreed upon and signed off on by the land owners who have purchased lots in the subdivision.

Mr. Poppell stated that Mr. Peacock had confided to him that those restrictions would remain. If and when he should dispose of the property which is reverting back to raw acreage, the existing land owners in Peacock Estates would be informed and it would take their agreement for use of the land.

Mr. Richmond suggested that it should be made as a condition of the approved abandonment of the lots.

Mr. Poppell called attention to two drainage easements associated with the lots in question. He asked that they also be mentioned in the abandonment in the sense that the county would not want to maintain drainage-ways on private acreage that is no longer part of Peacock Estates.

Vice-chairman Davis asked if there were others who wished to speak on the subject.

There were none.

**UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 4 - 0 TO APPROVE THE ABANDONMENT OF LOTS # 24-34 OF PEACOCK ESTATES WITH THE SPECIAL CONDITIONS AS FOLLOWS:**

- 1) The original covenants and restrictions of the subdivision would remain in effect except by 100% agreement and signatures of the land owners who have purchased lots in Peacock Estates.
- 2) That the property owner will maintain the private drainage easements that is associated with the acreage

which is to be abandoned and is no longer a part of Peacock Estates.

- 3) In the event the property in question should be sold, the existing land owners in Peacock Estates would be informed and they must approve the intended use of the land.

#### **Courthouse Committee**

Board approved Commissioner Davis to represent the board at the next meeting of the courthouse committee on March 14, 1994.

Mr. Richmond briefed the commissioners of the work of the courthouse committee. He related to them a request from that committee that one of the commissioners meet with them at their next meeting on March 14 at 5:00 p.m.

**UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 0 FOR COMMISSIONER DAVIS TO REPRESENT THE BOARD AT THE MEETING OF THE COURTHOUSE COMMITTEE ON MARCH 14, 1994.**

#### **Chattahoochee Landfills**

Commissioner Peacock volunteered to meet with county attorney and county manager and ultimately meet with City of Chattahoochee on landfill agreement negotiations.

Mr. Richmond told the board he has had several discussions with the city officials in Chattahoochee concerning the two landfills. At the last meeting with the City Council, it was suggested that the county get a group to meet with the city for discussion concerning the \$1500 monthly payment which is made to the City of Chattahoochee pursuant to the 1986 agreement. He asked that a member of the commission meet with Mr. Carter and himself and in turn meet with the Chattahoochee people to work out a solution. There are some questions of interpretation of the 1986 agreement that need to be resolved.

Commissioner Peacock volunteered to meet with them.

#### **Nudity Ordinance**

Attorney Richmond will present draft proposed anti-nudity ordinance at March 15, 1994 meeting.

Mr. Richmond told the commissioners he has been furnished numerous ordinances to consider but he was still open to receiving

suggestions and input from the board in preparing Gadsden's proposed anti-nudity ordinance. He will publish a notice of intent for a public hearing on April 5, 1994 for the purpose of considering a proposed anti-nudity ordinance.

Commissioner McGill urged the board to follow through on this issue as soon as possible reminding them it was first proposed five months ago.

Mr. Richmond told the board he would have the draft copy by the next meeting and a proposed ordinance can be reached at the first meeting in April for a notice of intent for the second meeting in April.

#### **Curfew Ordinance**

**Attorney Richmond is to present samples of curfew ordinance at March 15, 1994 meeting.**

Mr. Richmond told the board he would have something pertaining to curfews in other areas for them to review by the next meeting on March 15, 1994.

#### **LORENE WILSON - JTPA INTERLOCAL AND SUBSTATE AGREEMENT** (Attached)

**Two year interlocal and substate agreements with JTPA approved.**

Ms. Wilson introduced herself as working with Leon County Department of Job Training and said that her office was responsible for the job training programs in Leon, Gadsden, Wakulla & Jefferson Counties. As part of that administration, her responsibilities include the development of interlocal agreement with the four counties that sets out how the programs will be operated in each of the four counties and the responsibility of each of the commission boards in those counties. The interlocal agreement is the document that allows JTPA services in those counties. The document is a two year agreement and must be signed by each of the commissioners every other year. 1994 is the year the document is up for renewal. She asked the board for their approval.

Attorney Richmond stated he had examined the agreement and reported it to be correct in form and content.

**UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 4 - 0 TO APPROVE THE INTERLOCAL AGREEMENT WITH JTPA.**

**UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 4 - 0 TO APPROVE THE SUBSTATE AGREEMENT WITH JTPA.**

**COUNTY MANAGER Tape # 1 Position 608**

**The board approved improvements to the building occupied by Gadsden Medical Center, Inc.**

Mr. James Carter related to the board a request from Gadsden Medical Center, Inc. for the board's permission to make improvements to three of the medical examination rooms in the building which they occupy (the building is owned by the county and leases it to Gadsden Medical Center, Inc.) It is their intention to use the rooms to offer dental services to their patients.

**UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 4 - 0 TO APPROVE THE IMPROVEMENTS TO THE EXAMINATION ROOMS IN THE BUILDING OCCUPIED BY GADSDEN MEDICAL CENTER, INC.**

**GADSDEN COUNTY TECHNICAL ASSISTANCE WORK PLAN Tape # 1; Position 689**

**Board approved the Technical Assistance Work Plan prepared by the Florida Counties Foundation - Small Counties Technical Assistance Program.**

Mr. Carter called attention to the Technical Assistance Work Plan which Mr. Larry Arrington left with them for their review at the last meeting. It was placed on the agenda for this meeting for its approval.

Commissioner Peacock asked if there is a charge for this work plan.

Commissioner Powell indicated there was no charge. It is free technical assistance by the Small County Coalition.

Commissioner McGill stated he would like to have a status report on the development of the plan.

**UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 0 TO APPROVE THE TECHNICAL ASSISTANCE WORK PLAN AS SUBMITTED BY LARRY ARRINGTON OF THE FLORIDA COUNTIES FOUNDATION.**

**Request for Cameras by Judge Hood**

**The board approve the purchase of four cameras and film to be used by Florida Highway Patrol.**

Mr. Carter presented Judge Hood's request for four cameras and film to be used for correctly identifying traffic violators who do not produce a driver's license when they are stopped by law enforcement officers. Many times when an individual is stopped for routine infraction, they will not have a driver's license in their possession. They will often give incorrect names to the officer writing the ticket. At the end of 30 days, and the ticket has not been paid (or the violator does not show up for a court date) it can result in the suspension of an innocent person's driver's license.

If the officers have a camera to take a picture of the offender when he does not produce a driver's license at the scene, it would assist the court greatly in rendering justice. The cost to the county in correcting suspensions in these instances is far greater than the cost of a camera.

**UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 0 TO PURCHASE 4 CAMERAS OF THE LESSER PRICE RANGE AND FILM TO BE USED ON A TRIAL BASIS BY THE FLORIDA HIGHWAY PATROL.**

**Proposed Imposition of Gas Tax** Tape # 1; Position 935

Mr. Carter offered as information only, the letter from Sarah Bleakley of Nabors, Giblin & Nickerson, P.A. (attached) outlining a timeline for imposition of any portion of the additional five cents of local option gas tax or the 9th cent gas tax.

Commissioner Peacock stated that he would not support a tax without the voters approval through a referendum. If the board votes to have a referendum, work should begin right away.

Commissioner McGill said he shared Commissioner Peacock's concern that the public should be allowed to express their concerns about the implementation of new taxes. If the referendum is passed, there would be no need for an ordinance imposing the additional tax.

Mr. Harvey Sweeney from the audience stated that he questioned whether there were three commissioners who really want<sup>3</sup> to pursue the new five cent tax. He suggested that they drop the discussion and move on to more important matters. The economy of Gadsden County will suffer greatly from implementation of more gas tax.

Mr. Richmond made note of the public hearing scheduled for March 8 that will speak to this subject. He suggested the board cease discussion until then.

**Bid Committee Recommendations** Tape #1; Position 1188

**The board awarded bid # 94-04R for concrete and concrete block to Oakland Concrete of Quincy, Florida.**

Mr. Carter presented the bids as follows:

Concrete & Concrete Block - Bid # 94-04R  
Florida Rock Industries of Tallahassee, Florida  
Oakland Concrete of Quincy, Florida

Florida Concrete only bid on the concrete block, therefore, was disqualified.

Oakland Concrete was the most responsive bidder and the bid committee recommended that the bid be awarded to them.

**UPON MOTION BY COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 4 - 0 TO APPROVE THE AWARD OF BID # 94-04R TO OAKLAND CONCRETE OF QUINCY, FLORIDA.**

**Request to advertise - Road and Bridge Equipment** (attachment)  
Tape #1; Position 1247

**The board approved the request to advertise for bid - three tractors and mowing equipment.**

Mr. Carter asked the board for permission to solicit bids for three new tractors and mowing equipment for Road and Bridge Department. (Justification is written in report attached.)

Discussion followed as to the possibility of contracting the mowing out to independent contractors.

Commissioner Peacock asked where the money would be coming from to purchase this equipment.

Clerk Thomas told the commission there would be \$130,000 next year because the last payment has just been made on the road graders. At least \$130,000 will be available in next fiscal year.

UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTE 4 - 0 TO APPROVE THE COUNTY MANAGER TO SOLICIT BIDS FOR THREE NEW TRACTORS AND NEW MOWING EQUIPMENT.

Proposed Budget Calendar (attached) Tape # 1; Position 1528

The board tentatively approved the proposed budget calendar for next fiscal year.

Mr. Carter presented a proposed tentative calendar for the new budget preparation.

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 4 - 0 TO TENTATIVELY APPROVE THE PROPOSED BUDGET CALENDAR.\*

\* Commissioner Peacock asked that special note be made with this motion that it is only tentative approval of the calendar.

Reorganization and Management Structure for County (attached)

Discussion on the re-organization and management structure was tabled.

Mr. Carter called attention to the report he submitted along with a reorganization chart for the county. He made a brief explanation and requested board approval as presented.

COMMISSIONER PEACOCK MADE A MOTION TO TABLE DISCUSSION ON THIS UNTIL THE NEXT REGULAR MEETING ON MARCH 15, 1994.

Proposed Drafted Budget and Financial Policies

Discussion on the proposed drafted budget and financial policies was tabled.

Mr. Carter presented his recommendation to the board for consideration of the proposed drafted budget and financial policies as the adopted fiscal policies of the board for fiscal year 1994/95. He then asked for their recommendations for modification and approval.

COMMISSIONER PEACOCK MADE A MOTION TO TABLE DISCUSSION ON THE PROPOSED DRAFTED BUDGET AND FINANCIAL POLICIES UNTIL THE NEXT REGULAR MEETING ON MARCH 15, 1994.

**JAMES M. DUTTON'S REQUEST FOR PERMIT TO DO BUSINESS AS AUTO SERVICE SHOP IN HIS EXISTING PERMITTED BUILDING**

**The board found Mr. James Dutton's project in compliance with ordinance 90-002 and approved continuation of the project and approved his operation of a auto service business at the site.**

Mr. James Dutton once operated an auto service business in Havana where he had an occupational license. The building in which he worked was torn down forcing him to move his business into the county. He received a permit in 1991 from P & Z and the building inspector and subsequently built a pole barn. In 1991, County Manager Bud Parmer made a site inspection, approved his plan and gave him verbal approval to continue with the building for business purposes. That gave Mr. Dutton the encouragement and approval he needed to begin moving his business to his property. Soon after Mr. Parmer's verbal approval, Mr. Dutton suffered a heart attack and later had heart surgery and has just recently recovered sufficiently to continue his work.

Presently, he has run into a problem in that he cannot purchase insurance until he gets board approval to operate his business there.

Mr. Mike Sherman related information of record to the commissioners. In April of 1991, Mr. Dutton was issued a permit for pole barn which is an allowable use on his property.

Now, Mr. Dutton is asking approval to operate a business on this property which could be an allowable use on the property but he must go through the planning and zoning process.

Mrs. Blackburn told the commissioners that Mr. Dutton has received a letter from the Department of Insurance saying he must have insurance by Thursday, March 3, 1994 or suffer losing some critical benefits. He must have the board's approval to operate a business prior to getting insurance and he is requesting the board to intervene and give him approval without going before the Planning & Zoning Commission. He has operated his business in good faith thinking that Mr. Parmer's approval in 1991 was sufficient. His appeal to the board was of one of emergency and urged them to give him special consideration.

Mr. Dutton submitted letters from all his adjacent neighbors who were requesting the board grant Mr. Dutton's appeal for approval to operate his business. Each stated they have no objections to his business being on the property.

After discussion, the board concluded there had been no violation of the permit to construct a pole barn given the fact that Mr. Parmer had given him verbal approval. The board viewed this situation to be a continuation of the original permit and would have been permitted for a business sooner if he had not suffered health problems. The board found the project in compliance with the ordinance 90-002.

**UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 4 - 0 TO FIND MR. DUTTON'S PROJECT IN COMPLIANCE WITH ORDINANCE 90-002 AND APPROVED HIS REQUEST TO CONTINUE THE CONSTRUCTION OF HIS PROJECT AND OPERATE A AUTO SERVICE BUSINESS IN THE POLE BARN HE BEGAN CONSTRUCTING IN 1991.**

**CONSENT AGENDA** (attached) Tape #1; Position 1670

**UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 4 - 0 TO APPROVE THE CONSENT AGENDA, TO WIT:**

1. CDBG Anti-displacement and Relocation Policy
2. CDBG Section 504 Self-Evaluation & Transition Plan

**CLERK OF COURT**

Clerk Thomas once again told the board that the note on the Road & Bridge Motor Graders was paid off last week. He told them also that the last settlement payment with Waste Management has been made. These debt satisfactions should help considerably in preparing the next fiscal year's budget.

**Budget Amendments**

The board approved the budget amendments.

**UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 0 TO APPROVE THE BUDGET AMENDMENTS TO WIT:**

1. County Transportation # 1 - Move \$3,500 from Repairs & Maintenance to Machinery & Equipment for the purpose of purchasing radio equipment as required by law.
2. General Fund - move \$35.00 from office supplies to employee recognition to cover the costs for the

plaque given to Lamar Kent upon his resignation for 19 years of service.

3. County Transportation # 1 - transfer excess money budgeted for interest on the motor grader to cover the contamination assessment at the Road & Bridge Department (\$13,000)

### **Sale of County Property**

The board voted to approve the chairman to sign a county deed over to Mrs. Erma Conyers for lot in St. John's Subdivision.

Clerk Thomas reported that Lot # 1 Block D in St. John's Subdivision has been sold to Mrs. Erma Conyers. The county came into possession of this lot in 1968 as a result of unpaid taxes. Ms. Conyers inquired about the property and last month the commissioners voted to advertise the lot for sale by notification.

All the adjacent property owners were notified of the sale. Two bids were received but one bid was later withdrawn. The property is assessed at \$425. Ms. Conyers bid \$500.00 and the bid was awarded to her. The clerk's office has received her check.

The clerk asked the board to authorize the chairman to sign the county deed over to Ms. Conyers.

**UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 4 - 0 TO AUTHORIZE THE CHAIRMAN TO SIGN THE COUNTY DEED FOR LOT # 1, BLOCK D, IN THE ST. JOHN'S SUBDIVISION OVER TO MRS. ERMA L. CONYERS IN EXCHANGE FOR \$500.**

The clerk announced this money would go into the board's general fund.

### **Approval of the Payment of County Bills**

The board voted to approve the payment of the county bills.

Clerk Thomas asked to the board to approve the payment of the county bills.

**UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 4 - 0 TO APPROVE THE PAYMENT OF THE COUNTY BILLS.**

### **CITIZENS REQUESTING TO BE HEARD**

**Walter Jaudzimas - Sunshine Pipeline Issue** (Attachments on file in Clerk's Office)

Mr. Walter Jaudzimas presented the commission with petitions and information concerning the natural gas pipeline which is proposed by Sunshine Pipeline to be placed through the Flat Creek/Sycamore Community. He appealed to them to oppose the placement of the pipeline in Gadsden County.

**DISTRICT 1 REPORT**

Commissioner McGill reported he has taken the time to drive around the county looking at various subdivisions, ravines and other areas that might be considered hazardous areas where water runs off county and state owned property onto private property. He asked the board to begin investigations to see if the water can be diverted without violation of any rules or ordinances then look for grants that will allow corrective measures to be taken to protect neighborhoods and subdivisions.

**DISTRICT 2 REPORT**

Commissioner Powell voiced concern over the litter along the county roads. He would like the board to address the problem legally in an attempt to stop it.

Commissioner Davis suggested that the Sheriff be contacted to see if he can assist by enforcing the ordinance already on the books.

Commissioner McGill reminded the commissioners that the ultimate enforcement of the ordinance lies with the judge. Many times after an arrest has been made, the judge has dismissed the case or has imposed no penalty. Arrests without penalty is futile.

**DISTRICT 3 REPORT**

Commissioner Peacock reported things were running smoothly in District three.

**DISTRICT 4 REPORT**

Commissioner Davis reported he has noticed that the City of Gretna is cutting the road again and making the road condition hazardous without posting caution signs, etc. He was concerned with possible liability resulting from the disruption at that part

of the road. He asked if a ordinance to prohibit cutting of the road is possible or else begin looking for some type of solution to absolve the county of the liability when the road passage is impaired for any reason.

Mr. Carter stated he was already making efforts to contact the Gretna City Manager about the matter.

**DISTRICT 5 REPORT**

Chairman Dixon was not present.

**UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL THE BOARD VOTED 4- 0 TO ADJOURN.**

\_\_\_\_\_  
orrest Davis, Vice-chairman <sup>F</sup>

ATTEST:

\_\_\_\_\_  
Nicholas Thomas, Clerk

**GADSDEN COUNTY LICENSING BOARD**

Vice-chairman Davis convened the meeting of the Gadsden County Licensing Board.

**UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 0 TO APPROVE THE LICENSING OF JOHN HOWARD BROWNING AS MASTER ELECTRICIAN.**

\_\_\_\_\_  
orrest Davis, Vice-chairman <sup>F</sup>

ATTEST:

\_\_\_\_\_  
Nicholas Thomas, Clerk

AT A SPECIAL MEETING OF THE BOARD OF  
COUNTY COMMISSIONERS, HELD IN AND  
FOR GADSDEN COUNTY, FLORIDA ON MARCH  
8, 1994, THE FOLLOWING PROCEEDINGS  
WERE HAD, VIZ.

PRESENT: ED DIXON, CHAIRMAN  
FORREST DAVIS, VICE-CHAIRMAN  
BILL MCGILL  
JAMES PEACOCK  
ANTHONY POWELL  
HAL RICHMOND, COUNTY ATTORNEY  
JAMES CARTER, COUNTY MANAGER  
NICHOLAS THOMAS, CLERK

CALL TO ORDER

The meeting was called to order by Chairman Dixon. Commissioner Davis led the audience in pledging allegiance to the U. S. Flag and Commissioner Powell opened the meeting with a prayer.

ROAD PAVING FUNDING PUBLIC HEARING

The chairman announced the floor was opened for discussion on possible funding for road paving.

Commissioner Powell suggested that the imposition of additional gas tax be placed on the fall ballot as referendum. He also suggested a franchise fee.

Commissioner Peacock supported the proposal of a referendum for a gas tax but could not support a franchise fee without further study.

Commissioner McGill supported the proposal of a gas tax referendum but could not support a franchise fee.

Commissioner Davis supported the proposal of gas tax referendum but opposed the franchise fee.

The floor was opened to the public for input.

The following people were recognized by the chairman to speak:

**Harvey Sweeney** - opposed to gas tax

**Roland Baggett** - requested clarification of the board's actions

**Ray Rentz** - opposed to gas tax - suggested a cut rather than and increase of taxes

**James Irvin** -supported road paving but thinks funds should be from a fund other than gas tax

**Dan Winchester** -would like for the county to explore other avenues of funding and compile an inventory of all possibilities for road improvements. He also inquired about the possibility of using the infrastructure sales tax to fund roads instead of a new courthouse.

**UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO PUT THE ISSUE OF IMPLEMENTING AN ADDITIONAL GAS TAX ON THE BALLOT AS A REFERENDUM IN THE NEXT ELECTION AND CONSIDER THE OPTION OF A FRANCHISE FEE AND OTHER POSSIBLE ORDINANCES THAT CAN BE IMPLEMENTED TO FUND ROAD PAVING AND RESURFACING.**

#### **COMPREHENSIVE PLAN REMEDIAL AMENDMENT**

Mike Sherman, Planning and Zoning Director, gave a historical account of how the board got to this public hearing.

Gadsden County's Growth Management Plan was found not in compliance by the Florida Department of Community Affairs (DCA). The P & Z staff began negotiating with DCA to get the plan in compliance.

A settlement agreement which would bring the plan into compliance was approved by the Board of County Commissioners in December of 1993. The next step is to adopt the remedial amendment to the comprehensive plan. That remedial amendment is adopting by ordinance the settlement agreement which makes the settlement agreement a part of the adopted comprehensive plan.

An ordinance was prepared by the P & Z staff and was approved in context and form by Hal Richmond, County Attorney. In that ordinance, it sets forth all that is included in the remedial amendment.

P & Z Staff recommended that the board adopt the remedial amendment, the 5-year schedule of capital improvements as presented in the agenda. The 5-year schedule lists four roads to be paved in fiscal years 1994 - 1998. That schedule also operates under a couple of assumptions. One - there is \$700,000 available in

Transportation # 2 for road paving projects. Another assumption is that it costs approximately \$250,000 per mile to build and pave a road. The schedule also sets for the storm water management projects associated with the road paving projects.

Comments from the public:

Dan Winchester - encouraged the board to adopt the remedial amendment.

The board entertained questions from the public:

**Harvey Sweeney** - questions regarding the additional gas tax.

**Chris Richards** - number of roads to be paved.

**Archie Mae Carter** - questions regarding fire assessment were not allowed for discussion.

**Sealy Brown** - questions regarding how the 5 cents gas tax should be used.

**Tammy Albritton** - questions regarding Spring Meadows Road

**Sammy Conway** - questions regarding road scraping and pulling the ditches

Mr. Richmond encouraged the board continue to discuss the adoption of the remedial amendment at this meeting.

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 4 - 1 TO ADOPT ORDINANCE AND THE REMEDIAL AMENDMENT WITH OPTION 1 - TO RANK ROAD COUNTY WIDE ACCORDING TO NEED - LISTING THE FOUR ROAD IN THE CAPITAL IMPROVEMENT SCHEDULE - COMMISSIONERS MCGILL, POWELL, PEACOCK AND DAVIS VOTED IN FAVOR OF THE MOTION AND COMMISSIONER DIXON OPPOSING.

Mr. Richmond read the ordinance into the record by title only.

UPON MOTION OF COMMISSIONER DAVIS AND SECOND BY PEACOCK, THE BOARD VOTED 5 - 0 TO APPROVE THE READING OF THE ORDINANCE.

The chair recognized Mr. Walt Jaudzimas for questions.

**SUNSHINE PIPELINE PUBLIC HEARING**

Chairman Dixon recognized Mr. Guyte McCord who outlined the steps already followed by Sunshine Pipeline in an effort to place a pipeline in Gadsden County.

**Speaking in opposition to the placement of the pipeline through the Sycamore and Flat creek area were:**

**Sgt Kinch**- citing the inability to evacuate the area in the event of some disaster occurring with the pipeline.

**Frances Harley** - citing incidents involving damaged pipelines that resulted in large property damages.

**Bill Hoatson** - if this pipeline goes in, it will become a conduit for future pipelines, it will decrease property values. He encouraged the commissioners to say "no" to the pipeline.

**Linda Jaudzimas** - contrasted some of the justification statements made by Sunshine in its application to statistical comparisons of the Flat Creek and Sycamore area. She was careful to point out that she is not opposed to the pipeline in Gadsden County, she just thinks that it could be placed in an area that will affect fewer homes than the preferred route does.

**Speaking in support of the pipeline placement:**

**Rick McCaskill** of the Chamber of Commerce - spoke very briefly to say that the pipeline would be a positive thing for the economic development of the county. He did not recommend a particular route.

**PUBLIC COMMENT:**

**Hubert Clark** - Not opposed to pipeline but put it down I-10 corridor

**Unidentified** - offer Calhoun as preferred route to DEP.

**Clifford Kinch** - Not opposed to pipeline, just opposed to it going through Flat Creek area.

**Walter Jaudazmis** - keep the focus on the people of Gadsden County. Do what it takes to protect Gadsden citizens.

**Betty Kellum** - opposed to pipeline.

Commissioner Peacock said he had met with the citizens of the Flat Creek and Sycamore area and talked to many other people of the county. He noted that everyone he talked to was opposed to the pipeline. In good conscience he would not vote against the will of the people.

**MOTION MADE BY COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DAVIS TO PASS A RESOLUTION AGAINST SUNSHINE PIPELINE TRAVERSING ACROSS THE COUNTY - JUST SAY "NO" TO THE PIPELINE.**

Discussion followed.

Commissioner Peacock called the questions.

**THE BOARD VOTED 4 - 1 TO PASS THE RESOLUTION WITH COMMISSIONER DIXON CASTING THE LONE DESCENDING VOTE.**

**UPON MOTION OF COMMISSIONER PEACOCK, THE CHAIRMAN DECLARED THE MEETING ADJOURNED.**

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Edward J. Dixon  
Chairman

ATTEST:

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Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE BOARD OF  
COUNTY COMMISSIONERS, HELD IN AND  
FOR GADSDEN COUNTY, FLORIDA ON MARCH  
15, 1994, THE FOLLOWING PROCEEDINGS  
WERE HAD, VIZ.

PRESENT: ED DIXON, CHAIRMAN  
FORREST DAVIS, VICE-CHAIRMAN  
BILL MCGILL  
JAMES PEACOCK  
ANTHONY POWELL  
HAL RICHMOND, COUNTY ATTORNEY  
JAMES CARTER, COUNTY MANAGER  
NICHOLAS THOMAS, CLERK

CALL TO ORDER

The meeting was called to order by Chairman Dixon. Commissioner Davis led the audience in pledging allegiance to the U. S. Flag. Commissioner Peacock then opened the meeting with prayer.

ADOPTION OF THE AGENDA - Tape #1; 50

UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO ADOPT THE AGENDA AS PRINTED.

APPROVAL OF MINUTES OF MARCH 1, 1994 REGULAR MEETING Tape #1; 58

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO APPROVE THE MINUTES OF THE MARCH 1, 1994 MEETING AS WRITTEN.

COUNTY ATTORNEY Tape # 1; 65

**Curfew Ordinance - No action taken by board.**

Mr. Richmond asked the commissioners to review the curfew ordinance from Dade County which he had provided to them prior to the meeting. He asked for comments.

Chairman Dixon asked Mr. Richmond to include some financial considerations when preparing one for Gadsden County. He voiced concerns also that it should be accompanied by one within the city as well.

Commissioner McGill asked Mr. Richmond to get a copy of the ordinance passed in Orlando recently so that it can be reviewed at the same time.

Commissioner Powell asked Sheriff Woodham to review the ordinance before it comes back to the board for action.

Mr. Richmond was asked to provide copies of both ordinances to each of the city councils and their respective attorneys as soon as he receives them.

#### **Civil Filing Fees Tape # 1; 133**

**Mr. Richmond was asked to submit this issue to the local bar association for their comments and opinions. No action taken by the board.**

Mr. Tom Long, the Circuit Court Administrator has requested that Gadsden County consider an ordinance providing for additional filing fees to be collected by the clerk and placed into a special fund for the purpose of establishing a mediation and dispute settlement program for certain civil cases. The program calls for an independent mediator who would work with the parties in civil disputes and try to reach a settlement between them without the necessity of a trial. The additional fees would help defray the costs of the mediators. Mr. Long projected the additional fines would generate between \$6,000 and \$7,000 but would not cover the entire costs.

Mediation has become popular and viable in settling cases because it forces the parties involved to sit down and talk about the issues prior to coming to court. It saves time for the judges when cases can be settled ahead of time and it helps the court utilize its time. It would save the county the costs of a jury. It would assist in both county court and circuit court in resolving issues.

Leon County is presently the only nearby county with a mediator program but some of the other counties are considering it.

Mr. Richmond was asked by the board to contact the local bar association to get their comments and interest in establishing a mediator program as well as the imposition of the additional filing fees. He was also to determine whether or not a baliff would be required at the mediation hearings.

Clerk Thomas pointed out that the fees would be assessed on every civil case filed not just those in which mediators are assigned.

#### **FCC Certification to Regulate Cable Rates**

Mr. Jim Richmond referred to the information in the board packets (attached) concerning the process required by FCC to enable Gadsden County to regulate cable rates. After conversations with

County Manager Carter, he felt that it would be important enough to the citizens for the county to bear this burden.

He explained to the board that they have one year (which began on February 13, 1994) to enact a regulation that can be retro-active for one year. There is time to set up the regulation and becomes certified.

The most difficult part will be establishing the regulations themselves. There are a number of ways to approach writing them. The county can attempt to do it themselves; hire consultants to do it for us; or hire consultants jointly with other counties and share the costs.

Mr. Richmond told the board he would sit down with County Manager Carter and determine whether or not the county has the personnel available to draft the regulations ourselves.

The chairman suggested that the cities within the county might be contacted to share in the joint effort if that is the route the county pursues.

#### **Request for Relief of Judgment**

Mr. Hal Richmond conveyed to the board a request for relief of judgment filed by Gadsden County Waste Services for defaulted collection fees on a couple. The judgment is a joint judgment from a legal standpoint. The couple has since become divorced and the judge ordered each of them to pay one-half of the judgement. The husband has offered to pay his half. The request is from him for release of his name from the judgement in exchange for payment of one-half of the judgment. One-half of this judgements amounts to \$1,400.

Discussion followed.

**COMMISSIONER POWELL MADE A MOTION AND IT WAS SECONDED BY COMMISSIONER PEACOCK TO DENY THE REQUEST FOR RELIEF OF JUDGEMENT FOR THE GADSDEN COUNTY WASTE SERVICES BILL.**

Audience discussion was called for by the chairman.

Mrs. Pam Steffan spoke in opposition to the motion on the floor and asked the board to reconsider.

**THE BOARD VOTED 5 - 0 TO DENY THE REQUEST FOR RELIEF OF JUDGEMENT.**

### **Request for Release of Judgement**

**The board denied the request by Florida Gas Transmission to release a judgement against property filed by Gadsden Memorial Hospital in 1979.**

Mr. Richmond has been contacted by Florida Gas Transmission who is seeking the right-of-way on a piece of property which has a judgement against it for \$79.50 by Gadsden Memorial Hospital. They have offered to pay the judgement if the board will waive the interest on the judgement.

**UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 5 - 0 TO DENY THE SETTLEMENT OFFER MADE BY FLORIDA GAS TRANSMISSION FOR RELIEF OF JUDGEMENT OF \$79.50 FILED BY GADSDEN MEMORIAL HOSPITAL.**

### **FY 1993-94 Audit Presentation**

**The board approved the independent audit report presented by Purvis, Gray and Company.**

Mr. Chris Moran of Purvis, Gray and Company presented the audit report for Gadsden County. He reported that he has had conferences with each of the constitutional officers of the county as well as with the county manager and board chairman. He touched on the highlights of the report. He reported that the firm have given the county an unqualified opinion which is the highest level of assurance that a CPA firm can give to a county.

Mr. Moran pointed out that the county has increased the unappropriated fund balance in general fund by \$446,000 which gave a fund balance as of September 30, 1993 of \$1,133,000. It is the highest fund balance the county has had since 1986. He commended the board for raising the fund balance to a reasonable level.

The special revenue funds also increased by more than \$400,000 which brought the balance to over \$1,000,000 by the end of the year.

The county as a whole collected \$800,000 more than it spent last year. In three years, the board has gone from deficit spending to closing more than \$800,000 to fund balance. He stated it is the best financial condition the county has been in for seven to eight years.

The prior year's management comments were satisfied. The only new management letter comment and/or recommendation was related to the SHIP Program. The ordinance requires the money to be invested in a SBA account. The money was invested with a local bank rather than SBA. From a practical standpoint, the board will need to have money in the bank. Mr. Moran recommended that either the board amend the ordinance set up provisions to invest excess funds with SBA. It is not reasonable to have all the money invested with SBA.

In reference to the Internal Control comments, Mr. Moran noted that all small counties have a comment regarding adequate segregation of duties. It is just a standard comment. The only reason for it in this audit is to keep the commission aware of it. There is no feasible way to correct it. The county does not have the resources to hire all the people required by the book.

The ambulance department is now using a collection agency. During the year, there were no official write-offs of the receivables. It is the recommendation of Purvis, Grey and Company that the county develop a written mechanical policy concerning ambulance write-offs. The board needs to decide at what point, accounts can be written off and at what point the accounts should be turned over to a collection agency.

Chairman Dixon expressed appreciation for the thorough and informative explanation of the financial statement Mr. Moran provided to him last week. He encouraged the other board members to take the opportunity to sit down with Mr. Moran on a one to one basis and go through the audit report.

Clerk Thomas thanked Purvis & Gray and told the commissioners that the county was in better financial condition than it has been in for a number of years. He asked that the record reflect his appreciation for the fine work performed by Mrs. Connie McLendon and Ms. Helene Michaels and the entire finance department.

Mr. Moran explained that the 93 audit was officially concluded but he would be available for questions regarding it as long as needed. He then offered an engagement letter for the board's consideration for the new fiscal year.

**PLANNING AND ZONING RECOMMENDATIONS** Tape #1; 1183

**Faith Fellowship Daycare Center - Project #94PZ-4-201-2-3 (attached) -**

**The board approved the Fellowship Daycare Center.**

Faith Fellowship Church proposes to locate a daycare center on an existing church site of 10 acres off Harrell Road approximately .25 miles south of SR 12 and 1 miles west of Havana.

**UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO APPROVE THE FAITH FELLOWSHIP DAYCARE CENTER WITH SPECIAL CONDITIONS AS OUTLINED BY THE P & Z DEPARTMENT.**

### **Mobile Home Inspections**

**The board approved revamping of the mobile home inspections procedures.**

Mr. Sherman discussed with the board problems he has encountered with performing mobile home inspections in compliance with the existing ordinance. The building inspection department has experienced considerable loss of money and man hours inspecting those homes coming into the county from distant locations such as Valdosta, Ga and Gainesville, Fl. He asked the board for authorization to revamp the mobile home inspection procedures and ordinance in such a way as to alleviate some of the burden to the county.

**UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO AUTHORIZE MR. SHERMAN AND THE COUNTY ATTORNEY TO REVAMP THE MOBILE HOME INSPECTION PROCEDURES AND THE ORDINANCE.**

### **Drive-way Variance in Johnson Bluff Subdivision in Gretna**

**The board waived the application fees for Mrs. Kate Williams to pursue a drive way variance through the P & Z process.**

In 1988 the board approved a subdivision located on 65-A in the Gretna area. The subdivision plat shows driveways for 11 lots. When the subdivision was platted, the infrastructure was not required to be in place prior to the approval of the final plat. (Now, all infrastructure is required to be in place prior to final approval of the plat.)

It has been brought to Mr. Sherman's attention that one of the driveway culverts has been placed in a location which is not consistent with the plat. A notice was posted that the culvert would be removed by the Gadsden County Road and Bridge Department.

Through conversations with the property owners and with Commissioner Davis, it appeared that a significant amount of money

has been expended to pave the drive-way and place the culverts. The P & Z Department does not have the authority to administratively approve the placement of the driveway or culvert when it is not in compliance with the subdivision plat. He has investigated the site and reported no significant complications resulting from the placement. He asked the board for directions.

**UPON MOTION OF COMMISSIONER DAVIS AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO WAIVE THE VARIANCE APPLICATION FEE FOR THE PROPERTY OWNER, BUT TO INSTRUCT THE OWNER TO GO THROUGH THE PLANNING AND ZONING PROCESS TO APPLY FOR A VARIANCE FOR THE DRIVE-WAY.**

#### **Sheriff's Questions concerning auditors**

Sheriff Woodham asked the board to clarify the position of the engagement status of the auditors. Will the Purvis, Gray & Company firm be re-engaged or will the board be advertising for bids? Until one or the other is done, who can be contacted for advice and instructions in accounting matters for the county?

The chairman explained that the auditor's services were extended as long as they are needed to defend the 93 audit. The engagement letter for future services was not acted upon by the board. In the event of auditing matters for the immediate time, the county would need to make new engagement arrangements on an as needed basis until the board reaches a decision about future audit services.

**COUNTY MANAGER** Tape #1; 2280

#### **Reorganization and Management Structure (attached)**

**The board approved the new reorganization and management structure.**

County Manager Carter presented the reorganization and management structure explaining that it represents programs that he would like to see implemented in the county.

Commissioners Peacock and Davis spoke briefly stating objections and concerns to the new structure.

Commissioner Powell spoke in support of the new structure.

#### **Citizen input opposing new structure:**

Mr. Harvey Sweeney  
Mr. Nolen Hancock

**Citizen input supporting new structure:**

Mr. Sam Hawkins

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 3 -2 TO APPROVE THE REORGANIZATION AND MANAGEMENT STRUCTURE AS PRESENTED BY MR. CARTER. COMMISSIONERS MCGILL, POWELL AND DIXON SUPPORTING AND COMMISSIONERS PEACOCK AND DAVIS OPPOSING.

**Budget and Finance Policies**

The board approved the new budget and finance policies for FY 94-95.

Mr. Carter presented the new budget policies for board action.

Discussion among the board members followed. It was the consensus of the board that the policy dealing with county manager approval of intra-fund budget amendments should be limited to \$5,000 instead of \$10,000. It was also suggested that the term "emergency funding" should be defined as part of the policies.

UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER MCGILL THE BOARD VOTED 3 - 2 TO APPROVE THE NEW BUDGET AND FINANCE POLICIES BUT AMEND THE INTRA-FUND BUDGET AMENDMENT AMOUNT TO \$5,000 INSTEAD OF \$10,000 AND TO INCLUDE A DEFINITION FOR THE WORD "EMERGENCY FUNDING". COMMISSIONERS MCGILL, POWELL AND DIXON SUPPORTING THE MOTION. COMMISSIONERS PEACOCK AND DAVIS OPPOSING THE MOTION.

**Budget Amendment - Fire Services Assessment - (attached)**

The board approved \$15,700 to approve the funding and establishment of a Fire Services Coordinator.

Mr. Carter related to the board the need to establish a fire services director since Mr. Tommy Baker can no longer effectively manage it along with his responsibilities as Emergency Management Services Director. The requested amount of \$15,700 does not impact the General Revenue fund since it will be taken from the fire assessment.

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 5 - 0 TO APPROVE THE BUDGET AMENDMENT OF \$15,700 FOR FUNDING THE FIRE SERVICES COORDINATOR POSITION.

**Budget Amendment - Professionals Services for Budget Preparation**

**The board approved \$9,000 to be taken from Contingency Funds to pay for professional services to help prepare the 94/95 budget.**

Mr. Carter asked the board to approve \$9,000 from contingency to Office of Management and Budget to pay for necessary professional services in preparation of the new budget. This is the same amount of the contract awarded to OMB Associates who has since withdrawn their bid.

Commissioner Peacock asked what emergency was present in professional services that will require \$9,000 all at one time.

County Manager replied that the money would be used for technical assistance. He referred to a memo written to him by Larry Arrington of the Florida Association of Counties which stated the need for contract services.

Commissioner was opposed to spending the \$9,000 without going out for bids.

Mr. Richmond cautioned the commissioners about taking funds from contingency knowing that the legal bills for conflict murder trials are imminent.

Commissioner Davis warned of the indigent care bills which might also require contingency funds.

**A MOTION WAS MADE BY COMMISSIONER DAVIS, SECONDED BY COMMISSIONER PEACOCK TO DENY THE CONTINGENCY REQUEST. THE MOTION FAILED BY VOTE OF 3 -2. COMMISSIONERS DAVIS AND PEACOCK SUPPORTING THE MOTION TO DENY. COMMISSIONERS POWELL, MCGILL AND DIXON OPPOSING THE MOTION TO DENY.**

Commissioner McGill called attention to the fund balance of \$1,133,000. He stated that the county is not in bad shape.

Clerk Thomas interjected to the commission that it had required diligence to get the fund balance back to a minimal level of comfort. He strongly urged them to operate within the projected revenue this fiscal year and in the future. He stated that the board did not need to get into the posture of spending the reserves.

Commissioner McGill asked how much money was generated on the investments of the reserve funds.

The clerk said he would answer his questions regarding the interest if he would contact him at the office.

COMMISSIONER POWELL MADE THE MOTION TO APPROVE THE CONTINGENCY REQUEST OF \$9,000 FOR PROFESSIONAL SERVICES AND FOR THE BOARD TO MONITOR WHATEVER THE COUNTY MANAGER NEEDS TO DO TO GET THINGS IN PLACE FOR THE BUDGET THIS ONE TIME AND ONE TIME ONLY. COMMISSIONER MCGILL SECONDED THE MOTION. THE BOARD VOTED 3 - 2 IN FAVOR OF THE MOTION. COMMISSIONERS POWELL, MCGILL AND DIXON APPROVING IT. COMMISSIONERS DAVIS AND PEACOCK OPPOSING.

#### **Budget Workshop**

The Board set a workshop meeting for March 23, 1994 - 5 p.m.

Mr. Carter asked the board to set a date for a budget workshop for as early as possible.

It was the consensus of the board to set it for Wednesday, March 23, 1994 at 5:00 p.m. (This date was later changed to Monday, March 28, 1994 at 5:00.)

CONSENT AGENDA Tape #1; 4750

The board approved the consent agenda.

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 4 - 0 TO APPROVE THE CONSENT AGENDA TO WIT: (Commissioner Peacock was out of the room for this vote.)

#### **ATTACHMENTS**

- 1) Satisfaction of Housing Rehabilitation Agreement
- 2) LSCA Grant Application
- 3) Agreement with MDC Leasing, Inc. - Voting Equipment
- 4) Hazard Waste Assessment

#### CLERK OF COURT

##### **Request for Duplicate Tax Sale Certificate**

The Board approved issuance of duplicate tax sale certificate for Mark Rubin.

Mr. Mark Rubin has requested that the tax collector request the board to issue a duplicate tax certificate on his property as the original was lost or destroyed.

UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 4 - 0 TO APPROVE ISSUANCE OF DUPLICATE

**TAX SALE CERTIFICATE FOR MARK RUBIN. (Commissioner Peacock was not present for this vote. )**

**Budget Amendments (attached)**

**The board approved the budget amendments.**

Clerk Thomas presented the budget amendments and asked for approval.

**UPON MOTION OF COMMISSIONER DAVIS AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 5 - 0 TO APPROVE THE BUDGET AMENDMENTS TO WIT:**

- 1) County Transportation # 1 - move money \$2,000 to cover the expenses to prove clean soil at the Road and Bridge Dept at the site of the closure of two abandoned fuel tanks.
- 2) Grants - setting up a litter grant amounting to \$5,000.
- 3) General Fund - line item change moving money to repair and maintenance of equipment

**Cash Balance Report**

The clerk reported \$3.1 million dollars in the General Operating Fund.

**Fire Assessment Funds**

Clerk Thomas told the board he is considering filing for a declaratory judgment in court before making the payment of legal fees to Nabors Law Firm (St. Joe Paper suits) from the fire assessment fund even though he has a written legal opinion from Mr. Richmond stating that it is a proper expenditure. He expressed his continued concern relating to the former ruling by Judge Padovano would prefer a court's judgement before cutting a check.

**Approval of Payment of County Bills**

**UPON MOTION OF COMMISSIONER MCGILL AND SECOND OF COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO APPROVE THE PAYMENT OF THE COUNTY BILLS.**

**CITIZENS REQUESTING TO BE HEARD**

**Michelle Wonsey (not present)**

**Mitch Smith's request for special consideration relating to the sale of property was tabled.**

Mr. Sherman explained that Mr. Smith is a paraplegic who must have a full time attendant. He owns 19 acres of land zoned Ag 2. He would like to sell 2 acres of his property to Shawn Forehand (a long time friend who has helped to care for him) for a homesite. Since the density requirements are 1 unit per 10 acres in Ag 2 area, selling two acres would violate the density level set in the land use map.

The comp plan does allow for deeding of land to members of immediate family which is less than the required "unit per acre". The comp plan defines immediate family as being mother, father, brother, sister, grandfather, grandmother, etc. - basically one line away from the person who owns the property.

The county could expand the meaning of "etc" in the definition of immediate family to cover a caretaker. Otherwise, the county would have to apply for a comp plan amendment and take the risk of it being denied by DCA.

**COMMISSIONER POWELL MADE A MOTION TO TABLE THE DISCUSSION UNTIL THE ATTORNEY CAN STUDY IT AND OFFER SOME ADVICE.**

**DISTRICT 1 REPORT**

Commissioner McGill asked the board to consider conducting budget workshops in each of the municipalities of the county during the process of preparation this year.

**DISTRICT 2 REPORT**

Commissioner Powell reported on a demonstration of dry fire hydrants he had attended in Jackson County. He was impressed with the capability of the hydrants and asked the board if they would be interested in a demonstration in Gadsden County for the volunteer departments.

**DISTRICT 3 REPORT**

**Policy**

**It was the consensus of the board to require all advertisement for bids and proposals to be approved by the board if they are unbudgeted.**

Commissioner Peacock said he had been contacted by someone in his district in response to an advertisement for bid for mowing of the right-of-ways. He was unaware of the bid advertisement since the board had just approved going out for bids for new tractors and mowing equipment. In the past, advertisement for bids have always been done at the instructions and approval of the board.

When Commissioner Peacock confronted the county manager, Mr. Carter replied that he had the authority to do it when it is in the best interest of the county.

Commissioner Peacock stated he felt that the manager owed the board an apology. He then asked the board to express a policy dealing with authorizing of bid announcements.

County Manager Carter explained that he had placed the advertisements merely to offer an alternative to the purchase of new equipment. In the essence of time, he took the initiative to place the adds in order to provide figures for privatization of the mowing at the same time equipment bids are reviewed. After reviewing the procurement policy of the county, he deemed it was in the best interest of the county and was within his authority.

The chairman asked the manager to indulge the board by bringing such matters for approval of the board in the future.

#### **DISTRICT 4 REPORT**

##### **Employee Benefits**

**The board voted to advertise for proposals for health insurance coverage.**

Commissioner Davis reported that the insurance committee had met and is recommending that the board authorize Mr. Lawson to advertise bids for proposals on the county's health insurance.

**UPON MOTION OF COMMISSIONER DAVIS AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO AUTHORIZE THE PURCHASING DIRECTOR TO ADVERTISE FOR PROPOSALS, THE COUNTY'S HEALTH INSURANCE.**

#### **DISTRICT 5 REPORT**

##### **FAC Legislative Day**

Commissioner Dixon reminded the other board members of "Florida Association of Counties Legislative Day" at the Legislature. He encouraged them all to attend as there are important issues coming before the Legislature.

**Pot-hole Patching Demonstration**

Mr. Carter told the commissioners there would be a demonstration of pot-hole patching equipment on Wednesday morning and he invited them to attend.

**UPON MOTION OF COMMISSIONER PEACOCK, THE CHAIRMAN DECLARED THE MEETING ADJOURNED.**

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**Edward J. Dixon**  
**Chairman**

**ATTEST:**

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**Nicholas Thomas, Clerk**

GADSDEN COUNTY LICENSING BOARD

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER  
THE BOARD VOTED 5 - 0 TO APPROVE THE LICENSING OF LESTER  
BERNELL BRINSON, JR. AS A MASTER ELECTRICIAN AND JAMES WILLIAM  
TAYLOR, JR. AS AIR CONDITIONING "B" CONTRACTOR.

\_\_\_\_\_  
Edward J. Dixon, Chairman

ATTEST:

\_\_\_\_\_  
Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE BOARD OF COUNTY COMMISSIONERS, HELD IN AND FOR GADSDEN COUNTY, FLORIDA ON APRIL 5, 1994, THE FOLLOWING PROCEEDINGS WERE HAD, VIZ.

PRESENT: ED DIXON, CHAIRMAN  
FORREST DAVIS, VICE-CHAIRMAN  
BILL MCGILL  
ANTHONY POWELL  
HAL RICHMOND, COUNTY ATTORNEY  
JAMES CARTER, COUNTY MANAGER  
NICHOLAS THOMAS, CLERK

ABSENT: JAMES PEACOCK - excused (memo attached)

CALL TO ORDER

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

ADOPTION OF THE AGENDA Tape # 1; 43

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER DAVIS THE BOARD VOTED 4 - 0 TO ADOPT THE AGENDA AS WRITTEN.

APPROVAL OF MINUTES Tape # 1; 48

The board approved the minutes of the January 31, 1994 special meeting, March 8, 1994 special meeting, and March 15, 1994 regular meeting.

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER POWELL THE BOARD VOTED 4 - 0 TO APPROVE THE MINUTES OF THE JANUARY 30, 1994 MEETING.

UPON MOTION OF COMMISSIONER DAVIS AND SECOND BY COMMISSIONER POWELL THE BOARD VOTED 4 - 0 TO APPROVE THE MINUTES OF THE MARCH 8, 1994 MEETING.

UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER MCGILL THE BOARD VOTED 4 - 0 TO APPROVE THE MINUTES OF THE MARCH 15, 1994 MEETING.

CLERK OF COURT Tape # 1; 77

The board approved all amendment requests except the general fund - probation department request which will be verified by the clerk and resubmitted.

### Budget Amendments

Clerk Thomas presented the following budget amendment requests:

General Fund - Probation Department - line item changes moving money from regular salaries, contractual services and repair and maintenance into overtime and related expenses.

County Transportation # 1 Fund - Line item changes to cover the charges to complete the work on the old abandoned fuel site at public works department and other anticipated expenses in other line items for balance of the fiscal year.

General Fund - County Manager - Line item changes moving \$50 from travel and per diem into employee recognition; \$75 from postage into books/publications/subscriptions/memberships; and moving \$45.00 from repair and maintenance into office supplies.

Fire Control - Line item change requested by Tommy Baker moving \$100 from Imp. other/bldg. into travel.

General Fund - Line item change moving \$3,900 from utilities into equipment (\$2,900) and equipment under \$500 (\$1,000). This is for purchase of equipment for the new judicial facility.

General Fund - OMB Office - Line item change moving \$100 from gas & oil into office supplies.

Grants - Emergency Management Assistance - setting up a new reimbursable grant.

The clerk asked for approval of the amendments as described.

Commissioner McGill questioned the first amendment for the general fund (probation department). He asked about the contractual services from which \$1,500 was taken to cover the overtime.

Mr. Thomas explained the \$1500 was budgeted for Saturday morning activities that Rayfield Elias supervised for Judge Hood's program. He understood that those activities have been discontinued but he had not confirmed that with Judge Hood or the probation department.

There was some discussion among the commissioners as to why the program has been discontinued.

Commissioner McGill requested that the General Fund Amendment for the probation department be removed from consideration at this meeting and asked the clerk to verify the justification of the amendment request and submit it again at the next meeting.

**UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 4 - 0 TO APPROVE ALL AMENDMENTS EXCLUDING THE ONE FOR THE GENERAL FUND - PROBATION DEPARTMENT. Preliminary Revenue Projections Tape # 1; 220**

Clerk Thomas called attention to the revenue projections included in the agenda packets. He briefly explained how he had arrived at the figures and that the numbers would change later in the year.

**Approval of Payment of County Bills Tape # 1; 688**

**The board approved the payment of the county bills.**

**UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 0 TO APPROVE THE PAYMENT OF THE COUNTY BILLS.**

**The clerk then excused himself from the meeting.**

**REQUEST FROM CITY OF GRETNA Tape 1; 700**

Mr. A. W. (Walter Watson) and Mr. Charles Hayes spoke to the board requesting the county's assistance scraping roads, pulling ditches and installing a .25 mile road in the Gretna area. They also asked for the county to make an installment arrangement for the city to pay for the services. They expressed an urgent need for the assistance.

Discussion followed. It was the consensus of the board to have the county manager and the city manager to first determine that there are no outstanding invoices for work previously performed for Gretna, then work out a feasible arrangement to get the work done without further approval from the board.

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 4 - 0 TO HAVE THE CITY MANAGER AND THE COUNTY MANAGER TO WORK OUT A FEASIBLE ARRANGEMENT WHICH IS AGREEABLE WITH BOTH OF THEM TO GET THE ROAD WORK DONE AS REQUESTED BY GRETNA. IF THE ARRANGEMENT IS AGREEABLE WITH BOTH OF THEM, THERE WILL BE NO NEED TO COME BEFORE THE BOARD FOR FURTHER APPROVAL.

COUNTY ATTORNEY Tape # 1; 893

Recent Supreme Court Ruling affecting Planning and Zoning

Mr. Hal Richmond called attention to a Supreme Court Ruling ( Brevard County v. Jack R. Schneider) relating to the Planning and Zoning Requirements. In approving Planning and Zoning applications and reapplications, the Board of County Commissioners has always been considered a legislative body. The Supreme Court has now ruled that the Board of County Commissioners sit as a quasi-judicial body when hearing zoning application requests. In acting in a judicial capacity, there are certain requirements in a minimum "due process."

The result of that ruling necessitates a change in the way the applications are processed. Mr. Richmond suggested that the board prepare some practical considerations as to what the "minimum due process" should be. Things to be considered will be: a commissioners freedom to discuss rezoning issues outside the record, need for court reported present for the proceedings, etc.

Mr. Richmond told the board that he would speak with Mr. Sherman about these issues and be prepared to present some new procedural considerations by the next meeting. He welcomed the commissioners input but cautioned them to not to jeopardize any pending issues by discussing them off the record with anyone until further clarification of the ruling can be obtained.

Curfew Ordinance Update Tape #1; 1021

Commissioner Powell and Attorney Richmond were instructed to proceed with forming a committee to study the need for a curfew ordinance and follow up with an ordinance as determined by the committee.

Mr. Richmond had previously provided a copy of the Orlando curfew ordinance and the Dade County curfew ordinance for the commissioners to review. He told them that those ordinances have been legally challenged by the ACLU. Mr. Richmond suggested that

the commissioners appoint a task force to do "fact finding" before an ordinance is enacted.

Mr. Richmond had mailed copies of the ordinances to all law enforcement agencies in the county and asked for their input.

He asked for the board's guidance on setting up such a committee.

It was the consensus of the board to proceed with the establishment of a committee to study the need for the ordinance and if the need for one is well founded, the committee is to proceed with writing a draft ordinance. Mr. Richmond and Commissioner Powell were instructed by the board to spearhead the committee.

**Nudity Ordinance Update** Tape # 1; 1220

**The board authorized Mr. Richmond to advertise the notice of intent to adopt the nudity ordinance as previously submitted and defer the other considerations until the Land Development Code of the comp plan can be amended to address those issues.**

Mr. Richmond reported that he had considered a number of different matters brought to his attention in revising the nudity ordinance he had previously submitted for adoption. His recommendation was to return to the ordinance he had originally proposed and address the other matters in the Land Use Regulations and Zoning Ordinances.

Mr. Richmond asked for authority to publish the notice of intent for a public hearing on May 3 and defer the other issues until the Land Development regulations can be adopted.

**UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 4 - 0 TO AUTHORIZE ADVERTISEMENT OF THE NOTICE OF INTENT TO ADOPT AN ANTI-NUDITY ORDINANCE ON MAY 3, 1994.**

**Amendment to Ordinance 93-001** (attached) Tape # 1; 1295

Mr. Richmond offered the amendment to ordinance 93-001 for adoption. The ordinance removes the stipulation that local housing assistance fund be invested in the State Board of Administration's account. The amendment will allow the funds to be placed in a special escrow account designated as the Local Housing Assistance trust Fund. The notice of intent was advertised in the May 31, 1994 Gadsden County Times.

**UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 4 - 0 TO ADOPT THE AMENDMENT TO THE SHIP ORDINANCE # 93-001.**

**Vehicle Impoundment - County Court Order Declaring the Vehicle Impoundment Statute 316.1936 B Unconstitutional Tape # 1; 1336**

Florida Legislature passed a new statute last year which allows impoundment of vehicles involved in Driving under the influence cases. Judge Hood has ruled the law unconstitutional and issued a restraining order because of the costs of implementation.

**Inquiry on Court Room facilities Tape # 1; 1352**

**Mr. Richmond was asked to convey to the judge that the board is moving expeditiously on the building.**

**The board authorized RFP for replacement of the roof on the Courthouse Annex # 3.**

Mr. Richmond reported he has contacted by the Chief Judge inquiring about the courtroom space the commission promised the circuit judges. He asked for guidance to address the subject with Judge Padovano.

County Manager Carter told Mr. Richmond of his correspondence with Judge Gary informing him of the status of the renovation. Progress has been stalemated because the building inspector can not yet issue a certificate of occupancy because of the condition of the roof. He reported that the damages are extensive and can cost as much as \$50,000. The costs of a new roof has not been budgeted. He assured Mr. Richmond that he would have more information on the facility by the next meeting. He noted that he was attempting to get an appraisal on the facility to see if it will be costs effective to replace the roof.

Commissioner Powell reminded the commission that the county has this obligation and the board is compelled to follow through with completion of the project. He encouraged them to continue with the renovation and do what is right as a good faith effort.

Mr. Carter requested authority from the board to develop a request for proposals for replacing the roof on the courthouse annex # 3.

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER DAVIS , THE BOARD VOTED 4 - 0 TO AUTHORIZE THE COUNTY MANAGER TO DEVELOP A REQUEST FOR PROPOSAL FOR A NEW ROOF FOR COURTHOUSE ANNEX # 3 AND TO PREPARE IN-HOUSE COST COMPARISONS RELATING TO THE VALUE OF THE FACILITY AS SOON AS POSSIBLE.

Resolution approving chairman's signature on fire truck lease/purchase agreement Tape #1; 1616

Mr. Richmond called attention to the boards previous action to purchase a fire truck. The leasing company requires a resolution to be passed by the board authorizing the chairman and the clerk to execute the lease/purchase agreement.

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 4 - 0 TO AUTHORIZE THE CHAIRMAN AND CLERK TO SIGN AND EXECUTE THE LEASE/PURCHASE AGREEMENT FOR THE NEW FIRE TRUCK PREVIOUSLY APPROVED BY THIS BOARD.

PLANNING AND ZONING Tape # 1; 1654

Code Enforcement Issues

It was the consensus to address this issue in a work session.

Mr. Mike Sherman, Planning and Zoning Director, told the commissioners he has encountered problems with code enforcement issues. Whenever violations occur, the department sends letters to the violator requesting them to comply with the county ordinances governing the violation. When letters from the department fails, he has asked the State Attorney to write follow-up letters. The problem occurs when those measures don't result in resolution of the violation. His department has no authority to do anything more.

The nuisance ordinance allows the county commission to sit as a code enforcement board. It also allows the commission to set up an independent enforcement board. He requested permission to bring code violation cases to the board for enforcement until such time that a separate board is established.

The board postponed making a decision on this matter until it can be addressed in a work session.

COUNTY MANAGER Tape # 1; 1910

Request for Gadsden County Health Department Unit Renovations

The board voted to approve renovations to the clinic area, waiting room area and medical records area.

Chairman Dixon called attention to a letter from Jerry Wynn, HRS Health Department Administrator, requesting permission to make renovations to the building which houses the Public Health Unit.

UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 4 - 0 TO APPROVE THE RENOVATIONS TO THE COUNTY PUBLIC HEALTH UNIT.

Bid Committee Recommendations Tape # 1; 1938

The Bid Committee Recommendations were tabled.

Mr. Carter told the commissioners that he needed to speak again with the bid committee on their recommendations and requested that the matter be tabled until the next board meeting.

Audit Engagement Letter from Purvis, Gray & Company Tape # 1; 1955

The board voted to approve the Audit Engagement Letter with Purvis, Gray & Company provided that they include in their proposal a reflection of local revenues.

Mr. Carter recommended to the board that they approve the audit engagement letter previously presented to them by Purvis, Gray & Company.

Commissioner McGill raised a question about the auditor's proposal dealing with local revenues. The proposal letter does not specifically states that their services will cover state assistance and local revenue funds. Discussion followed.

A MOTION WAS MADE BY COMMISSIONER MCGILL AND SECONDED BY COMMISSIONER DAVIS TO APPROVE THE AUDIT ENGAGEMENT LETTER IF THEY WILL AMEND THEIR PROPOSAL TO SPECIFICALLY IDENTIFY AND REFLECT LOCAL REVENUES IN THE AUDIT. THE ENGAGEMENT PERIOD IS FOR 1 YEAR WITH PURVIS, GRAY & COMPANY.

Ms. Millie Forehand from the audience asked if the motion was irrespective of any additional costs.

THE BOARD VOTED 4 - 0 TO APPROVE THE AUDIT ENGAGEMENT LETTER.

Mr. Carter asked to have a work session with the board to discuss Planning and Zoning application and reapplication procedures, proposal received on county mowing service.

The chairman asked that discussion of a work session be moved to the end of the meeting agenda.

**EMS REQUESTS FOR CONSIDERATION**      Tape #1; 2243

**Bids for Old Radio Tower**

Mr. Tommy Baker presented bids for the radio tower behind the Highway Patrol Station. The county attorney advertised for bids for the property at the board's instruction. Three bids were received. The highest bid was for \$11,500 for the 1.33 acres, a small concrete block building and the 250 ft. radio tower. The high bid was submitted by Charlie J. Folmer.

**UPON MOTION BY COMMISSIONER DAVIS AND SECONDED BY COMMISSIONER POWELL, THE BOARD VOTED 4 - 0 TO ACCEPT THE HIGHEST BID BY MR. CHARLIE J. FOLMER FOR THE LAND, BUILDING AND 250 FT. RADIO TOWER.**

**Request for lease of radio tower space from private vendor**  
Tape #1; 2307

Mr. Baker informed the board of a request received from a private vendor to lease space on the new tower at the county jail, to place two antennas and radio equipment for a commercial paging system.

EMS staff recommended that the county proceed with the project if all terms and conditions from the Division of Communications and county requirements are met. (These conditions are listed in the attached letter.)

Mr. Baker then requested conceptual approval for the lease pending compliance with all terms and special conditions outlined by the State Division of Communications and pending negotiation of satisfactory terms and conditions with the county manager.

**UPON MOTION BY COMMISSIONER POWELL AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 4 - 0 TO APPROVE THE CONCEPTUAL APPROVAL OF THE LEASE OF RADIO TOWER SPACE SUBJECT TO THE SPECIAL CONDITIONS OUTLINED BY THE STATE DIVISION OF COMMUNICATIONS AND REQUIREMENTS OF THE COUNTY.**

EMS Billing & Collection Policy & Write-off of 1990 EMS  
Accounts Tape # 1;2397

Mr. Baker presented the board with a draft copy of billing and collection policies which have been previously submitted to them for approval. He requested adoption of the policy and approval of the write-off of EMS bad debt accounts.

UPON MOTION OF COMMISSIONER DAVIS AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 4 - 0 TO APPROVE THE EMS BILLING AND COLLECTION POLICY AND APPROVE THE WRITE-OFF OF THE 1990 ACCOUNTS.

Deed releasing the old radio tower to highest bidder Tape #  
1; 2440

Mr. Baker asked Mr. Richmond to prepare a deed for the highest bidder of the old radio tower. Mr. Richmond in return asked the board to authorize the chairman to execute a deed to benefit the person purchasing the tower.

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER DAVIS THE BOARD VOTED 4 - 0 TO AUTHORIZE THE CHAIRMAN TO SIGN AND EXECUTE THE RADIO TOWER DEED TO CHARLIE J. FOLMER.

CONSENT AGENDA (Attached) Tape # 1; 2480

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 4 - 0 TO APPROVE THE CONSENT AGENDA TO WIT:

- 1) Approval of the changes to the SHIP three year plan
- 2) Satisfaction of the Housing rehabilitation agreement for Elnora Harrington
- 3) Approval of Gadsden County Affordable Housing Incentive Plan
- 4) Approval to include the minutes of the Affordable Housing Advisory Committee meeting and the minutes of the Partnership Committee meeting as part of the Board of County Commission minutes.
- 5) Lease Agreement for the State Livestock & Crops Pavilion Annex

**6) Resolution - "Keep Gadsden Beautiful Month"**

**DISTRICT 1 REPORT** Tape # 1; 2488

Commissioner McGill presented petitions from the citizens in Midway who are opposed to the placement of the Sunshine Pipeline down the I-10 corridor. He asked that they be made a part of the record.

**DISTRICT 2 REPORT**

Commissioner Powell referenced the "County-wide Clean-up Day" scheduled for April 16, 1994. He encouraged the other commissioners and the citizens to partake in each of their districts to clean the roadsides. Efforts can be coordinated with Mr. Herb Chancey on any day - not just April 16.

**DISTRICT 3 REPORT**

Commissioner Peacock was not present.

**DISTRICT 4 REPORT**

Commissioner Davis reported things running smoothly in District 4.

**DISTRICT 5 REPORT**

Chairman Dixon had nothing to report from District 5.

**CITIZENS TO BE HEARD**

Mr. L. L. Shaw addressed a question to the county manager. He reported a large pot hole in the road on 65-C. He indicated that the pot hole was 2 feet wide and 2.5 feet long and 1 foot deep. He said that the hole was dangerous and could cause an accident.

Chairman Dixon asked the county manager to put this matter on the public work department's agenda.

**ADJOURNMENT**

UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER  
MCGILL, THE CHAIRMAN DECLARED THE MEETING ADJOURNED.

\_\_\_\_\_  
Edward J. Dixon, Chairman

ATTEST:

\_\_\_\_\_  
Nicholas Thomas, Clerk

Attachment 1

Memo from Commissioner Peacock

Attachment 2

Agenda

Attachment 3  
County Transportation # 1 Budget Amendment

Attachment 4  
Budget Amendment - General Fund

Attachment 5  
Budget amendment - Fire Control

Attachment 6  
Budget Amendment -General Fund - Judicial facility

Attachment 7  
Budget Amendment - General Fund - OMB

Attachment 8  
Budget Amendment - EMA Grant

Attachment 09  
Preliminary Revenue Projections













City of Gretna's letter for assistance with roads

Attachment 10  
Supreme Court Ruling Brevard County vs. Jack R. Schneider





















## Curfew Ordinance















































Attachment 12  
Nudity Ordinance

































Amended Ordinance 93-01







Court Order finding Vehicle Impoundment Unconstitutional





Resolution - approving chairman's signature on fire truck  
lease/purchase agreement

HRS request for renovation to Public Health Unit

Audit Engagement Letter with Purvis, Gray & Company





Notice of Intent to sell old radio tower

Bids for old Radio tower













Request for lease of radio tower space







EMS Billing & Collection Policy & Write-off of 1990 EMS Accounts



























Deed Releasing the old radio tower to Charlie Folmer

SHIP three-year plan













Satisfaction of Housing rehabilitation agreement for Elnora  
Harrington

## Affordable Housing Incentive Plan











Minutes of Housing Assistance Partnership Meeting for March 22,  
1994



Minutes of Affordable Housing Selection Committee Meeting March 22,  
1994

Minutes of Affordable Housing Advisory Committee Meeting March 22,  
1994

Lease agreement on the state livestock & crops pavilion annex



Resolution - "Keep Gadsden Beautiful Month"

Petitions opposing Sunshine Pipeline Placement along I-10 corridor



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AT A REGULAR MEETING OF THE BOARD OF  
COUNTY COMMISSIONERS, HELD IN AND  
FOR GADSDEN COUNTY, FLORIDA ON APRIL  
19, 1994, THE FOLLOWING PROCEEDINGS  
WERE HAD, VIZ.

PRESENT: ED DIXON, CHAIRMAN  
FORREST DAVIS, VICE-CHAIRMAN  
BILL MCGILL  
JAMES PEACOCK  
ANTHONY POWELL  
HAL RICHMOND, COUNTY ATTORNEY  
JAMES CARTER, COUNTY MANAGER  
NICHOLAS THOMAS, CLERK

CALL TO ORDER

Chairman Dixon called the meeting to order. Commissioner Powell led in the Pledge of Allegiance to the U. S. Flag and Commissioner Peacock then opened the meeting with prayer.

ADOPTION OF THE AGENDA (Attached) Tape # 1; 59

**Agenda was amended then adopted.**

County Manager Carter asked to add "purchase of mowing equipment versus contracted mowing services" to the agenda under the county manager's agenda.

Commissioner Davis asked to have the Fire Department's funding request removed from the consent agenda for discussion.

UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO ADOPT THE AGENDA AS AMENDED TO INCLUDE "purchase of mowing equipment versus mowing contract services" and remove the "fire department's funding request" from the consent agenda and place it on the agenda for discussion.

APPROVAL OF MINUTES - April 5, 1994

Minutes of April 5, 1994 were approved.

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO APPROVE THE MINUTES OF THE APRIL 5, 1994 MEETING.

**PLANNING AND ZONING** (Memo Attached)

**Stewart's Ridge Subdivision final plat approval**  
**Helen Butler Beauty Salon approved**  
**Kay Williams Variance approved**  
**Keith Plat variance approved**  
**Florida Reduction Corporation's request to negotiate for county's solid waste approved**  
**P & Z Commission appointments made - Don White (at-large) and Trey Morgan III (alternate)**

**Stewart's Ridge - Project 92PZ-13-207-5-7**

Stewart's Ridge is a proposed subdivision for mobile homes and/or site-built homes on five (5) lots totaling 3.4 acres (.058 acres average size) that is seeking final approval. The property consists of 46 acres. The site is located on the east side of Gene Williams Road just off of Spooner Road (CR267A), approximately .5 miles north of Old Federal Road (CR 65B). The applicant and property owner is Mr. D'Arsey Stewart, Rt. 3 box 2024, Quincy, FL 32351. The developer's agent is Mr. John Johnson, PO Box 582, Quincy, FL 32353.

The Planning and Zoning Commission recommended approval subject to conditions as listed in the attached memo.

The Planning and Zoning Staff recommended final plat approval subject to conditions outlined in the attached memo.

Mr. Sherman explained that this project was given preliminary approval by the board and a comp plan amendment has been done.

The P & Z staff is not in possession of the mylar maps but does expect to receive them within the next day or so.

There were no questions by the board or the audience.

**UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER MCGILL THE BOARD VOTED 5 - 0 TO APPROVE THE FINAL PLAT OF THE STEWART'S RIDGE PROJECT.**

**Helen Butler's Beauty Salon - Project (94PZ-5-203-2-4) Tape # 1;**  
178

Helen Butler's Beauty Salon proposes to use an existing building as a hair salon. The property consists of 10 acres and is situated on the west side of SR 267 just north of CR 483. The site

consists of approximately .5 acres. The applicant and property owner is Ms. Helen Butler, Rt. 5, Box 193, Quincy, FL. 32351.

The Planning and Zoning Commission recommended approval subject to conditions as listed in the attached memo.

The Planning and Zoning Staff recommended approval subject to special conditions as listed in the attached memo.

Discussion followed. Questions were entertained by the chairman.

**UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO APPROVE THE PROJECT OF HELEN BUTLER'S BEAUTY SALON SUBJECT TO CONDITIONS AS LISTED IN THE ATTACHED MEMO.**

#### **Williams Variance - Project 94PZ-6-203-4-4**

Ms. Kay Williams is requesting a variance for an additional driveway culvert that has been placed on the west side of Dewey John Road (CR65A) and .1 miles south of CR 270A just outside of Gretna in the Johnson's Subdivision. The property consists of one acre. The applicant and property owner is Ms. Kay D. Williams. P. O. Box 392, Gretna, FL 32332.

The Planning and Zoning Commission recommended that the additional culvert should remain in place but not to allow any additional accessways onto Dewey Johnson Road from this development.

The Planning and Zoning Staff recommended the same.

**UPON MOTION OF COMMISSIONER DAVIS AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTE 5 - 0 TO ALLOW THE CULVERT TO REMAIN, BUT NOT ALLOW ANY MORE ACCESSWAYS ONTO DEWY JOHNSON ROAD FROM THE DEVELOPMENT.**

#### **Plat Variance - Project # 94PZ-7-201-1-4 Tape # 1; 167**

Mr. Keith Plat is proposing to construct a house on lot # 3, block E of Lantern Lane Estates (situated .2 miles west of US 27 on the south side of Lantern Lane) on a .45 acre site and is requesting a variance from the 35 foot front setback requirement for the placement of the septic tank and drainfield. The applicant

is Mr. Keith Plat, Lifestyles Development Co., 1338 Vickers Road, Tallahassee, FL 32308. The property owner is Mr. Richard Yates, 3111-21 Mahan Dr., # 115, Tallahassee, FL 32308.

The Planning and Zoning Commission recommended approval of the variance subject to conditions listed in the attached memo.

The Planning and Zoning Staff recommended approval subject to the special conditions listed in the attached memo.

Questions were entertained from the board.

There were no questions from the audience.

**UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 5 - 0 TO APPROVE THE PLAT VARIANCE SUBJECT TO THE CONDITIONS LISTED IN THE ATTACHED MEMO.**

### **Gretna Reduction Corporation Request**

Mr. John Mathews from Florida Reduction Corporation is a potential contractor with the city of Gretna for their future municipal solid waste volume reduction facility and pelletizing plant. His appearance before the board was just to make a point of information that they would be in production during the first quarter of 1995. The facility being installed will be for non-hazardous household solid waste wherein a certain amount of products will be extracted (such as metal, paper, plastic) from the solid waste and in turn a small portion will be returned to a land fill. The remainder will be pelletized as bile-mass fuel for boilers located in Florida. There will be no odors emanating from the facility.

The business will be located on Lot 7 of Gretna's industrial park next the railroad track.

The city received a permit from the Department of Environmental Protection in February of 1994. The permit allows for a maximum of a two-day supply of municipal solid waste on the floor of the facility.

The waste will be hauled in completely enclosed vans. They expect a maximum of 300 tons a day for 5 - 6 days a week. Realistically, it will take 2 years to work up to that volume.

Florida Reduction now is shipping pellets to Georgia.

They do not expect to utilize the railroad.

Florida Reduction Corporation will employ 50 - 60 people from the local area. Mr. Mathews went on to say that he believes that his company can save the county money. He told the board that he has reached a stumbling block and is uncertain as how to proceed with offering their services to the county. He asked for their blessing and permission to work with the county attorney and the planning and zoning department and ultimately submit a proposal for the board's consideration.

**UPON MOTION OF COMMISSIONER DAVIS, SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO ALLOW NEGOTIATIONS BETWEEN FLORIDA RECOVERY CORPORATION, THE COUNTY MANAGER, THE COUNTY ATTORNEY AND WASTE MANAGEMENT. THEY ARE TO TAKE NO ACTION WITHOUT REPORTING BACK TO THE BOARD WITH A PROPOSAL.**

**Planning and Zoning Commissioner Appointment** Tape #1; 819  
(Resume's attached)

Mr. Sherman reminded the board that the planning and zoning commission advertised for an at-large planning commissioner. The commission also has an opening for an alternate commissioner. Two applications were submitted. He asked the board to appoint one of the applicants as the at-large and the other as the alternate commissioner.

**UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO APPROVE THE APPOINTMENT OF DON HILTON WHITE AS THE AT-LARGE COMMISSIONER AND PAUL (TREY) H. MORGAN III, P.E. AS THE ALTERNATE COMMISSIONER TO THE PLANNING AND ZONING COMMISSION.**

**ECONOMIC DEVELOPMENT UPDATE** (Memos attached) Tape # 1; 901

**Industrial Development update given  
Chamber of Commerce's Request for additional \$10,000 - no  
action taken**

Mr. Rick McCaskill, Chamber of Commerce Executive Director, appeared before the board to brief them on the progress made with respect to economic development in the county.

- tomato packing house construction has begun. The plant will employ 200 people.

- Chicago trade show yielded numerous leads on industrial possibilities for the county - 12 strong leads.
- discussion with cities of Quincy & Gretna & DEP in reference to waste water use.
- Industrial parks and buildings are diminishing in number prompting discussions for new parks and building.
- large metal working operation contemplating move to Quincy - negotiations pending.
- woodworking company negotiations beginning to unfold.
- prison employment group - town meetings arranged to get out public information April 25-27.
- traffic problems approached with DOT and Planning & Zoning.
- "federal enterprise zoning" possibilities researched.
- search for industrial park development grants
- plans for Steel City to open in the old Gulf Steel building progressing.
- Holiday Inn Express to open for business end of April.

#### **\$10,000 Budget Request**

When the 92-93 budget was passed by the BOCC, the chamber's budget was reduced by \$10,000. At that time the board instructed Mr. McCaskill to approach them in April and request the additional \$10,000. The board agreed to re-evaluate the county's financial situation at that time and possibly re-instate the amount removed from their request. Mr. McCaskill requested the additional money.

Commissioner McGill asked how many jobs the chamber has brought into the county since last September to which Mr. McCaskill replied 300 +. He added that many of those openings came into effect after more than a year of negotiations. He remarked that the chamber has brought in many jobs and a substantial amount of tax revenue to the county.

Chairman Dixon asked Mr. McCaskill to prepare a brief containing compact but very specific information relating to the accomplishments of the Chamber of Commerce to justify the request for the additional \$10,000.

Commissioner Davis asked how much money was left in the contingency fund. Clerk Thomas confirmed the balance of the contingency fund to be \$62,961.00.

Commissioner McGill asked Mr. McCaskill to research what the average wage per hour is for the new jobs created by the new

industries. Mr. McCaskill was also asked to include the number of local people employed by these industries.

**COUNTY MANAGER** Tape #1; 1355

**New purchasing policy tabled**

**Advertising for new roof for Annex # 3 approved**

**Sheriff's request to replace and repair damaged equipment at  
delayed for more information from  
insurance company.**

**Re-advertisement of budget to show \$59,000 additional revenue  
and \$57,666.38 additional expenditures  
for building inspection department approved**

**Bid # 94-10 - Petroleum Products awarded to B.P. Oil**

**Bid # 94-13 - Metal Building for Mosquito Control Chemicals  
not awarded due to lack of funds**

**Purchase of 3 tractors to be made from the state contract.  
Independent financing to be arranged. No  
action taken on the purchase of the mowers.**

**Revised Purchasing Policy (Attached)**

Mr. Carter called attention to the revised purchasing policy which was submitted for the board's review on March 22. He asked the board to adopt the revised comprehensive procurement policies as presented.

Commissioner Davis remarked that he need more time to study the policy before it was approved.

**UPON MOTION OF COMMISSIONER DAVIS AND SECOND BY COMMISSIONER  
PEACOCK THE PURCHASING POLICY WAS TABLED.**

Discussion ceased.

**Sheriff's Request to Replace Damaged Radio Equipment and Install  
Lightning Protection (memo attached)**

Mr. Carter presented the board with a memo from Sheriff Woodham asking for communications repair at the jail due to lightning damage last year. (This request was first made at the October 5, 1993 meeting at which time the Acting County Manager and County Attorney was asked to make inquiries to see if the damages should be covered by insurance.)

The sheriff has requested that the proceeds (\$11,500) from the sale of the "old radio tower" be used in addition to other money to make adequate repairs.

Mr. Carter's recommendation was for the board to request an itemized listing of radio or computer equipment to be replaced or repaired with the \$11,500 if the board approves the sheriff's request.

Discussions concluded that the \$11,500 would not pay for all the repairs and replacements needed.

No action was taken. It was the consensus of the board to table discussion. County Attorney Hal Richmond was instructed to check on the insurance coverage and report back to the board.

**Re-Roof of Courthouse Annex #3** (Estimate Attached)

Mr. Carter advised the board of an estimate of costs to replace the roof on the new courtroom facility (old DOC Vocational School). Shields Enterprises, Inc., submitted an estimate of \$17,000 for the replacement of the roof.

Mr. Carter asked for direction from the board.

Discussion followed.

Clerk Thomas advised there is some money left in the annex # 3 budget to help cover the costs of the roof replacement.

**UPON MOTION OF COMMISSIONER DAVIS AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO AUTHORIZE THE COUNTY MANAGER TO ADVERTISE FOR BIDS FOR NEW ROOF FOR THE COURTHOUSE ANNEX #3.**

**Capital Items Request for Building Inspections Division - (Memo Attached)** Tape #1; 1660

Mr. Carter presented the board with a request from the building inspection department for 3 computers, 3 pick-up trucks, several manuals and money for OPS staff person. The total fiscal impact is \$57,666.38.

The funds are not available in the 92-93 budget. However, the building inspection department has received \$59,000 in unanticipated revenue since implementation of the current budget.

Mr. Carter recommended that the board advertise the additional revenue and expenditures and thus approve the request.

Discussion followed.

Clerk Thomas made two comments:

- 1 - The budget can be re-advertised and accomplish the building inspection department's request. If that is done, the 94/95 year revenue projections will have to be adjusted downward by that amount because that \$59,000 was reflected in the appropriated fund balance. (The revenue projections were submitted at a previous board meeting.)
- 2 - The board should not assume that all line items were understated just because the projections in this line item were understated on the revenue estimates for the current budget.

Commissioner Davis cautioned that the remainder of the year may not be as productive as it has in the first part of the year and the excess fees may be needed to balance next year's budget.

Chairman Dixon reasoned that such capital items might be done in a more orderly fashion within the new budget process. He added that he understood and supported the request but was of the opinion that the timing was inappropriate.

Commissioner Peacock supported the chairman's position.

Mr. Sherman commented that the building inspection office is basically archaic in its operations. The equipment requested should bring the department up to a good level of service to the public. He stated that he thought the board's point of view was not correct.

Chairman Dixon once again stated that he thought the request should be evaluated in the context of the total budget at a more appropriate time.

Mr. Richmond noted that Chapter 125 of the Florida Statutes and Building Inspections code states that if fees are received and there is insufficient funding provided to properly inspect the buildings from which the fees are received, it puts the county in a difficult situation. A difficulty does exist in the department with staffing, equipment, etc. The matter must be addressed. There is a statutory requirement that the funding of the fees

received should insure that there is an appropriate "in-place" building inspection department that is properly funded and able to carry out its duties.

**UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 3 - 2 TO ADVERTISE THE BUDGET TO SHOW THE INCREASE OF REVENUES AND EXPENDITURES AND APPROVE THE REQUEST OF THE BUILDING INSPECTION OFFICE AS REQUESTED. COMMISSIONERS MCGILL, POWELL AND DIXON SUPPORTING THE MOTION, AND COMMISSIONERS DAVIS AND PEACOCK OPPOSING.**

**Bid Committee Recommendations (Attached) Tape # 1 ; 2179**

**Bid # 94-10 - Petroleum Products**

B. P. Oil was noted to be the most responsive bidder. The Bid Committee recommended awarding of the bid to B.P. Oil.

**UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 5 - 0 TO APPROVE AWARDING OF THE BID TO B.P. OIL.**

**Bid # 94-13 - Metal Building for Mosquito Control Chemicals**

Mr. Carter reported the bids were opened on Monday, April 18th. Two bids were received. There is not sufficient funds to move forward with awarding of the bids, therefore he recommended no purchase at this time.

**Purchasing Mowing Equipment Versus Mowing Contracting Services Recommendations attached. Tape # 1; 2290**

Mr. Carter offered three options for consideration of mowing.

The bid committee's recommendation was to purchase the tractors from the state contract rather than award it to any of the vendors who submitted bids. The savings to the county by purchasing from the state contract is \$22,400.00. Independent financing would have to be arranged.

The bid committee also recommended the purchase of three heavy duty mowers from the lowest bidder. Mr. Lawson stated that the lowest bid on the model 3615 (Bush-hog) was from Swearington of

Marianna, FL but he was unable to give the board the specific bid amount.

Commissioner Peacock could not support awarding of a bid on the mowers in the absence of cost figures relative to the bid award.

The chairman asked the board to take action on the tractors only and entertain the purchase of mowers at a later date. He then instructed the purchasing director to submit additional information including the bid prices for the board's consideration at a later date.

**UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 5 - 0 TO PURCHASE 3 TRACTORS FROM THE STATE CONTRACT.**

It was the consensus of the board to entertain purchase of the mowers at a later date.

**CONSENT AGENDA** Tape #1; 2632

**EMS Write-off Resolution approved  
Extension of Lease for Recycling Program approved  
Quincy-Gadsden Airport Authority FY 1993 Audit approved  
Wetumpka VFD & Coonbottom VFD Funding Requests approved**

**UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO APPROVE THE CONSENT AGENDA AS AMENDED TO WIT:**

- (1) EMS Write-off Resolution (Attached)**
- (2) Extension of Lease for Recycling Program (Attached)**
- (3) Quincy-Gadsden Airport Authority FY 1993 Audit (Attached)**

**Public Input**

**Mr. Nolen Hancock** asked the chairman what was the total amount of the EMS write-off.

The chairman was unable to answer the question because the board had actually approved the write-off at the last regular meeting. (It was only before the board to formally pass a resolution to that effect at this meeting.) He asked Mr. Hancock to telephone or visit with the county manager to get the information.

### **Fire Departments' Funding Requests**

The Fire Advisory Board met on April 7, 1994 and recommended two emergency funding requests. Wetumpka Volunteer Fire Department is in need of a truck repair and re-painting that totals \$1,284.00.

Coonbotton Volunteer Fire Department has requested a folding water tank, a dump valve, tires and truck repairs and training expenses totaling \$4,200.00.

Commissioner Davis asked from which fund the money for this request was going to be taken.

The chairman explained that it would come from the fire budget and not the general fund.

The clerk then explained that the advisory board has suggested it be taken from the line item #0105-56300 which is "improvements other than buildings". He could not be certain what that line item was intended for since he was not involved in the fire budget. He indicated there was enough money in that line item to make the purchases in the amounts described.

**UPON MOTION OF COMMISSIONER DAVIS AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO APPROVE THE FIRE DEPARTMENTS REQUESTS to wit: Wetumpka VFD - \$1,284.00 to repair and paint a fire truck; Coonbottom VFD - \$1,250.00 for folding water tank, \$450 for dump valve; \$2,000 Tires and Truck repairs; \$500 for training.**

### Public Input

**Mr. Nolen Hancock** asked the amount of the funding request from the fire budget. Mr. Hancock was provided a copy of the request by the minutes coordinator.

**CLERK OF COURT** Tape #1: 2743

**15 Tax Deeds approved  
Budget Amendments approved  
Payment of County Bills approved**

**Tax Deeds** Attached (15)

Clerk Thomas informed the commission of the deeds which he has vested title to the Board of County Commissions. The taxes on the properties have been delinquent for more than seven years. He explained that anyone could have purchased the property during that

seven years but had not. He told them the use of the property is now at their discretion. A bid price appears on the deeds but the county has not paid any money for them.

**Budget Amendments** Attached

The clerk then presented budget amendments to wit:

- (1) General Fund transferring money from regular salaries and contract services into other areas for the probation department.
- (2) Hospital Renewal and Replacement Fund - covering improvements at the hospital
- (3) General Fund - County Manager's office moving \$700 into Operating Equipment under \$500 from Supplies and Maintenance.
- (4) General Fund - amendment prepared by the finance director to cover costs related to the judiciary building and county court judge's budget.
- (5) Library - Grants - 019 - Line item change

**UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 4 - 0 TO APPROVE THE BUDGET AMENDMENTS AS PRESENTED.** (Commissioner Peacock was not in the room at the time of this vote.)

**Approval of Payment of County Bills\_** Tape # 1; 2850

**UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 4 - 0 TO APPROVE THE PAYMENT OF THE COUNTY BILLS.** (Commissioner Peacock was not in the room at the time of this vote.)

**DISTRICT 1 REPORT**

Commissioner McGill reported he had held town meetings in his district. He found the over-riding concern from his district to be the conditions of roads. He reminded the board of the pending law suit relating to an accident on Rich Bay Road. He encouraged the board to move with deliberate speed to begin correcting the road hazards and new paving.

**DISTRICT 2 REPORT**

Commissioner Powell reported he had been approached by a local 4-H group who want to adopt a county road to do litter pick-up. He

would like to erect a road sign designating that St. John Road has been adopted by the group.

**DISTRICT 3 REPORT**

Commissioner Peacock had nothing to report.

**DISTRICT 4 REPORT**

Commissioner Davis noted numerous calls about pot-holes in the county roads.

**DISTRICT 5 REPORT**

The chairman recognized Mrs. Archie Mae Carter who asked to speak.

Mrs. Carter asked about the possibility to of using jail inmates to clean the roadsides.

Mrs. Sealy Brown spoke briefly concerning the use of the fire money.

Commissioner Dixon then told the board of the results of the legislative session.

Mr. Nolen Hancock was recognized to speak only briefly.

**UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER MCGILL, THE CHAIRMAN DECLARED THE MEETING ADJOURNED.**

\_\_\_\_\_  
**DWARD J. DIXON, CHAIRMAN** <sup>E</sup>

**ATTEST:**

\_\_\_\_\_  
**NICHOLAS THOMAS, CLERK**

**GADSDEN COUNTY LICENSING BOARD**

The meeting was convened by Chairman Dixon.

**UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER  
DAVIS, THE BOARD VOTED 5 - 0 TO APPROVE THE LICENSING OF JOHN  
DENNIS HARRINGTON AS A GENERAL CONTRACTOR.**

The meeting was adjourned by the chairman.

EDWARD J. DIXON, CHAIRMAN

ATTEST:

NICHOLAS THOMAS, CLERK

Attachments

amended agenda 1  
15 Tax Deeds 12  
Bid Committee Recommendations 10  
Budget Amendments 12  
EMS Write-off Resolution 11  
Extension of Lease for Recycling Program 11  
Fire Departments' Funding Requests 11  
Industrial Development memos (2) 5  
John Dennis Harrington License application 15  
P & Z Commission appointments 2  
P & Z Projects memo 2  
Purchasing Mowing Equipment Versus Mowing Contracting  
Services 10  
Quincy-Gadsden Airport Authority FY 1993 Audit 11  
Re-Roof of Courthouse Annex #3 8  
Revised Purchasing Policy 7  
Sheriff's Request to Replace Damaged Radio Equipment and  
Instal 7  
Wetumpka VFD & Coonbottom VFD Funding Requests 11  
Capital Items Request for Building Inspections Division  
BidsBids  
B. P. Oil 10  
Metal Building for Mosquito Control Chemicals 10

AT A SPECIAL MEETING OF THE BOARD OF  
COUNTY COMMISSIONERS, HELD IN AND  
FOR GADSDEN COUNTY, FLORIDA ON APRIL  
21, 1994 THE FOLLOWING PROCEEDINGS  
WERE HAD, VIZ.

PRESENT: ED DIXON, CHAIRMAN  
FORREST DAVIS, VICE-CHAIRMAN  
BILL MCGILL  
JAMES PEACOCK  
ANTHONY POWELL  
JIM RICHMOND, ATTORNEY in absence of Hal Richmond  
JAMES CARTER, COUNTY MANAGER  
NICHOLAS THOMAS, CLERK

CALL TO ORDER

Chairman Dixon called the meeting to order. He announced the reason for the meeting was to approve the new voting precincts as submitted by the Supervisor of Elections, Denny Hutchinson (attached). He apologized for not addressing the matter which was on the agenda of the previous regular meeting of April 19, 1994.

UPON MOTION BY COMMISSIONER POWELL AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0 TO APPROVE THE VOTING PRECINCTS AS SUBMITTED BY SUPERVISOR OF ELECTIONS, DENNY HUTCHINSON.

Chairman Dixon then adjourned the meeting.

\_\_\_\_\_  
Edward J. Dixon, Chairman

ATTEST:

\_\_\_\_\_  
Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE AFFORDABLE HOUSING ADVISORY COMMITTEE ON APRIL 26, 1994, THE FOLLOWING PROCEEDINGS WERE HAD, VIZ.

PRESENT: Millie Forehand, Chairperson  
Craig McMillan, Vice-chairperson  
William Carr  
James Rogers  
Patrick Brown

ABSENT: Alice Kelley  
Len Starrett  
Tony Jones  
James Atkins

COUNTY PERSONNEL PRESENT: Rosemary Banks, SHIP Co-ordinator  
Edward Butler, Grants Administrator  
Muriel Straughn, Deputy Clerk

CALL TO ORDER

Chairperson Millie Forehand called the meeting to order.

APPROVAL OF MINUTES OF

UPON MOTION OF CRAIG MCMILLAN AND SECOND BY WILLIAM CARR THE COMMITTEE VOTED 5 - 0 TO APPROVE THE MINUTES OF THE FEBRUARY 22, 1994 MEETING.

STAFF REPORT

Mrs. Rosemary Banks reported the following:

The Board of County Commissioners approved the changes to the Affordable Housing Incentive Plan.

The Florida Housing Finance Agency (FHFA) approved the Three Year Housing Assistance Plan contingent upon the correction of a couple of minor technical inconsistencies which are addressed below.

**Incentive No. 2**

*The expedited processing to permits for affordable housing projects.*

Recommendation by Affordable Housing Advisory Committee (AHAC):

*No recommendation for change.*

**RECOMMENDATION BY FHFA:**

Affordable housing projects should be given priority if a backlog should occur.

**Incentive No. 10.**

*The establishment of a process by which a local government considers, before adoption, policies, procedures, ordinances, regulations, or plan provisions that have a significant impact on the cost of housing.*

Incentive adopted and by this committee:

*The committee recommends that any proposed policy change to the ~~comprehensive plan~~ which could impact in any way on affordable housing to be reviewed by this committee before it is presented for adoption by the county or one of the cities. The committee will act as a "clearinghouse" to preserve the interest of affordable housing.*

**RECOMMENDATION BY FHFA:**

The committee recommends that any proposed change to policies, procedures, ordinances, regulations, or plan provisions which could impact in any way on affordable housing to be reviewed by this Advisory Committee before it is presented for adoption by the county or one of the cities. The committee will act as a "clearinghouse" to preserve the interest of affordable housing.

**Incentive No. 9**

*Modification of Street requirements.*

Recommendation made by AHAC:

*No recommendation for change.*

**RECOMMENDATION BY FHFA:**

To be included in the upcoming land development code.

The changes were made to the incentive plan as recommended by the FHFA and resubmitted to the Board of County Commission for approval as amended. (copy attached)

Chairman Forehand asked Mrs. Banks to provide the committee members with copies of the new incentive plan which was adopted by the Board of County Commissioners.

**OFFICIAL RECORDS**

Mr. Butler noted that the minutes of the committee meetings should and would be included on the consent agenda of the County Commission meetings in an effort to make them part of the official record.

**AMENDED SHIP ORDINANCE**

Mrs. Banks also brought to the committee's attention that the SHIP ordinance has been amended at the recommendation of the independent auditors. The change allows for creation of the Local Housing Assistance Trust Fund and that money is to be retained in a special escrow account designated as the Local Housing Assistance Trust Fund and used for the purposes thereof. (copy attached)

**FUTURE COMMITTEE RESPONSIBILITIES**

Mrs. Banks told the committee that once the incentive plan is approved they should begin to study the land development code and make recommendations for change as needed to provide for affordable housing. Mr. Sherman of the Growth Management and Strategic Planning office will be assisting with this review.

**TOUR OF HOMES**

Mrs. Banks reminded the committee members of the tour of homes which were constructed recently and financed with affordable housing funds. The bus will leave from the county administration building on May 5, 1994 at 10:00 a.m.

**UPON MOTION OF CRAIG MCMILLAN, THE MEETING WAS DECLARED  
ADJOURNED.**

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Muriel Straughn, Deputy Clerk

AT A REGULAR MEETING OF THE BOARD OF  
COUNTY COMMISSIONERS, HELD IN AND  
FOR GADSDEN COUNTY, FLORIDA ON MAY  
3, 1994, THE FOLLOWING PROCEEDINGS  
WERE HAD, VIZ.

PRESENT: ED DIXON, CHAIRMAN  
FORREST DAVIS, VICE-CHAIRMAN  
BILL MCGILL  
JAMES PEACOCK  
ANTHONY POWELL  
HAL RICHMOND, COUNTY ATTORNEY  
NICHOLAS THOMAS, CLERK  
ARTHUR LAWSON, SR., ACTING COUNTY MANAGER

ABSENT: JAMES CARTER, COUNTY MANAGER (excused)

CALL TO ORDER

The meeting was called to order by Chairman Dixon.  
Commissioner McGill led in pledging allegiance to the U. S. Flag.  
Commissioner Powell then opened the meeting with prayer.

ADOPTION OF THE AGENDA (Agenda attached)

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER  
PEACOCK, THE BOARD VOTED 5 - 0 TO ADOPT THE AGENDA AS  
PRESENTED.

APPROVAL OF MINUTES - April 19, 1994 Meeting

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER  
MCGILL, THE BOARD VOTED 5 - 0 TO APPROVE THE MINUTES OF THE  
APRIL 19, 1994 MEETING.

UPON MOTION OF COMMISSIONER DAVIS AND SECOND BY COMMISSIONER  
PEACOCK, THE BOARD VOTED 5 - 0 TO APPROVE THE MINUTES OF THE  
APRIL 20, 1994 MEETING.

COUNTY ATTORNEY (Memo Attached)

Nudity Ordinance # 94-003 (Attached) Tape # 1; 87

Ordinance # 94-003 (Nudity Ordinance) adopted.

Mr. Richmond called for a public hearing on the nudity  
ordinance which had been duly advertised. He read the ordinance by  
title only into the record.

The chairman called for questions from the board.

Public input was called for by the chairman. There was none.

**UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO ADOPT THE NUDITY ORDINANCE.**

**Curfew Ordinance Committee** Tape # 1;154

**Organizational committee meeting scheduled for May 4, 1994.**

Mr. Richmond reported that he has contacted all law enforcement agencies in the county and other local political bodies interested in the adoption of a curfew ordinance. He had scheduled an organizational meeting of a committee which will address the need of such an ordinance. The meeting was scheduled at 5:00 p.m. at the county manager's office on May 4. He encouraged any commissioners and interested persons to be present for the meeting.

**CHAMBER OF COMMERCE REQUEST** (Attachment) Tape # 1; 302

**\$10,000 request approved for Chamber of Commerce.**

Mr. Rick McCaskill called attention to a memo he had prepared at the request of Chairman Dixon. It listed the number of businesses which had moved into Gadsden County during the last year, the number of employees in each industry and the average wage per hour (plant labor only) of the companies where information was available.

After a short presentation, Mr. McCaskill asked the board to approve funding of an additional \$10,000 which was removed from their budget last September.

Discussion followed.

**UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO APPROVE FUNDING THE CHAMBER OF COMMERCE \$10,000.00 FROM THE CONTINGENCY FUND.**

#### **COUNTY MANAGER**

Mr. Arthur Lawson spoke to the board in the absence of County Manager James Carter.

**Purchase of Bat Wing Mowers** (Attachment)

**Purchase of Bat Wing mowers from state contract approved.**

**Request to Develop RFP for financing of mowers and tractors**

**County Manager authorized to develop RFP for financing of three tractors and three mowers.**

Mr. Lawson told the board the county could purchase three Alamo mowers from the state contract list at a significant savings. He asked for board approval to purchase the mowers from the state contract and for permission to develop an RFP to secure the financing of the mowers and the tractors.

A brief discussion followed.

**UPON MOTION OF COMMISSIONER MCGILL AND SECOND OF COMMISSIONER POWELL, THE BOARD VOTED 5 - 0 TO APPROVE THE PURCHASE OF THE BAT WING MOWERS FROM THE STATE CONTRACT AND TO DEVELOP AN RFP FOR THE FINANCING OF THE MOWERS AND THE TRACTORS.**

**Revised Purchasing Policy (Attached) Tape # 1; 1078**

**New purchasing policy approved.**

Mr. Lawson then presented the new purchasing policy for consideration.

Commissioner Davis asked how the new policy differs from the old policy.

Mr. Lawson replied by saying there are significant differences in the thresholds. The procurement policies which the county is currently working under have not been revised in recent years. The new policy is more easily understood and provides proper mechanisms to conduct county business in a more expeditious manner and it saves money.

Mr. Richmond made a couple of remarks. Chapter 125.74 provides that the county manager maintains authority to develop, install and maintain centralized budgeting, personnel, legal and purchasing procedures. Paragraph 2 says the intent of the legislature to grant to the county administrator only those powers and duties which are administrative or ministerial in nature and not to delegate any governmental power indubed in the board of county commissioners as the governing body of the county pursuant to the Florida Constitution. Florida Statutes also provides that the county commissioners will be held personally liable for any improper expenditures made by the county manager.

The chairman asked for public input. There was none.

**UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 3 - 2 TO APPROVE THE PURCHASING POLICY AS WRITTEN. COMMISSIONERS MCGILL, POWELL AND DIXON VOTING IN FAVOR, COMMISSIONERS PEACOCK AND DAVIS OPPOSING.**

**Sheriff's Request for Radio Tower Sale Proceeds (Attachment) Tape # 1; 1650**

**Sheriff's request for the proceeds (\$11,500) from the sale of the radio tower was approved.**

Mr. Lawson called attention to the sheriff's request for the \$11,500 from the proceeds of the sale of the radio tower.

Mr. Richmond reported that no claims have been made for the lightening damage done to the communications and computer equipment at the jail. He could not discern when the damage was done or if such damage is covered by insurance. It is possible that time limitations for filing a claim could have expired.

**UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER PEACOCK THE BOARD VOTED 4 - 1 TO APPROVE GIVING THE SHERIFF THE \$11,500 PROCEEDS FROM THE SALE OF THE OLD RADIO TOWER WITH THE STIPULATION THAT ANY FUTURE DAMAGES SHOULD HAVE INSURANCE CLAIMS FILED FOR THE COST OF REPAIRS. THE MOTION INCLUDES APPROVAL FOR THE CLERK TO RE-ADVERTISE THE BUDGET TO SHOW THE INCREASE IN REVENUE. COMMISSIONER MCGILL CAST THE LONE DISSENTING VOTE.**

**Invoice for Thomas Skipper (Chattahoochee Landfill)  
Invoice for Bishop Engineering (Chattahoochee Landfill) (Attached)  
Tape #1; 1955**

**Board approved payment of invoices totaling \$9,274 (relating to the closure of Chattahoochee Landfill) to Thomas Skipper and Bishop Engineering from contingency funds.**

Mr. Lawson presented an invoice for \$1,324 from Thomas Skipper for surveying in connection with the Chattahoochee Landfill. He asked for instructions from the board. The money is not budgeted.

Clerk Thomas reported that the landfill trust fund is not adequately funded to cover this invoice or the amount owing to Bishop Engineering. (Invoice and contingency request attached)

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO APPROVE PAYMENT OF THE INVOICE FROM THOMAS SKIPPER FOR \$1,324 AS WELL AS THE INVOICE TO BISHOP ENGINEERING FOR \$7,950.00 FROM CONTINGENCY FUNDS.

Quote from Peavy & Son for Guide Rail Work on Hanna Mill Pond Road  
Tape # 1; 2204 (letter attached)

Installation of guard-rails on Hanna Mill Pond Road authorized to be done by the most expeditious method possible.

Mr. Lawson related information concerning costs to install a guardrail, with special posts on the box culverts and end anchors for Hanna Mill Pond Road bridge. He reported that there are some funds left in the paving contracts. It is an emergency situation which puts the county in a liable position. A change-order can be done to accomplish the installation of the guard rail quickly.

UPON MOTION OF COMMISSIONER DAVIS AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 5 - 0 TO AUTHORIZE THE COUNTY MANAGER TO HAVE THE GUARD-RAILS INSTALLED IN THE MOST EXPEDITIOUS AND ECONOMICAL MANNER POSSIBLE.

CONSENT AGENDA Attachments

The consent agenda passed without discussion.

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO APPROVE THE CONSENT AGENDA TO WIT:

- 1) DCA Notice of Intent to find Comprehensive Plan Amendment and Remedial Comprehensive Plan amendment in Compliance
- 2) Satisfaction of Housing Rehabilitative Agreement for Mae Helen Herman

CLERK OF COURT Tape # 1; 2374

Clerk Thomas told the commissioners he would be able to provide them with several reports generated from the new finance system software at the next meeting on May 17, 1994.

**Budget Amendments** - Attached (10)

- 1) General Fund - line item changes requested by Mike Sherman putting \$900 into travel and per diem.

- 2) County Transportation # 1 - line item change putting \$500 into training and education
- 3) General Fund - line item change
- 4) General Fund - Veteran Services Office - line item change putting money into books and travel & per diem.
- 5) Mosquito Control/State 1 - transfer monies to cover expenditures for the purchase of chemicals to be used for mosquito control.
- 6) General Fund - line item change in the probation department - putting money into travel & per diem and training and education.
- 7) General Fund - OMB - to cover office supply costs for the remainder of the year for computer networking and software.
- 8) General Fund - Circuit Judges - line item change
- 9) Grants - Recycling - line item changes
- 10) Grants - Setting up the Emergency Management Preparedness & Assistance Grant.

**UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO APPROVE THE BUDGET AMENDMENTS AS DESCRIBED BY THE CLERK.**

**APPROVAL OF PAYMENT OF COUNTY BILLS**

**UPON MOTION OF COMMISSIONER DAVIS AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO APPROVE PAYMENT OF THE COUNTY'S BILLS.**

**DISTRICT 1 REPORT**

Commissioner McGill reported that the resolution requesting funding for industrial park developments (adopted jointly by the Board of County Commissioners and the city councils) was not successful with the legislature this year. However, the county was encouraged to re-apply next year with better clarification as to where and how the money would be used if appropriated.

Commissioner McGill asked the board once again to consider the hazardous conditions of the county roads with respect to road striping and move toward absolving the county of that liability.

## **DISTRICT 2 REPORT**

Commissioner Powell yielded to Mike Sherman and Attorney Luther Smith who wished to address the board in regard to a zoning issue.

Mr. Sherman explained that Mr. Luther Smith has requested approval of a concurrency application. A concurrency application in this case is a clearance letter which allows a building permit to be issued. What Mr. Smith proposed to do is move a mobile home onto a one acre parcel in a residential area of the county. One unit is already in place on that property. To move another unit onto the parcel would be in violation of the density requirements. The comp plan addresses that issue in a number of its policies.

There are some circumstances in this case that make it unique but none of them apply to land claiming.

Mr. Luther Smith then approached the board explaining that the individual in question suffered a traumatic injury from a car accident which left him paralyzed from the neck down. He asked for a family exception to facilitate placing the home on the lot so that he could be near family members. A well and septic tank will be required but those can be approved through the health department.

The Planning and Zoning Department recommended that the county not deviate from the density requirements and deny the request.

Chairman Dixon expressed concern that the comp plan did not provide for some exception provision if it meets health department standards.

It was the consensus of the board to investigate with Department of Community Affairs to see if there is some avenue other than a comprehensive plan amendment which would allow for a hardship situation.

Mr. Richmond suggested that he and Mr. Sherman go through the comp plan again and see if there is some potential solution to help a family who is in severe and serious need. In the meantime, the surrounding property owners involved should be notified.

Chairman Dixon told Mr. Smith he would call a special meeting if something can be worked out to accommodate the placement of this mobile home.

**DISTRICT 3 REPORT** Tape # 1; 3214

Commissioner Peacock reported the roads in his district are in bad need of grading.

He asked Mr. Lawson to relate to the Road & Bridge Supervisor that a road grader has been sitting on the road side of U.S. 90 for a week and he would rather see it operating on the dirt roads near by.

**DISTRICT 4 REPORT**

Commissioner Davis had nothing to report.

**DISTRICT 5 REPORT** Tape # 1; 3241

Chairman Dixon submitted the names of Mike Sheldon and Jerry Owens as possible candidates for appointments to the Gadsden Airport Authority. (Resumes attached)

It was the consensus of the board to have the candidates appear before the board before making an appointment.

Mr. Lawson was asked to notify the candidates to appear before the board at the next meeting.

**ADJOURNMENT**

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER  
PEACOCK, THE CHAIRMAN DECLARED THE MEETING ADJOURNED.

\_\_\_\_\_  
EDWARD J. DIXON, CHAIRMAN

ATTEST:

\_\_\_\_\_  
NICHOLAS THOMAS, CLERK

**GADSDEN COUNTY LICENSING BOARD (Application Attached)**

Chairman Dixon called the meeting to order.

**UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER DAVIS THE BOARD VOTED 5 - 0 TO APPROVE THE LICENSING OF GEORGE WILLIAM ALLAMAN AS RESIDENTIAL CONTRACTOR.**

Chairman Dixon stated that the other application for a license (Joseph Sheffield) had been administratively removed from consideration by Mr. Ritter.

**UPON MOTION OF COMMISSIONER POWELL, THE CHAIRMAN DECLARED THE MEETING ADJOURNED.**

EDWARD J. DIXON, CHAIRMAN

ATTEST:

NICHOLAS THOMAS, CLERK

AT A REGULAR MEETING OF THE BOARD OF  
COUNTY COMMISSIONERS, HELD IN AND FOR  
GADSDEN COUNTY, FLORIDA ON MAY 17,  
1994, THE FOLLOWING PROCEEDINGS WERE HAD,  
VIZ.

PRESENT: ED DIXON, CHAIRMAN  
FORREST DAVIS, VICE-CHAIRMAN  
BILL MCGILL  
JAMES PEACOCK  
ANTHONY POWELL  
HAL RICHMOND, COUNTY ATTORNEY  
JAMES CARTER, COUNTY MANAGER  
NICHOLAS THOMAS, CLERK

CALL TO ORDER

The meeting was called to order by Chairman Dixon. Commissioner McGill led in pledging allegiance to the U. S. Flag and Commissioner Peacock opened the meeting with prayer.

ADOPTION OF THE AGENDA Tape # 1; 50

Commissioner Peacock asked to have the Gretna Interlocal Agreement removed from the consent agenda for discussion.

The chairman then added the agreement for discussion to the county manager's agenda.

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD 5 - 0 TO ADOPT THE AGENDA AS AMENDED TO INCLUDE DISCUSSION OF THE GREYNA INTERLOCAL AGREEMENT.

APPROVAL OF MINUTES Tape # 1; 68

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO APPROVE THE MINUTES OF THE MAY 3, 1994 MEETING.

AIRPORT AUTHORITY APPOINTMENT Tape #1; 79

Mr. Jerry Owens presented himself as a candidate for appointment to the Airport Authority citing his qualifications and desire to serve. (Resume attached)

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO APPOINT MR. JERRY OWENS TO THE AIRPORT AUTHORITY EFFECTIVE JUNE 2, 1994.

COUNTY ATTORNEY Tape # 1; 181

**Board authorized the attorney and planner to negotiate the issues in the stipulated agreement proposed by Sunshine Pipeline.**

Mr. Hal Richmond, County Attorney, called attention to a proposed stipulation agreement submitted for board consideration by Sunshine Pipeline regarding the placement of their pipeline through Gadsden County. He expressed reluctance to enter into any type of negotiations on the issue without prior board approval. He reminded the commissioners that they had voted previously to oppose the placement of the pipeline through the county.

Because it appears inevitable that the pipeline will be placed somewhere in Gadsden County, Mr. Richmond offered two legal alternatives.

1. Do nothing. When hearings are held, a hearing officer will recognize Gadsden's position but our opposition will not be forcefully presented.
2. Negotiate on technical issues in the stipulated agreement now and come to some agreement prior to hearings.

**UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO AUTHORIZE THE COUNTY ATTORNEY AND THE COUNTY PLANNER TO NEGOTIATE WITH SUNSHINE PIPELINE ON THE TECHNICAL ISSUES IN THE STIPULATED AGREEMENT AND REPORT BACK TO THE BOARD WITH THEIR FINDING.**

ECONOMIC DEVELOPMENT (Attached) Tape #1; 450

Mr. Rick McCaskill reported on various negotiations with prospective businesses considering re-locating to Gadsden County. He informed the board of transportation fund money that could be made available to the county in assisting with the infrastructure at the proposed industrial park at I-10 and U.S. 90. He assured the commissioners he would continue to work with Florida Department of Transportation and the county to complete an application for those funds if the negotiations with the prospective industries warrant it.

Mr. McCaskill also reported on the status of the video production of Gadsden County which is scheduled to be filmed soon. He asked for suggestions from the commissioners as to any particular scenes they would like to see included in the video from an industrial or residential point of view.

**BELINDA ROWAN AND ED EAGEN - OLD JAIL FACILITY**

The board agreed to consider donating the use of the old county jail to the United Way pending further investigations - no action taken.

Mr. Ed Eagen introduced himself as a representative of United Way. He gave a brief overview of services provided to the residents of Gadsden County by United Way. He stated the need for a facility in Gadsden County from which they could provide better service. He asked the board to consider donating the use of the old jail facility for this service indicating that volunteers could most likely accomplish any renovation other than removing the bars.

Discussion followed.

It was the consensus of the board to take a look at the old jail, determine the costs of removing the bars and discuss the feasible use of the building. In the meantime, the board asked Mr. Eagen to determine his space requirements and report back to the board.

**BUILDING INSPECTION DEPARTMENT** (Resolution attached)

**Amended Resolution to Mobile Home Ordinance # 90-006 approved.**

In March of 1994, the board was advised by the building inspection department that the mobile home placement ordinance needed to be revised. The county staff proposed to eliminate inspections of mobile homes that are over 50 miles away. Mr. Mike Sherman then presented an amended resolution to Ordinance 90-006. (attached)

Mr. Richmond stated the resolution was correct in form and in content.

**UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO ADOPT THE AMENDED RESOLUTION TO GADSDEN COUNTY ORDINANCE 90-006 AS ATTACHED.**

**COUNTY MANAGER**

**Re-roofing of Courthouse Annex # 3** Tape # 1; 1270

**Bid # 94-16 awarded to Commercial Roofing of Tallahassee**

County Manager James Carter presented the bid committee's recommendation to award the contract for the re-roofing of Courthouse Annex #3 to Commercial Roofing of Tallahassee for \$11,600.

**UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO AWARD THE REROOFING OF COURTHOUSE ANNEX # 3 TO COMMERCIAL ROOFING OF TALLAHASSEE, FL FOR \$11,600.00.**

**Fire Protection Assessment Contract for Services Tape # 1;**

1365

**Contract for Services with Nabors, Giblin & Nickerson approved.**

County Manager Carter reviewed the proposed contract with Nabors, Giblin and Nickerson to provide a Scope of Services and Fee Structure for the 1994-95 Annual Update of the Fire Protection Assessment. Their fee amounted to \$10,000. The roll should be prepared for adoption by July 28, 1994.

Discussion followed.

**UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 5 - 0 TO APPROVE THE FIRE PROTECTION ASSESSMENT CONTRACT FOR SERVICES WITH NABORS, GIBLIN & NICKERSON.**

**Deficient Bridge on County Road 159 - Tape # 1; 1496**

**Bridge #500032 was declared an emergency and immediate repairs authorized.**

Mr. Carter informed the board that engineers have confirmed to the Dept. of Transportation that Bridge # 500032 located on County

Road 159 is severely deficient and needs repair immediately. He advised the board to declare the bridge an emergency and proceed with repairs quickly.

**UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 5 - 0 TO DECLARE THE BRIDGE (# 500032) AN EMERGENCY AND INSTRUCT THE COUNTY MANAGER TO PROCEED EXPEDIENTLY TO REPAIR THE BRIDGE.**

**Interlocal Agreement with City of Gretna for Road Service**

**Gretna Road Service Agreement was tabled.**

Mr. Carter asked Commissioner Peacock to voice his concerns with the Interlocal Agreement with the City of Gretna.

Commissioner Peacock objected to the fees stated in the agreement (\$33.50 per hour) as opposed to the fees charged to the citizens of the county (\$50.00). He suggested the county should charge the same amount to all.

Mr. Carter explained that the charges are the same as for the City of Midway. He further explained that he had followed the board's instructions to work out an arrangement with the City of Gretna. The agreement was the same as the county has with the City of Midway.

Commissioner Peacock reminded the board that the county had offered to do the roadwork for Gretna in exchange for their share of the gas tax revenue. Gretna previously refused that offer. Since that time, the county has performed work for Gretna for which payment may not yet have been received.

**UPON MOTION OF COMMISSIONER POWELL, THE CHAIRMAN DECLARED THE MATTER OF THE INTERLOCAL AGREEMENT WITH THE CITY OF GRETNA TABLED FOR FURTHER REVIEW.**

**Travel Reimbursement for Workshop in Lake City**

**Board approved reimbursement of \$75.00 to Mr. Carter for travel expenses.**

Mr. Carter presented a request for reimbursement for expenses relating to a workshop he attended in Lake City, FL. on May 13, 1994. (Revenue Alternative for Florida's Small Counties) The request was for per diem costs and hotel accommodations totaling \$75.00.

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 5 - 0 TO APPROVE REIMBURSEMENT OF TRAVEL EXPENSES AMOUNTING TO \$75.00 TO THE COUNTY MANAGER FOR TRAVEL TO LAKE CITY, FL.

CONSENT AGENDA     Tape # 1; 2150

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO APPROVE THE AMENDED CONSENT AGENDA TO WIT:

- 1)     EMS Write off Approval (attached)
- 2)     Long Term Agreement for Gadsden East Landfill  
       (attached)
- 3)     Resolution, DEP Florida Safe Boating Week  
       (attached)

CLERK OF COURT

Public Hearing for 93-94 Budget Readvertisement

Readvertised 93-94 budget was approved at public hearing.

The clerk called for a public hearing of the budget readvertisement. He explained the advertisement shows additional revenue and expenditures which have already been approved by the board. (attached)

The chairman asked for public input.

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO APPROVE THE READVERTISED BUDGET AMENDMENT AS PRESENTED BY CLERK THOMAS.

Expenditure Concerns

Clerk Thomas advised the board that funds budgeted for court appointed attorneys in conflict cases has been expended and appropriate amendments would be necessary by the end of the fiscal year. (attached)

Clerk Thomas told the board that the Tax Collector has submitted a request for \$10,000 in commission fees to which he is entitled. This amount should come from contingency.

The Chairman suggested that the Tax Collector should send his budget request to the County Manager.

State Revenue Sharing Application Tape # 1;

Chairman's signature on the State Revenue Sharing Application was approved.

Clerk Thomas asked the board to approve the chairman's signature on the county's state revenue sharing application.

UPON MOTION OF COMMISSIONER DAVIS AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 5 - 0 TO APPROVE THE CHAIRMAN'S SIGNATURE ON THE STATE REVENUE SHARING APPLICATION.

Budget Amendments (attached) Tape # 1; 2394

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO APPROVE THE BUDGET AMENDMENTS TO WIT:

1. General Fund - Building Inspection Department - showing additional revenues and expenditures per budget re-advertisement. (equipment over \$500, salaries, books, benefits, etc.)
2. General Fund - Moving money into conflict attorney's from competency exams for court appointed conflict court cases.
3. Grants - change in the SHIP Program - Moving money into the Homebuyer Education line item.
4. General Fund - Mosquito Control/landfill - showing the transfer of contingency funds to mosquito control/landfill as shown in the re-advertised budget.
5. General Fund - Chamber of Commerce - Moving contingency funds into Chamber of Commerce - approved at the last meeting.
6. General Fund - Covered by the budget advertisement for professional services dealing with Chattahoochee landfill.

7. Transportation # 1 Fund - to correct an account number for the uniform accounting codes for motor fuel use tax.
8. Fine & Forfeiture Fund - showing transfer of funds from the general funds received from sale of radio tower. This was included in the budget re-advertisement.

#### Finance Reports

The Clerk called attention to reports generated by the new finance software. He explained that they were only samples of information that can be made available. He encouraged the participation from the board in customizing specific reports they would like to have on a continual basis.

#### Payment of County Bills

Payment of county bills approved by the board.

The clerk asked for approval of the payment of the county bills.

UPON MOTION OF COMMISSIONER DAVIS AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO APPROVE THE PAYMENT OF THE COUNTY BILLS.

#### DISTRICT 1 REPORT

Board authorized county manager to send letter of support for small county coalition issues to the local legislative delgation.

Commissioner McGill urged the commissioners to call or write to the local legislative delegation to encourage them to support the issues of the Small County Coalition. The board authorized the county manager to fax a letter of support to the local legislators.

#### DISTRICT 2 REPORT

Commissioner Powell thanked the county manager and staff for job well done.

#### DISTRICT 3 REPORT

Commissioner Peacock reported things running well in District Three.

**DISTRICT 4 REPORT**

Commissioner Davis had nothing to report from District Four.

**DISTRICT 5 REPORT**

Chairman Dixon recognized Mr. and Mrs. Francis and Miss Francis.

Mr. Francis reported road wash conditions at his home site on Ranch Road and requested repairs to be made to stop the erosion.

Mr. Carter reported that he had already visited the site and was already working on a solution.

Mrs. Francis questioned the board concerning mosquito control in her area.

Chairman Dixon reported that the county now has two mosquito trucks running four days a week. He asked the county manager to include Ranch Road on the routes of the mosquito trucks.

**HRS - NOMINEE QUALIFICATIONS REVIEW COMMITTEE**

Ron Kirkland was re-appointed to HRS Nominee Qualifications Review Committee.

UPON MOTION OF COMMISSIONER DAVIS AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 5 - 0 TO REAPPOINT MR. RON KIRKLAND TO REPRESENT GADSDEN COUNTY FOR A TERM OF TWO YEARS ON THE HRS NOMINEE QUALIFICATIONS REVIEW COMMITTEE FOR SUBDISTRICT 2-B.

Chairman Dixon asked that all future budget expenditure requests and concerns be directed to the county manager's office.

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER PEACOCK, THE CHAIRMAN DECLARED THE MEETING ADJOURNED.

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Edward J. Dixon, Chairman

ATTEST:

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Nicholas Thomas, Clerk

**GADSDEN COUNTY CONSTRUCTION INDUSTRY LICENSING BOARD**

Chairman Dixon convened the meeting of the Gadsden County Construction Industry Licensing Board.

**UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO APPROVE THE LICENSING OF STEPHEN A. GINGRASS AS A ROOFING CONTRACTOR.**

**UPON MOTION OF COMMISSIONER MCGILL, THE MEETING WAS ADJOURNED BY THE CHAIRMAN.**

\_\_\_\_\_  
Edward J. Dixon, Chairman

ATTEST:

\_\_\_\_\_  
Nicholas Thomas, Clerk

AT A SPECIAL MEETING OF THE BOARD OF COUNTY COMMISSIONERS, HELD IN AND FOR GADSDEN COUNTY, FLORIDA ON MAY 26, 1994, THE FOLLOWING PROCEEDINGS WERE HAD, VIZ.

PRESENT: ED DIXON, CHAIRMAN  
FORREST DAVIS, VICE-CHAIRMAN  
BILL MCGILL  
JAMES PEACOCK  
ANTHONY POWELL  
HAL RICHMOND, COUNTY ATTORNEY  
JAMES CARTER, COUNTY MANAGER  
NICHOLAS THOMAS, CLERK

CALL TO ORDER

The meeting was called to order by Chairman Dixon.

PURCHASING POLICY

BUDGET PREPARATION CONSULTING SERVICES

County Attorney Hal Richmond explained that the special meeting had been called to resolve questions raised by Clerk Thomas in regard to payment of an invoice for consulting services which was authorized by a contract entered into by the county manager. The clerk had returned the invoice to the commission requesting a legal opinion and supporting documentation by which he could legally pay the invoice.

Mr. Richmond pointed out that the new purchasing policy adopted by the Gadsden County Board of Commissioners conflicts with Chapter 125.74 with regard to the authorization of the county manager.

Chapter 125.74 (m) of the Florida Statutes states the county manager has the authority "to **negotiate** leases, contracts and other agreements, including consultant services for the county, **subject to the approval of the board.**" Mr. Richmond further stated that the circumstances of this contract did require board approval as well as approval of the manager's signature. He noted that there is also an opinion rendered by the Attorney General supporting the need for board approval in procurrment of consulting services.

Commissioner Peacock noted his opposition to the hiring of this consultant and the circumstances of his hiring.

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 3 -2 TO APPROVE THE CONTRACT BETWEEN GADSDEN COUNTY AND ROBERT BENTKOFKY FOR CONSULTANT SERVICES IN PREPARATION OF THE COUNTY'S 94-95 BUDGET RETROACTIVE TO THE TIME IT WAS ENTERED INTO AND APPROVAL OF THE COUNTY MANAGER'S

**SIGNATURE OF THE CONTRACT. COMMISSIONER'S POWELL, MCGILL AND  
DIXON APPROVING AND COMMISSIONERS PEACOCK AND DAVIS OPPOSING.**

**ECONOMIC DEVELOPMENT**

Mr. Rick McCaskill of the Chamber of Commerce told the board of negotiations with a South Georgia Company - Lynch Machinery/Miller Hydro. This company builds glass press machinery. The company has a large contract to build high definition television tubes and are looking for a plant location in which to build them. As a result of negotiations with Gadsden County, they are prepared to move to the proposed industrial park at I-10 and U.S. 90 interchange. As an incentive to get the plant to locate there, the State of Florida will offer transportation fund money to pay for the paving of the roads leading to the park. In order to get that money, an application must be filed by a local government. Mr. McCaskill asked for a letter of support and the chairman's signature on the application for the state transportation funds.

Mr. McCaskill noted that the company will employ 147 people at a average wage of \$11.00 per hour.

**UPON MOTION OF COMMISSIONER DAVIS AND SECOND BY COMMISSIONER  
PEACOCK, THE BOARD VOTED 5 - 0 TO APPROVE THE CHAIRMAN'S  
SIGNATURE ON THE APPLICATION FOR STATE TRANSPORTATION FUNDS TO  
BUILD AND IMPROVE ROADS IN AND NEAR THE PROPOSED INDUSTRIAL  
PARK AT THE INTERCHANGE OF I-10 AND U.S. 90, TO ACCEPT THE  
MAINTENANCE OF THE ROADS ONCE COMPLETED AND APPROVAL OF A  
LETTER OF SUPPORT WITH THE APPLICATION.**

There being no other business, the meeting adjourned.

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Edward J. Dixon, Chairman

ATTEST:

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Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE BOARD OF COUNTY COMMISSIONERS, HELD IN AND FOR GADSDEN COUNTY, FLORIDA ON JUNE 7, 1994, THE FOLLOWING PROCEEDINGS WERE HAD, VIZ.

PRESENT: ED DIXON, CHAIRMAN  
FORREST DAVIS, VICE-CHAIRMAN  
BILL MCGILL  
JAMES PEACOCK  
ANTHONY POWELL  
HAL RICHMOND, COUNTY ATTORNEY  
JAMES CARTER, COUNTY MANAGER  
NICHOLAS THOMAS, CLERK

CALL TO ORDER

Chairman Dixon called the meeting to order. Commissioner Davis led in pledging Allegiance to the U.S. Flag. Commissioner Powell opened the meeting with prayer.

ADOPTION OF THE AGENDA

**Agenda amended and adopted**

Chairman Dixon called attention to the agenda, asking that the date be corrected to reflect the year 1994.

Commissioner Peacock asked to amend the agenda by removing the employment contract for mosquito control director from the consent agenda and placed for discussion. The agenda was so amended.

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 5 - 0 TO ADOPT THE AMENDED AGENDA.

APPROVAL OF MINUTES - May 17, 1994

May 17, 1994 minutes approved

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO APPROVE THE MINUTES OF THE MAY 17, 1994 MEETING.

APPROVAL OF MINUTES - May 26, 1994

May 26, 1994 minutes approved

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO APPROVE THE MINUTES OF THE MAY 26, 1994 MEETING.

COUNTY ATTORNEY

Notice of Intent to Enact ordinance - Family Mediation

**Notice of Intent to enact and ordinance establishing and supporting Family Mediation authorized**

Mr. Hal Richmond reported that he has obtained input from the local bar association and various individuals regarding the request from the court administrator to enact an ordinance establishing and supporting family mediation by imposition of additional filing fees in all civil suits. He had received some support as well as opposition.

Discussion followed.

**UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO GIVE THE COUNTY ATTORNEY THE AUTHORITY TO PUBLISH A NOTICE OF INTENT TO ENACT THE FAMILY MEDIATION AND IMPOSE FILING FEES.**

Mr. Richmond was asked to request Mr. Tom Long, the court administrator, to be present at the public hearing to answer questions regarding the family mediation program.

Gas Tax Referendum (Draft Resolution attached)

**No action - information and review only**

In response to the board's action On March 1, 1994, (to place a referendum on the election ballot asking for voter approval to impose a five cents gas tax), Mr. Richmond introduced a resolution calling for a gas tax referendum and asked the commissioners to review it. He explained that it is not a straw ballot vote - the results of the election would be binding.

Discussion followed.

Mr. Richmond was asked to change the language on the ballot to read "up to five cents gas tax".

The board will discuss the matter at a later meeting.

Cable Franchise - Certification for Basic Cable rate regulation

**No action - information only**

Mr. Jim Richmond shared the latest information made available to him on the possibility of the Federal Communication Commission (FCC) retaining regulation of basic cable rates in the unincorporated areas of Gadsden County.

Federal Statutes provide that FCC can, if a county does not have sufficient resources, initiate and monitor regulations.

Many Florida counties who choose to regulate the rates themselves have hired consultants to gather necessary information which meet with the FCC requirements. This method appears to be a viable alternative to FCC regulation.

Mr. Richmond expressed some concern with regard to the level of attention the FCC will give to the regulation in Gadsden County. The citizens could benefit with local regulation but at considerable cost.

Mr. Richmond then asked the board to give him directions pursuit to cable rate regulation. He offered to supply the commissioners with summary opinions from the Federal Register which outline in the steps necessary to implement regulation.

Discussion followed.

No action was taken. Mr. Richmond was asked to provide more information with which the commissioners could base a decision.

#### REQUEST FROM THE DEPARTMENT OF TRANSPORTATION

##### **Easement for Willocoochee Creek Bridge granted to DOT**

Mr. Richmond referred to a letter from the Florida Department of Transportation (DOT) in which DOT asked for a temporary easement from the county so that they may replace Bridge no. 500011 on State Road 65 over Willacoochee Creek. He asked the board to authorize the chairman to sign documents that will grant the easement to DOT.

**UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO APPROVE THE CHAIRMAN'S SIGNATURE GRANTING THE EASEMENT OF THE PROPERTY NECESSARY TO REPLACE WILLACHOOCHEE CREEK BRIDGE (NO. 500011) ON SR 65 TO DOT.**

JON HUFSTEDLER - GADSDEN MEMORIAL HOSPITAL Tape # 1; 620

##### Professional Office Building Concept

No action taken

Mr. Hufstedler was before the board to present a concept of a professional office building located at the hospital. He described the concept as a 2-3 story building connecting to the hospital. He added that such a building would strengthen the hospital and help recruit doctors. He asked the board to consider it and allow him to come back at a later time with a formal proposal.

The board asked Mr. Richmond to investigate how the land is pledged to the hospital bonds.

#### **CODE ENFORCEMENT**

##### **Hearing for Nuisance Complaints**

**Code Enforcement Hearing set for July 5, 1994**

Mr. Michael Sherman reported a number of nuisance ordinance violations. He asked the board to set a date to hear the complaints.

It was the consensus of the board to hold a hearing on July 5th during the regular board meeting.

##### **Dog Barking Complaints**

**No action**

Mr. Sherman reported a number of citizen complaints about barking dogs. He asked the commissioners to give him some directions about how to deal with the complaints. The commission was unable to offer any advice other than refer them to the Sheriff.

#### **DEPARTMENT OF STRATEGIC PLANNING & GROWTH MANAGEMENT**

**Land Use Plan Amendment Fees and Applications** (Attached)

**No action - application and fees to be revised**

Mr. Mike Sherman, Director, provided the board with a sample of an application for a comp plan amendment accompanied with a schedule of fees.

Discussion followed.

It was the consensus of the board for Mr. Sherman to formulate a sliding fee scale for consideration at the June 21st meeting.

The board then discussed the complexity of the application itself citing that the average citizen would not be able to complete the application.

The board encouraged Mr. Sherman to redesign the application to make it more user friendly.

### Pentecostal Subdivision

#### **Development Plan Negotiations authorized**

Mr. Sherman reviewed action taken on the Pentecostal Subdivision on July 20, 1993 and September 7, 1993. See below.

July 20, 1993

#### ***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 of 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.**

September 7, 1993

#### ***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.**

Mr. Sherman explained that the Pentecostal Subdivision developer has now abandoned the original intentions and will only

develop one lot per year to avoid putting in the infrastructure required of a subdivision. While it is apparent that the developer is not following the intent of the plan amendment, she is not in violation of the comp plan amendment. He asked the board for their approval to withhold the development order.

Mr. Hal Richmond advised that in the absence of written special requirement at the time the plan amendment was adopted, negotiations would be most appropriate. He cautioned the commission to take measures so that this would not happen again.

It was the consensus of the board to have Mr. Richmond and Mr. Sherman negotiate a development plan which will be acceptable to the county and DCA.

#### COUNTY MANAGER

##### Interlocal Agreement with City of Gretna - Road Maintenance

##### **Interlocal Agreement for Road Service approved**

Mr. Carter told the board that he had executed an agreement with the City of Gretna relating to road service which was questioned at the last board meeting. A verbatim account of the April 5, 1994 meeting was obtained for clarification of the instructions given to him. The verbatim minutes clearly gave the manager instructions to proceed with an agreement without the need for further board action. The agreement was developed and reviewed by the county attorney prior to its execution. He then asked the board to formally approve the interlocal agreement.

Commissioner Peacock voiced his concerns over the disparity between the fees charged to citizens for road maintenance and municipalities.

Commissioner McGill concurred with Commissioner Peacock.

County Manager Carter called the commissioners attention to Ordinance No. 71-003, Section 1 which addresses private roads outside municipalities but does not provide for street maintenance inside a municipality at all.

**UPON MOTION OF COMMISSIONER DAVIS AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 1 TO APPROVE THE INTERLOCAL AGREEMENT WITH THE CITY OF GRETNA FOR ROAD MAINTENANCE WITH THE UNDERSTANDING THAT THE FEE WILL BE AMENDED DURING THE BUDGET PROCESS IF DEEMED NECESSARY TO RECOVER THE ACTUAL COST**

**OF THE WORK. COMMISSIONER PEACOCK CAST THE LONE DISSENTING VOTE.**

Chairman Dixon recognized Gretna Mayor Rawlins who thanked the board.

Bid Committee Recommendations Tape # 1; 2142

**Skid Steer Loader awarded to West Florida Equipment Co.**

**Tractor and Mower financing awarded to Liberty National Leasing**

**Bid # 94-17 Skid Steer Loader**

The bid committee recommended award of the bid to West Florida Equipment Company of Marianna, FL for Model No. 853 Bobcat at a cost of \$18,858.00

**UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 5 - 0 TO AWARD BID #94-17 FOR A SKID STEER LOADER - MODEL NO. 853 BOBCAT - TO WEST FLORIDA EQUIPMENT COMPANY OF MARIANNA, FL FOR \$18,858.00.**

**Bid # 94-18 Financing for Tractors and Mowers**

The bid committee recommended award of Bid No. 94-18 to Liberty National Leasing of Tampa, Fl to finance mowers and tractors for 3 years at 4.80% fixed interest with annual payment of \$25,940.

**UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO AWARD BID NO. 94-18 FOR FINANCING OF TRACTORS AND MOWERS TO LIBERTY NATIONAL LEASING OF TAMPA, FL FOR 3 YEARS AT 4.80% FIXED INTEREST WITH ANNUAL PAYMENT OF \$25,940.**

**GADSDEN MEMORIAL HOSPITAL AUDIT REPORT**

**No action - Information only**

Mr. Carter presented the independent auditor's report of the Gadsden Memorial Hospital for information purposes only. The report was submitted pursuant to the agreement between Healthmark and Gadsden County. He noted the on-going concerns listed by the auditors in the report.

In addition to the auditor's report, Healthmark also included monthly financial statements for the months January, February and March.

The board requested that the hospital provide them with an additional report indicating how they use the funds from the state.

**EMPLOYMENT CONTRACT - ED MORGAN, MOSQUITO CONTROL DIRECTOR**

**Employment Contract with Ed Morgan approved.**

The employment contract with Mr. Ed Morgan as the Mosquito Control Director was brought for post ratification. Even though the contract was executed within compliance with the procurement policies approved by the board, the Florida Statutes require that contracts must be approved by the board.

The following facts were ascertained from the County Manager:

1. The contract was not advertised. Information provided by the Department of Agriculture concluded there were only two individuals in the region with the required credentials to direct the mosquito control program. There was some urgency involved in recruiting a director to avoid losing the state funding.
2. The new director's duties will include establishing a mosquito control program for Gadsden County under the provisions of the Department of Agriculture's latest program changes which were adopted in March, 1994.
3. Prior approval was obtained from Leon County Administrator before discussions began with Mr. Morgan who oversees the same program in Leon County.
4. Mr. Morgan will maintain a time sheet subject to the board's review. Requests for payment for services rendered will be substantiated by those time sheets. The time sheets will be signed by the Director of Operations who supervises the Mosquito Control Operations.

Commissioner Peacock asked that employment contracts to be placed on the agenda for discussion (not on the consent agenda) in the future.

Commissioner Peacock remarked that the board traditionally takes precaution to insure that local labor is used when new industry or businesses move into the county. He urged the board

to abide by its own hiring standards as opposed to soliciting employees outside the county.

Mr. Carter indicated that under the new minimum qualifications set forth for mosquito control program, certification is not easily obtainable.

**UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 4 - 1 TO APPROVE THE EMPLOYMENT CONTRACT WITH ED MORGAN AS THE MOSQUITO CONTROL PROGRAM DIRECTOR. COMMISSIONER PEACOCK CAST THE LONE DISSENTING VOTE.**

**LIBRARY - CHATTAHOOCHEE**

**No action - Information only**

Mr. Carter reported that the air conditioner at the Chattahoochee Public Library has long been in need of repair or replacement. The lease agreement on the building reads that the City of Chattahoochee is responsible for repairs to the outside of the building while the county is responsible for the inside of the building. The Chattahoochee City Council has declined to make the necessary repairs to the air conditioner.

Mr. Carter gave authority to Mrs. Mock to have the air conditioner repaired but the unit was ultimately replaced. H told Mrs. Mock to forward the invoice for the repairs and new installation to the City of Chattahoochee. If they prove uncooperative, the county may need to reconsider providing library services to that city.

Mr. Carter did not ask for action from the board as he was only apprising them of the situation. He will advise them if the problem escalates.

**CORRECTIONAL PRIVATIZATION COMMISSION**

**No Action - Information only**

The Correctional Privatization Commission was set up by the Legislature to assume the responsibility to contract with private firms for the design, financing, construction and management of state correctional facilities.

Recently the Legislature authorized the Commission to award four additional contracts. No decision has been made regarding the locations of these four facilities.

Mr. Reigler of USS Corrections has informed Mr. Carter that his company will be using Gadsden County as their host site for a new proposed facility.

If Gadsden County is interested in being considered as a site for another prison, they need to make it known. There is a time factor involved since the Commission will meet on June 21, 1994 to make a decision.

**REQUEST FOR COURTROOM SPACE**      Tape # 1: 2934

**Office space granted to the Court Administrator and the Guardian Ad Litem Program**

Mr. Carter stated he had received a letter from Tom Long, Court Administrator of the Second Judicial Circuit, requesting use of the office vacated by the Court Reporter for the Guardian Ad Litem Program.

Clerk Thomas stated he had no objection.

**UPON MOTION OF COMMISSIONER DAVIS AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 5 - 0 TO APPROVE ASSIGNING THE OLD COURT REPORTER'S OFFICE TO THE COURT ADMINISTRATOR'S OFFICE AND THE GUARDIAN AD LITEM PROGRAM.**

**COASTAL LUMBER COMPANY REQUEST**      (Letter attached) Tape # 1; 3000

**Letter to be sent to Georgia Public Service Commission opposing closing of CSX Railroad Agent's office in Attapulugus, Ga.**

CSX Railroad has requested that the Georgia Public Service Commission eliminate its agent in Attapulugus, Georgia. They propose to consolidate all activities into its Jacksonville, Florida headquarters.

Coastal Lumber Company states in a letter to the board that their rail service is already marginal. If the agent is eliminated, their business could be threatened. Since they employ 300 county residents, they are requesting that the board write to the Georgia Public Service Commission voicing its opposition to the proposed elimination of the CSX Agent in Attapulugus.

**UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO SEND A LETTER TO THE GEORGIA PUBLIC SERVICE COMMISSION OPPOSING THE CLOSING OF THE CSX RAILROAD AGENT IN ATTAPULGUS, GA.**

**SHIP PREDEVELOPMENT LOAN APPLICATION - BOCC RESUMES REQUIRED**

**Resumes of BOCC members due to Grants Administrator by June 15, 1994**

Mr. Edward Butler, Grants Administrator, has advised that the grants department is applying for a predevelopment loan through the State of Florida Housing and Finance Agency's Predevelopment Loan Program (PLP). This loan will purchase and complete the development of the Osceola Park Subdivision Phase II and III located on Virginia and Hamilton Streets in the City of Quincy,

As a part of the application requirements, all commissioners of the Board of County Commissioners have been asked to submit a resume. Mr. Butler has asked that they be submitted to him by June 15, 1994.

**CONSTITUTION OFFICERS BUDGET REVIEWS** Tape # 1; 3130

**Date to be determined by the county manager**

Mr. Carter asked the board members to set a date between June 8 and June 24 to meet with each of the constitutional officers to review their budget requests.

No date was set. Mr. Carter will determine a date and notify all parties.

**ANNUAL CONFERENCE OF FLORIDA ASSOCIATION OF COUNTIES**

**No action - information only**

Mr. Carter notified the board that Chairman Dixon and himself would be attending the annual conference of the Florida Association of Counties the end of the June.

Mr. Carter noted that he has been asked to serve on the Finance Programs and Policies Committee for rural counties. He considered it an honor to be asked to serve.

**CONSENT AGENDA**

**UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO APPROVE THE AMENDED CONSENT AGENDA TO WIT:**

- 1) **Emergency Food Assistance Program Contract (attached)**

- 2) Certificate of Public Convenience and Necessity for Tallahassee Community Ambulance (attached)
- 3) HRS Child Support contract (attached)
- 4) Gadsden Memorial Hospital Financial Statements (attached)

#### CLERK OF COURTS

##### **Budget amendments approved**

Clerk Thomas presented the budget amendments (attached) and asked for board approval.

- 1) General Fund - Annex # 3 line item change only moving \$400 into operating equipment from janitorial supplies.
- 2) General Fund - County Probation Office - line item change moving \$650 into office supplies from unemployment compensation.
- 3) General Fund - OMB - Moving \$3,000 into Professional Services from several line items. This puts a total of \$12,000 into professional services. He could not explain how the \$3,000 would be spent and asked the county manager if he would like to explain how the money would be used. Mr. Carter declined to explain.
- 4) General Fund - County Manager - transferring \$50 from employee recognition into overtime.
- 5) General Fund - Purchasing and Personnel office - line item changes
- 6) General Fund - BOCC budget - several line item changes
- 7) County Transportation #1 - Line item changes to cover expected expenditures.
- 8) Library - showing additional revenue and expenditures
- 9) Hospital Renewal and Replacement Fund - transferring \$4,000 into improvements from professional services.
- 10) Mosquito Control/State I - line item changes
- 11) Mosquito Control/Landfill - line item change

**UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 5 - 0 TO APPROVE THE BUDGET AMENDMENTS AS DESCRIBED BY THE CLERK.**

#### APPROVAL OF PAYMENT OF COUNTY BILLS

##### **Payment of county bills approved**

**UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO APPROVE THE PAYMENT OF THE COUNTY BILLS.**

**DISTRICT 1 REPORT**

**No action - Information only**

Commissioner McGill reported that he had written a letter to the Governor requesting that Agency Rule Act be placed on the agenda for the special session of the Legislature.

The Agency Rule Act would have provided some financial relief to small counties.

He received a return letter stating that is would not included on the agenda.

He encouraged the board to continue the efforts to have the act reintroduced at the next session.

**DISTRICT 2 REPORT**

Commissioner Powell had no report.

**DISTRICT 3 REPORT**

Commissioner Peacock had no report.

**DISTRICT 4 REPORT**

**Attorney authorized to draft ordinance on county parks use**

Commissioner Davis reported several complaints about use of one of the counties parks in the Sawdust Community. Sheriff Woodham has asked the county to adopt an ordinance regulating the use of the county parks and prohibit certain types of activity.

**UPON MOTION BY COMMISSIONER DAVIS AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO AUTHORIZE THE COUNTY ATTORNEY TO DRAFT AN ORDINANCE RESTRICTING THE USE OF COUNTY PARKS. THE COUNTY ATTORNEY SHOULD CONSULT WITH THE SHERIFF ABOUT THE CONTENTS OF THE PROPOSED ORDINANCE.**

**DISTRICT 5 REPORT**

**Stevens School Renovations**

**Information only**

Chairman Dixon reported that he had been advised that renovations are about to begin on the roof of the old Stevens School building.

### Jail Inspection Report

#### **Information only**

Follow up inspection report on the jail facility has been received. This matter will be discussed during the budget process since additional money will be necessary for jail operations.

#### Resolution

#### **Resolution of support passed for of the family of Sylvia Kimble**

Commissioner Slyvia Kimble from Hillsborough County has died. She was a member of the board of directors for the Florida Association of Counties. Funeral Services will be held on Saturday, June 11, 1994.

**UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 5 - 0 TO AUTHORIZE THE CHAIRMAN TO DRAW UP A RESOLUTION AND PRESENT TO THE FAMILY OF SYLVIA KIMBLE.**

#### CEDO Request

#### **Chairman's signature on letter of support authorized**

CEDO has asked the board to authorize the chairman's signature on a letter of support for their program dealing with "at-risk" children.

**UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO AUTHORIZE THE CHAIRMAN'S SIGNATURE ON A LETTER OF SUPPORT FOR THE CEDO PROGRAM.**

#### PUBLIC INPUT

**Joe Sheffield - License application remained unresolved**

**Alex Jackson - County Manager instructed to research why FL Statutes are not in libraries**

**Mort Suber - request for variance set for June 21, 1994**

**Chairman Dixon recognized Joe Sheffield.**

Mr. Sheffield explained that problems arising from his request for county license has not been resolved.

Chairman Dixon explained that conversation between Mr. Ritter and the City of Chattahoochee was taking place. The matter is expected to be resolved as soon as appropriate documentation is obtained for the record. Until such time, Mr. Ritter has been instructed to refund Mr. Sheffield's money.

Chairman Dixon recognized **Alex Jackson**.

Mr. Jackson complained that he had not been able to find Florida Statutes in the libraries.

The county manager was instructed to look into the matter.

Chairman Dixon recognized **Mort Suber**.

Mr. Suber requested a set back variance. He was told that matter would be on the agenda of the June 21, 1994 meeting.

**ADJOURNMENT**

**UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL, THE CHAIRMAN DECLARED THE MEETING ADJOURNED.**

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**Edward J. Dixon, Chairman**

**ATTEST:**

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**Nicholas Thomas, Clerk**

AT A BUDGET WORKSHOP HELD IN AND  
FOR GADSDEN COUNTY, FLORIDA, ON  
JUNE 20, 1994, THE FOLLOWING  
PROCEEDINGS WERE HAD, VIZ.

PRESENT: ED DIXON, CHAIRMAN  
FORREST DAVIS, VICE-CHAIRMAN  
ANTHONY POWELL  
JAMES PEACOCK  
BILL MCGILL  
NICHOLAS THOMAS, CLERK  
JAMES CARTER, COUNTY MANAGER

CALL TO ORDER

The meeting was called to order by Commissioner Davis in the absence of the chairman who arrived late. He stated the purpose of the meeting is to conduct a workshop with the elected officials dealing with their budgets.

The meeting was turned over to Mr. Carter, the county manager.

DALE SUMMERFORD, TAX COLLECTOR

Mr. Carter had no questions of Mr. Summerford since he had met with tax collector on two previous occasions.

Mr. Summerford elaborated on his \$215,000 request which is above the \$197,000 request of last year.

Mr. Summerford explained that the Board of County Commission pays him a fee for collecting the property taxes. The amount of money he has collected has increased dramatically and therefore, the fees to which he is entitled have increased proportionally. In 1993, he collected 4.9 million dollars. He projected the commissions due to him from the county commission for the next fiscal year to be \$215,000.00.

After Mr. Summerford answered questions from the board members, he was excused.

MARSHA KING, CHIEF DEPUTY PROPERTY APPRAISER

Mrs. Marsha King was present to answer questions from Mr. Carter and the commissioners.

Mr. Carter asked Mrs. King to submit more detailed descriptions of several line items and specific information

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Budget Workshop - Constitutional Officers  
June 20, 1994  
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relating to staff position titles and the number of each. Mrs. King agreed to provide the requested line item details and related information.

After discussion with the board members, Mrs. King was excused.

**NICHOLAS THOMAS, CLERK OF CIRCUIT COURT**

Mr. Carter had provided Clerk Thomas with a list of questions prior to the meeting.

The Clerk answered those and other questions of the county manager and of the commissioners concerning his budget requests. He noted that his budget request is the same as last year indicating that he had made no special requests.

Mr. Carter asked if and when the manager's office would be given inquiry and print access to the finance information dealing with the county's budget.

The clerk replied that inquiry access would be allowed whenever the present software conversion is complete and clean - probably by October.

The manager concluded his questions by requesting staff position titles and number of employees by title. He asked for other detailed breakdowns of line items to which the Clerk agreed to furnish.

The clerk then answered questions of the board members and was excused.

**DENNY HUTCHINSON, SUPERVISOR OF ELECTIONS**

Mr. Denny Hutchinson was present and explained his budget requests and answered questions of Mr. Carter and of the board.

He explained how the new Voter Registration Act will impact Gadsden County. The increase requests in his budget are due primarily due to the new legislation. He requested a new clerical staff person in anticipation of increase workload.

He asked for funding for a copying machine which was not

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Budget Workshop - Constitutional Officers  
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included in his original request to the board.

Mr. Carter asked for some detailed information and line item breakdowns similar to what he had requested of the other constitutional officers.

After he had answered the commissioners questions, Mr. Hutchinson was excused.

**MAJOR ALVAN PICKLES - SHERIFF'S OFFICE**

Major Alvan Pickles was present for Sheriff Woodham and explained the budget requests for the law enforcement division and the corrections division. He then answered questions directed to him by the county manager and the individual commissioners.

Major Pickles was asked to provide the manager with more detailed information regarding specific line items and staff positions.

Major Pickles expressed extreme need for reclassification and incentive pay increases for the sheriff's staff. The turnover rate is so great that it is imperative for the board to fund the sheriff's staff to a level competitive with surrounding jurisdictions.

The board then turned their conversation to general questions concerning the budget process.

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There being no other business the meeting was adjourned by  
the chairman.

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Edward J. Dixon, Chairman

ATTEST:

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Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE BOARD OF  
COUNTY COMMISSIONERS, HELD IN AND  
FOR GADSDEN COUNTY, FLORIDA ON JUNE  
21, 1994, THE FOLLOWING PROCEEDINGS  
WERE HAD, VIZ.

PRESENT: ED DIXON, CHAIRMAN  
FORREST DAVIS, VICE-CHAIRMAN  
BILL MCGILL  
JAMES PEACOCK  
ANTHONY POWELL  
NICHOLAS THOMAS, CLERK  
HAL RICHMOND, COUNTY ATTORNEY  
JAMES CARTER, COUNTY MANAGER

CALL TO ORDER Tape # 1; 407

Chairman Dixon called the meeting to order. Commissioner Powell led in pledging allegiance to the U. S. Flag. Chairman Dixon then opened the meeting with prayer.

ADOPTION OF THE AGENDA

The June 21, 1994 agenda was adopted.

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO ADOPT THE AGENDA AS PRINTED.

APPROVAL OF MINUTES OF JUNE 7, 1994

The minutes of June 7, 1994 was approved.

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 5 - 0 TO APPROVE THE MINUTES OF JUNE 7, 1994 AS WRITTEN.

COUNTY ATTORNEY Tape # 1; 451

Department of Transportation - Railroad Agreement (Attached)

Installation of traffic control devices at rail/highway crossing on county road 274 approved and resolution of future responsibility was approved.

Mr. Richmond called attention to a letter written to the county by Florida Department of Transportation requesting the board's approval and supporting resolution of installation of a traffic control device at Crossing No. 625702-Y; Gadsden County Road 274; Section 50000-6930.

**UPON MOTION BY COMMISSIONER DAVIS AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO APPROVE THE INSTALLATION OF A TRAFFIC CONTROL DEVICE AT THE CROSSING NO. 625702-Y ON COUNTY ROAD 274 AND A RESOLUTION AUTHORIZING EXECUTION FOR THE INSTALLATION OF GRADE CROSSING TRAFFIC CONTROL DEVICES AND FUTURE RESPONSIBILITY.**

**Curfew Ordinance**      Tape # 1; 484

**The board authorized Attorney Richmond to set a public hearing and publish notice of the hearing for the purpose of possible enactment of a curfew ordinance.**

Mr. Hal Richmond reported that a recent Supreme Court decision has upheld a curfew regulation in Texas. Similar ordinances for Orlando and Miami have also been ruled enforceable.

Through discussions with the municipalities of the county, there is every indication that each of them would adopt similar city ordinances if the county should impose a curfew ordinance.

In view of the support throughout the county, Mr. Richmond asked for authorization to proceed with holding a public hearing to get input from the public and municipalities. He then asked for authority to publish notice of that public hearing.

**UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO AUTHORIZE THE COUNTY ATTORNEY TO HOLD A PUBLIC HEARING FOR THE PURPOSE OF GETTING PUBLIC INPUT FOR POSSIBLE ENACTMENT OF A CURFEW ORDINANCE AND TO PUBLISH A NOTICE OF THAT PUBLIC HEARING.**

**Radio Tower Lease Agreement**      Tape # 1; 559

**The board amended and approved a lease agreement with Williams Metro Communications on the county jail radio tower.**

Williams Communications requested to relocate radio equipment to the radio tower at the county jail. Williams had equipment on the old radio tower under an agreement with the county. Under the new agreement, Williams will combine his system with one of the antennas presently being used by the Sheriff. This "combination" will eliminate the addition of another antenna on the tower.

An engineering study revealed that the tower structure is at or near capacity based on the new wind loading guidelines.

Williams has agreed to pay \$300 per month. The lease money is to be placed into a special fund for use in upgrading the loading capacity on the tower and for on-going tower maintenance costs.

The new lease has been reviewed by the county attorney and found to be in proper order.

Mr. Richmond read the lease into the record and noted that it was a renewal of a lease as Mr. Williams has leased space on the old tower for 10-15 years.

Mr. Kenneth Williams of Williams Metro Communications (1215 Tharpe St. Tallahassee, FL 32303) spoke to the board briefly to answer questions and explain the stress analysis study of the tower itself.

Discussion concluded that the board would like to see a termination clause added to the lease agreement.

Mr. Richmond was asked to put together some historical and comprehensive information relating to the tower for the board's review.

**UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER PEACOCK VOTED 5 - 0 TO AMEND THE LEASE TO INCLUDE A TERMINATION CLAUSE AND APPROVE IT AS AMENDED.**

**Gas Tax Referendum** Tape # 1; 1050

At the last meeting, Mr. Richmond presented the board with a resolution calling for a referendum on the imposition of additional gas tax in Gadsden County. At that meeting the board requested that the language on the referendum should read "up to five cents". Research reveals that the language must be specific to avoid any constitutional issues. The referendum amount should be set at the maximum amount the county chooses to impose. That amount can be reduced by super majority vote of the board at any later time.

Mr. Richmond asked for a motion to put a specific gas tax amount to be stated in the resolution calling for the referendum.

**UPON MOTION BY COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO AUTHORIZE THE COUNTY ATTORNEY TO STATE "FIVE CENTS" AS THE SPECIFIC AMOUNT OF THE GAS TAX TO BE IMPOSED FOR THE REFERENDUM WHICH WILL APPEAR ON THE BALLOT.**

Commissioner Peacock emphasized that the voters would approve or disapprove of the tax - not the county commission.

**NORTH FLORIDA EDUCATION DEVELOPMENT CORPORATION** Tape # 1; 1139

**The board authorized the chairman to sign agreement with NFEDC which allows renovations to begin on the old Stevens School Building with grant money.**

Chairman Dixon reported that the NFEDC has requested the board's permission to begin the rehabilitation of the old Stevens

School. The agreement calls for the chairman's signature. The county attorney has reviewed it and found it is in proper form. The building inspector has verified that all permits are in proper order.

**UPON MOTION OF COMMISSIONER DAVIS AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO AUTHORIZE THE CHAIRMAN'S SIGNATURE ON THE AGREEMENT WITH NFEDC CALLING FOR RENOVATIONS TO THE OLD STEVENS SCHOOL BUILDING USING GRANT MONEY.**

**PLANNING AND ZONING DEPARTMENT RECOMMENDATIONS**

Mr. Mike Sherman, Director of Growth Management and Strategic Planning was present to present the following:

**Hinson Produce Market - Project #94PZ-11-201-1-6** Tape #1; 1188

**Hinson Produce Market project was approved subject to special conditions.**

Hinson Produce Market is a small fruit/vegetable stand that proposes to locate on the north side of Williams Street, approximately 200 feet east of US 27 in the Hinson Community behind the Hinson Country Store. The property consists of approximately .5 acres. The applicant is Mr. Leonard Moore, Rt. 5 Box 1688, Havana, FL 32333. The property owner is Ms. Doris Harvell, HC2 Box 7803, Tallahassee, FL 32310.

**UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO APPROVE THE PROJECT AS DESCRIBED ABOVE WITH THE SPECIAL CONDITIONS AS LISTED IN THE ATTACHED MEMO.**

**Dawkins Variance - Project #94PZ-12-201-1-6** Tape # 1; 1260

**Variance was tabled for further review.**

Ms. Anna Dawkins has placed a double wide (1568 sq. feet) mobile home on a .37 acre lot (lot 74 of Ochlockonee Estates on the south side of Choctaw Drive and the east side of Sioux Circle), and is requesting a variance from the 20 foot side setback requirement for corner lots abutting a road. The applicant is Ms. Anna Dawkins, Rt. 6 Box 613, Havana, FL 32333. The property owner is Mr. Samuel Castle, P. O. Box 665 Havana, FL 32333.

Ms. Dawkins pulled the correct permits and had the mobile home inspected by Gadsden County officials. The county building inspector did not check the side setback requirement prior to having the electricity turned on but Mr. Sherman could not determine for certain that there was negligence involved.

Ms. Dawkins placed her mobile home on the lot in good faith thinking it was placed correctly.

Planning and Zoning Commission recommended denial of the variance by 7 - 0 vote provided that the Board of County Commissioners consider funding the reconfiguration of the mobile home, septic tank and drainfield.

The staff recommended denial of the variance.

Mr. Richmond noted that other residents of the subdivision expressed concern about safety factors involved with the present location of the home and felt that the home should be moved. In the event of an accident, the county could be liable. He recommended that the board investigate further before making a decision.

Some discussion followed as to the county's responsibility for the cost of reconfiguring the mobile home on the lot.

Speaking in support of the variance was Mrs. Helen Tucker, a neighbor.

Speaking in opposition to the variance was Mrs. Kathy Grove.

**UPON MOTION OF COMMISSIONER PEACOCK, MS. DAWKINS' REQUEST FOR A SETBACK VARIANCE WAS TABLED.**

**Thomas Motor Cars - Project # 94PZ - 13-201-1-6** Tape #1; 1656

Thomas Motor Cars proposes to operate a used car lot on the northeast side of US 27 and Choctaw Drive at the entrance of Ochlockonee Estates. This location will function as a satellite dealership for Thomas Motor Cars in Quincy. The property consists of 1.33 acres. The applicant is Mr. Bruce H. Thomas, P. O. Box 350, Quincy, FL 32353. The property owner is Mr. Donald Jones, P. O. Box 544, Havana, FL 32333. The developer's representative is Mr. Chip Gray, 1679 Metropolitan Circle, Tallahassee, FL 32308.

Mr. Bruce Thomas was present and responded to questions from the board and from the public.

**UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO APPROVE THE THOMAS MOTOR CARS PROJECT.**

**Talquin Corners - Project 94PZ-14-209-5-6** Tape # 1; 1764

**Talquin Corners Project site and conceptual plat was approved.**

Talquin Corners is a proposed residential subdivision for double wide mobile homes on seven lots, totaling 5.1 acres (.073 acres average size) that is seeking conceptual approval. The site is located on the west side of 1st Street and the east side of Cooks Landing Road, approximately .6 miles south of County Boy's Restaurant. The applicant an property owner is Mrs. Maurice Mitchell, 3324 Northshore Circle, Tallahassee, FL 32312. The applicant's representative is Mr. Larry Stephens, 5477 Sombra Del Lago Dr., Tallahassee, FL 32303.

Staff recommended conceptual approval of the project.

Planning and Zoning Commission recommend conceptual approval subject to the conditions listed in the attached memo.

Speaking in opposition to the project was Mr. George Hamilton, adjacent property owner.

Mr. Sherman explained that the developer must come before the board at least two more times - once for preliminary plat approval and again for final plat approval. The board may disapprove the project at either of those stages.

**UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTE 4 - 1 TO GIVE TECHNICAL CONCEPTUAL PLAT APPROVAL AND APPROVAL OF THE LOCATION OF THE TALQUIN CORNERS SUBDIVISION. COMMISSIONER PEACOCK CAST THE LONE DISSENTING VOTE.**

**Land Development Code Work Session Schedule** Tape # 1; 2080

**The county manager and P & Z director were instructed to schedule a meeting to review the LDR'S.**

Mr. Sherman asked to board to set up an initial meeting for review of the land development regulations (LDR's) to be incorporated into the comprehensive plan for Gadsden County.

It was the consensus of the board to have Mr. Carter and Mr. Sherman to work out the schedule and set a date for the board to begin the review.

**COUNTY MANAGER** Tape # 1; 2160

**Fire Protection Assessment FY 1994/95**

**Workshop for fire protection assessment set for June 27, 1994 at 5:00 p.m.**

**The public hearing for adopting a resolution setting the rate for the fire assessment and adopting the assessment roll was set for July 28, 1994 to be held at the Courthouse.**

The process for developing the 94/95 fire assessment roll includes a public hearing for the Board of County Commissioners to consider for adoption the resolution that sets the rate of the assessment and adopts the assessment roll for certification of the Tax Collector for collection. Notice of the public hearing will be provided by publication to the general public and by first class mail to the owners of certain parcels, including those which were not on the assessment roll last year and those who will experience a rate increase.

County Manager recommended the board set the workshop for June 27, 1994 at 5:00 p.m.

The public hearing for the adoption of the resolution and the assessment roll was set for July 28, 1994 at the Courthouse.

**Bid Committee Recommendations**

**Bid # 94-15 for EMS Billing System was awarded to EMS Consultants Ltd. for \$14,995.00.**

**Bid # 94-19 for Removal of Scrap Tires was awarded to SAJAW, Inc. of Samson, Alabama at \$85.00 per ton.**

Mr. Carter presented the recommendations of the Bid Committee as follows:

**Bid # 94-15 - EMS Billing System Tape # 1; 2333**

**UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO AWARD BID # 94-15 FOR THE EMS BILLING SYSTEM TO EMS CONSULTANTS, LTD OF LAGRANGE, GA. FOR \$14,995.00.**

**Bid # 94-19 Removal of Scrap Tires Tape # 1; 2369**

**UPON MOTION OF COMMISSIONER POWELL AND SECOND OF COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO APPROVE AWARD OF BID # 94-19 TO SAWJAW, INC. OF SAMSON, AL AT \$85.00 PER TON.**

**Appointment of Veteran Service Officer Tape # 1; 2391**

Mr. Carter reminded the board of Mr. Edward Butler impending retirement which will vacate the position of Veteran Service

Officer. He recommended the appointment of Mr. Chester Brown as his replacement.

Mr. Carter referenced a letter from the Department of Veteran Affairs (attached) stating certification requirements of a new officer and dates for certification training courses available.

**UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO APPROVE THE APPOINTMENT OF MR. CHESTER BROWN AS GADSDEN COUNTY VETERAN SERVICE OFFICER.**

Mr. Carter said the upcoming budget would reflect a small stipend as compensation to the Veteran Officer.

**Solid Waste Task Force** Tape # 1; 2505

The Apalachee Regional Planning Council has recommended the establishment of a solid waste task force to research and evaluate factors affecting the location of landfills and the management alternatives for local governments within the region.

The council has asked that each board appoint a staff member and a board member to serve on the task force.

Commissioner McGill offered himself as a volunteer for the task force.

**UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO APPOINT COMMISSIONER MCGILL AND HERB CHANCEY TO THE APPALACHEE REGIONAL PLANNING TASK FORCE DEALING WITH SOLID WASTE.**

**Franchise Fees for Utilities** Tape # 1; 2585

**DCA ruled non-charter counties may impose franchise fees to utility companies. Further research forthcoming. No action - Information only.**

Mr. Carter referred to a letter from Nabors, Giblin & Nickerson, P.A. (Attached) informing the board of decision rendered by First District Court of Appeal in the landmark case of Santa Rosa County v. Gulf Power Company on March 30, 1994.

DCA ruled that a non-charter county has the authority to impose a franchise fee. The law firm is doing additional research to develop the best mechanism by which a franchise fee may be imposed on cooperative which may be unwilling to voluntarily enter into franchise agreements with non-charter counties.

**Appointment of County Manager James Carter as President of the Tallahassee Chapter of the National Forum for Black Administrators**

Mr. Carter informed the board that he has been named as President of the Tallahassee Chapter of the National Forum for Black Administrators. He went on to say that a council president's meeting has been scheduled to be held in Las Vegas August 5 - 7, 1994. The Florida organization is comprised of 193 members and he considered it an honor to be named president of this chapter.

**Fire Assessment Coordinator** Tape # 1; 2692

Mr. Carter introduced Oliver Sellars who was appointed as the new Fire Assessment Coordinator.

**CONSENT AGENDA** Tape # 1; 2715

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO APPROVE THE CONSENT AGENDA TO WIT:

- 1) CSX Application to Relocate Attapulgus Service Center - Resolution from Gadsden County opposing the relocation (Attached)
- 2) Satisfaction of Housing Rehabilitation Agreements (Attached) - Shelia Harris, Fred & Pallace Haynes, Robert & Carrie Martin Brisco, George & Bernice Scott.

**CLERK OF COURT** Tape # 1; 2730

**Budget Amendments**

**Nine budget amendments were approved.**

Clerk Thomas presented the following budget amendment requests:

- 1) General Fund - Grant Administrators Department - line item changes
- 2) GRANTS - SHIP - Setting up local housing assistance program - providing salaries, etc.
- 3) Grants - line item changes in the SHIP program
- 4) EMS Billing & Administration - line item changes
- 5) Mosquito Control - State I - line item changes to provide payment for the new mosquito control director
- 6) General - line item changes to move money around to pay circuit court costs and conflict attorneys.

- 7) General - line item changes for court reporter and tax collector
- 8) Mosquito Control/State I - line item changes to provide public information printing costs
- 9) Grants - setting up grant for Historical Preservation for county owned buildings around the square.

**UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO APPROVE THE BUDGET AMENDMENTS AS PRESENTED BY THE CLERK.**

**Financial Report** (Attached)

Clerk Thomas called attention to the report in the board agenda packets which showed all fund summaries.

**Approval of Payment of County Bills**

**UPON MOTION OF COMMISSIONER DAVIS AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO APPROVE THE PAYMENT OF THE COUNTY BILLS.**

**GEORGIA PUBLIC SERVICE COMMISSION HEARING ON CSX RELOCATION**

Chairman Dixon read a letter he received from the Georgia Public Service Commission stating they had received Gadsden's letter opposing the closing of the CSX Railroad Agent in Attapulgus. The letter also stated there would be a hearing to get public input before making the final decision.

**DISTRICT 1 REPORT**

There was no report.

**DISTRICT 2 REPORT**

There was no report.

**DISTRICT 3 REPORT**

**Will Ramsey was appointed to the Industrial Development Authority.**

**Proclamation of appreciation for Mr. Joe Bradley was authorized by the board.**

Commissioner Peacock announced that Mr. Joe Bradley is retiring and would like to resign from the Industrial Development Authority.

Commissioner Peacock recommended that the board appoint Will Ramsey to replace Mr. Bradley on the authority.

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 5 - 0 TO APPROVE THE APPOINTMENT OF WILL RAMSEY TO THE INDUSTRIAL DEVELOPMENT AUTHORITY FOR GADSDEN COUNTY.

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO ADOPT A PROCLAMATION OR RESOLUTION OF APPRECIATION TO MR. JOE BRADLEY FOR THE YEARS HE HAS SERVED ON THE INDUSTRIAL DEVELOPMENT AUTHORITY.

**DISTRICT 4 REPORT**

**Hanna Mill Pond Road**

Commissioner Davis asked Mr. Carter to inform him as to when the county was going to install the guard rails on Hanna Mill Road Bridge.

Mr. Carter could not answer immediately but agreed to look into the matter and inform the commissioner of his findings.

**DISTRICT 5 REPORT**

There was no report.

The chairman declared the meeting adjourned.

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**Edward J. Dixon, Chairman**

**ATTEST:**

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**Nicholas Thomas, Clerk**

**CONSTRUCTION INDUSTRY LICENSING BOARD**

Chairman Dixon convened the meeting.

**Joseph Sheffield - Roofing Contractor**

Mr. Hal Richmond explained that special circumstances surrounding the licensing of Mr. **Joseph Sheffield** have occurred. He explained that under the interlocal agreement with the City of Chattahoochee, the city submitted a list of names who were previously authorized to work within their city. Some names were left off that list in error. Since that time the county has been reluctant to expand that list. The City of Chattahoochee now is requesting that the list be amended to include names left off in error.

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO APPROVE THE LICENSING OF JOSEPH SHEFFIELD IN THE CITY OF CHATTAHOOCHEE BUT NOT TO ACCEPT ANY OTHER ADDITIONS TO THAT LIST AFTER JULY 19, 1994.

**Bricey Strickland - Air Conditioning "A"**  
**Paul Daniel Bliss - Pool Contractor**

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER PEACOCK THE BOARD VOTED 5 - 0 TO APPROVE THE LICENSING OF BRICEY STRICKLAND AS AIR CONDITIONING CONTRACTOR AND PAUL DANIEL BLISS AS A POOL CONTRACTOR.

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Edward J. Dixon

ATTEST:

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Nicholas Thomas, Clerk

Attachments

<u>Description of the Attachment</u>	<u>Minutes Page No.</u>
___ Agenda	1
___ Railroad Agreement	1
___ Resolution of future responsibility	1
___ Williams Metro Communications Lease	2
___ Gas Tax Referendum Resolution	3
___ Agreement with NFEDC (Stevens School)	4
P ___ .....Planning and Zoning Department Recommendations	4
___ Bid # 94-15 for EMS Billing System	7
___ Bid # 94-19 for Removal of Scrap Tires was awarded to SAJAW	7
___ Letter from the Department of Veteran Affairs - Chester ....	Brown
___ CSX Application to Relocate Attapulugus Service Center - .....	Resol
___ Satisfaction of Housing Rehabilitation Agreements	
___ Shelia Harris,	
___ Fred & Pallace Haynes,	
___ Robert & Carrie Martin Brisco,	
___ George & Bernice Scott.....	9
___ Budget Amendments	
___ 1) General Fund - Grant Administrators Department - line item changes	
___ 2) GRANTS - SHIP - Setting up local housing assistance program - providing salaries, etc.	
___ 3) Grants - line item changes in the SHIP program	
___ 4) EMS Billing & Administration - line item changes	
___ 5) Mosquito Control - State I - line item changes to provide payment for the new mosquito control director	
___ 6) General - line item changes to move money around to pay circuit court costs and conflict attorneys.	
___ 7) General - line item changes for court reporter and tax collector	

\_\_\_\_\_ 8) Mosquito Control/State I - line item changes to  
provide public information printing costs

\_\_\_\_\_ 9) Grants - setting up grant for Historical  
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\_\_\_\_\_ Financial Report 10

\_\_\_\_\_ Joseph Sheffield - Roofing Contractor 13

\_\_\_\_\_ Bricey Strickland - Air Conditioning "A"

\_\_\_\_\_ Paul Daniel Bliss - Pool Contractor..... 13

**Agreements  
Department  
Transportation  
Agreements  
Department  
Transportation**

**of**

**of**

AT A REGULAR MEETING OF THE BOARD OF  
COUNTY COMMISSIONERS, HELD IN AND  
FOR GADSDEN COUNTY, FLORIDA ON JULY  
5, 1994, THE FOLLOWING PROCEEDINGS  
WERE HAD, VIZ.

PRESENT: ED DIXON, CHAIRMAN  
FORREST DAVIS, VICE-CHAIRMAN  
BILL MCGILL  
JAMES PEACOCK  
ANTHONY POWELL  
NICHOLAS THOMAS, CLERK  
HAL RICHMOND, COUNTY ATTORNEY  
JAMES CARTER, COUNTY MANAGER

CALL TO ORDER

Chairman Dixon called the meeting to order. Commissioner Davis led in pledging allegiance to the U. S. Flag. Commissioner McGill then opened the meeting with prayer.

ADOPTION OF AGENDA (Attached)

County Manager Carter asked that the agenda be amended to include the Juvenile Justice Contract as part of the consent agenda.

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO AMEND THE AGENDA TO INCLUDE THE JUVENILE JUSTICE CONTRACT AS PART OF THE CONSENT AGENDA AND ADOPT THE AGENDA AS AMENDED.

APPROVAL OF MINUTES - JUNE 21, 1994 REGULAR MEETING

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER PEACOCK THE BOARD VOTED 5 - 0 TO APPROVE THE MINUTES OF THE JUNE 21, 1994 MEETING AS WRITTEN.

COUNTY ATTORNEY

Williams Communications Lease (Attached) Tape # 1 ; 129

New lease for radio tower (jail) with Williams Communications approved.

Mr. Hal Richmond, county attorney, presented a lease agreement with Williams Communications for radio tower space at the jail for

the board's approval and execution. A lease was prepared and presented for approval at the last commission meeting, but the board asked Mr. Richmond to add a termination option clause and bring it back for approval. Mr. Richmond made the change as requested noting the termination option was only for the county, however, the instrument does have a mutual agreement clause which benefits both parties.

**UPON MOTION OF COMMISSIONER DAVIS AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO APPROVE THE CONTRACT AND AUTHORIZE THE CHAIRMAN'S SIGNATURE TO EXECUTE THE AGREEMENT.**

Gas Tax Resolution (Attached) Tape # 1;156

**Resolution calling for five cents gas tax referendum approved**

Mr. Richmond presented a resolution calling for a referendum in the November General Election for the public's approval or disapproval of the imposition of a five cent gas tax for Gadsden County. He asked the board to execute the resolution and authorize him to proceed with getting it placed on the ballot with the Supervisor of Elections.

Chairman Dixon stated that without resolve from the board as a whole to promote the virtues of the tax, the referendum is doomed to failure. He encouraged the commission to speak out to inform the public of what the five cents could and would accomplish.

Commissioner McGill reported that he has attended at least two town meetings in the Havana area and he found those citizens supportive of the gas tax.

Commissioner Peacock stated he could only support a gas tax after the people vote to have it and he would not campaign for its passage. Short of voter approval, he would continue to oppose it.

**A MOTION WAS MADE BY COMMISSIONER MCGILL AND SECONDED BY COMMISSIONER POWELL TO PASS THE RESOLUTION CALLING FOR A REFERENDUM TO GET VOTER APPROVAL OF THE IMPOSITION OF A FIVE CENT GAS TAX AND THAT THE ISSUE WOULD APPEAR ON THE NOVEMBER 8, 1994 GENERAL ELECTION BALLOT.**

Discussion followed.

Commissioner Davis did not feel that it was the responsibility of the board to promote the tax.

Commissioner Powell suggested that a public workshop be held to educate the citizens.

**Public Input**

Dan Winchester, Rt. 4 Box 538, Havana favored the tax but feared the wording as it appears in the resolution will incite defeat. He asked if the ballot wording could be more specific as to what kind of capital expenditures the tax would go toward.

Attorney Richmond responded by saying that the wording had to comply with the constitutional and legal language.

The chairman recognized Nolen Hancock only briefly because his remarks did not address the gas tax referendum.

Alney Parramore was recognized by the chairman.

**THE BOARD VOTED 5 - 0 TO APPROVE AND EXECUTE THE RESOLUTION AS PRESENTED BY THE COUNTY ATTORNEY.**

**Resolution on Extension of Local Option Sales Tax Referendum**

This item was pulled by the county attorney from his agenda prior to the meeting but was not formally removed when the agenda was amended and adopted.

**Library Lease** Tape # 2;430 (This item was taken out of order)

**Lease with Tallahassee Community College approved**

Mr. Richmond presented the new lease between the county and Tallahassee Community College. He reported that it had the proper content and was proper in form.

**UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO APPROVE THE NEW LEASE AGREEMENT BETWEEN GADSDEN COUNTY AND TALLAHASSEE COMMUNITY COLLEGE.**

**Resolution for Joe Bradley**

**Resolution of appreciation to Joe Bradley adopted**

Mr. Richmond read a resolution into the record expressing appreciation to Mr. Joe Bradley who is resigning from the Industrial Development Authority after 15 years of service. (He was directed by the board at the last meeting to prepare the resolution.)

**UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO EXECUTE THE RESOLUTION OF APPRECIATION FOR JOE BRADLEY AS READ BY THE COUNTY ATTORNEY.**

**NON AGENDA - Barnett Bank Lease for Public Defender's Office**

Tape # 2; 500

Mr. Richmond reported that he had received a copy of a lease with Barnett Bank to review. He acknowledged the presence of Ms. Nancy Daniels, Public Defender, and asked the chairman if he would recognize her to speak. The Chairman then yielded the floor to Ms. Daniels even though she was not on the agenda.

Ms. Daniels reported that the lease for the Public Defender's office space between Barnett Bank and the county expires on September 30, 1994. She noted that she had explored other options for office space and has concluded the best option to be renewal of the same space. Because modifications are expected to be made to the offices, the cost will increase to \$8.50 per square foot totaling \$28,075.56 per year for three years. (An increase of \$8,000.00) No negotiations have transpired to date.

Mr. Richmond recommended that the board table the matter until further discussions with the county manager during the budget workshops.

**DALE SUMMERFORD - TAX COLLECTOR** Tape # 2; 1000

**Errors and Insolvencies Report**

**Errors and Insolvencies Report approved and adopted.**

Mr. Dale Summerford, Tax Collector, presented the list of errors and insolvencies for the tax roll for 1993/94. He asked for approval of the board.

**UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO APPROVE THE TAX ROLL ERRORS AND INSOLVENCIES REPORT PRESENTED BY THE TAX COLLECTOR.**

**County Name or "Sunshine State" on License Plates Tape # 2;**

**Board voted to retain county name on license plates.**

Because of the growing concern of tourist related crimes in Florida connected to rental vehicles, a suggestion was brought before the legislature to eliminate the county name from the Florida license plates so as to attract less attention to visitors to any area. The legislature agreed to leave this matter up to the individual counties.

Mr. Summerford went on to say that he had performed an informal survey to the various law enforcement agencies within the county and found that none of them are in favor of removing the county name from the plates. He recommended leaving the plates as they are. He requested action on this matter.

**UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO LEAVE "GADSDEN" NAME ON THE LICENSE PLATES.**

**MIKE SHERMAN - PLANNING AND ZONING RECOMMENDATIONS Tape # 2; 1182**

**Dawkins Variance - Project 94PZ-12-201-1-6 (Memo attached)**

**Dawkins Variance approved.**

Ms. Anna Dawkins has placed a double wide (1568 square feet) mobile home on a .37 acre lot (lot 74 in Ochlockonee Estates on the south side of Choctaw Drive and the east side of Sioux Circle), and is requesting a variance from the 20 foot side setback requirement for corner lots abutting a road. The applicant is Ms. Anna Dawkins, Rt. 6 Box 613, Havana, FL 32333. The property owner is Mr. Samuel Castle, P.O. Box 665, Havana, FL 32333.

The Planning and Zoning Commission recommended denial of the request for variance contingent upon the county funding the costs relating to reconfiguring the mobile home.

The staff recommended denial. The alternative is to grant the variance due to the special conditions surrounding its placement as described in the attached memo.

On June 21, 1994, the board tabled the project until a cost determination for relocation of the home and septic tank/drainfield

could be made. Those costs have since been determined to be \$2,985.00.

**UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO APPROVE THE SET BACK VARIANCE DUE TO THE HARDSHIPS STATED IN THE ATTACHED MEMO.**

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CODE ENFORCEMENT HEARING

Watson Nuisance Tape #2; 1387

**County staff was instructed to proceed with code enforcement process after 30 days if Ella Mae Watson does not comply with nuisance ordinance.**

Complaints were made to the county office of nuisance violation on Parcel #111-03 in Section 29 Township 2 North Range 3 West on the south side of Moore Road, .8 miles from CR268 owned by Ms. Ella Mae Watson, Rt. 7 Box 5560, Quincy, FL 32351. Staff notified the property owner three months ago of the violations. Since that time, some improvement has been observed by county staff.

In response to Mr. Alney Parramore's question, Mr. Sherman read the definition of nuisance and it is described in the ordinance.

Staff recommended to proceed with code enforcement procedures. **UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO AUTHORIZE THE STAFF TO PROCEED WITH CODE ENFORCEMENT PROCESS WITH RESPECT TO THE NUISANCE COMPLAINT FILED AGAINST MS. ELLA MAE WATSON.**

Castillo Garage Tape # 2; 1791

**County staff instructed to proceed with code enforcement process after 30 days if Mr. Castillo does not comply with development ordinance.**

An auto repair garage, situated on the west side of US 27 and the south side of CR 270, consisting of 1.95 acres (parcel #334-02 in Section 13 Township 2 North Range 2 West) and owned by Mr. Oscar Castillo, 3031 Baron Lane, Tallahassee, FL 32304. He is in violation of the Development Review Code #90-003. Public complaints were filed with the county. An on-site inspection and

found deficiencies. Upon revisit, staff observed some progress but there are violations still remaining.

Mr. Castillo was notified of this hearing and was present and answered questions from the board.

**UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 5 -0 TO ALLOW A 30 DAY EXTENSION FOR VIOLATIONS TO BE CORRECTED. IF NOT, THEN PROCEED WITH CODE ENFORCEMENT PROCEDURES IF NOT CORRECTED.**

Nesbitt Bus Tape # 2; 1940

**County staff instructed to proceed with code enforcement process after 30 days if Mr. Nesbitt does not comply with nuisance ordinance.**

Complaints were received concerning the placement of an inoperable bus on the property of Mr. Robert Nesbitt, Rt. 7 Box 1550, Quincy, FL 32351 situated at the end of CR 65C, Adjacent to Lake Talquin and consisting of approximately one acre (parcel #77100-21 of the Little River Survey). Site inspections revealed a blue bus with expired license plates. A subsequent site inspection found the bus parked in a different location. Mr. Nesbitt was notified of the violation three months ago and has not removed the bus from the property. Mr. Nesbitt was notified of this meeting by certified mail.

Mr. Nesbitt was not present when the chairman called for him to respond to the complaint.

**UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO PROCEED WITH THE CODE ENFORCEMENT PROCESS AFTER 30 DAYS IF THE BUS HAS NOT BEEN REMOVED.**

D & M Junkyard Tape # 2; 1982

**County staff instructed to proceed with code enforcement process after 30 days if Mr. Marriott does not comply with Ordinance # 91- 003.**

Complaints have been filed by the public as to inadequate buffering/screening of the D & M Junkyard. The property consists of 4.55 acres and is situated on the north side of US 90 across from Rice Road. The owner is Mr. Randall Marriott, P. O. Box 594, Chattahoochee, FL 32324. Parcel # 412 - 03 in Section 31 Township 4 North Range 5 west.

The owner is not in compliance with ordinance 91-003. The staff notified the owner of the violations three months ago and he has made no improvements.

Staff recommended giving the property owner 30 days to comply then proceed with code enforcement process if he has not complied.

There was no one present to represent D & M Junkyard.

**UPON MOTION OF COMMISSIONER PEACOCK, AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO GIVE MR. MARRIOTT 30 DAYS TO COME INTO COMPLIANCE THEN PROCEED WITH CODE ENFORCEMENT PROCESS IF COMPLIANCE HAS NOT BEEN MADE.**

Sadler Sawmill Tape # 2; 2138

**County staff instructed to proceed with code enforcement process after 30 days if Mr. Donnie Sadler does not comply with development code and nuisance ordinance by ceasing to operate a sawmill at his home.**

Staff has been receiving neighboring complaints concerning the operation of a sawmill and tree-cutting business on the property of Mr. Donnie Sadler, P. O. Box 1065, Quincy, FL 32353, situated on the south side of Old Federal Road (CR65B) and east side of Swift Street on lots B2 and B3 of Hillside Farms Subdivision. The sawmill operation and business are in violation of the Comprehensive Plan and the Development Review Code, as this area is designated Rural Residential. A noisy operation of this nature should be located in an Industrial area and not adjacent to homesites. The sawmill is also in violation of the Nuisance Ordinance. Staff has discussed the problem with Mr. Sadler, verbally and in writing, with no success in permanent abatement of this operation.

Mr. and Mrs. Sadler were present and addressed the board in their own defense. Mr. Sadler reported that he uses a 24 horse-power engine which is no louder than a lawn mower. They stated they used the sawmill to build their house and fence and as a hobby - they do not run a business. No money is exchanged. Mr. Sadler does bring his equipment home and leave it overnight.

Speaking in opposition were:

Jan Shekitka  
Mike Norton  
Amelia Shekitka

Discussion followed.

A MOTION WAS MADE BY COMMISSIONER PEACOCK AND SECONDED BY COMMISSIONER POWELL AUTHORIZE MR. SHERMAN TO NOTIFY THE SADLERS THAT THEY ARE FOUND IN VIOLATION OF THE NUISANCE ORDINANCE AND THE DEVELOPMENT REVIEW CODE AND THEY ARE GIVEN 30 DAYS TO ABATE THE NUISANCE AND SHUT DOWN THE BUSINESS OF OPERATING THE SAWMILL.

Discussion followed.

QUESTIONS WERE CALLED BY COMMISSIONER PEACOCK. THE BOARD VOTED 4 -1 IN FAVOR OF THE MOTION. COMMISSIONER DAVIS CASTING THE LONE DISSENTING VOTE.

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Comprehensive Plan Amendment Fee and Application Tape 2;  
2949 - (Attached)

**Comprehensive Plan Amendment Application and fee schedule approved.**

In response to the commissioners directions at the last meeting, Mr. Sherman made some revisions to the Comprehensive Plan Amendment Application and he presented it again to the board for consideration. The staff recommended a fee of \$500.00.

Discussion followed.

No public comments were offered.

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO APPROVE THE PLAN AMENDMENT APPLICATION AND THE FEE SCHEDULE AS PRESENTED BY MR. SHERMAN.

MARK DICKESON - Florida Statewide Mutual Aid Agreement Tape # 2;  
3508

**Florida Statewide Mutual Aid Agreement approved for Emergency Management was approved.**

Mr. Mark Dickeson, Gadsden County Emergency Management Director, was present and offered the Statewide Mutual Aid Agreement. The agreement establishes a formal mechanism, for reciprocal emergency aid and assistance, in case of emergencies too extensive to be dealt with by Gadsden County on its own.

Mr. Dickeson recommended approval of the agreement.

**UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 4 - 0 TO APPROVE THE STATEWIDE MUTUAL AID AGREEMENT. (Commissioner Peacock was not present for this vote.)**

**ECONOMIC DEVELOPMENT UPDATE Tape # 2; 3608**

**Economic Development Transportation Funds Tape #2; 3622  
(Contract Attached)**

**Contract for Transportaion Funds with Department of Commerce approved.**

Mr. McCaskill presented the board with an contract that will implement the recommendation of the Economic Development Transportation Fund Committee to provide funds to assist Gadsden County on behalf of the Lynch Machinery-Miller Hydro, Inc. These funds will be used to upgrade Brickyard Road in Midway and paving for the new industrial park in Midway.

**UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 4 - 0 TO AUTHORIZE THE CHAIRMAN'S SIGNATURE ON THE CONTRACT BETWEEN GADSDEN COUNTY AND THE FLORIDA DEPARTMENT OF COMMERCE THAT WILL PROVIDE FUNDING FOR ROAD PAVING FOR THE RELOCATION OF LYNCH MACHINERY - MILLER HYDRO, INC. TO MIDWAY. (Mr. Peacock was not present for this vote.)**

**Economic Development Update Tape # 2; 3678**

Mr. Rick McCaskill spoke briefly to update the board on the economic development in the county. (Attached)

**COUNTY MANAGER Tape # 2; 3809**

**Detailed Work Plan Budget - Arthropod Control for 94/95**

**Arthropod Control Detailed Work Plan Budget 94/95 approved**

Mr. Carter introduced the detailed work plan budget for the arthropod control which must be submitted to the Department of Agriculture and Consumer Services for state aid in the amount of \$26,451. This must be matched with a minimum of \$8,500.00. He asked for approval of the work plan budget. (Attached)

**UPON MOTION BY COMMISSIONER POWELL AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO APPROVE THE DETAILED WORKPLAN BUDGET FOR ARTHROPOD CONTROL AND AUTHORIZE THE CHAIRMAN TO**

EXECUTE IT FOR THE FISCAL YEAR 94/95. IT IS TO BE SUBMITTED TO THE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES.

CONSENT AGENDA Tape # 2; 3858

Satisfaction of Housing Rehab Agreement (attached)

Christine Glover Rodgers Satisfaction of Rehab Agreement approved.

Juvenile Justice Contract (Attached)

Juvenile Justice Contract approved.

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER PEACOCK THE BOARD VOTED 5 - 0 TO APPROVE THE CONSENT AGENDA TO WIT:

- (1) Satisfaction of Housing Rehab Agreement on Christine Glover Rodgers
- (2) Juvenile Justice Contract

CLERK OF COURT Tape # 2; 3866

Budget Amendments (Attached)

Five Budget Amendments approved as presented.

Clerk Thomas presented the budget amendments and requested approval of the board.

UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO APPROVE THE BUDGET AMENDMENTS TO WIT:

- (1) Grants - County Award - line item only
- (2) General Fund - line item changes only for Circuit Court Costs budgets, courthouse annex budgets and others
- (3) Grants - Solid Waste Grant line item changes
- (4) County Transportation # 1 - line item changes
- (5) Mosquito Control - line item changes

Payment of County Bills

Payment of County Bills approved.

UPON MOTION BY COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO APPROVE THE PAYMENT OF THE COUNTY BILLS.

**Fire Control Expenditure Status** - Attached

Clerk Thomas called attention to a report on the Fire Control Expenditures which was requested at the special meeting on June 27, 1994.

**DISTRICT 1 REPORT**

Commissioner McGill asked the board to direct the staff to move with all deliberate speed toward providing safe roads for all of Gadsden County.

**DISTRICT 2 REPORT**

Commissioner Powell asked about the progress of a road adoption program.

County Attorney Hal Richmond responded saying he did have some information and would provide it to the commissioner right away.

**DISTRICT 3 REPORT**

Commissioner Peacock had nothing to report.

**DISTRICT 4 REPORT**

Commissioner Davis had nothing to report.

**DISTRICT 5 REPORT**

Chairman Dixon referenced the road paving ten-year plan. He urged the commission to earnestly consider the position the board will take on the gas tax issue with respect to long range plans for roads in the county.

**UPON MOTION OF COMMISSIONER POWELL, THE MEETING WAS ADJOURNED  
BY THE CHAIRMAN.**

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Edward J. Dixon, Chairman

ATTEST:

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Nicholas Thomas, Clerk

Attachments

<u>Description of the attachment</u>	<u>Page # in the Minutes</u>
Agenda .....	1
Williams Communications Lease 1 <i>Original to Betty on 7/13/94</i>	
Gas Tax Resolution.....	2
<i>Never got a copy except fax copy from Hal's Office</i>	
Library Lease 3	
Resolution for Joe Bradley 4 <i>Sent to Betty 7/13/94</i>	
Errors and Insolvencies Report.....	5
<i>Original filed in big book 7/6/94</i>	
Plannning and Zoning Recommendations .....	5
Comprehensive Plan Amendment Application and fee schedule 9	
Florida Statewide Mutual Aid Agreement 10 <i>Originals sent to Betty 7/13/94 Still need copies with other agencies signatures on it</i>	
Contract for Transportaion Funds with Department of Commerce 10 <i>Need the original with all signatures back. Sent to Betty 7/13/94</i>	
Economic Development Update 11 <i>Rick passed out at meeting but I was not given a copy.</i>	
Arthropod Control Detailed Work Plan Budget 94/95 11 <i>Received copy from Betty on 7/12/94</i>	
Satisfaction of Housing Rehab Agreement 11 <i>Signed and sent to Betty on 7/13/94</i>	
13/9_____.....Juvenile Justice Contract	
11 <i>Never saw a copy</i>	
Budget Amendments:	
(1) Grants - County Award - line item only	
(2) General Fund - line item changes only for Circuit Court Costs budgets, courthouse annex budgets and others	
(3) Grants - Solid Waste Grant line item changes	
(4) County Transportation # 1 - line item changes	
(5) Mosquito Control - line item changes.....	12



AT A JOINT MEETING OF THE GADSDEN  
COUNTY BOARD OF COMMISSIONERS AND  
THE AFFORDABLE HOUSING ADVISORY  
COMMITTEE HELD IN AND FOR GADSDEN  
COUNTY, FLORIDA, ON JULY 26, 1994,  
THE FOLLOWING PROCEEDINGS WERE HAD,  
VIZ.

PRESENT: ANTHONY POWELL, BCC  
JAMES CARTER, COUNTY MANAGER  
JIM RICHMOND, COUNTY ATTORNEY  
MURIEL STRAUGHN, DEPUTY CLERK  
ED BUTLER, GRANTS ADMINISTRATOR  
ROSEMARY BANKS, SHIP COORDINATOR  
MIKE SHERMAN, P & Z DIRECTOR  
STEVE SPARKS, PLANNER  
MILLIE FOREHAND, AHAC CHAIRPERSON  
WILLIAM CARR, AHAC  
JAMES ROGERS, AHAC  
PATRICK BROWN, AHAC  
RICK MCCASKILL, CHAMBER OF COMMERCE

CALL TO ORDER

Mr. Mike Sherman, Planning and Zoning Director for Gadsden County opened the meeting and welcomed all those in attendance.

OVERVIEW OF PROPOSED LAND DEVELOPMENT REGULATIONS

Mr. Sherman gave a general overview of the comprehensive plan and how the land development regulations actually will become the implementing document that will make it work. He also explained why the county must

The joint committees were asked to make a list the unique qualities of Gadsden County which they would like to see protected by the land development regulations.

That list included the following:

- Visual Qualities
- Privacy
- Open Areas
- Hunting Preserves



The meeting adjourned at 7:20 p.m.

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Millie Forehand, Chairperson  
Affordable Housing Advisory  
Committee

AT A BUDGET WORKSHOP HELD IN  
AND FOR GADSDEN COUNTY,  
FLORIDA, ON JULY 21, 1994, THE  
FOLLOWING PROCEEDINGS WERE HAD,  
VIZ.

PRESENT: EDWARD J. DIXON, CHAIRMAN  
FORREST DAVIS, VICE-CHAIRMAN  
BILL MCGILL  
JAMES PEACOCK  
ANTHONY POWELL  
NICHOLAS THOMAS, CLERK  
JAMES CARTER, COUNTY MANAGER

Tape # 1: 004

The meeting was called to order by Chairman Dixon. He then turned the meeting over to Mr. James Carter, County Manager.

Mr. Carter introduced the proposed budget saying it is only a working document at the present time. It could be changed as many times as necessary until it is formally approved and adopted.

Mr. Carter reported the proposed budget calls for no tax increases and the roll back rate on the millage would be 9.65 mills. He later corrected that figure to be 9.538. He again noted that the budget had been balanced without an increase in taxes. He stated that he must present the certified millage rate to the Department of Revenue on July 29, 1994 and he hoped to leave this workshop with the millage rate set.

REVENUE OVERVIEW Tape # 1; 17; Proposed 94/95 Budget p. A-6

Mr. Carter reported that the revenue projections are mid-line conservative. He had been in contact with the Department of Revenue to compare Gadsden's projections with those issued by the state. He noted that the projection information issued by the state is not always accurate, so he had based his projections of revenue primarily on source documents received from the Clerk's Office.

**REVENUES BY MAJOR CATEGORY**

**TAXES**

Property Taxes	5,838,695.00
One Cent Local	800,000.00
Option Sales Tax	

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Franchise Fees	100,000.00	
Six Cent Local Option Gas Tax	6,738,695.00	
Subtotal Taxes	13,477,390.00	13,477,390.00

**SPECIAL ASSESSMENTS**

Fire Assessment	631,602.00	631,602.00
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**LICENSE AND PERMITS**

Building Permit Fees	204,000.00	
Other Permit Fees	12,000.00	
Subtotal: Licenses and Permits	216,000.00	216,000.00

**CHARGES FOR SERVICES**

Ambulance Fees	662,970.00	
Other Charges for Services	85,550.00	
	748,520.00	748,520.00

This is to reflect the implementation of the new Medicare/Medicaid electronic billing system. This is budgeted at a 60% collection rate.

**INTERGOVERNMENTAL**

Gas taxes	896,000.00	
1/2 cent sales tax	1,405,000.00	
State Revenue Sharing	675,000.00	
Racing Tax (Parimutuel)	223,250.00	
Federal & State Grants	744,594.00	
State Library Aid	196,895.00	
Other	154,452.00	

(combined smaller  
revenues)

Subtotal	4,295,191.00	4,295,191.00
Intergovernmental		

**FINE AND FORFEITURE**

Court Fines	300,000.00	
Probation Fees	116,000.00	
Other (combined smaller fines)	57,727.00	
Subtotal Fine & Forfeiture	473,727.00	473,727.00

**MISCELLANEOUS**

Interest Earnings	133,000.00	
Other	558,548.00	
Subtotal Miscellaneous	691,548.00	691,548.00

<b>TOTAL CURRENT INCOME</b>	14,705,283.00	14,705,283.00
Less 5%	(697,284.00)	
	14,007,999.00	14,007,999.00

**NON REVENUES**

Interfund Transfer	1,848,391.00	
Appropriated Fund Balance	1,611,505.00	
Cash Match for Grants	.00	
Subtotal for Non Revenues	3,459,896.00	
<b>TOTAL REVENUES ALL FUNDS</b>	17,467,895.00	17,467,895.00

Mr. Carter stated that he had identified all the revenue sources he could given the source data made available to him. He then entertained questions from the board.

**EXPENDITURE OVERVIEW** Tape # 1; 120 (Page A-8 in attached document)

Mr. Carter outlined the expenditure summary by major category  
- all funds.

**EXPENDITURE SUMMARY BY MAJOR CATEGORY - ALL FUNDS**

**EXPENDITURES**

County Commission Agencies	4,190,336.00
Constitutional Officers	4,865,921.00
Judicial Costs	298,345.00
Human and Service Payments	846,299.00
Contracts & Other Obligations	625,201.00
State and Federal Grants	837,049.00
<b>Subtotal: Operating Expenses</b>	<b>11,663,151.00</b>
Debt Service	2,110,163.00
Capital Improvements	937,054.00
<b><u>Non-Expenditures</u></b>	
Reserves for Contingency	909,136.00
Depreciation Expense	.00
Intrafund Transfers	1,848,391.00
<b>Sub-Total: Non-Expenditures</b>	<b>2,757,527.00</b>
<b>TOTAL EXPENDITURES: ALL FUNDS</b>	<b>17,467,895.00</b>

Mr. Carter then gave the board more detail of the expenditures and pointed them to pages A13 - A17 in the proposed budget document.

**SPECIAL REVENUE FUNDS**

**Mosquito Control**  
**Transportation # 1**  
**Fine and Forfeiture**

**Grants**

**Emergency Rescue**  
**Law Library**  
**Hospital Revenue**  
**Hospital Renewal and Replacement**  
**Fire Control**  
**Waste Services**  
**Other Court Costs**  
**Drug Abuse**

The funds listed above are detailed in pages A-18 through A-36

**TRUST FUNDS**

Pages A-37 - A-38 gives some detail about the hospital endowment trust fund.

**CAPITAL PROJECT FUNDS**

The capital projects are primarily made up of Transportation # 2 and the jail construction. Pages A-39 - A-40.

Question: Commissioner Davis asked if the county can legally take money from Transportation # 2 and purchase equipment?

Mr. Carter answered by saying that based upon submission of a lot of detailed information obtained from Purvis, Gray & Company (auditors), an Attorney General's Opinion AGO 82-55 and AGO 83-26 states: "The county may, with those exceptions noted, use the surplus of constitutional gas tax to lease or purchase road equipment necessary for or directly connected with and necessarily incidental to carrying out its responsibility in construction and maintenance of roads."

Mr. Carter assured the board he would get into significant detail once he completed the summary of the budget.

**DEBT SERVICE FUNDS** Page A-42

Hospital Interest and Sinking Fund  
Correctional Facility Debt Service  
Primary Health Care Debt Service

**OPERATING BUDGET BY DEPARTMENT AND PROGRAM FOR THE  
BOARD OF COUNTY COMMISSIONERS**

**Growth Management** B36 - B40 Tape # 1: 2475

Planning and Zoning  
Building Inspections

Mr. Carter told the board that base-line performance objectives have been identified for this department. Next year, he will include some service level indicators which will actually monitor how well they progress through out the year. The board will be given a mid-year report and a year-end report.

Mr. Carter reviewed the Performance Objectives for the Planning and Zoning Department very briefly. (Page B-37) He then reviewed the proposed budget.

The personal services line item for the planning staff is increased due to re-classification of all planning staff so as to be competitive with surrounding jurisdictions.

The budget does not reflect \$27,000 requested by Mr. Sherman for a Geographic Information System Software. It will allow for conversion of maps to digitized format to be used for site analysis. It is a capital expense and if the board approves it, it will have to be added to the budget as a capital expense.

Michael Sherman, Growth Management Director, explained to the board some of the benefits of having the system.

The manager was instructed to put the purchase of the GIS software on a list for further consideration during the budget process.

**Building Inspections**

Mr. Carter read the performance objectives from page B-39.

Mr. Frank Ritter explained how the department worked in relationship to building inspections.

Mr. Carter interjected that the department needs additional staff members.

**MANAGEMENT SERVICES** Tape # 2;40; page B-45

The budget reflects consolidation of various activities. The increase reflects the addition of a building maintenance supervisor. The operating expense increase is due to the addition of Annex # 3 and the cost of meeting minimal ADA requirements.

Mr. Lawson spoke briefly as to facilities staffing and custodial schedules.

**COMMUNITY SERVICES** Page B-48

**Community Development Administration** Tape # 2; 600

This program administers the SHIP program and other additional housing programs as they come on-line (HOMES and CDBG). This program aggressively seeks additional housing and community development.

Mr. Carter explained that this program was once called Grants Administration and directed by Mr. Ed Butler. Mr. Butler has announced his plans to retire at the end of this year, and Mr. Carter has given Mrs. Rosemary Banks the opportunity to direct the activities previously performed by Mr. Butler.

Mrs. Banks presented the board with an additional request for funds. She requested a new position - Rehab Specialist, a truck and a computer an addition of \$42,559. She went into some detail about what services would be provided with the additional staff person and equipment.

It was consensus of the board not to act on this request at this meeting but agreed to seriously consider it further during the budget process.

Mr. Carter reviewed each of the following budgets:

- Agricultural Extension** Pages B-54 - B-55
- Veteran Services** Pages B-49 - B-50
- Probation** Pages B-51 - B-52
- Library Services** Pages B-55 - B-58
- Human Service Administration** Pages B-59 - B-60

**CONSTITUTIONAL OFFICERS**

**Property Appraiser** - Tape # 3; 38

Property Appraiser George Hamilton and his Chief Deputy Appraiser, Marsha King were present to answer questions relating to the budget of his office.

County Manager Carter apologized for the oversights made in their budget. (Deputy Property Appraiser's position was not shown in the budget - it didn't affect the funding; capital outlay - \$13,590 was requested for EDP and \$2,000 for capital outlay was left out of this budget; and the schedule for the vehicles were left out) Page C-5: \$2,000 should be added to capitol outlay. The EDP Computer service and the vehicle service will be reflected in debt service. This will increase the budget expenditures by that amount. (\$15,000 Rental of vehicles; \$2,000 office equipment; \$13,590 to EDP Computer

**Clerk of Circuit Court** Tape # 3 ; pages C-9 - C-10

The Clerk's budget was reviewed. The only increase to the Clerk's proposed budget is a four per cent increase in salaries.

**Supervisor of Elections** Tape # 3; Pages C-12 - C14

The Supervisor of Elections requested a new position for his office. The proposed budget does not reflect that position. The increase this budget is primarily due to the National Voter Registration Act. If the board chooses to fund the requested position, it must added to this proposed budget.

After discussion, the consensus of the board was to add the clerical position to the Supervisor of Elections budget. The board will look at this position closely next year before funding it again.

**Sheriff** Pages C-15 - C-17

The Sheriff's proposed budget increases are due primarily to a 4% cost-of-living adjustment for all corrections staff plus a pay plan reserve for correctional officers and deputies.

The pay plan reserve reflects 5% of gross salaries already paid. Some discussion followed.

#### **JUDICIAL COSTS**

**Circuit Court  
County Court  
State Attorney  
Public Defender  
Court Reporting  
Medical Examiner  
Law Library**

The manager went through the proposed budgets of the above listed departments.

The Public Defender has supplied the county with a copy of their lease. He voiced some concerns about the new lease agreement. Even though the FL Statutes say the county must furnish space for them, Mr. Carter is of the opinion that the county can establish a threshold amount it will pay. Nothing was resolved with respect to space.

#### **NON DEPARTMENTAL EXPENSES**

**Contracts and Other Obligations  
Health and Human Service Payments  
Liability Insurance Premiums  
Debt Service  
State and Federal**

Mr. Carter quickly reviewed the above expenses.

#### **Chamber of Commerce**

Lengthy discussion followed among the commissioners about the service which the Chamber of Commerce provides for the county.

It was suggested that the county enter into a contract with the Chamber which states the county's goals and objectives which are attainable and measurable.

### **Airport Authority**

The Airport Authority has once again requested \$10,000 to match the City of Quincy's funding. The proposed budget has allowed for only \$5,000.

Some discussion followed as to how the funding should be established. It was the consensus of the board to have the county manager and/or the chairman meet with the city and discuss the matter and reach some kind of conclusion.

### **Fire Control**

The manager briefly discussed the various interlocal agreements for the fire protection.

Mr. Tommy Baker discussed briefly the possibility of a new volunteer unit in Sycamore. If they should become organized, the funding would come from the fire budget's contingency and capital outlay funds.

Chairman Dixon requested that the Fire Departments work toward some basic uniform standards, policies etc. to follow in implementing the five-year and long-range plans and in setting up new volunteer fire departments. The manager and Mr. Baker assured the commission that the policies, standards and procedures would be developed and included in the five-year and long-range plans.

The meeting adjourned for a lunch break.

The meeting reconvened.

### **Public Safety** Tape # 4; Pages B-26 - B27

Mr. Tommy Baker was present and explained his budget. The increase in his budget is primarily due to re-classification pay plan and billing administration.

### **Emergency Medical Services (EMS)**

Mr. Carter reviewed briefly the program highlights and goals and objectives and budget figures.

The EMS budget increase reflected the addition of three paramedics.

Mr. Baker noted that there are only 11 staff at the present time. The turnover rate has been very high. Additional funding is critical to maintain the staff at an appropriate number.

Fees were discussed briefly.

#### **Fire Service Administration**

The budget reflects the addition of a full time Fire Service Co-ordinator. It also provides fire protection through interlocal agreements with volunteer and municipal fire departments through and organized system.

Mr. Carter was asked to add Sycamore on the list of volunteer fire departments.

#### **Emergency Management**

Emergency Management provides for costs relating to emergency communication equipment and 911 telephone line charge.

#### **Enhanced 911: Mapping and Addressing**

The county should receive a grant for the first year of implementation of Enhanced 911. That grant should provide for a person to do the mapping and addressing necessary in preparation of implementing the enhanced system. The grant requires a \$30,000 match. That match is shown in the 94/95 proposed budget.

Thereafter, the board can levy a \$.50 per line surcharge to provide for the equipment and operations. Mr. Baker is in the process of developing the revenue possibilities at the present time.

#### **Public Works**    Page B-9 - B-24

- Operations**
- Parks**
- Mosquito Control**

Mr. Carter went through the structure of the newly organized public works department explaining each program.

There was lengthy discussion about culverts and road maintenance.

The county manager was instructed to investigate the costs of culverts for the purpose of selling and installing them to the public.

### **Parks and Recreation**

There was discussion about the lack of recreation and upkeep of the county's parks. The manager was directed to survey the parks and return to the board with information and funding possibilities in the 94/95 budget.

### **Mosquito Control**

Mr. Carter explained how the mosquito control program has been developed for the coming year. State mandates now require a certified person to oversee the program.

Education will be a key component of the new program in determining which method is most effective in abating the mosquito population.

Recess

### **Airport Authority** Tape # 6; Page B-3

Mr. Carter introduced two members of the Airport Authority, Bo Beane and Jerry Owens who defended their request for funding.

Mr. Owens went through the Airport Authority's budget. He was of the opinion that the county still owes the authority \$19,000 as a result of underfunding for previous years. He then went through their capital improvement plan for the next few years which should leave them in a self-supporting position within a few years.

Chairman Dixon explained that the county would co-ordinate with the City of Quincy to establish the level of funding for the new budget. He went on to say he did not agree that the county owed them money from previous years.

Commissioners Powell, Peacock and Davis stated they could support the \$10,000 contribution from the county.

The county manager was instructed to include the airport authority's request on the "wish list" for further consideration during the budget process.

**Legislation and Administration** Tape # 7; Page B-3 - B-4

### **County Commission**

The proposed budget reflects removal of the audit fees which are shown in "contracts and other obligations". The operating expenses and general liability insurance costs reflect shifting of expenses to be shared with benefiting programs.

The manager cited occasions when county employees would have benefited from the use of a county corporate credit card. He suggested that the county establish an account with a local bank so that an account can be verified and qualified for a corporate card.

Based upon the financial policies adopted by the board in April, the board has control of its investments, Mr. Carter recommended that the board establish an account with a local bank (with enough money on deposit to qualify as a small business) so that the county can obtain one credit card to be handled by the Department of Management Services.

Clerk Thomas said it is not necessary to establish another account at some other bank. This could be accomplished with the current bank.

It remained Mr. Carter's recommendation to move expeditiously to obtain a corporate credit card in the manner he described.

### **County Management**

The manager pointed out that the budgeted figure in the county manager's salary has not been increased. He asked the board to look at a salary package for him.

The chairman suggested that the manager include a 4% plus the percentage of fringe benefits that he does not receive.

Mr. Carter stated that the even though the manager is an employee of the board, the manager's circumstances are not the same as that of a regular employee. So, therefore, if the board truly respects the role of the manager, they should look at him

differently than the regular employee. Meaning that there are some special enhancements they can do for the manager that a regular employee does not get.

### **Management and Budget**

The office of Management and Budget's proposed budget includes a budget co-ordinator and a staff assistant. The co-ordinator will need clerical support.

The board directed the manager to work up the figures for the positions requested.

### **County Attorney**

The attorney's budget is to be increased by 4%.

Mr. Carter review each budget for the following:

### **Contracts and Other Obligations Health and Human Service Payments**

Commissioner Powell asked the board to consider appropriating some money for Gadsden County for Healthy Babies.

Commissioner McGill asked for consideration of Retarded Citizens.

### **Capital Improvements**

Mr. Carter went through the capital improvement projects budget.

Commissioner Davis questioned the cost of stripping costs in the budget. Discussion followed.

Commissioner then again questioned the legality of spending transportation # 2 money for equipment.

Mr. Carter read a letter obtained from the auditors which refer to FL Statute 336.41 and to an attorney general's opinion which will specifies use of the constitutional gas tax funds. The auditors recommended the board seek legal advice based on the

opinions. Mr. Carter believes that the money can be used as he proposes.

Mr. Carter asked the board to give him directions in relationship to things to include as additions to the budget.

The chairman instructed him to include the following:

**GIS for Growth Management**  
**Position in Community Development**  
**Truck & Computer**  
**Property Appraiser - \$2,000 capital improvement; \$15,000 lease;**  
**\$13,500 EDP Computer**  
**Parks & Recreation**  
**Add Sycamore to volunteer fire department**  
**Airport Authority**  
**Supervisor of Election - Position**  
**Staff Positions for Managers Office**  
**Salary Package for Manager**  
**Roll back rate (No tax increase)**

Mr. Carter stated that he would come back with adjustments to support no tax increase.

The reserves for contingency in the board's financial policy requires 5% of the budget. The proposed budget has 6.5 % so he believes that he can be consistent with the policy and still fulfill the additions to the budget.

The meeting was adjourned.

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Edward J. Dixon, Chairman

ATTEST:

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Nicholas Thomas, Clerk

Gadsden County Board of Commissioners  
Budget Workshop - July 21, 1994  
Page 16 of 15

AT A REGULAR MEETING OF THE BOARD OF  
COUNTY COMMISSIONERS, HELD IN AND  
FOR GADSDEN COUNTY, FLORIDA ON JULY  
19, 1994, THE FOLLOWING PROCEEDINGS  
WERE HAD, VIZ.

PRESENT: ED DIXON, CHAIRMAN  
FORREST DAVIS, VICE-CHAIRMAN  
BILL MCGILL  
JAMES PEACOCK  
ANTHONY POWELL  
NICHOLAS THOMAS, CLERK  
HAL RICHMOND, COUNTY ATTORNEY  
JAMES CARTER, COUNTY MANAGER

CALL TO ORDER

The meeting was called to order by Vice-chairman Forrest Davis for Chairman Dixon who arrived late for the meeting. Commissioner Powell led in pledging allegiance to the U. S. Flag and Commissioner Peacock opened the meeting with prayer.

ADOPTION OF THE AGENDA

Chairman Dixon arrived at this juncture of the meeting.

County Manager Carter asked the chairman to amend the agenda to include 94/95 Budget Workshop Schedule and approval of letter of support for Gadsden Medical facility.

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO AMEND THE BUDGET TO INCLUDE THE 94/95 PROPOSED BUDGET WORKSHOP SCHEDULE AND APPROVAL FOR LETTER OF SUPPORT FOR GADSDEN MEDICAL FACILITY THEN ADOPT THE AGENDA AS ADOPTED.

APPROVAL OF MINUTES

UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO APPROVE THE MINUTES OF THE MEETING OF JULY 5, 1994.

COUNTY ATTORNEY Tape # 1; 195

Interlocal agreement - Chattahoochee building inspections

Attorney Hal Richmond presented the addendum to the interlocal agreement pertaining to building inspections for the City of Chattahoochee. It could not be determined if the names on the

addendum were a complete list of local contractors or just those names to be added to the list.

After discussion of the board, it was determined that the agreement needed to be altered to include the following:

- 1) a complete list of contractors names who would be allowed to work within the City of Chattahoochee without meeting the county's licensing requirements.
- 2) the agreement needs to include a statement to the effect that subsequent to the approval of this agreement, no others will be grandfathered in - any future licenses issued to contractors to work in the City of Chattahoochee must meet the county's licensing requirements.
- 3) a place for the signature of the Chairman of the Board of Commissioners signature and attested by the Clerk to properly execute the agreement.

**UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO APPROVE THE ADDENDUM TO THE INTERLOCAL AGREEMENT WITH THE CITY OF CHATTAHOOCHEE IF IT IS ALTERED TO INCLUDE THE THREE CHANGES:**

- 1) a complete list of contractors names who would be allowed to work within the City of Chattahoochee without meeting the county's licensing requirements.
- 2) language to the effect that any future licenses issued to contractors to work in the City of Chattahoochee must meet the county's licensing requirements.
- 3) the signature of the Chairman of the Board of Commissioners and attested by the Clerk.

**Interlocal agreement pertaining to the cooperative use of the Quincy Byrd Landfill**

Mr. Richmond asked the board to postpone approving the interlocal agreement on the Quincy Byrd Landfill until August 2, 1994.

**PLANNING AND ZONING (P & Z) RECOMMENDATIONS** (Memo Attached) Tape # 1; 427

**Collins Variance - Project #94PZ-8-209-5-7**

Mr. Phelps Collins is proposing to construct an 896 square foot home on the south side of 11th St., approximately 100 feet west of Talquin Avenue on a .5 acre lot on lot 12 in Lakeside Subdivision, and is requesting a variance from the 35 foot front setback requirements. The applicant and property owner is Mr. Phelps Collins, 2410 Balsam Terrace, Tallahassee, FL 32303.

Mr. Collins was in the audience but declined to speak on his own behalf.

The chairman called for anyone opposing the variance to speak.

There was no opposition.

The P & Z Commission recommended approval.

The P & Z staff recommend approval subject to special conditions listed in the attached memo.

**UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER MCGILL THE BOARD VOTED 5 - 0 TO APPROVE THE VARIANCE AS REQUESTED BY MR. COLLINS AND SUBJECT TO THE CONDITIONS LISTED IN THE ATTACHED MEMO.**

**Folmar Tower - Project # 94PZ-10-207-4-7** Tape # 1;528

Mr. Charlie Folmar is proposing to increase the height of the former Sheriff's Radio Tower by 50 feet from 250 feet to 300 feet in order to improve the telecommunications system in the area. The tower is situated on the south side of US 90, approximately .6 miles west of Quincy and 100 feet from the State Patrol Tower. The property consists of approximately 1.5 acres. The applicant and property owner is Mr. Charlie Folmar, 641 W. Niagara Circle, Gretna, LA 70056.

P & Z Commission recommended approval.

P & Z staff recommended approval with special conditions listed in the attached memo.

Mr. Folmar was present.

The Chairman called for anyone in opposition to the tower extension. There was none.

**UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO APPROVE THE FOLMAR TOWER REQUEST SUBJECT TO THE CONDITIONS LISTED IN THE ATTACHED MEMO.**

**Flying J Travel Plaza - Project #94PZ-9-206-1-7**

Flying J Travel Plaza is a 24 hour truckstop/restaurant/gas station/RV stop that is proposing to locate on the west side of US 90, just north of I-10 and across from DuPont Road. The property consists of 22.74 acres and the site consists of 12.65 acres. The applicant is Flying J Inc., P.O. Box 678, Brigham City, UT 84302. The architect is Mr. Kelly Christoffersen, Wieser Architects, P.O. Box 678, Brigham City, UT 84302. The principal property owner is Mr. Pink Ferrell 522 E. 7th Ave., Tallahassee, FL 32303.

Mr. Sherman called attention to an error on the soil conservation map but assured the commissioners that the Department of Environmental Protection is in the process of doing the proper wetlands determination.

P & Z Commission recommended approval.

P & Z Staff recommended approval.

The chairman called for comments from the audience.

Mrs. Patricia McLean of the Midway City Council spoke favorably of the travel plaza saying she has visited another Flying J location and found it to be beautifully engineered and it showed no evidence of contamination. She is happy to see them locate in Midway. She also stated it should generate about 100 jobs.

**UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO APPROVE THE FLYING J TRAVEL PLAZA SUBJECT TO THE SPECIAL CONDITIONS AS LISTED IN THE ATTACHED MEMO.**

**Nuisance Complaints** Tape # 1; 765

Mr. Sherman reported two complaints received by his office. One dealing with dogs barking and the other a junk nuisance. He did not ask for board action.

**Land Development Code Workshop Schedule** Tape # 1; 801

The following schedule was presented for approval by the board. The workshops will be held jointly with the Affordable Housing Advisory Committee.

Tuesday, July 26 - 6 p.m.  
Tuesday, August 9 - 6 p.m.  
Wednesday, August 17 - 6 p.m.  
Wednesday, August 24 - 6 p.m.

It was the consensus of the board that the schedule was fine subject to the individual schedules of the commissioners.

### **Sunshine Pipeline**

Mr. Sherman reported that he had attended a Pre-Conference hearing in Tallahassee at the Division of Administrative Hearings (DOAH). At that meeting, the Sunshine Pipeline Company indicated that they are considering amending their application and submitting an alternative corridor.

Mr. Sherman asked the board to give him some directions in which to proceed.

The board's position still does not change. The county will continue to oppose placement of the pipeline anywhere in Gadsden County but will not defend that position.

The board did authorize Mr. Sherman to obtain maps showing the alternative corridor being submitted by Sunshine.

### **JAMES CULLITON - PLANNED PURCHASE OF FLORIDIN COMPANY BY ENGELHARD**

Mr. James Culliton introduced himself to the board as the General Manager of Engelhard. He told the board of the plans for Engelhard to purchase the Floridin Company in Quincy.

Mr. Culliton stated that he expects the transition to provide an additional 40 - 50 jobs. Labor contract negotiations have begun and expected to be completed by the time the sale is complete.

### **CONSENT AGENDA**

**UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO APPROVE THE CONSENT AGENDA TO WIT:**

- 1) First Florida Promissory Note Paid in Full (Attached)
- 2) Minutes of SHIP Partnership and Advisory Committee meetings (attached)
- 3) Letter to U.S.D.A. Soil Conservation Service (attached)
- 4) FY 94/95 Proposed Budget and schedule for budget workshops (budget on file with Clerk; schedule attached)
- 5) Letter of support for Gadsden Medical Center, Inc.

CLERK OF COURT

Clerk Thomas presented eight (8) budget amendments for approval stating his finance department found all of them to be in order.

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO APPROVE THE BUDGET AMENDMENTS TO WIT:

- 1) General Fund (016) - Department of Management Services - Line item changes
- 2) General Fund (0118) - County Probation - line item changes
- 3) Library - showing revenue from Friends of the Library amounting \$143.40.
- 4) Library (118-0123) - line item changes to add money to equipment to purchase a computer and a vacuum cleaner from the State Aid portion.
- 5) Transportation # 1 - 112-383 - to show increased revenue - other financing sources for the 3 new mowers and tractors.
- 6) Grants - 164 - to set up child care grant
- 7) SHIP (156-1410) Setting up new 94/95 SHIP Grant
- 8) SHIP (156-1408) - line item changes

APPROVAL OF PAYMENT OF COUNTY BILLS

UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO APPROVE THE PAYMENT OF THE COUNTY BILLS.

DISTRICT 1 REPORT

Commissioner McGill encouraged the board to look into the possibility of use CDBG money to install central water in the rural areas.

**DISTRICT 2 REPORT**

There was no report.

**DISTRICT 3 REPORT**

There was no report.

**DISTRICT 4 REPORT**

There was no report.

**DISTRICT 5 REPORT**

There was no report.

**PUBLIC INPUT**

The chair recognized Ms. Archie Mae Carter for questions and remarks to the board concerning the placement of fire hydrants in Gretna.

There being no other business before the board, the chairman declared the meeting adjourned.

\_\_\_\_\_  
Edward J. Dixon, Chairman

ATTEST:

\_\_\_\_\_  
Nicholas Thomas, Clerk

AT A JOINT MEETING OF THE GADSDEN  
COUNTY BOARD OF COMMISSIONERS AND  
THE AFFORDABLE HOUSING ADVISORY  
COMMITTEE HELD IN AND FOR GADSDEN  
COUNTY, FLORIDA, ON JULY 26, 1994,  
THE FOLLOWING PROCEEDINGS WERE HAD,  
VIZ.

PRESENT: ANTHONY POWELL, BCC  
JAMES CARTER, COUNTY MANAGER  
JIM RICHMOND, COUNTY ATTORNEY  
MURIEL STRAUGHN, DEPUTY CLERK  
ED BUTLER, GRANTS ADMINISTRATOR  
ROSEMARY BANKS, SHIP COORDINATOR  
MIKE SHERMAN, P & Z DIRECTOR  
STEVE SPARKS, PLANNER  
MILLIE FOREHAND, AHAC CHAIRPERSON  
WILLIAM CARR, AHAC  
JAMES ROGERS, AHAC  
PATRICK BROWN, AHAC  
RICK MCCASKILL, CHAMBER OF COMMERCE

CALL TO ORDER

Mr. Mike Sherman, Planning and Zoning Director for Gadsden County opened the meeting and welcomed all those in attendance.

OVERVIEW OF PROPOSED LAND DEVELOPMENT REGULATIONS

Mr. Sherman gave a general overview of the comprehensive plan and how the land development regulations actually will become the implementing document that will make it work. He also explained why the county must

The joint committees were asked to make a list the unique qualities of Gadsden County which they would like to see protected by the land development regulations.

That list included the following:

- Visual Qualities
- Privacy
- Open Areas
- Hunting Preserves



The meeting adjourned at 7:20 p.m.

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Millie Forehand, Chairperson  
Affordable Housing Advisory  
Committee

AT A REGULAR MEETING OF THE BOARD OF  
COUNTY COMMISSIONERS, HELD IN AND  
FOR GADSDEN COUNTY, FLORIDA ON JULY  
5, 1994, THE FOLLOWING PROCEEDINGS  
WERE HAD, VIZ.

PRESENT: ED DIXON, CHAIRMAN  
FORREST DAVIS, VICE-CHAIRMAN  
BILL MCGILL  
JAMES PEACOCK  
ANTHONY POWELL  
NICHOLAS THOMAS, CLERK  
HAL RICHMOND, COUNTY ATTORNEY  
JAMES CARTER, COUNTY MANAGER

CALL TO ORDER

Chairman Dixon called the meeting to order. Commissioner Davis led in pledging allegiance to the U. S. Flag. Commissioner McGill then opened the meeting with prayer.

ADOPTION OF AGENDA (Attached)

County Manager Carter asked that the agenda be amended to include the Juvenile Justice Contract as part of the consent agenda.

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO AMEND THE AGENDA TO INCLUDE THE JUVENILE JUSTICE CONTRACT AS PART OF THE CONSENT AGENDA AND ADOPT THE AGENDA AS AMENDED.

APPROVAL OF MINUTES - JUNE 21, 1994 REGULAR MEETING

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER PEACOCK THE BOARD VOTED 5 - 0 TO APPROVE THE MINUTES OF THE JUNE 21, 1994 MEETING AS WRITTEN.

COUNTY ATTORNEY

Williams Communications Lease (Attached) Tape # 1 ; 129

New lease for radio tower (jail) with Williams Communications approved.

Mr. Hal Richmond, county attorney, presented a lease agreement with Williams Communications for radio tower space at the jail for

the board's approval and execution. A lease was prepared and presented for approval at the last commission meeting, but the board asked Mr. Richmond to add a termination option clause and bring it back for approval. Mr. Richmond made the change as requested noting the termination option was only for the county, however, the instrument does have a mutual agreement clause which benefits both parties.

**UPON MOTION OF COMMISSIONER DAVIS AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO APPROVE THE CONTRACT AND AUTHORIZE THE CHAIRMAN'S SIGNATURE TO EXECUTE THE AGREEMENT.**

Gas Tax Resolution (Attached) Tape # 1;156

**Resolution calling for five cents gas tax referendum approved**

Mr. Richmond presented a resolution calling for a referendum in the November General Election for the public's approval or disapproval of the imposition of a five cent gas tax for Gadsden County. He asked the board to execute the resolution and authorize him to proceed with getting it placed on the ballot with the Supervisor of Elections.

Chairman Dixon stated that without resolve from the board as a whole to promote the virtues of the tax, the referendum is doomed to failure. He encouraged the commission to speak out to inform the public of what the five cents could and would accomplish.

Commissioner McGill reported that he has attended at least two town meetings in the Havana area and he found those citizens supportive of the gas tax.

Commissioner Peacock stated he could only support a gas tax after the people vote to have it and he would not campaign for its passage. Short of voter approval, he would continue to oppose it.

**A MOTION WAS MADE BY COMMISSIONER MCGILL AND SECONDED BY COMMISSIONER POWELL TO PASS THE RESOLUTION CALLING FOR A REFERENDUM TO GET VOTER APPROVAL OF THE IMPOSITION OF A FIVE CENT GAS TAX AND THAT THE ISSUE WOULD APPEAR ON THE NOVEMBER 8, 1994 GENERAL ELECTION BALLOT.**

Discussion followed.

Commissioner Davis did not feel that it was the responsibility of the board to promote the tax.

Commissioner Powell suggested that a public workshop be held to educate the citizens.

**Public Input**

Dan Winchester, Rt. 4 Box 538, Havana favored the tax but feared the wording as it appears in the resolution will incite defeat. He asked if the ballot wording could be more specific as to what kind of capital expenditures the tax would go toward.

Attorney Richmond responded by saying that the wording had to comply with the constitutional and legal language.

The chairman recognized Nolen Hancock only briefly because his remarks did not address the gas tax referendum.

Alney Parramore was recognized by the chairman.

**THE BOARD VOTED 5 - 0 TO APPROVE AND EXECUTE THE RESOLUTION AS PRESENTED BY THE COUNTY ATTORNEY.**

**Resolution on Extension of Local Option Sales Tax Referendum**

This item was pulled by the county attorney from his agenda prior to the meeting but was not formally removed when the agenda was amended and adopted.

**Library Lease** Tape # 2;430 (This item was taken out of order)

**Lease with Tallahassee Community College approved**

Mr. Richmond presented the new lease between the county and Tallahassee Community College. He reported that it had the proper content and was proper in form.

**UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO APPROVE THE NEW LEASE AGREEMENT BETWEEN GADSDEN COUNTY AND TALLAHASSEE COMMUNITY COLLEGE.**

**Resolution for Joe Bradley**

**Resolution of appreciation to Joe Bradley adopted**

Mr. Richmond read a resolution into the record expressing appreciation to Mr. Joe Bradley who is resigning from the Industrial Development Authority after 15 years of service. (He was directed by the board at the last meeting to prepare the resolution.)

**UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO EXECUTE THE RESOLUTION OF APPRECIATION FOR JOE BRADLEY AS READ BY THE COUNTY ATTORNEY.**

**NON AGENDA - Barnett Bank Lease for Public Defender's Office**

Tape # 2; 500

Mr. Richmond reported that he had received a copy of a lease with Barnett Bank to review. He acknowledged the presence of Ms. Nancy Daniels, Public Defender, and asked the chairman if he would recognize her to speak. The Chairman then yielded the floor to Ms. Daniels even though she was not on the agenda.

Ms. Daniels reported that the lease for the Public Defender's office space between Barnett Bank and the county expires on September 30, 1994. She noted that she had explored other options for office space and has concluded the best option to be renewal of the same space. Because modifications are expected to be made to the offices, the cost will increase to \$8.50 per square foot totaling \$28,075.56 per year for three years. (An increase of \$8,000.00) No negotiations have transpired to date.

Mr. Richmond recommended that the board table the matter until further discussions with the county manager during the budget workshops.

**DALE SUMMERFORD - TAX COLLECTOR** Tape # 2; 1000

**Errors and Insolvencies Report**

**Errors and Insolvencies Report approved and adopted.**

Mr. Dale Summerford, Tax Collector, presented the list of errors and insolvencies for the tax roll for 1993/94. He asked for approval of the board.

**UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO APPROVE THE TAX ROLL ERRORS AND INSOLVENCIES REPORT PRESENTED BY THE TAX COLLECTOR.**

**County Name or "Sunshine State" on License Plates Tape # 2;**

**Board voted to retain county name on license plates.**

Because of the growing concern of tourist related crimes in Florida connected to rental vehicles, a suggestion was brought before the legislature to eliminate the county name from the Florida license plates so as to attract less attention to visitors to any area. The legislature agreed to leave this matter up to the individual counties.

Mr. Summerford went on to say that he had performed an informal survey to the various law enforcement agencies within the county and found that none of them are in favor of removing the county name from the plates. He recommended leaving the plates as they are. He requested action on this matter.

**UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO LEAVE "GADSDEN" NAME ON THE LICENSE PLATES.**

**MIKE SHERMAN - PLANNING AND ZONING RECOMMENDATIONS Tape # 2; 1182**

**Dawkins Variance - Project 94PZ-12-201-1-6 (Memo attached)**

**Dawkins Variance approved.**

Ms. Anna Dawkins has placed a double wide (1568 square feet) mobile home on a .37 acre lot (lot 74 in Ochlockonee Estates on the south side of Choctaw Drive and the east side of Sioux Circle), and is requesting a variance from the 20 foot side setback requirement for corner lots abutting a road. The applicant is Ms. Anna Dawkins, Rt. 6 Box 613, Havana, FL 32333. The property owner is Mr. Samuel Castle, P.O. Box 665, Havana, FL 32333.

The Planning and Zoning Commission recommended denial of the request for variance contingent upon the county funding the costs relating to reconfiguring the mobile home.

The staff recommended denial. The alternative is to grant the variance due to the special conditions surrounding its placement as described in the attached memo.

On June 21, 1994, the board tabled the project until a cost determination for relocation of the home and septic tank/drainfield

could be made. Those costs have since been determined to be \$2,985.00.

**UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO APPROVE THE SET BACK VARIANCE DUE TO THE HARDSHIPS STATED IN THE ATTACHED MEMO.**

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CODE ENFORCEMENT HEARING

Watson Nuisance Tape #2; 1387

**County staff was instructed to proceed with code enforcement process after 30 days if Ella Mae Watson does not comply with nuisance ordinance.**

Complaints were made to the county office of nuisance violation on Parcel #111-03 in Section 29 Township 2 North Range 3 West on the south side of Moore Road, .8 miles from CR268 owned by Ms. Ella Mae Watson, Rt. 7 Box 5560, Quincy, FL 32351. Staff notified the property owner three months ago of the violations. Since that time, some improvement has been observed by county staff.

In response to Mr. Alney Parramore's question, Mr. Sherman read the definition of nuisance and it is described in the ordinance.

Staff recommended to proceed with code enforcement procedures. **UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO AUTHORIZE THE STAFF TO PROCEED WITH CODE ENFORCEMENT PROCESS WITH RESPECT TO THE NUISANCE COMPLAINT FILED AGAINST MS. ELLA MAE WATSON.**

Castillo Garage Tape # 2; 1791

**County staff instructed to proceed with code enforcement process after 30 days if Mr. Castillo does not comply with development ordinance.**

An auto repair garage, situated on the west side of US 27 and the south side of CR 270, consisting of 1.95 acres (parcel #334-02 in Section 13 Township 2 North Range 2 West) and owned by Mr. Oscar Castillo, 3031 Baron Lane, Tallahassee, FL 32304. He is in violation of the Development Review Code #90-003. Public complaints were filed with the county. An on-site inspection and

found deficiencies. Upon revisit, staff observed some progress but there are violations still remaining.

Mr. Castillo was notified of this hearing and was present and answered questions from the board.

**UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 5 -0 TO ALLOW A 30 DAY EXTENSION FOR VIOLATIONS TO BE CORRECTED. IF NOT, THEN PROCEED WITH CODE ENFORCEMENT PROCEDURES IF NOT CORRECTED.**

Nesbitt Bus Tape # 2; 1940

**County staff instructed to proceed with code enforcement process after 30 days if Mr. Nesbitt does not comply with nuisance ordinance.**

Complaints were received concerning the placement of an inoperable bus on the property of Mr. Robert Nesbitt, Rt. 7 Box 1550, Quincy, FL 32351 situated at the end of CR 65C, Adjacent to Lake Talquin and consisting of approximately one acre (parcel #77100-21 of the Little River Survey). Site inspections revealed a blue bus with expired license plates. A subsequent site inspection found the bus parked in a different location. Mr. Nesbitt was notified of the violation three months ago and has not removed the bus from the property. Mr. Nesbitt was notified of this meeting by certified mail.

Mr. Nesbitt was not present when the chairman called for him to respond to the complaint.

**UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO PROCEED WITH THE CODE ENFORCEMENT PROCESS AFTER 30 DAYS IF THE BUS HAS NOT BEEN REMOVED.**

D & M Junkyard Tape # 2; 1982

**County staff instructed to proceed with code enforcement process after 30 days if Mr. Marriott does not comply with Ordinance # 91- 003.**

Complaints have been filed by the public as to inadequate buffering/screening of the D & M Junkyard. The property consists of 4.55 acres and is situated on the north side of US 90 across from Rice Road. The owner is Mr. Randall Marriott, P. O. Box 594, Chattahoochee, FL 32324. Parcel # 412 - 03 in Section 31 Township 4 North Range 5 west.

The owner is not in compliance with ordinance 91-003. The staff notified the owner of the violations three months ago and he has made no improvements.

Staff recommended giving the property owner 30 days to comply then proceed with code enforcement process if he has not complied.

There was no one present to represent D & M Junkyard.

**UPON MOTION OF COMMISSIONER PEACOCK, AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO GIVE MR. MARRIOTT 30 DAYS TO COME INTO COMPLIANCE THEN PROCEED WITH CODE ENFORCEMENT PROCESS IF COMPLIANCE HAS NOT BEEN MADE.**

Sadler Sawmill Tape # 2; 2138

**County staff instructed to proceed with code enforcement process after 30 days if Mr. Donnie Sadler does not comply with development code and nuisance ordinance by ceasing to operate a sawmill at his home.**

Staff has been receiving neighboring complaints concerning the operation of a sawmill and tree-cutting business on the property of Mr. Donnie Sadler, P. O. Box 1065, Quincy, FL 32353, situated on the south side of Old Federal Road (CR65B) and east side of Swift Street on lots B2 and B3 of Hillside Farms Subdivision. The sawmill operation and business are in violation of the Comprehensive Plan and the Development Review Code, as this area is designated Rural Residential. A noisy operation of this nature should be located in an Industrial area and not adjacent to homesites. The sawmill is also in violation of the Nuisance Ordinance. Staff has discussed the problem with Mr. Sadler, verbally and in writing, with no success in permanent abatement of this operation.

Mr. and Mrs. Sadler were present and addressed the board in their own defense. Mr. Sadler reported that he uses a 24 horse-power engine which is no louder than a lawn mower. They stated they used the sawmill to build their house and fence and as a hobby - they do not run a business. No money is exchanged. Mr. Sadler does bring his equipment home and leave it overnight.

Speaking in opposition were:

Jan Shekitka  
Mike Norton  
Amelia Shekitka

Discussion followed.

A MOTION WAS MADE BY COMMISSIONER PEACOCK AND SECONDED BY COMMISSIONER POWELL AUTHORIZE MR. SHERMAN TO NOTIFY THE SADLERS THAT THEY ARE FOUND IN VIOLATION OF THE NUISANCE ORDINANCE AND THE DEVELOPMENT REVIEW CODE AND THEY ARE GIVEN 30 DAYS TO ABATE THE NUISANCE AND SHUT DOWN THE BUSINESS OF OPERATING THE SAWMILL.

Discussion followed.

QUESTIONS WERE CALLED BY COMMISSIONER PEACOCK. THE BOARD VOTED 4 -1 IN FAVOR OF THE MOTION. COMMISSIONER DAVIS CASTING THE LONE DISSENTING VOTE.

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Comprehensive Plan Amendment Fee and Application Tape 2;  
2949 - (Attached)

**Comprehensive Plan Amendment Application and fee schedule approved.**

In response to the commissioners directions at the last meeting, Mr. Sherman made some revisions to the Comprehensive Plan Amendment Application and he presented it again to the board for consideration. The staff recommended a fee of \$500.00.

Discussion followed.

No public comments were offered.

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO APPROVE THE PLAN AMENDMENT APPLICATION AND THE FEE SCHEDULE AS PRESENTED BY MR. SHERMAN.

MARK DICKESON - Florida Statewide Mutual Aid Agreement Tape # 2;  
3508

**Florida Statewide Mutual Aid Agreement approved for Emergency Management was approved.**

Mr. Mark Dickeson, Gadsden County Emergency Management Director, was present and offered the Statewide Mutual Aid Agreement. The agreement establishes a formal mechanism, for reciprocal emergency aid and assistance, in case of emergencies too extensive to be dealt with by Gadsden County on its own.

Mr. Dickeson recommended approval of the agreement.

**UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 4 - 0 TO APPROVE THE STATEWIDE MUTUAL AID AGREEMENT. (Commissioner Peacock was not present for this vote.)**

**ECONOMIC DEVELOPMENT UPDATE Tape # 2; 3608**

**Economic Development Transportation Funds Tape #2; 3622  
(Contract Attached)**

**Contract for Transportaion Funds with Department of Commerce approved.**

Mr. McCaskill presented the board with an contract that will implement the recommendation of the Economic Development Transportation Fund Committee to provide funds to assist Gadsden County on behalf of the Lynch Machinery-Miller Hydro, Inc. These funds will be used to upgrade Brickyard Road in Midway and paving for the new industrial park in Midway.

**UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 4 - 0 TO AUTHORIZE THE CHAIRMAN'S SIGNATURE ON THE CONTRACT BETWEEN GADSDEN COUNTY AND THE FLORIDA DEPARTMENT OF COMMERCE THAT WILL PROVIDE FUNDING FOR ROAD PAVING FOR THE RELOCATION OF LYNCH MACHINERY - MILLER HYDRO, INC. TO MIDWAY. (Mr. Peacock was not present for this vote.)**

**Economic Development Update Tape # 2; 3678**

Mr. Rick McCaskill spoke briefly to update the board on the economic development in the county. (Attached)

**COUNTY MANAGER Tape # 2; 3809**

**Detailed Work Plan Budget - Arthropod Control for 94/95**

**Arthropod Control Detailed Work Plan Budget 94/95 approved**

Mr. Carter introduced the detailed work plan budget for the arthropod control which must be submitted to the Department of Agriculture and Consumer Services for state aid in the amount of \$26,451. This must be matched with a minimum of \$8,500.00. He asked for approval of the work plan budget. (Attached)

**UPON MOTION BY COMMISSIONER POWELL AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO APPROVE THE DETAILED WORKPLAN BUDGET FOR ARTHROPOD CONTROL AND AUTHORIZE THE CHAIRMAN TO**

EXECUTE IT FOR THE FISCAL YEAR 94/95. IT IS TO BE SUBMITTED TO THE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES.

CONSENT AGENDA Tape # 2; 3858

Satisfaction of Housing Rehab Agreement (attached)

Christine Glover Rodgers Satisfaction of Rehab Agreement approved.

Juvenile Justice Contract (Attached)

Juvenile Justice Contract approved.

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER PEACOCK THE BOARD VOTED 5 - 0 TO APPROVE THE CONSENT AGENDA TO WIT:

- (1) Satisfaction of Housing Rehab Agreement on Christine Glover Rodgers
- (2) Juvenile Justice Contract

CLERK OF COURT Tape # 2; 3866

Budget Amendments (Attached)

Five Budget Amendments approved as presented.

Clerk Thomas presented the budget amendments and requested approval of the board.

UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO APPROVE THE BUDGET AMENDMENTS TO WIT:

- (1) Grants - County Award - line item only
- (2) General Fund - line item changes only for Circuit Court Costs budgets, courthouse annex budgets and others
- (3) Grants - Solid Waste Grant line item changes
- (4) County Transportation # 1 - line item changes
- (5) Mosquito Control - line item changes

Payment of County Bills

Payment of County Bills approved.

UPON MOTION BY COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO APPROVE THE PAYMENT OF THE COUNTY BILLS.

**Fire Control Expenditure Status** - Attached

Clerk Thomas called attention to a report on the Fire Control Expenditures which was requested at the special meeting on June 27, 1994.

**DISTRICT 1 REPORT**

Commissioner McGill asked the board to direct the staff to move with all deliberate speed toward providing safe roads for all of Gadsden County.

**DISTRICT 2 REPORT**

Commissioner Powell asked about the progress of a road adoption program.

County Attorney Hal Richmond responded saying he did have some information and would provide it to the commissioner right away.

**DISTRICT 3 REPORT**

Commissioner Peacock had nothing to report.

**DISTRICT 4 REPORT**

Commissioner Davis had nothing to report.

**DISTRICT 5 REPORT**

Chairman Dixon referenced the road paving ten-year plan. He urged the commission to earnestly consider the position the board will take on the gas tax issue with respect to long range plans for roads in the county.

**UPON MOTION OF COMMISSIONER POWELL, THE MEETING WAS ADJOURNED  
BY THE CHAIRMAN.**

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Edward J. Dixon, Chairman

ATTEST:

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Nicholas Thomas, Clerk

**Attachments**

<u>Description of the attachment</u>	<u>Page # in the Minutes</u>
_____ Agenda .....	1
_____ Williams Communications Lease 1 <i>Original to Betty on 7/13/94</i>	
_____ Gas Tax Resolution.....	2
_____ <i>Never got a copy except fax copy from Hal's Office</i>	
_____ Library Lease 3	
_____ Resolution for Joe Bradley 4 <i>Sent to Betty 7/13/94</i>	
_____ Errors and Insolvencies Report.....	5
_____ <i>Original filed in big book 7/6/94</i>	
_____ Planning and Zoning Recommendations .....	5
_____ Comprehensive Plan Amendment Application and fee schedule 9	
_____ Florida Statewide Mutual Aid Agreement 10 <i>Originals sent to Betty 7/13/94 Still need copies with other agencies signatures on it</i>	
_____ Contract for Transportaion Funds with Department of Commerce 10 <i>Need the original with all signatures back. Sent to Betty 7/13/94</i>	
_____ Economic Development Update 11 <i>Rick passed out at meeting but I was not given a copy.</i>	
_____ Arthropod Control Detailed Work Plan Budget 94/95 11 <i>Received copy from Betty on 7/12/94</i>	
_____ Satisfaction of Housing Rehab Agreement 11 <i>Signed and sent to Betty on 7/13/94</i>	
13/9_____ .....Juvenile Justice Contract	
_____ 11 <i>Never saw a copy</i>	
_____ Budget Amendments:	
_____ (1) Grants - County Award - line item only	
_____ (2) General Fund - line item changes only for Circuit Court Costs budgets, courthouse annex budgets and others	
_____ (3) Grants - Solid Waste Grant line item changes	
_____ (4) County Transportation # 1 - line item changes	
_____ (5) Mosquito Control - line item changes.....	12



AT A REGULAR MEETING OF THE BOARD OF  
COUNTY COMMISSIONERS, HELD IN AND  
FOR GADSDEN COUNTY, FLORIDA ON JUNE  
21, 1994, THE FOLLOWING PROCEEDINGS  
WERE HAD, VIZ.

PRESENT: ED DIXON, CHAIRMAN  
FORREST DAVIS, VICE-CHAIRMAN  
BILL MCGILL  
JAMES PEACOCK  
ANTHONY POWELL  
NICHOLAS THOMAS, CLERK  
HAL RICHMOND, COUNTY ATTORNEY  
JAMES CARTER, COUNTY MANAGER

CALL TO ORDER Tape # 1; 407

Chairman Dixon called the meeting to order. Commissioner Powell led in pledging allegiance to the U. S. Flag. Chairman Dixon then opened the meeting with prayer.

ADOPTION OF THE AGENDA

The June 21, 1994 agenda was adopted.

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO ADOPT THE AGENDA AS PRINTED.

APPROVAL OF MINUTES OF JUNE 7, 1994

The minutes of June 7, 1994 was approved.

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 5 - 0 TO APPROVE THE MINUTES OF JUNE 7, 1994 AS WRITTEN.

COUNTY ATTORNEY Tape # 1; 451

Department of Transportation - Railroad Agreement (Attached)

Installation of traffic control devices at rail/highway crossing on county road 274 approved and resolution of future responsibility was approved.

Mr. Richmond called attention to a letter written to the county by Florida Department of Transportation requesting the board's approval and supporting resolution of installation of a traffic control device at Crossing No. 625702-Y; Gadsden County Road 274; Section 50000-6930.

**UPON MOTION BY COMMISSIONER DAVIS AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO APPROVE THE INSTALLATION OF A TRAFFIC CONTROL DEVICE AT THE CROSSING NO. 625702-Y ON COUNTY ROAD 274 AND A RESOLUTION AUTHORIZING EXECUTION FOR THE INSTALLATION OF GRADE CROSSING TRAFFIC CONTROL DEVICES AND FUTURE RESPONSIBILITY.**

**Curfew Ordinance**      Tape # 1; 484

**The board authorized Attorney Richmond to set a public hearing and publish notice of the hearing for the purpose of possible enactment of a curfew ordinance.**

Mr. Hal Richmond reported that a recent Supreme Court decision has upheld a curfew regulation in Texas. Similar ordinances for Orlando and Miami have also been ruled enforceable.

Through discussions with the municipalities of the county, there is every indication that each of them would adopt similar city ordinances if the county should impose a curfew ordinance.

In view of the support throughout the county, Mr. Richmond asked for authorization to proceed with holding a public hearing to get input from the public and municipalities. He then asked for authority to publish notice of that public hearing.

**UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO AUTHORIZE THE COUNTY ATTORNEY TO HOLD A PUBLIC HEARING FOR THE PURPOSE OF GETTING PUBLIC INPUT FOR POSSIBLE ENACTMENT OF A CURFEW ORDINANCE AND TO PUBLISH A NOTICE OF THAT PUBLIC HEARING.**

**Radio Tower Lease Agreement**      Tape # 1; 559

**The board amended and approved a lease agreement with Williams Metro Communications on the county jail radio tower.**

Williams Communications requested to relocate radio equipment to the radio tower at the county jail. Williams had equipment on the old radio tower under an agreement with the county. Under the new agreement, Williams will combine his system with one of the antennas presently being used by the Sheriff. This "combination" will eliminate the addition of another antenna on the tower.

An engineering study revealed that the tower structure is at or near capacity based on the new wind loading guidelines.

Williams has agreed to pay \$300 per month. The lease money is to be placed into a special fund for use in upgrading the loading capacity on the tower and for on-going tower maintenance costs.

The new lease has been reviewed by the county attorney and found to be in proper order.

Mr. Richmond read the lease into the record and noted that it was a renewal of a lease as Mr. Williams has leased space on the old tower for 10-15 years.

Mr. Kenneth Williams of Williams Metro Communications (1215 Tharpe St. Tallahassee, FL 32303) spoke to the board briefly to answer questions and explain the stress analysis study of the tower itself.

Discussion concluded that the board would like to see a termination clause added to the lease agreement.

Mr. Richmond was asked to put together some historical and comprehensive information relating to the tower for the board's review.

**UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER PEACOCK VOTED 5 - 0 TO AMEND THE LEASE TO INCLUDE A TERMINATION CLAUSE AND APPROVE IT AS AMENDED.**

**Gas Tax Referendum** Tape # 1; 1050

At the last meeting, Mr. Richmond presented the board with a resolution calling for a referendum on the imposition of additional gas tax in Gadsden County. At that meeting the board requested that the language on the referendum should read "up to five cents". Research reveals that the language must be specific to avoid any constitutional issues. The referendum amount should be set at the maximum amount the county chooses to impose. That amount can be reduced by super majority vote of the board at any later time.

Mr. Richmond asked for a motion to put a specific gas tax amount to be stated in the resolution calling for the referendum.

**UPON MOTION BY COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO AUTHORIZE THE COUNTY ATTORNEY TO STATE "FIVE CENTS" AS THE SPECIFIC AMOUNT OF THE GAS TAX TO BE IMPOSED FOR THE REFERENDUM WHICH WILL APPEAR ON THE BALLOT.**

Commissioner Peacock emphasized that the voters would approve or disapprove of the tax - not the county commission.

**NORTH FLORIDA EDUCATION DEVELOPMENT CORPORATION** Tape # 1; 1139

**The board authorized the chairman to sign agreement with NFEDC which allows renovations to begin on the old Stevens School Building with grant money.**

Chairman Dixon reported that the NFEDC has requested the board's permission to begin the rehabilitation of the old Stevens

School. The agreement calls for the chairman's signature. The county attorney has reviewed it and found it is in proper form. The building inspector has verified that all permits are in proper order.

**UPON MOTION OF COMMISSIONER DAVIS AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO AUTHORIZE THE CHAIRMAN'S SIGNATURE ON THE AGREEMENT WITH NFEDC CALLING FOR RENOVATIONS TO THE OLD STEVENS SCHOOL BUILDING USING GRANT MONEY.**

**PLANNING AND ZONING DEPARTMENT RECOMMENDATIONS**

Mr. Mike Sherman, Director of Growth Management and Strategic Planning was present to present the following:

**Hinson Produce Market - Project #94PZ-11-201-1-6** Tape #1; 1188

**Hinson Produce Market project was approved subject to special conditions.**

Hinson Produce Market is a small fruit/vegetable stand that proposes to locate on the north side of Williams Street, approximately 200 feet east of US 27 in the Hinson Community behind the Hinson Country Store. The property consists of approximately .5 acres. The applicant is Mr. Leonard Moore, Rt. 5 Box 1688, Havana, FL 32333. The property owner is Ms. Doris Harvell, HC2 Box 7803, Tallahassee, FL 32310.

**UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO APPROVE THE PROJECT AS DESCRIBED ABOVE WITH THE SPECIAL CONDITIONS AS LISTED IN THE ATTACHED MEMO.**

**Dawkins Variance - Project #94PZ-12-201-1-6** Tape # 1; 1260

**Variance was tabled for further review.**

Ms. Anna Dawkins has placed a double wide (1568 sq. feet) mobile home on a .37 acre lot (lot 74 of Ochlockonee Estates on the south side of Choctaw Drive and the east side of Sioux Circle), and is requesting a variance from the 20 foot side setback requirement for corner lots abutting a road. The applicant is Ms. Anna Dawkins, Rt. 6 Box 613, Havana, FL 32333. The property owner is Mr. Samuel Castle, P. O. Box 665 Havana, FL 32333.

Ms. Dawkins pulled the correct permits and had the mobile home inspected by Gadsden County officials. The county building inspector did not check the side setback requirement prior to having the electricity turned on but Mr. Sherman could not determine for certain that there was negligence involved.

Ms. Dawkins placed her mobile home on the lot in good faith thinking it was placed correctly.

Planning and Zoning Commission recommended denial of the variance by 7 - 0 vote provided that the Board of County Commissioners consider funding the reconfiguration of the mobile home, septic tank and drainfield.

The staff recommended denial of the variance.

Mr. Richmond noted that other residents of the subdivision expressed concern about safety factors involved with the present location of the home and felt that the home should be moved. In the event of an accident, the county could be liable. He recommended that the board investigate further before making a decision.

Some discussion followed as to the county's responsibility for the cost of reconfiguring the mobile home on the lot.

Speaking in support of the variance was Mrs. Helen Tucker, a neighbor.

Speaking in opposition to the variance was Mrs. Kathy Grove.

**UPON MOTION OF COMMISSIONER PEACOCK, MS. DAWKINS' REQUEST FOR A SETBACK VARIANCE WAS TABLED.**

**Thomas Motor Cars - Project # 94PZ - 13-201-1-6** Tape #1; 1656

Thomas Motor Cars proposes to operate a used car lot on the northeast side of US 27 and Choctaw Drive at the entrance of Ochlockonee Estates. This location will function as a satellite dealership for Thomas Motor Cars in Quincy. The property consists of 1.33 acres. The applicant is Mr. Bruce H. Thomas, P. O. Box 350, Quincy, FL 32353. The property owner is Mr. Donald Jones, P. O. Box 544, Havana, FL 32333. The developer's representative is Mr. Chip Gray, 1679 Metropolitan Circle, Tallahassee, FL 32308.

Mr. Bruce Thomas was present and responded to questions from the board and from the public.

**UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO APPROVE THE THOMAS MOTOR CARS PROJECT.**

**Talquin Corners - Project 94PZ-14-209-5-6** Tape # 1; 1764

**Talquin Corners Project site and conceptual plat was approved.**

Talquin Corners is a proposed residential subdivision for double wide mobile homes on seven lots, totaling 5.1 acres (.073 acres average size) that is seeking conceptual approval. The site is located on the west side of 1st Street and the east side of Cooks Landing Road, approximately .6 miles south of County Boy's Restaurant. The applicant an property owner is Mrs. Maurice Mitchell, 3324 Northshore Circle, Tallahassee, FL 32312. The applicant's representative is Mr. Larry Stephens, 5477 Sombra Del Lago Dr., Tallahassee, FL 32303.

Staff recommended conceptual approval of the project.

Planning and Zoning Commission recommend conceptual approval subject to the conditions listed in the attached memo.

Speaking in opposition to the project was Mr. George Hamilton, adjacent property owner.

Mr. Sherman explained that the developer must come before the board at least two more times - once for preliminary plat approval and again for final plat approval. The board may disapprove the project at either of those stages.

**UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTE 4 - 1 TO GIVE TECHNICAL CONCEPTUAL PLAT APPROVAL AND APPROVAL OF THE LOCATION OF THE TALQUIN CORNERS SUBDIVISION. COMMISSIONER PEACOCK CAST THE LONE DISSENTING VOTE.**

**Land Development Code Work Session Schedule** Tape # 1; 2080

**The county manager and P & Z director were instructed to schedule a meeting to review the LDR'S.**

Mr. Sherman asked to board to set up an initial meeting for review of the land development regulations (LDR's) to be incorporated into the comprehensive plan for Gadsden County.

It was the consensus of the board to have Mr. Carter and Mr. Sherman to work out the schedule and set a date for the board to begin the review.

**COUNTY MANAGER** Tape # 1; 2160

**Fire Protection Assessment FY 1994/95**

**Workshop for fire protection assessment set for June 27, 1994 at 5:00 p.m.**

**The public hearing for adopting a resolution setting the rate for the fire assessment and adopting the assessment roll was set for July 28, 1994 to be held at the Courthouse.**

The process for developing the 94/95 fire assessment roll includes a public hearing for the Board of County Commissioners to consider for adoption the resolution that sets the rate of the assessment and adopts the assessment roll for certification of the Tax Collector for collection. Notice of the public hearing will be provided by publication to the general public and by first class mail to the owners of certain parcels, including those which were not on the assessment roll last year and those who will experience a rate increase.

County Manager recommended the board set the workshop for June 27, 1994 at 5:00 p.m.

The public hearing for the adoption of the resolution and the assessment roll was set for July 28, 1994 at the Courthouse.

**Bid Committee Recommendations**

**Bid # 94-15 for EMS Billing System was awarded to EMS Consultants Ltd. for \$14,995.00.**

**Bid # 94-19 for Removal of Scrap Tires was awarded to SAJAW, Inc. of Samson, Alabama at \$85.00 per ton.**

Mr. Carter presented the recommendations of the Bid Committee as follows:

**Bid # 94-15 - EMS Billing System Tape # 1; 2333**

**UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO AWARD BID # 94-15 FOR THE EMS BILLING SYSTEM TO EMS CONSULTANTS, LTD OF LAGRANGE, GA. FOR \$14,995.00.**

**Bid # 94-19 Removal of Scrap Tires Tape # 1; 2369**

**UPON MOTION OF COMMISSIONER POWELL AND SECOND OF COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO APPROVE AWARD OF BID # 94-19 TO SAWJAW, INC. OF SAMSON, AL AT \$85.00 PER TON.**

**Appointment of Veteran Service Officer Tape # 1; 2391**

Mr. Carter reminded the board of Mr. Edward Butler impending retirement which will vacate the position of Veteran Service

Officer. He recommended the appointment of Mr. Chester Brown as his replacement.

Mr. Carter referenced a letter from the Department of Veteran Affairs (attached) stating certification requirements of a new officer and dates for certification training courses available.

**UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO APPROVE THE APPOINTMENT OF MR. CHESTER BROWN AS GADSDEN COUNTY VETERAN SERVICE OFFICER.**

Mr. Carter said the upcoming budget would reflect a small stipend as compensation to the Veteran Officer.

**Solid Waste Task Force** Tape # 1; 2505

The Apalachee Regional Planning Council has recommended the establishment of a solid waste task force to research and evaluate factors affecting the location of landfills and the management alternatives for local governments within the region.

The council has asked that each board appoint a staff member and a board member to serve on the task force.

Commissioner McGill offered himself as a volunteer for the task force.

**UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO APPOINT COMMISSIONER MCGILL AND HERB CHANCEY TO THE APPALACHEE REGIONAL PLANNING TASK FORCE DEALING WITH SOLID WASTE.**

**Franchise Fees for Utilities** Tape # 1; 2585

**DCA ruled non-charter counties may impose franchise fees to utility companies. Further research forthcoming. No action - Information only.**

Mr. Carter referred to a letter from Nabors, Giblin & Nickerson, P.A. (Attached) informing the board of decision rendered by First District Court of Appeal in the landmark case of Santa Rosa County v. Gulf Power Company on March 30, 1994.

DCA ruled that a non-charter county has the authority to impose a franchise fee. The law firm is doing additional research to develop the best mechanism by which a franchise fee may be imposed on cooperative which may be unwilling to voluntarily enter into franchise agreements with non-charter counties.

**Appointment of County Manager James Carter as President of the Tallahassee Chapter of the National Forum for Black Administrators**

Mr. Carter informed the board that he has been named as President of the Tallahassee Chapter of the National Forum for Black Administrators. He went on to say that a council president's meeting has been scheduled to be held in Las Vegas August 5 - 7, 1994. The Florida organization is comprised of 193 members and he considered it an honor to be named president of this chapter.

**Fire Assessment Coordinator** Tape # 1; 2692

Mr. Carter introduced Oliver Sellars who was appointed as the new Fire Assessment Coordinator.

**CONSENT AGENDA** Tape # 1; 2715

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO APPROVE THE CONSENT AGENDA TO WIT:

- 1) CSX Application to Relocate Attapulugus Service Center - Resolution from Gadsden County opposing the relocation (Attached)
- 2) Satisfaction of Housing Rehabilitation Agreements (Attached) - Shelia Harris, Fred & Pallace Haynes, Robert & Carrie Martin Brisco, George & Bernice Scott.

**CLERK OF COURT** Tape # 1; 2730

**Budget Amendments**

Nine budget amendments were approved.

Clerk Thomas presented the following budget amendment requests:

- 1) General Fund - Grant Administrators Department - line item changes
- 2) GRANTS - SHIP - Setting up local housing assistance program - providing salaries, etc.
- 3) Grants - line item changes in the SHIP program
- 4) EMS Billing & Administration - line item changes
- 5) Mosquito Control - State I - line item changes to provide payment for the new mosquito control director
- 6) General - line item changes to move money around to pay circuit court costs and conflict attorneys.

- 7) General - line item changes for court reporter and tax collector
- 8) Mosquito Control/State I - line item changes to provide public information printing costs
- 9) Grants - setting up grant for Historical Preservation for county owned buildings around the square.

**UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO APPROVE THE BUDGET AMENDMENTS AS PRESENTED BY THE CLERK.**

**Financial Report** (Attached)

Clerk Thomas called attention to the report in the board agenda packets which showed all fund summaries.

**Approval of Payment of County Bills**

**UPON MOTION OF COMMISSIONER DAVIS AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO APPROVE THE PAYMENT OF THE COUNTY BILLS.**

**GEORGIA PUBLIC SERVICE COMMISSION HEARING ON CSX RELOCATION**

Chairman Dixon read a letter he received from the Georgia Public Service Commission stating they had received Gadsden's letter opposing the closing of the CSX Railroad Agent in Attapulgus. The letter also stated there would be a hearing to get public input before making the final decision.

**DISTRICT 1 REPORT**

There was no report.

**DISTRICT 2 REPORT**

There was no report.

**DISTRICT 3 REPORT**

**Will Ramsey was appointed to the Industrial Development Authority.**

**Proclamation of appreciation for Mr. Joe Bradley was authorized by the board.**

Commissioner Peacock announced that Mr. Joe Bradley is retiring and would like to resign from the Industrial Development Authority.

Commissioner Peacock recommended that the board appoint Will Ramsey to replace Mr. Bradley on the authority.

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 5 - 0 TO APPROVE THE APPOINTMENT OF WILL RAMSEY TO THE INDUSTRIAL DEVELOPMENT AUTHORITY FOR GADSDEN COUNTY.

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO ADOPT A PROCLAMATION OR RESOLUTION OF APPRECIATION TO MR. JOE BRADLEY FOR THE YEARS HE HAS SERVED ON THE INDUSTRIAL DEVELOPMENT AUTHORITY.

**DISTRICT 4 REPORT**

**Hanna Mill Pond Road**

Commissioner Davis asked Mr. Carter to inform him as to when the county was going to install the guard rails on Hanna Mill Road Bridge.

Mr. Carter could not answer immediately but agreed to look into the matter and inform the commissioner of his findings.

**DISTRICT 5 REPORT**

There was no report.

The chairman declared the meeting adjourned.

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**Edward J. Dixon, Chairman**

**ATTEST:**

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**Nicholas Thomas, Clerk**

**CONSTRUCTION INDUSTRY LICENSING BOARD**

Chairman Dixon convened the meeting.

**Joseph Sheffield - Roofing Contractor**

Mr. Hal Richmond explained that special circumstances surrounding the licensing of Mr. **Joseph Sheffield** have occurred. He explained that under the interlocal agreement with the City of Chattahoochee, the city submitted a list of names who were previously authorized to work within their city. Some names were left off that list in error. Since that time the county has been reluctant to expand that list. The City of Chattahoochee now is requesting that the list be amended to include names left off in error.

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO APPROVE THE LICENSING OF JOSEPH SHEFFIELD IN THE CITY OF CHATTAHOOCHEE BUT NOT TO ACCEPT ANY OTHER ADDITIONS TO THAT LIST AFTER JULY 19, 1994.

**Bricey Strickland - Air Conditioning "A"**  
**Paul Daniel Bliss - Pool Contractor**

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER PEACOCK THE BOARD VOTED 5 - 0 TO APPROVE THE LICENSING OF BRICEY STRICKLAND AS AIR CONDITIONING CONTRACTOR AND PAUL DANIEL BLISS AS A POOL CONTRACTOR.

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Edward J. Dixon

ATTEST:

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Nicholas Thomas, Clerk

Attachments

<u>Description of the Attachment</u>	<u>Minutes Page No.</u>
___ Agenda	1
___ Railroad Agreement	1
___ Resolution of future responsibility	1
___ Williams Metro Communications Lease	2
___ Gas Tax Referendum Resolution	3
___ Agreement with NFEDC (Stevens School)	4
P ___ .....Planning and Zoning Department Recommendations	4
___ Bid # 94-15 for EMS Billing System	7
___ Bid # 94-19 for Removal of Scrap Tires was awarded to SAJAW	7
___ Letter from the Department of Veteran Affairs - Chester ....	Brown
___ CSX Application to Relocate Attapulugus Service Center - .....	Resol
___ Satisfaction of Housing Rehabilitation Agreements	
___ Shelia Harris,	
___ Fred & Pallace Haynes,	
___ Robert & Carrie Martin Brisco,	
___ George & Bernice Scott.....	9
___ Budget Amendments	
___ 1) General Fund - Grant Administrators Department - line item changes	
___ 2) GRANTS - SHIP - Setting up local housing assistance program - providing salaries, etc.	
___ 3) Grants - line item changes in the SHIP program	
___ 4) EMS Billing & Administration - line item changes	
___ 5) Mosquito Control - State I - line item changes to provide payment for the new mosquito control director	
___ 6) General - line item changes to move money around to pay circuit court costs and conflict attorneys.	
___ 7) General - line item changes for court reporter and tax collector	

\_\_\_\_\_ 8) Mosquito Control/State I - line item changes to  
provide public information printing costs

\_\_\_\_\_ 9) Grants - setting up grant for Historical  
Preservation  
on  
for  
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owned  
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\_\_\_\_\_ Joseph Sheffield - Roofing Contractor 13

\_\_\_\_\_ Bricey Strickland - Air Conditioning "A"

\_\_\_\_\_ Paul Daniel Bliss - Pool Contractor..... 13

**Agreements  
Department  
Transportation  
Agreements  
Department  
Transportation**

**of**

**of**

AT A BUDGET WORKSHOP HELD IN AND FOR  
GADSDEN COUNTY, FLORIDA, ON JUNE 20,  
1994, THE FOLLOWING PROCEEDINGS WERE  
HAD, VIZ.

PRESENT: ED DIXON, CHAIRMAN  
FORREST DAVIS, VICE-CHAIRMAN  
ANTHONY POWELL  
JAMES PEACOCK  
BILL MCGILL  
NICHOLAS THOMAS, CLERK  
JAMES CARTER, COUNTY MANAGER

CALL TO ORDER

The meeting was called to order by Commissioner Davis in the absence of the chairman who arrived late. He stated the purpose of the meeting is to conduct a workshop with the elected officials dealing with their budgets.

The meeting was turned over to Mr. Carter, the county manager.  
DALE SUMMERFORD, TAX COLLECTOR

Mr. Carter had no questions of Mr. Summerford since he had met with tax collector on two previous occasions.

Mr. Summerford elaborated on his \$215,000 request which is above the \$197,000 request of last year.

Mr. Summerford explained that the Board of County Commission pays him a fee for collecting the property taxes. The amount of money he has collected has increased dramatically and therefore, the fees to which he is entitled have increased proportionally. In 1993, he collected 4.9 million dollars. He projected the commissions due to him from the county commission for the next fiscal year to be \$215,000.00.

After Mr. Summerford answered questions from the board members, he was excused.

MARSHA KING, CHIEF DEPUTY PROPERTY APPRAISER

Mrs. Marsha King was present to answer questions from Mr. Carter and the commissioners.

Mr. Carter asked Mrs. King to submit more detailed descriptions of several line items and specific information relating to staff position titles and the number of each. Mrs. King agreed to provide the requested line item details and related

information.

After discussion with the board members, Mrs. King was excused.

**NICHOLAS THOMAS, CLERK OF CIRCUIT COURT**

Mr. Carter had provided Clerk Thomas with a list of questions prior to the meeting.

The Clerk answered those and other questions of the county manager and of the commissioners concerning his budget requests. He noted that his budget request is the same as last year indicating that he had made no special requests.

Mr. Carter asked if and when the manager's office would be given inquiry and print access to the finance information dealing with the county's budget.

The clerk replied that inquiry access would be allowed whenever the present software conversion is complete and clean - probably by October.

The manager concluded his questions by requesting staff position titles and number of employees by title. He asked for other detailed breakdowns of line items to which the Clerk agreed to furnish.

The clerk then answered questions of the board members and was excused.

**DENNY HUTCHINSON, SUPERVISOR OF ELECTIONS**

Mr. Denny Hutchinson was present and explained his budget requests and answered questions of Mr. Carter and of the board.

He explained how the new Voter Registration Act will impact Gadsden County. The increase requests in his budget are due primarily due to the new legislation. He requested a new clerical staff person in anticipation of increase workload.

He asked for funding for a copying machine which was not included in his original request to the board.

Gadsden County Board of Commissioners  
Budget Workshop - Constitutional Officers  
June 20, 1994  
Page 3 of 4

Mr. Carter asked for some detailed information and line item breakdowns similar to what he had requested of the other constitutional officers.

After he had answered the commissioners questions, Mr. Hutchinson was excused.

**MAJOR ALVAN PICKLES - SHERIFF'S OFFICE**

Major Alvan Pickles was present for Sheriff Woodham and explained the budget requests for the law enforcement division and the corrections division. He then answered questions directed to him by the county manager and the individual commissioners.

Major Pickles was asked to provide the manager with more detailed information regarding specific line items and staff positions.

Major Pickles expressed extreme need for reclassification and incentive pay increases for the sheriff's staff. The turnover rate is so great that it is imperative for the board to fund the sheriff's staff to a level competitive with surrounding jurisdictions.

The board then turned their conversation to general questions concerning the budget process.

Gadsden County Board of Commissioners  
Budget Workshop - Constitutional Officers  
June 20, 1994  
Page 4 of 4

There being no other business the meeting was adjourned by the chairman.

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Edward J. Dixon, Chairman

ATTEST:

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Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE BOARD OF COUNTY COMMISSIONERS, HELD IN AND FOR GADSDEN COUNTY, FLORIDA ON JUNE 7, 1994, THE FOLLOWING PROCEEDINGS WERE HAD, VIZ.

PRESENT: ED DIXON, CHAIRMAN  
FORREST DAVIS, VICE-CHAIRMAN  
BILL MCGILL  
JAMES PEACOCK  
ANTHONY POWELL  
HAL RICHMOND, COUNTY ATTORNEY  
JAMES CARTER, COUNTY MANAGER  
NICHOLAS THOMAS, CLERK

CALL TO ORDER

Chairman Dixon called the meeting to order. Commissioner Davis led in pledging Allegiance to the U.S. Flag. Commissioner Powell opened the meeting with prayer.

ADOPTION OF THE AGENDA

**Agenda amended and adopted**

Chairman Dixon called attention to the agenda, asking that the date be corrected to reflect the year 1994.

Commissioner Peacock asked to amend the agenda by removing the employment contract for mosquito control director from the consent agenda and placed for discussion. The agenda was so amended.

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 5 - 0 TO ADOPT THE AMENDED AGENDA.

APPROVAL OF MINUTES - May 17, 1994

May 17, 1994 minutes approved

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO APPROVE THE MINUTES OF THE MAY 17, 1994 MEETING.

APPROVAL OF MINUTES - May 26, 1994

May 26, 1994 minutes approved

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO APPROVE THE MINUTES OF THE MAY 26, 1994 MEETING.

COUNTY ATTORNEY

Notice of Intent to Enact ordinance - Family Mediation

**Notice of Intent to enact and ordinance establishing and supporting Family Mediation authorized**

Mr. Hal Richmond reported that he has obtained input from the local bar association and various individuals regarding the request from the court administrator to enact an ordinance establishing and supporting family mediation by imposition of additional filing fees in all civil suits. He had received some support as well as opposition.

Discussion followed.

**UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO GIVE THE COUNTY ATTORNEY THE AUTHORITY TO PUBLISH A NOTICE OF INTENT TO ENACT THE FAMILY MEDIATION AND IMPOSE FILING FEES.**

Mr. Richmond was asked to request Mr. Tom Long, the court administrator, to be present at the public hearing to answer questions regarding the family mediation program.

Gas Tax Referendum (Draft Resolution attached)

**No action - information and review only**

In response to the board's action On March 1, 1994, (to place a referendum on the election ballot asking for voter approval to impose a five cents gas tax), Mr. Richmond introduced a resolution calling for a gas tax referendum and asked the commissioners to review it. He explained that it is not a straw ballot vote - the results of the election would be binding.

Discussion followed.

Mr. Richmond was asked to change the language on the ballot to read "up to five cents gas tax".

The board will discuss the matter at a later meeting.

Cable Franchise - Certification for Basic Cable rate regulation

**No action - information only**

Mr. Jim Richmond shared the latest information made available to him on the possibility of the Federal Communication Commission (FCC) retaining regulation of basic cable rates in the unincorporated areas of Gadsden County.

Federal Statutes provide that FCC can, if a county does not have sufficient resources, initiate and monitor regulations.

Many Florida counties who choose to regulate the rates themselves have hired consultants to gather necessary information which meet with the FCC requirements. This method appears to be a viable alternative to FCC regulation.

Mr. Richmond expressed some concern with regard to the level of attention the FCC will give to the regulation in Gadsden County. The citizens could benefit with local regulation but at considerable cost.

Mr. Richmond then asked the board to give him directions pursuit to cable rate regulation. He offered to supply the commissioners with summary opinions from the Federal Register which outline in the steps necessary to implement regulation.

Discussion followed.

No action was taken. Mr. Richmond was asked to provide more information with which the commissioners could base a decision.

**REQUEST FROM THE DEPARTMENT OF TRANSPORTATION**

**Easement for Willocoochee Creek Bridge granted to DOT**

Mr. Richmond referred to a letter from the Florida Department of Transportation (DOT) in which DOT asked for a temporary easement from the county so that they may replace Bridge no. 500011 on State Road 65 over Willacoochee Creek. He asked the board to authorize the chairman to sign documents that will grant the easement to DOT.

**UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO APPROVE THE CHAIRMAN'S SIGNATURE GRANTING THE EASEMENT OF THE PROPERTY NECESSARY TO REPLACE WILLACHOOCHEE CREEK BRIDGE (NO. 500011) ON SR 65 TO DOT.**

**JON HUFSTEDLER - GADSDEN MEMORIAL HOSPITAL** Tape # 1; 620

**Professional Office Building Concept**

**No action taken**

Mr. Hufstedler was before the board to present a concept of a professional office building located at the hospital. He described the concept as a 2-3 story building connecting to the hospital. He added that such a building would strengthen the hospital and help recruit doctors. He asked the board to consider it and allow him to come back at a later time with a formal proposal.

The board asked Mr. Richmond to investigate how the land is pledged to the hospital bonds.

#### **CODE ENFORCEMENT**

##### **Hearing for Nuisance Complaints**

**Code Enforcement Hearing set for July 5, 1994**

Mr. Michael Sherman reported a number of nuisance ordinance violations. He asked the board to set a date to hear the complaints.

It was the consensus of the board to hold a hearing on July 5th during the regular board meeting.

##### **Dog Barking Complaints**

**No action**

Mr. Sherman reported a number of citizen complaints about barking dogs. He asked the commissioners to give him some directions about how to deal with the complaints. The commission was unable to offer any advice other than refer them to the Sheriff.

#### **DEPARTMENT OF STRATEGIC PLANNING & GROWTH MANAGEMENT**

**Land Use Plan Amendment Fees and Applications** (Attached)

**No action - application and fees to be revised**

Mr. Mike Sherman, Director, provided the board with a sample of an application for a comp plan amendment accompanied with a schedule of fees.

Discussion followed.

It was the consensus of the board for Mr. Sherman to formulate a sliding fee scale for consideration at the June 21st meeting.

The board then discussed the complexity of the application itself citing that the average citizen would not be able to complete the application.

The board encouraged Mr. Sherman to redesign the application to make it more user friendly.

### Pentecostal Subdivision

#### **Development Plan Negotiations authorized**

Mr. Sherman reviewed action taken on the Pentecostal Subdivision on July 20, 1993 and September 7, 1993. See below.

July 20, 1993

#### ***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 of 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.**

September 7, 1993

#### ***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.**

Mr. Sherman explained that the Pentecostal Subdivision developer has now abandoned the original intentions and will only

AT A REGULAR MEETING OF THE AFFORDABLE HOUSING ADVISORY COMMITTEE ON APRIL 26, 1994, THE FOLLOWING PROCEEDINGS WERE HAD, VIZ.

PRESENT: Millie Forehand, Chairperson  
Craig McMillan, Vice-chairperson  
William Carr  
James Rogers  
Patrick Brown

ABSENT: Alice Kelley  
Len Starrett  
Tony Jones  
James Atkins

COUNTY PERSONNEL PRESENT: Rosemary Banks, SHIP Co-ordinator  
Edward Butler, Grants Administrator  
Muriel Straughn, Deputy Clerk

CALL TO ORDER

Chairperson Millie Forehand called the meeting to order.

APPROVAL OF MINUTES OF

UPON MOTION OF CRAIG MCMILLAN AND SECOND BY WILLIAM CARR THE COMMITTEE VOTED 5 - 0 TO APPROVE THE MINUTES OF THE FEBRUARY 22, 1994 MEETING.

STAFF REPORT

Mrs. Rosemary Banks reported the following:

The Board of County Commissioners approved the changes to the Affordable Housing Incentive Plan.

The Florida Housing Finance Agency (FHFA) approved the Three Year Housing Assistance Plan contingent upon the correction of a couple of minor technical inconsistencies which are addressed below.

**Incentive No. 2**

*The expedited processing to permits for affordable housing projects.*

Recommendation by Affordable Housing Advisory Committee (AHAC):

*No recommendation for change.*

**RECOMMENDATION BY FHFA:**

Affordable housing projects should be given priority if a backlog should occur.

**Incentive No. 10.**

*The establishment of a process by which a local government considers, before adoption, policies, procedures, ordinances, regulations, or plan provisions that have a significant impact on the cost of housing.*

Incentive adopted and by this committee:

*The committee recommends that any proposed policy change to the ~~comprehensive plan~~ which could impact in any way on affordable housing to be reviewed by this committee before it is presented for adoption by the county or one of the cities. The committee will act as a "clearinghouse" to preserve the interest of affordable housing.*

**RECOMMENDATION BY FHFA:**

The committee recommends that any proposed change to policies, procedures, ordinances, regulations, or plan provisions which could impact in any way on affordable housing to be reviewed by this Advisory Committee before it is presented for adoption by the county or one of the cities. The committee will act as a "clearinghouse" to preserve the interest of affordable housing.

**Incentive No. 9**

*Modification of Street requirements.*

Recommendation made by AHAC:

*No recommendation for change.*

**RECOMMENDATION BY FHFA:**

To be included in the upcoming land development code.

The changes were made to the incentive plan as recommended by the FHFA and resubmitted to the Board of County Commission for approval as amended. (copy attached)

Chairman Forehand asked Mrs. Banks to provide the committee members with copies of the new incentive plan which was adopted by the Board of County Commissioners.

**OFFICIAL RECORDS**

Mr. Butler noted that the minutes of the committee meetings should and would be included on the consent agenda of the County Commission meetings in an effort to make them part of the official record.

**AMENDED SHIP ORDINANCE**

Mrs. Banks also brought to the committee's attention that the SHIP ordinance has been amended at the recommendation of the independent auditors. The change allows for creation of the Local Housing Assistance Trust Fund and that money is to be retained in a special escrow account designated as the Local Housing Assistance Trust Fund and used for the purposes thereof. (copy attached)

**FUTURE COMMITTEE RESPONSIBILITIES**

Mrs. Banks told the committee that once the incentive plan is approved they should begin to study the land development code and make recommendations for change as needed to provide for affordable housing. Mr. Sherman of the Growth Management and Strategic Planning office will be assisting with this review.

**TOUR OF HOMES**

Mrs. Banks reminded the committee members of the tour of homes which were constructed recently and financed with affordable housing funds. The bus will leave from the county administration building on May 5, 1994 at 10:00 a.m.

**UPON MOTION OF CRAIG MCMILLAN, THE MEETING WAS DECLARED  
ADJOURNED.**

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Muriel Straughn, Deputy Clerk

develop one lot per year to avoid putting in the infrastructure required of a subdivision. While it is apparent that the developer is not following the intent of the plan amendment, she is not in violation of the comp plan amendment. He asked the board for their approval to withhold the development order.

Mr. Hal Richmond advised that in the absence of written special requirement at the time the plan amendment was adopted, negotiations would be most appropriate. He cautioned the commission to take measures so that this would not happen again.

It was the consensus of the board to have Mr. Richmond and Mr. Sherman negotiate a development plan which will be acceptable to the county and DCA.

#### COUNTY MANAGER

##### Interlocal Agreement with City of Gretna - Road Maintenance

##### **Interlocal Agreement for Road Service approved**

Mr. Carter told the board that he had executed an agreement with the City of Gretna relating to road service which was questioned at the last board meeting. A verbatim account of the April 5, 1994 meeting was obtained for clarification of the instructions given to him. The verbatim minutes clearly gave the manager instructions to proceed with an agreement without the need for further board action. The agreement was developed and reviewed by the county attorney prior to its execution. He then asked the board to formally approve the interlocal agreement.

Commissioner Peacock voiced his concerns over the disparity between the fees charged to citizens for road maintenance and municipalities.

Commissioner McGill concurred with Commissioner Peacock.

County Manager Carter called the commissioners attention to Ordinance No. 71-003, Section 1 which addresses private roads outside municipalities but does not provide for street maintenance inside a municipality at all.

**UPON MOTION OF COMMISSIONER DAVIS AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 1 TO APPROVE THE INTERLOCAL AGREEMENT WITH THE CITY OF GRETNA FOR ROAD MAINTENANCE WITH THE UNDERSTANDING THAT THE FEE WILL BE AMENDED DURING THE BUDGET PROCESS IF DEEMED NECESSARY TO RECOVER THE ACTUAL COST**

**OF THE WORK. COMMISSIONER PEACOCK CAST THE LONE DISSENTING VOTE.**

Chairman Dixon recognized Gretna Mayor Rawlins who thanked the board.

Bid Committee Recommendations Tape # 1; 2142

**Skid Steer Loader awarded to West Florida Equipment Co.**

**Tractor and Mower financing awarded to Liberty National Leasing**

**Bid # 94-17 Skid Steer Loader**

The bid committee recommended award of the bid to West Florida Equipment Company of Marianna, FL for Model No. 853 Bobcat at a cost of \$18,858.00

**UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 5 - 0 TO AWARD BID #94-17 FOR A SKID STEER LOADER - MODEL NO. 853 BOBCAT - TO WEST FLORIDA EQUIPMENT COMPANY OF MARIANNA, FL FOR \$18,858.00.**

**Bid # 94-18 Financing for Tractors and Mowers**

The bid committee recommended award of Bid No. 94-18 to Liberty National Leasing of Tampa, Fl to finance mowers and tractors for 3 years at 4.80% fixed interest with annual payment of \$25,940.

**UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO AWARD BID NO. 94-18 FOR FINANCING OF TRACTORS AND MOWERS TO LIBERTY NATIONAL LEASING OF TAMPA, FL FOR 3 YEARS AT 4.80% FIXED INTEREST WITH ANNUAL PAYMENT OF \$25,940.**

**GADSDEN MEMORIAL HOSPITAL AUDIT REPORT**

**No action - Information only**

Mr. Carter presented the independent auditor's report of the Gadsden Memorial Hospital for information purposes only. The report was submitted pursuant to the agreement between Healthmark and Gadsden County. He noted the on-going concerns listed by the auditors in the report.

In addition to the auditor's report, Healthmark also included monthly financial statements for the months January, February and March.

The board requested that the hospital provide them with an additional report indicating how they use the funds from the state.

**EMPLOYMENT CONTRACT - ED MORGAN, MOSQUITO CONTROL DIRECTOR**

**Employment Contract with Ed Morgan approved.**

The employment contract with Mr. Ed Morgan as the Mosquito Control Director was brought for post ratification. Even though the contract was executed within compliance with the procurement policies approved by the board, the Florida Statutes require that contracts must be approved by the board.

The following facts were ascertained from the County Manager:

1. The contract was not advertised. Information provided by the Department of Agriculture concluded there were only two individuals in the region with the required credentials to direct the mosquito control program. There was some urgency involved in recruiting a director to avoid losing the state funding.
2. The new director's duties will include establishing a mosquito control program for Gadsden County under the provisions of the Department of Agriculture's latest program changes which were adopted in March, 1994.
3. Prior approval was obtained from Leon County Administrator before discussions began with Mr. Morgan who oversees the same program in Leon County.
4. Mr. Morgan will maintain a time sheet subject to the board's review. Requests for payment for services rendered will be substantiated by those time sheets. The time sheets will be signed by the Director of Operations who supervises the Mosquito Control Operations.

Commissioner Peacock asked that employment contracts to be placed on the agenda for discussion (not on the consent agenda) in the future.

Commissioner Peacock remarked that the board traditionally takes precaution to insure that local labor is used when new industry or businesses move into the county. He urged the board

to abide by its own hiring standards as opposed to soliciting employees outside the county.

Mr. Carter indicated that under the new minimum qualifications set forth for mosquito control program, certification is not easily obtainable.

**UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 4 - 1 TO APPROVE THE EMPLOYMENT CONTRACT WITH ED MORGAN AS THE MOSQUITO CONTROL PROGRAM DIRECTOR. COMMISSIONER PEACOCK CAST THE LONE DISSENTING VOTE.**

**LIBRARY - CHATTAHOOCHEE**

**No action - Information only**

Mr. Carter reported that the air conditioner at the Chattahoochee Public Library has long been in need of repair or replacement. The lease agreement on the building reads that the City of Chattahoochee is responsible for repairs to the outside of the building while the county is responsible for the inside of the building. The Chattahoochee City Council has declined to make the necessary repairs to the air conditioner.

Mr. Carter gave authority to Mrs. Mock to have the air conditioner repaired but the unit was ultimately replaced. H told Mrs. Mock to forward the invoice for the repairs and new installation to the City of Chattahoochee. If they prove uncooperative, the county may need to reconsider providing library services to that city.

Mr. Carter did not ask for action from the board as he was only apprising them of the situation. He will advise them if the problem escalates.

**CORRECTIONAL PRIVATIZATION COMMISSION**

**No Action - Information only**

The Correctional Privatization Commission was set up by the Legislature to assume the responsibility to contract with private firms for the design, financing, construction and management of state correctional facilities.

Recently the Legislature authorized the Commission to award four additional contracts. No decision has been made regarding the locations of these four facilities.

Mr. Reigler of USS Corrections has informed Mr. Carter that his company will be using Gadsden County as their host site for a new proposed facility.

If Gadsden County is interested in being considered as a site for another prison, they need to make it known. There is a time factor involved since the Commission will meet on June 21, 1994 to make a decision.

**REQUEST FOR COURTROOM SPACE**      Tape # 1: 2934

**Office space granted to the Court Administrator and the Guardian Ad Litem Program**

Mr. Carter stated he had received a letter from Tom Long, Court Administrator of the Second Judicial Circuit, requesting use of the office vacated by the Court Reporter for the Guardian Ad Litem Program.

Clerk Thomas stated he had no objection.

**UPON MOTION OF COMMISSIONER DAVIS AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 5 - 0 TO APPROVE ASSIGNING THE OLD COURT REPORTER'S OFFICE TO THE COURT ADMINISTRATOR'S OFFICE AND THE GUARDIAN AD LITEM PROGRAM.**

**COASTAL LUMBER COMPANY REQUEST**      (Letter attached) Tape # 1; 3000

**Letter to be sent to Georgia Public Service Commission opposing closing of CSX Railroad Agent's office in Attapulugus, Ga.**

CSX Railroad has requested that the Georgia Public Service Commission eliminate its agent in Attapulugus, Georgia. They propose to consolidate all activities into its Jacksonville, Florida headquarters.

Coastal Lumber Company states in a letter to the board that their rail service is already marginal. If the agent is eliminated, their business could be threatened. Since they employ 300 county residents, they are requesting that the board write to the Georgia Public Service Commission voicing its opposition to the proposed elimination of the CSX Agent in Attapulugus.

**UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO SEND A LETTER TO THE GEORGIA PUBLIC SERVICE COMMISSION OPPOSING THE CLOSING OF THE CSX RAILROAD AGENT IN ATTAPULGUS, GA.**

**SHIP PREDEVELOPMENT LOAN APPLICATION - BOCC RESUMES REQUIRED**

**Resumes of BOCC members due to Grants Administrator by June 15, 1994**

Mr. Edward Butler, Grants Administrator, has advised that the grants department is applying for a predevelopment loan through the State of Florida Housing and Finance Agency's Predevelopment Loan Program (PLP). This loan will purchase and complete the development of the Osceola Park Subdivision Phase II and III located on Virginia and Hamilton Streets in the City of Quincy,

As a part of the application requirements, all commissioners of the Board of County Commissioners have been asked to submit a resume. Mr. Butler has asked that they be submitted to him by June 15, 1994.

**CONSTITUTION OFFICERS BUDGET REVIEWS** Tape # 1; 3130

**Date to be determined by the county manager**

Mr. Carter asked the board members to set a date between June 8 and June 24 to meet with each of the constitutional officers to review their budget requests.

No date was set. Mr. Carter will determine a date and notify all parties.

**ANNUAL CONFERENCE OF FLORIDA ASSOCIATION OF COUNTIES**

**No action - information only**

Mr. Carter notified the board that Chairman Dixon and himself would be attending the annual conference of the Florida Association of Counties the end of the June.

Mr. Carter noted that he has been asked to serve on the Finance Programs and Policies Committee for rural counties. He considered it an honor to be asked to serve.

**CONSENT AGENDA**

**UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO APPROVE THE AMENDED CONSENT AGENDA TO WIT:**

- 1) **Emergency Food Assistance Program Contract (attached)**

- 2) Certificate of Public Convenience and Necessity for Tallahassee Community Ambulance (attached)
- 3) HRS Child Support contract (attached)
- 4) Gadsden Memorial Hospital Financial Statements (attached)

#### CLERK OF COURTS

##### **Budget amendments approved**

Clerk Thomas presented the budget amendments (attached) and asked for board approval.

- 1) General Fund - Annex # 3 line item change only moving \$400 into operating equipment from janitorial supplies.
- 2) General Fund - County Probation Office - line item change moving \$650 into office supplies from unemployment compensation.
- 3) General Fund - OMB - Moving \$3,000 into Professional Services from several line items. This puts a total of \$12,000 into professional services. He could not explain how the \$3,000 would be spent and asked the county manager if he would like to explain how the money would be used. Mr. Carter declined to explain.
- 4) General Fund - County Manager - transferring \$50 from employee recognition into overtime.
- 5) General Fund - Purchasing and Personnel office - line item changes
- 6) General Fund - BOCC budget - several line item changes
- 7) County Transportation #1 - Line item changes to cover expected expenditures.
- 8) Library - showing additional revenue and expenditures
- 9) Hospital Renewal and Replacement Fund - transferring \$4,000 into improvements from professional services.
- 10) Mosquito Control/State I - line item changes
- 11) Mosquito Control/Landfill - line item change

**UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 5 - 0 TO APPROVE THE BUDGET AMENDMENTS AS DESCRIBED BY THE CLERK.**

#### APPROVAL OF PAYMENT OF COUNTY BILLS

##### **Payment of county bills approved**

**UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO APPROVE THE PAYMENT OF THE COUNTY BILLS.**

**DISTRICT 1 REPORT**

**No action - Information only**

Commissioner McGill reported that he had written a letter to the Governor requesting that Agency Rule Act be placed on the agenda for the special session of the Legislature.

The Agency Rule Act would have provided some financial relief to small counties.

He received a return letter stating that is would not included on the agenda.

He encouraged the board to continue the efforts to have the act reintroduced at the next session.

**DISTRICT 2 REPORT**

Commissioner Powell had no report.

**DISTRICT 3 REPORT**

Commissioner Peacock had no report.

**DISTRICT 4 REPORT**

**Attorney authorized to draft ordinance on county parks use**

Commissioner Davis reported several complaints about use of one of the counties parks in the Sawdust Community. Sheriff Woodham has asked the county to adopt an ordinance regulating the use of the county parks and prohibit certain types of activity.

**UPON MOTION BY COMMISSIONER DAVIS AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO AUTHORIZE THE COUNTY ATTORNEY TO DRAFT AN ORDINANCE RESTRICTING THE USE OF COUNTY PARKS. THE COUNTY ATTORNEY SHOULD CONSULT WITH THE SHERIFF ABOUT THE CONTENTS OF THE PROPOSED ORDINANCE.**

**DISTRICT 5 REPORT**

**Stevens School Renovations**

**Information only**

Chairman Dixon reported that he had been advised that renovations are about to begin on the roof of the old Stevens School building.

### Jail Inspection Report

#### **Information only**

Follow up inspection report on the jail facility has been received. This matter will be discussed during the budget process since additional money will be necessary for jail operations.

#### Resolution

#### **Resolution of support passed for of the family of Sylvia Kimble**

Commissioner Slyvia Kimble from Hillsborough County has died. She was a member of the board of directors for the Florida Association of Counties. Funeral Services will be held on Saturday, June 11, 1994.

**UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 5 - 0 TO AUTHORIZE THE CHAIRMAN TO DRAW UP A RESOLUTION AND PRESENT TO THE FAMILY OF SYLVIA KIMBLE.**

#### CEDO Request

#### **Chairman's signature on letter of support authorized**

CEDO has asked the board to authorize the chairman's signature on a letter of support for their program dealing with "at-risk" children.

**UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO AUTHORIZE THE CHAIRMAN'S SIGNATURE ON A LETTER OF SUPPORT FOR THE CEDO PROGRAM.**

#### PUBLIC INPUT

**Joe Sheffield - License application remained unresolved**

**Alex Jackson - County Manager instructed to research why FL Statutes are not in libraries**

**Mort Suber - request for variance set for June 21, 1994**

Chairman Dixon recognized **Joe Sheffield**.

Mr. Sheffield explained that problems arising from his request for county license has not been resolved.

Chairman Dixon explained that conversation between Mr. Ritter and the City of Chattahoochee was taking place. The matter is expected to be resolved as soon as appropriate documentation is obtained for the record. Until such time, Mr. Ritter has been instructed to refund Mr. Sheffield's money.

Chairman Dixon recognized **Alex Jackson**.

Mr. Jackson complained that he had not been able to find Florida Statutes in the libraries.

The county manager was instructed to look into the matter.

Chairman Dixon recognized **Mort Suber**.

Mr. Suber requested a set back variance. He was told that matter would be on the agenda of the June 21, 1994 meeting.

**ADJOURNMENT**

**UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL, THE CHAIRMAN DECLARED THE MEETING ADJOURNED.**

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**Edward J. Dixon, Chairman**

**ATTEST:**

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**Nicholas Thomas, Clerk**

AT A SPECIAL MEETING OF THE BOARD OF COUNTY COMMISSIONERS, HELD IN AND FOR GADSDEN COUNTY, FLORIDA ON MAY 26, 1994, THE FOLLOWING PROCEEDINGS WERE HAD, VIZ.

PRESENT: ED DIXON, CHAIRMAN  
FORREST DAVIS, VICE-CHAIRMAN  
BILL MCGILL  
JAMES PEACOCK  
ANTHONY POWELL  
HAL RICHMOND, COUNTY ATTORNEY  
JAMES CARTER, COUNTY MANAGER  
NICHOLAS THOMAS, CLERK

CALL TO ORDER

The meeting was called to order by Chairman Dixon.

PURCHASING POLICY

BUDGET PREPARATION CONSULTING SERVICES

County Attorney Hal Richmond explained that the special meeting had been called to resolve questions raised by Clerk Thomas in regard to payment of an invoice for consulting services which was authorized by a contract entered into by the county manager. The clerk had returned the invoice to the commission requesting a legal opinion and supporting documentation by which he could legally pay the invoice.

Mr. Richmond pointed out that the new purchasing policy adopted by the Gadsden County Board of Commissioners conflicts with Chapter 125.74 with regard to the authorization of the county manager.

Chapter 125.74 (m) of the Florida Statutes states the county manager has the authority "to **negotiate** leases, contracts and other agreements, including consultant services for the county, **subject to the approval of the board.**" Mr. Richmond further stated that the circumstances of this contract did require board approval as well as approval of the manager's signature. He noted that there is also an opinion rendered by the Attorney General supporting the need for board approval in procurrment of consulting services.

Commissioner Peacock noted his opposition to the hiring of this consultant and the circumstances of his hiring.

**UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 3 -2 TO APPROVE THE CONTRACT BETWEEN GADSDEN COUNTY AND ROBERT BENTKOFSKY FOR CONSULTANT SERVICES IN PREPARATION OF THE COUNTY'S 94-95 BUDGET RETROACTIVE TO THE TIME IT WAS ENTERED INTO AND APPROVAL OF THE COUNTY MANAGER'S**

**SIGNATURE OF THE CONTRACT. COMMISSIONER'S POWELL, MCGILL AND  
DIXON APPROVING AND COMMISSIONERS PEACOCK AND DAVIS OPPOSING.**

**ECONOMIC DEVELOPMENT**

Mr. Rick McCaskill of the Chamber of Commerce told the board of negotiations with a South Georgia Company - Lynch Machinery/Miller Hydro. This company builds glass press machinery. The company has a large contract to build high definition television tubes and are looking for a plant location in which to build them. As a result of negotiations with Gadsden County, they are prepared to move to the proposed industrial park at I-10 and U.S. 90 interchange. As an incentive to get the plant to locate there, the State of Florida will offer transportation fund money to pay for the paving of the roads leading to the park. In order to get that money, an application must be filed by a local government. Mr. McCaskill asked for a letter of support and the chairman's signature on the application for the state transportation funds.

Mr. McCaskill noted that the company will employ 147 people at a average wage of \$11.00 per hour.

**UPON MOTION OF COMMISSIONER DAVIS AND SECOND BY COMMISSIONER  
PEACOCK, THE BOARD VOTED 5 - 0 TO APPROVE THE CHAIRMAN'S  
SIGNATURE ON THE APPLICATION FOR STATE TRANSPORTATION FUNDS TO  
BUILD AND IMPROVE ROADS IN AND NEAR THE PROPOSED INDUSTRIAL  
PARK AT THE INTERCHANGE OF I-10 AND U.S. 90, TO ACCEPT THE  
MAINTENANCE OF THE ROADS ONCE COMPLETED AND APPROVAL OF A  
LETTER OF SUPPORT WITH THE APPLICATION.**

There being no other business, the meeting adjourned.

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Edward J. Dixon, Chairman

ATTEST:

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Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE BOARD OF  
COUNTY COMMISSIONERS, HELD IN AND FOR  
GADSDEN COUNTY, FLORIDA ON MAY 17,  
1994, THE FOLLOWING PROCEEDINGS WERE HAD,  
VIZ.

PRESENT: ED DIXON, CHAIRMAN  
FORREST DAVIS, VICE-CHAIRMAN  
BILL MCGILL  
JAMES PEACOCK  
ANTHONY POWELL  
HAL RICHMOND, COUNTY ATTORNEY  
JAMES CARTER, COUNTY MANAGER  
NICHOLAS THOMAS, CLERK

CALL TO ORDER

The meeting was called to order by Chairman Dixon. Commissioner McGill led in pledging allegiance to the U. S. Flag and Commissioner Peacock opened the meeting with prayer.

ADOPTION OF THE AGENDA Tape # 1; 50

Commissioner Peacock asked to have the Gretna Interlocal Agreement removed from the consent agenda for discussion.

The chairman then added the agreement for discussion to the county manager's agenda.

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD 5 - 0 TO ADOPT THE AGENDA AS AMENDED TO INCLUDE DISCUSSION OF THE GREYNA INTERLOCAL AGREEMENT.

APPROVAL OF MINUTES Tape # 1; 68

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO APPROVE THE MINUTES OF THE MAY 3, 1994 MEETING.

AIRPORT AUTHORITY APPOINTMENT Tape #1; 79

Mr. Jerry Owens presented himself as a candidate for appointment to the Airport Authority citing his qualifications and desire to serve. (Resume attached)

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO APPOINT MR. JERRY OWENS TO THE AIRPORT AUTHORITY EFFECTIVE JUNE 2, 1994.

COUNTY ATTORNEY Tape # 1; 181

**Board authorized the attorney and planner to negotiate the issues in the stipulated agreement proposed by Sunshine Pipeline.**

Mr. Hal Richmond, County Attorney, called attention to a proposed stipulation agreement submitted for board consideration by Sunshine Pipeline regarding the placement of their pipeline through Gadsden County. He expressed reluctance to enter into any type of negotiations on the issue without prior board approval. He reminded the commissioners that they had voted previously to oppose the placement of the pipeline through the county.

Because it appears inevitable that the pipeline will be placed somewhere in Gadsden County, Mr. Richmond offered two legal alternatives.

1. Do nothing. When hearings are held, a hearing officer will recognize Gadsden's position but our opposition will not be forcefully presented.
2. Negotiate on technical issues in the stipulated agreement now and come to some agreement prior to hearings.

**UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO AUTHORIZE THE COUNTY ATTORNEY AND THE COUNTY PLANNER TO NEGOTIATE WITH SUNSHINE PIPELINE ON THE TECHNICAL ISSUES IN THE STIPULATED AGREEMENT AND REPORT BACK TO THE BOARD WITH THEIR FINDING.**

ECONOMIC DEVELOPMENT (Attached) Tape #1; 450

Mr. Rick McCaskill reported on various negotiations with prospective businesses considering re-locating to Gadsden County. He informed the board of transportation fund money that could be made available to the county in assisting with the infrastructure at the proposed industrial park at I-10 and U.S. 90. He assured the commissioners he would continue to work with Florida Department of Transportation and the county to complete an application for those funds if the negotiations with the prospective industries warrant it.

Mr. McCaskill also reported on the status of the video production of Gadsden County which is scheduled to be filmed soon. He asked for suggestions from the commissioners as to any particular scenes they would like to see included in the video from an industrial or residential point of view.

**BELINDA ROWAN AND ED EAGEN - OLD JAIL FACILITY**

The board agreed to consider donating the use of the old county jail to the United Way pending further investigations - no action taken.

Mr. Ed Eagen introduced himself as a representative of United Way. He gave a brief overview of services provided to the residents of Gadsden County by United Way. He stated the need for a facility in Gadsden County from which they could provide better service. He asked the board to consider donating the use of the old jail facility for this service indicating that volunteers could most likely accomplish any renovation other than removing the bars.

Discussion followed.

It was the consensus of the board to take a look at the old jail, determine the costs of removing the bars and discuss the feasible use of the building. In the meantime, the board asked Mr. Eagen to determine his space requirements and report back to the board.

**BUILDING INSPECTION DEPARTMENT** (Resolution attached)

**Amended Resolution to Mobile Home Ordinance # 90-006 approved.**

In March of 1994, the board was advised by the building inspection department that the mobile home placement ordinance needed to be revised. The county staff proposed to eliminate inspections of mobile homes that are over 50 miles away. Mr. Mike Sherman then presented an amended resolution to Ordinance 90-006. (attached)

Mr. Richmond stated the resolution was correct in form and in content.

**UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO ADOPT THE AMENDED RESOLUTION TO GADSDEN COUNTY ORDINANCE 90-006 AS ATTACHED.**

**COUNTY MANAGER**

**Re-roofing of Courthouse Annex # 3** Tape # 1; 1270

**Bid # 94-16 awarded to Commercial Roofing of Tallahassee**

County Manager James Carter presented the bid committee's recommendation to award the contract for the re-roofing of Courthouse Annex #3 to Commercial Roofing of Tallahassee for \$11,600.

**UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO AWARD THE REROOFING OF COURTHOUSE ANNEX # 3 TO COMMERCIAL ROOFING OF TALLAHASSEE, FL FOR \$11,600.00.**

**Fire Protection Assessment Contract for Services Tape # 1;**

1365

**Contract for Services with Nabors, Giblin & Nickerson approved.**

County Manager Carter reviewed the proposed contract with Nabors, Giblin and Nickerson to provide a Scope of Services and Fee Structure for the 1994-95 Annual Update of the Fire Protection Assessment. Their fee amounted to \$10,000. The roll should be prepared for adoption by July 28, 1994.

Discussion followed.

**UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 5 - 0 TO APPROVE THE FIRE PROTECTION ASSESSMENT CONTRACT FOR SERVICES WITH NABORS, GIBLIN & NICKERSON.**

**Deficient Bridge on County Road 159 - Tape # 1; 1496**

**Bridge #500032 was declared an emergency and immediate repairs authorized.**

Mr. Carter informed the board that engineers have confirmed to the Dept. of Transportation that Bridge # 500032 located on County

Road 159 is severely deficient and needs repair immediately. He advised the board to declare the bridge an emergency and proceed with repairs quickly.

**UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 5 - 0 TO DECLARE THE BRIDGE (# 500032) AN EMERGENCY AND INSTRUCT THE COUNTY MANAGER TO PROCEED EXPEDIENTLY TO REPAIR THE BRIDGE.**

**Interlocal Agreement with City of Gretna for Road Service**

**Gretna Road Service Agreement was tabled.**

Mr. Carter asked Commissioner Peacock to voice his concerns with the Interlocal Agreement with the City of Gretna.

Commissioner Peacock objected to the fees stated in the agreement (\$33.50 per hour) as opposed to the fees charged to the citizens of the county (\$50.00). He suggested the county should charge the same amount to all.

Mr. Carter explained that the charges are the same as for the City of Midway. He further explained that he had followed the board's instructions to work out an arrangement with the City of Gretna. The agreement was the same as the county has with the City of Midway.

Commissioner Peacock reminded the board that the county had offered to do the roadwork for Gretna in exchange for their share of the gas tax revenue. Gretna previously refused that offer. Since that time, the county has performed work for Gretna for which payment may not yet have been received.

**UPON MOTION OF COMMISSIONER POWELL, THE CHAIRMAN DECLARED THE MATTER OF THE INTERLOCAL AGREEMENT WITH THE CITY OF GRETNA TABLED FOR FURTHER REVIEW.**

**Travel Reimbursement for Workshop in Lake City**

**Board approved reimbursement of \$75.00 to Mr. Carter for travel expenses.**

Mr. Carter presented a request for reimbursement for expenses relating to a workshop he attended in Lake City, FL. on May 13, 1994. (Revenue Alternative for Florida's Small Counties) The request was for per diem costs and hotel accommodations totaling \$75.00.

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 5 - 0 TO APPROVE REIMBURSEMENT OF TRAVEL EXPENSES AMOUNTING TO \$75.00 TO THE COUNTY MANAGER FOR TRAVEL TO LAKE CITY, FL.

CONSENT AGENDA Tape # 1; 2150

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO APPROVE THE AMENDED CONSENT AGENDA TO WIT:

- 1) EMS Write off Approval (attached)
- 2) Long Term Agreement for Gadsden East Landfill (attached)
- 3) Resolution, DEP Florida Safe Boating Week (attached)

CLERK OF COURT

Public Hearing for 93-94 Budget Readvertisement

Readvertised 93-94 budget was approved at public hearing.

The clerk called for a public hearing of the budget readvertisement. He explained the advertisement shows additional revenue and expenditures which have already been approved by the board. (attached)

The chairman asked for public input.

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO APPROVE THE READVERTISED BUDGET AMENDMENT AS PRESENTED BY CLERK THOMAS.

Expenditure Concerns

Clerk Thomas advised the board that funds budgeted for court appointed attorneys in conflict cases has been expended and appropriate amendments would be necessary by the end of the fiscal year. (attached)

Clerk Thomas told the board that the Tax Collector has submitted a request for \$10,000 in commission fees to which he is entitled. This amount should come from contingency.

The Chairman suggested that the Tax Collector should send his budget request to the County Manager.

State Revenue Sharing Application Tape # 1;

Chairman's signature on the State Revenue Sharing Application was approved.

Clerk Thomas asked the board to approve the chairman's signature on the county's state revenue sharing application.

UPON MOTION OF COMMISSIONER DAVIS AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 5 - 0 TO APPROVE THE CHAIRMAN'S SIGNATURE ON THE STATE REVENUE SHARING APPLICATION.

Budget Amendments (attached) Tape # 1; 2394

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO APPROVE THE BUDGET AMENDMENTS TO WIT:

1. General Fund - Building Inspection Department - showing additional revenues and expenditures per budget re-advertisement. (equipment over \$500, salaries, books, benefits, etc.)
2. General Fund - Moving money into conflict attorney's from competency exams for court appointed conflict court cases.
3. Grants - change in the SHIP Program - Moving money into the Homebuyer Education line item.
4. General Fund - Mosquito Control/landfill - showing the transfer of contingency funds to mosquito control/landfill as shown in the re-advertised budget.
5. General Fund - Chamber of Commerce - Moving contingency funds into Chamber of Commerce - approved at the last meeting.
6. General Fund - Covered by the budget advertisement for professional services dealing with Chattahoochee landfill.

7. **Transportation # 1 Fund - to correct an account number for the uniform accounting codes for motor fuel use tax.**
8. **Fine & Forfeiture Fund - showing transfer of funds from the general funds received from sale of radio tower. This was included in the budget re-advertisement.**

### **Finance Reports**

The Clerk called attention to reports generated by the new finance software. He explained that they were only samples of information that can be made available. He encouraged the participation from the board in customizing specific reports they would like to have on a continual basis.

### **Payment of County Bills**

**Payment of county bills approved by the board.**

The clerk asked for approval of the payment of the county bills.

**UPON MOTION OF COMMISSIONER DAVIS AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO APPROVE THE PAYMENT OF THE COUNTY BILLS.**

### **DISTRICT 1 REPORT**

**Board authorized county manager to send letter of support for small county coalition issues to the local legislative delgation.**

Commissioner McGill urged the commissioners to call or write to the local legislative delegation to encourage them to support the issues of the Small County Coalition. The board authorized the county manager to fax a letter of support to the local legislators.

### **DISTRICT 2 REPORT**

Commissioner Powell thanked the county manager and staff for job well done.

### **DISTRICT 3 REPORT**

Commissioner Peacock reported things running well in District Three.

**DISTRICT 4 REPORT**

Commissioner Davis had nothing to report from District Four.

**DISTRICT 5 REPORT**

Chairman Dixon recognized Mr. and Mrs. Francis and Miss Francis.

Mr. Francis reported road wash conditions at his home site on Ranch Road and requested repairs to be made to stop the erosion.

Mr. Carter reported that he had already visited the site and was already working on a solution.

Mrs. Francis questioned the board concerning mosquito control in her area.

Chairman Dixon reported that the county now has two mosquito trucks running four days a week. He asked the county manager to include Ranch Road on the routes of the mosquito trucks.

**HRS - NOMINEE QUALIFICATIONS REVIEW COMMITTEE**

Ron Kirkland was re-appointed to HRS Nominee Qualifications Review Committee.

UPON MOTION OF COMMISSIONER DAVIS AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 5 - 0 TO REAPPOINT MR. RON KIRKLAND TO REPRESENT GADSDEN COUNTY FOR A TERM OF TWO YEARS ON THE HRS NOMINEE QUALIFICATIONS REVIEW COMMITTEE FOR SUBDISTRICT 2-B.

Chairman Dixon asked that all future budget expenditure requests and concerns be directed to the county manager's office.

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER PEACOCK, THE CHAIRMAN DECLARED THE MEETING ADJOURNED.

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Edward J. Dixon, Chairman

ATTEST:

\_\_\_\_\_  
Nicholas Thomas, Clerk

**GADSDEN COUNTY CONSTRUCTION INDUSTRY LICENSING BOARD**

Chairman Dixon convened the meeting of the Gadsden County Construction Industry Licensing Board.

**UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO APPROVE THE LICENSING OF STEPHEN A. GINGRASS AS A ROOFING CONTRACTOR.**

**UPON MOTION OF COMMISSIONER MCGILL, THE MEETING WAS ADJOURNED BY THE CHAIRMAN.**

\_\_\_\_\_  
Edward J. Dixon, Chairman

ATTEST:

\_\_\_\_\_  
Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE BOARD OF  
COUNTY COMMISSIONERS, HELD IN AND  
FOR GADSDEN COUNTY, FLORIDA ON MAY  
3, 1994, THE FOLLOWING PROCEEDINGS  
WERE HAD, VIZ.

PRESENT: ED DIXON, CHAIRMAN  
FORREST DAVIS, VICE-CHAIRMAN  
BILL MCGILL  
JAMES PEACOCK  
ANTHONY POWELL  
HAL RICHMOND, COUNTY ATTORNEY  
NICHOLAS THOMAS, CLERK  
ARTHUR LAWSON, SR., ACTING COUNTY MANAGER

ABSENT: JAMES CARTER, COUNTY MANAGER (excused)

CALL TO ORDER

The meeting was called to order by Chairman Dixon.  
Commissioner McGill led in pledging allegiance to the U. S. Flag.  
Commissioner Powell then opened the meeting with prayer.

ADOPTION OF THE AGENDA (Agenda attached)

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER  
PEACOCK, THE BOARD VOTED 5 - 0 TO ADOPT THE AGENDA AS  
PRESENTED.

APPROVAL OF MINUTES - April 19, 1994 Meeting

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER  
MCGILL, THE BOARD VOTED 5 - 0 TO APPROVE THE MINUTES OF THE  
APRIL 19, 1994 MEETING.

UPON MOTION OF COMMISSIONER DAVIS AND SECOND BY COMMISSIONER  
PEACOCK, THE BOARD VOTED 5 - 0 TO APPROVE THE MINUTES OF THE  
APRIL 20, 1994 MEETING.

COUNTY ATTORNEY (Memo Attached)

Nudity Ordinance # 94-003 (Attached) Tape # 1; 87

Ordinance # 94-003 (Nudity Ordinance) adopted.

Mr. Richmond called for a public hearing on the nudity  
ordinance which had been duly advertised. He read the ordinance by  
title only into the record.

The chairman called for questions from the board.

Public input was called for by the chairman. There was none.

**UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO ADOPT THE NUDITY ORDINANCE.**

**Curfew Ordinance Committee** Tape # 1;154

**Organizational committee meeting scheduled for May 4, 1994.**

Mr. Richmond reported that he has contacted all law enforcement agencies in the county and other local political bodies interested in the adoption of a curfew ordinance. He had scheduled an organizational meeting of a committee which will address the need of such an ordinance. The meeting was scheduled at 5:00 p.m. at the county manager's office on May 4. He encouraged any commissioners and interested persons to be present for the meeting.

**CHAMBER OF COMMERCE REQUEST** (Attachment) Tape # 1; 302

**\$10,000 request approved for Chamber of Commerce.**

Mr. Rick McCaskill called attention to a memo he had prepared at the request of Chairman Dixon. It listed the number of businesses which had moved into Gadsden County during the last year, the number of employees in each industry and the average wage per hour (plant labor only) of the companies where information was available.

After a short presentation, Mr. McCaskill asked the board to approve funding of an additional \$10,000 which was removed from their budget last September.

Discussion followed.

**UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO APPROVE FUNDING THE CHAMBER OF COMMERCE \$10,000.00 FROM THE CONTINGENCY FUND.**

#### **COUNTY MANAGER**

Mr. Arthur Lawson spoke to the board in the absence of County Manager James Carter.

**Purchase of Bat Wing Mowers** (Attachment)

**Purchase of Bat Wing mowers from state contract approved.**

**Request to Develop RFP for financing of mowers and tractors**

**County Manager authorized to develop RFP for financing of three tractors and three mowers.**

Mr. Lawson told the board the county could purchase three Alamo mowers from the state contract list at a significant savings. He asked for board approval to purchase the mowers from the state contract and for permission to develop an RFP to secure the financing of the mowers and the tractors.

A brief discussion followed.

**UPON MOTION OF COMMISSIONER MCGILL AND SECOND OF COMMISSIONER POWELL, THE BOARD VOTED 5 - 0 TO APPROVE THE PURCHASE OF THE BAT WING MOWERS FROM THE STATE CONTRACT AND TO DEVELOP AN RFP FOR THE FINANCING OF THE MOWERS AND THE TRACTORS.**

**Revised Purchasing Policy (Attached) Tape # 1; 1078**

**New purchasing policy approved.**

Mr. Lawson then presented the new purchasing policy for consideration.

Commissioner Davis asked how the new policy differs from the old policy.

Mr. Lawson replied by saying there are significant differences in the thresholds. The procurement policies which the county is currently working under have not been revised in recent years. The new policy is more easily understood and provides proper mechanisms to conduct county business in a more expeditious manner and it saves money.

Mr. Richmond made a couple of remarks. Chapter 125.74 provides that the county manager maintains authority to develop, install and maintain centralized budgeting, personnel, legal and purchasing procedures. Paragraph 2 says the intent of the legislature to grant to the county administrator only those powers and duties which are administrative or ministerial in nature and not to delegate any governmental power indubed in the board of county commissioners as the governing body of the county pursuant to the Florida Constitution. Florida Statutes also provides that the county commissioners will be held personally liable for any improper expenditures made by the county manager.

The chairman asked for public input. There was none.

**UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 3 - 2 TO APPROVE THE PURCHASING POLICY AS WRITTEN. COMMISSIONERS MCGILL, POWELL AND DIXON VOTING IN FAVOR, COMMISSIONERS PEACOCK AND DAVIS OPPOSING.**

**Sheriff's Request for Radio Tower Sale Proceeds (Attachment) Tape # 1; 1650**

**Sheriff's request for the proceeds (\$11,500) from the sale of the radio tower was approved.**

Mr. Lawson called attention to the sheriff's request for the \$11,500 from the proceeds of the sale of the radio tower.

Mr. Richmond reported that no claims have been made for the lightening damage done to the communications and computer equipment at the jail. He could not discern when the damage was done or if such damage is covered by insurance. It is possible that time limitations for filing a claim could have expired.

**UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER PEACOCK THE BOARD VOTED 4 - 1 TO APPROVE GIVING THE SHERIFF THE \$11,500 PROCEEDS FROM THE SALE OF THE OLD RADIO TOWER WITH THE STIPULATION THAT ANY FUTURE DAMAGES SHOULD HAVE INSURANCE CLAIMS FILED FOR THE COST OF REPAIRS. THE MOTION INCLUDES APPROVAL FOR THE CLERK TO RE-ADVERTISE THE BUDGET TO SHOW THE INCREASE IN REVENUE. COMMISSIONER MCGILL CAST THE LONE DISSENTING VOTE.**

**Invoice for Thomas Skipper (Chattahoochee Landfill)  
Invoice for Bishop Engineering (Chattahoochee Landfill) (Attached)  
Tape #1; 1955**

**Board approved payment of invoices totaling \$9,274 (relating to the closure of Chattahoochee Landfill) to Thomas Skipper and Bishop Engineering from contingency funds.**

Mr. Lawson presented an invoice for \$1,324 from Thomas Skipper for surveying in connection with the Chattahoochee Landfill. He asked for instructions from the board. The money is not budgeted.

Clerk Thomas reported that the landfill trust fund is not adequately funded to cover this invoice or the amount owing to Bishop Engineering. (Invoice and contingency request attached)

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO APPROVE PAYMENT OF THE INVOICE FROM THOMAS SKIPPER FOR \$1,324 AS WELL AS THE INVOICE TO BISHOP ENGINEERING FOR \$7,950.00 FROM CONTINGENCY FUNDS.

Quote from Peavy & Son for Guide Rail Work on Hanna Mill Pond Road  
Tape # 1; 2204 (letter attached)

Installation of guard-rails on Hanna Mill Pond Road authorized to be done by the most expeditious method possible.

Mr. Lawson related information concerning costs to install a guardrail, with special posts on the box culverts and end anchors for Hanna Mill Pond Road bridge. He reported that there are some funds left in the paving contracts. It is an emergency situation which puts the county in a liable position. A change-order can be done to accomplish the installation of the guard rail quickly.

UPON MOTION OF COMMISSIONER DAVIS AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 5 - 0 TO AUTHORIZE THE COUNTY MANAGER TO HAVE THE GUARD-RAILS INSTALLED IN THE MOST EXPEDITIOUS AND ECONOMICAL MANNER POSSIBLE.

CONSENT AGENDA Attachments

The consent agenda passed without discussion.

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO APPROVE THE CONSENT AGENDA TO WIT:

- 1) DCA Notice of Intent to find Comprehensive Plan Amendment and Remedial Comprehensive Plan amendment in Compliance
- 2) Satisfaction of Housing Rehabilitative Agreement for Mae Helen Herman

CLERK OF COURT Tape # 1; 2374

Clerk Thomas told the commissioners he would be able to provide them with several reports generated from the new finance system software at the next meeting on May 17, 1994.

**Budget Amendments** - Attached (10)

- 1) General Fund - line item changes requested by Mike Sherman putting \$900 into travel and per diem.

- 2) County Transportation # 1 - line item change putting \$500 into training and education
- 3) General Fund - line item change
- 4) General Fund - Veteran Services Office - line item change putting money into books and travel & per diem.
- 5) Mosquito Control/State 1 - transfer monies to cover expenditures for the purchase of chemicals to be used for mosquito control.
- 6) General Fund - line item change in the probation department - putting money into travel & per diem and training and education.
- 7) General Fund - OMB - to cover office supply costs for the remainder of the year for computer networking and software.
- 8) General Fund - Circuit Judges - line item change
- 9) Grants - Recycling - line item changes
- 10) Grants - Setting up the Emergency Management Preparedness & Assistance Grant.

**UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO APPROVE THE BUDGET AMENDMENTS AS DESCRIBED BY THE CLERK.**

**APPROVAL OF PAYMENT OF COUNTY BILLS**

**UPON MOTION OF COMMISSIONER DAVIS AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO APPROVE PAYMENT OF THE COUNTY'S BILLS.**

**DISTRICT 1 REPORT**

Commissioner McGill reported that the resolution requesting funding for industrial park developments (adopted jointly by the Board of County Commissioners and the city councils) was not successful with the legislature this year. However, the county was encouraged to re-apply next year with better clarification as to where and how the money would be used if appropriated.

Commissioner McGill asked the board once again to consider the hazardous conditions of the county roads with respect to road striping and move toward absolving the county of that liability.

## **DISTRICT 2 REPORT**

Commissioner Powell yielded to Mike Sherman and Attorney Luther Smith who wished to address the board in regard to a zoning issue.

Mr. Sherman explained that Mr. Luther Smith has requested approval of a concurrency application. A concurrency application in this case is a clearance letter which allows a building permit to be issued. What Mr. Smith proposed to do is move a mobile home onto a one acre parcel in a residential area of the county. One unit is already in place on that property. To move another unit onto the parcel would be in violation of the density requirements. The comp plan addresses that issue in a number of its policies.

There are some circumstances in this case that make it unique but none of them apply to land claiming.

Mr. Luther Smith then approached the board explaining that the individual in question suffered a traumatic injury from a car accident which left him paralyzed from the neck down. He asked for a family exception to facilitate placing the home on the lot so that he could be near family members. A well and septic tank will be required but those can be approved through the health department.

The Planning and Zoning Department recommended that the county not deviate from the density requirements and deny the request.

Chairman Dixon expressed concern that the comp plan did not provide for some exception provision if it meets health department standards.

It was the consensus of the board to investigate with Department of Community Affairs to see if there is some avenue other than a comprehensive plan amendment which would allow for a hardship situation.

Mr. Richmond suggested that he and Mr. Sherman go through the comp plan again and see if there is some potential solution to help a family who is in severe and serious need. In the meantime, the surrounding property owners involved should be notified.

Chairman Dixon told Mr. Smith he would call a special meeting if something can be worked out to accommodate the placement of this mobile home.

**DISTRICT 3 REPORT** Tape # 1; 3214

Commissioner Peacock reported the roads in his district are in bad need of grading.

He asked Mr. Lawson to relate to the Road & Bridge Supervisor that a road grader has been sitting on the road side of U.S. 90 for a week and he would rather see it operating on the dirt roads near by.

**DISTRICT 4 REPORT**

Commissioner Davis had nothing to report.

**DISTRICT 5 REPORT** Tape # 1; 3241

Chairman Dixon submitted the names of Mike Sheldon and Jerry Owens as possible candidates for appointments to the Gadsden Airport Authority. (Resumes attached)

It was the consensus of the board to have the candidates appear before the board before making an appointment.

Mr. Lawson was asked to notify the candidates to appear before the board at the next meeting.

**ADJOURNMENT**

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER  
PEACOCK, THE CHAIRMAN DECLARED THE MEETING ADJOURNED.

\_\_\_\_\_  
EDWARD J. DIXON, CHAIRMAN

ATTEST:

\_\_\_\_\_  
NICHOLAS THOMAS, CLERK

**GADSDEN COUNTY LICENSING BOARD (Application Attached)**

Chairman Dixon called the meeting to order.

**UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER DAVIS THE BOARD VOTED 5 - 0 TO APPROVE THE LICENSING OF GEORGE WILLIAM ALLAMAN AS RESIDENTIAL CONTRACTOR.**

Chairman Dixon stated that the other application for a license (Joseph Sheffield) had been administratively removed from consideration by Mr. Ritter.

**UPON MOTION OF COMMISSIONER POWELL, THE CHAIRMAN DECLARED THE MEETING ADJOURNED.**

EDWARD J. DIXON, CHAIRMAN

ATTEST:

NICHOLAS THOMAS, CLERK

AT A REGULAR MEETING OF THE AFFORDABLE HOUSING ADVISORY COMMITTEE ON APRIL 26, 1994, THE FOLLOWING PROCEEDINGS WERE HAD, VIZ.

PRESENT: Millie Forehand, Chairperson  
Craig McMillan, Vice-chairperson  
William Carr  
James Rogers  
Patrick Brown

ABSENT: Alice Kelley  
Len Starrett  
Tony Jones  
James Atkins

COUNTY PERSONNEL PRESENT: Rosemary Banks, SHIP Co-ordinator  
Edward Butler, Grants Administrator  
Muriel Straughn, Deputy Clerk

CALL TO ORDER

Chairperson Millie Forehand called the meeting to order.

APPROVAL OF MINUTES OF

UPON MOTION OF CRAIG MCMILLAN AND SECOND BY WILLIAM CARR THE COMMITTEE VOTED 5 - 0 TO APPROVE THE MINUTES OF THE FEBRUARY 22, 1994 MEETING.

STAFF REPORT

Mrs. Rosemary Banks reported the following:

The Board of County Commissioners approved the changes to the Affordable Housing Incentive Plan.

The Florida Housing Finance Agency (FHFA) approved the Three Year Housing Assistance Plan contingent upon the correction of a couple of minor technical inconsistencies which are addressed below.

**Incentive No. 2**

*The expedited processing to permits for affordable housing projects.*

Recommendation by Affordable Housing Advisory Committee (AHAC):

*No recommendation for change.*

**RECOMMENDATION BY FHFA:**

Affordable housing projects should be given priority if a backlog should occur.

**Incentive No. 10.**

*The establishment of a process by which a local government considers, before adoption, policies, procedures, ordinances, regulations, or plan provisions that have a significant impact on the cost of housing.*

Incentive adopted and by this committee:

*The committee recommends that any proposed policy change to the ~~comprehensive plan~~ which could impact in any way on affordable housing to be reviewed by this committee before it is presented for adoption by the county or one of the cities. The committee will act as a "clearinghouse" to preserve the interest of affordable housing.*

**RECOMMENDATION BY FHFA:**

The committee recommends that any proposed change to policies, procedures, ordinances, regulations, or plan provisions which could impact in any way on affordable housing to be reviewed by this Advisory Committee before it is presented for adoption by the county or one of the cities. The committee will act as a "clearinghouse" to preserve the interest of affordable housing.

**Incentive No. 9**

*Modification of Street requirements.*

Recommendation made by AHAC:

*No recommendation for change.*

**RECOMMENDATION BY FHFA:**

To be included in the upcoming land development code.

The changes were made to the incentive plan as recommended by the FHFA and resubmitted to the Board of County Commission for approval as amended. (copy attached)

Chairman Forehand asked Mrs. Banks to provide the committee members with copies of the new incentive plan which was adopted by the Board of County Commissioners.

**OFFICIAL RECORDS**

Mr. Butler noted that the minutes of the committee meetings should and would be included on the consent agenda of the County Commission meetings in an effort to make them part of the official record.

**AMENDED SHIP ORDINANCE**

Mrs. Banks also brought to the committee's attention that the SHIP ordinance has been amended at the recommendation of the independent auditors. The change allows for creation of the Local Housing Assistance Trust Fund and that money is to be retained in a special escrow account designated as the Local Housing Assistance Trust Fund and used for the purposes thereof. (copy attached)

**FUTURE COMMITTEE RESPONSIBILITIES**

Mrs. Banks told the committee that once the incentive plan is approved they should begin to study the land development code and make recommendations for change as needed to provide for affordable housing. Mr. Sherman of the Growth Management and Strategic Planning office will be assisting with this review.

**TOUR OF HOMES**

Mrs. Banks reminded the committee members of the tour of homes which were constructed recently and financed with affordable housing funds. The bus will leave from the county administration building on May 5, 1994 at 10:00 a.m.

**UPON MOTION OF CRAIG MCMILLAN, THE MEETING WAS DECLARED  
ADJOURNED.**

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Muriel Straughn, Deputy Clerk

AT A SPECIAL MEETING OF THE BOARD  
OF COUNTY COMMISSIONERS, HELD IN AND  
FOR GADSDEN COUNTY, FLORIDA ON JULY  
28, 1994, THE FOLLOWING PROCEEDINGS  
WERE HAD, VIZ.

PRESENT: FORREST DAVIS, VICE-CHAIRMAN  
BILL MCGILL  
JAMES PEACOCK  
ANTHONY POWELL  
HAL RICHMOND, COUNTY ATTORNEY  
JAMES CARTER, COUNTY MANAGER  
NICHOLAS THOMAS, CLERK

ABSENT: ED DIXON, CHAIRMAN

**CALL TO ORDER**

The meeting was called to order by Vice-chairman Davis in the absence of the chairman.

Commissioner Peacock led the audience in pledging allegiance to the U. S. Flag. Commissioner Powell opened the meeting with prayer.

**FIRE PROTECTION SERVICES UPDATE**

Vice-chairman Davis turned the meeting over to County Manager James Carter.

Mr. Carter referenced a memo dated July 28, 1994 outlining the five year fire service plan.

It was the consensus of the board to postpone action on the five year plan.

Commissioner Peacock asked the county manager to look closely at the volunteer fire department plan and expedite the establishment of the volunteer unit in the Sycamore area.

Commissioner McGill asked the commissioners to take a serious look at using community development block grant funds in relationship with the five - year fire protection plan.

**PRESENTATION OF THE PROPOSED FIRE PROTECTION ASSESSMENT ANNUAL RATE RESOLUTION FOR 1994-1995**

Vice-chairman Davis turned the meeting over to Sara Bleakley of Nabors, Giblin & Nickerson, P. A.

Ms. Bleakley stated that the annual rate resolution for the 94-95 fiscal year is the topic of discussion set for this meeting. The primary purpose of the document is three-fold: 1) approve the rate and the assessment for the upcoming fiscal year; 2) adopt the assessment roll for the upcoming fiscal year; 3) confirm that notice has been provided as required by the ordinance and law to those people who will experience a rate increase from last year.

Vice-chairman Davis called for questions from the board.

Commissioner McGill questioned why churches could not have been excluded from this assessment.

Ms. Bleakley detailed the justification of assessing churches.

Lengthy discussion followed.

Ms. Bleakley encouraged the board not to exempt or reduce the assessment on churches.

Vice-chairman Davis asked for public remarks.

Speaking in opposition to the assessment on churches were the following:

**Preston Scott**, Pastor of Tallavana Community Church and Administrator of Gadsden Christian Academy.

**Suzanne F. Hood**, attorney for Mr. and Mrs. H. A. Parramore and Hillandale Partners, Inc. - spoke on behalf of her clients and filed written objections to be made a part of the record of this meeting. (Attached)

**Nolen Hancock**, citizen opposing assessment against churches.

The audience applauded.

**Sealy Brown**, citizen opposing assessment against churches.

The audience applauded.

**Tommy Howell**, chairman of the Common Cents for Gadsden County opposing the assessment.

The vice-chairman called for board action.

**Preston Scott** spoke again.

**UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 3 - 1 TO ADOPT THE ASSESSMENT ANNUAL RATE**

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RESOLUTION FOR THE 1994-95 FISCAL YEAR BUT TO DO WHATEVER IS POSSIBLE TO OFFER CHURCHES RELIEF FROM THE FIRE ASSESSMENT. COMMISSIONERS MCGILL, POWELL AND PEACOCK VOTED IN FAVOR. VICE-CHAIRMAN DAVIS OPPOSED.

UPON MOTION OF COMMISSIONER PEACOCK, VICE-CHAIRMAN DAVIS ADJOURNED THE MEETING.

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Forrest Davis, Vice Chairman

ATTEST:

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Nicholas Thomas, Clerk

Memo dated July 28, 1994 outlining the five year fire service plan.

FIRE PROTECTION ASSESSMENT ANNUAL RATE RESOLUTION FOR 1994-1995

Written objections filed by Suzanne Hood :  
Hillandale Property, Inc.  
Mr. & Mrs. Parramore

AT A SPECIAL MEETING OF THE BOARD  
OF COUNTY COMMISSIONERS, HELD IN  
AND FOR GADSDEN COUNTY, FLORIDA ON  
JULY 28, 1994, THE FOLLOWING  
PROCEEDINGS WERE HAD, VIZ.

PRESENT: FORREST DAVIS, VICE-CHAIRMAN  
BILL MCGILL  
JAMES PEACOCK  
ANTHONY POWELL  
HAL RICHMOND, COUNTY ATTORNEY  
JAMES CARTER, COUNTY MANAGER  
NICHOLAS THOMAS, CLERK

ABSENT: ED DIXON, CHAIRMAN

CALL TO ORDER

The meeting was called to order by Vice-chairman Davis in the absence of the chairman.

Commissioner Peacock led the audience in pledging allegiance to the U. S. Flag. Commissioner Powell opened the meeting with prayer.

FIRE PROTECTION SERVICES UPDATE

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Mr. Carter referenced a memo dated July 28, 1994 outlining the five year fire service plan.

It was the consensus of the board to postpone action on the five year plan.

Commissioner Peacock asked the county manager to look closely at the volunteer fire department plan and expedite the establishment of the volunteer unit in the Sycamore area.

Commissioner McGill asked the commissioners to take a serious look at using community development block grant funds in relationship with the five - year fire protection plan.

PRESENTATION OF THE PROPOSED FIRE PROTECTION ASSESSMENT ANNUAL RATE RESOLUTION FOR 1994-1995

Vice-chairman Davis turned the meeting over to Sara Bleakley of Nabors, Giblin & Nickerson, P. A.

Ms. Bleakley stated that the annual rate resolution for the

94-95 fiscal year is the topic of discussion set for this meeting. The primary purpose of the document is three-fold: 1) approve the rate and the assessment for the upcoming fiscal year; 2) adopt the assessment roll for the upcoming fiscal year; 3) confirm that notice has been provided as required by the ordinance and law to those people who will experience a rate increase from last year.

Vice-chairman Davis called for questions from the board.

Commissioner McGill questioned why churches could not have been excluded from this assessment.

Ms. Bleakley detailed the justification of assessing churches.

Lengthy discussion followed.

Ms. Bleakley encouraged the board not to exempt or reduce the assessment on churches.

Vice-chairman Davis asked for public remarks.

Speaking in opposition to the assessment on churches were the following:

**Preston Scott**, Pastor of Tallavana Community Church and Administrator of Gadsden Christian Academy.

**Suzanne F. Hood**, attorney for Mr. and Mrs. H. A. Parramore and Hillandale Partners, Inc. - spoke on behalf of her clients and filed written objections to be made a part of the record of this meeting. (Attached)

**Nolen Hancock**, citizen opposing assessment against churches.

The audience applauded.

**Sealy Brown**, citizen opposing assessment against churches.

The audience applauded.

**Tommy Howell**, chairman of the Common Cents for Gadsden County opposing the assessment.

The vice-chairman called for board action.

Gadsden County Board of Commissioners  
July 28, 1994, Special Meeting  
Page 3 of 3

**Preston Scott** spoke again.

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 3 - 1 TO ADOPT THE ASSESSMENT ANNUAL RATE RESOLUTION FOR THE 1994-95 FISCAL YEAR BUT TO DO WHATEVER IS POSSIBLE TO OFFER CHURCHES RELIEF FROM THE FIRE ASSESSMENT. COMMISSIONERS MCGILL, POWELL AND PEACOCK VOTED IN FAVOR. VICE-CHAIRMAN DAVIS OPPOSED.

UPON MOTION OF COMMISSIONER PEACOCK, VICE-CHAIRMAN DAVIS ADJOURNED THE MEETING.

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Forrest Davis, Vice Chairman

ATTEST:

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Nicholas Thomas, Clerk

Memo dated July 28, 1994 outlining the five year fire service plan.

FIRE PROTECTION ASSESSMENT ANNUAL RATE RESOLUTION FOR 1994-1995

Written objections filed by Suzanne Hood :  
Hillandale Property, Inc.  
Mr. & Mrs. Parramore

AT A REGULAR MEETING OF THE BOARD  
OF COUNTY COMMISSIONERS, HELD IN  
AND FOR GADSDEN COUNTY, FLORIDA ON  
AUGUST 2, 1994, THE FOLLOWING  
PROCEEDINGS WERE HAD, VIZ.

PRESENT: ED DIXON, CHAIRMAN  
FORREST DAVIS, VICE-CHAIRMAN  
BILL MCGILL  
JAMES PEACOCK  
ANTHONY POWELL  
NICHOLAS THOMAS, CLERK  
HAL RICHMOND, COUNTY ATTORNEY  
JAMES CARTER, COUNTY MANAGER

CALL TO ORDER

The meeting was called to order by Vice-chairman Forrest Davis as the chairman arrived late for the meeting. Commissioner Peacock led in pledging allegiance to the U. S. Flag and Commissioner McGill then opened the meeting with prayer.

ADOPTION OF THE AGENDA

Commissioner McGill asked that the Road Paving Project Change Order for Atwater Road be removed from the consent agenda and tabled until August 16th meeting. He asked that the project engineer and the road superintendent be present at that meeting to answer questions regarding the change-order.

Commissioner McGill also asked that the SHIP Committee Meeting Minutes also be removed from the consent agenda. There is a spelling error under staff report which needs to be corrected before they are approved.

UPON MOTION BY COMMISSIONER POWELL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO AMEND THE AGENDA (BY REMOVING THE ATWATER ROAD PAVING CHANGE ORDER AND THE SHIP COMMITTEE MINUTES FROM CONSIDERATION) THEN ADOPT IT AS AMENDED.

APPROVAL OF MINUTES - JUNE 20, 1994 MEETING

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO APPROVE THE MINUTES OF THE BUDGET WORKSHOP MEETING OF JUNE 20, 1994.

**APPROVAL OF MINUTES - JULY 19, 1994 REGULAR MEETING**

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO APPROVE THE MINUTES OF REGULAR MEETING OF JULY 19, 1994.

**APPROVAL OF MINUTES - JULY 21, 1994 BUDGE WORKSHOP**

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO APPROVE THE MINUTES OF THE BUDGET WORKSHOP OF JULY 21, 1994.

**ROAD NAMING REQUEST**

Adolphus & Brenda Banks, Rt. 6 Box 328-A, Quincy, FL 32351 are requesting the naming of an unnamed county-maintained road, situated on the east side of St. Hebron Road and .4 miles north of Jackson St. (approximately 800 feet in length), to be named Adolphus Banks Road. A signed petition was submitted by them to the Planning and Zoning Department. The adjacent property owners were notified and the Road Naming Committee has recommended approval.

The chairman called for any opposition. There was none.

UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO ACCEPT THE RECOMMENDATIONS OF THE PLANNING AND ZONING DEPARTMENT AND THE ROAD NAMING COMMITTEE TO NAME THE UNNAMED ROAD ADOLPHUS BANKS ROAD.

**COURTHOUSE RENOVATION GRANT \* Non Agenda Item (Attached)**

Mr. Sherman, Growth Management Director, told the commissioners he had received a letter from the Florida Department of State indicating that the legislature had given Gadsden County a \$500,000 grant to be used for rehabilitation of the Gadsden County Courthouse. The State Department has included an agreement between Gadsden County and the Department of State specifying the scope of services for which the grant can be used.

A copy of the agreement will be furnished to each commissioner and authorizaiton to execute the agreement will be requested at the August 16th meeting.

**COUNTY MANAGER**

Mr. Carter asked that Availability of Title III Funds be removed from his agenda.

**Contingency Fund Request - Veteran Service Training** (Attached)

**The board approved \$600 contingency request for travel in the Veterans Services Budget.**

The Veteran Service budget does not have sufficient funds to cover the costs for state mandated training for the new Veteran's Service Officer, Chester Brown. He asked for a \$600 contingency fund transfer to cover the travel and related costs.

Questions followed.

**UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO APPROVE THE CONTINGENCY REQUEST TO TRANSFER \$600 INTO TRAVEL IN THE VETERANS SERVICE DEPARTMENT.**

**Request for Extension of the Recycling Grant Interlocal Agreements with Municipalities** (Attached)

**Extension of interlocal agreements for recycling grants was approved.**

The interlocal agreements (for recycling grants) between Gadsden County and six municipalities will expire September 30, 1994. Mr. Herb Chancey requested the agreements be extended for the duration of the grant funding.

The Chairman asked Mr. Carter to check with each of the municipalities to be certain this action is agreeable with them.

**UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO APPROVE THE EXTENSION OF THE INTERLOCAL AGREEMENTS FOR THE RECYCLING GRANTS.**

**CONSENT AGENDA**

**UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 5 - 0 TO APPROVE THE CONSENT AGENDA AS AMENDED TO WIT:**

- 1) FY 1994-1995 budget calendar (Attached)
- 2) Interlocal agreement (to provide building inspections) with City of Midway (attached)
- 3) Appointment of Mark Dickeson as Emergency Management Director (Attached)
- 4) Selection of C & D Landfill in Chattahoochee as Solid Waste Management Facility for second quarter of 1994 (attached)
- 5) Gadsden Memorial Hospital Revenue and Expense Report for Period Ending May 31, 1994 (Attached)
- 6) Library Grant Award Notification (Attached)
- 7) Contract for custodial services - Library (Attached)

**CLERK OF COURT**

**Request for Contingency (Attached)**

Clerk Thomas requested \$18,500 be moved from contingency into court appointed attorneys (\$15,000) and court reporter (\$3,500). The contingency fund balance prior to granting this request was \$43,661.00.

**UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO APPROVE THE TRANSFER OF \$18,500 FROM CONTINGENCY TO COURT APPOINTED ATTORNEYS AND COURT REPORTER LINE ITEMS.**

After the request was granted, the balance will be \$25,161.00 less the \$600 contingency request approved earlier in the meeting.

**Budget Amendments (13 attachments)**

Clerk Thomas presented the following budget amendments:

1. General Fund - amendments to support the contingency request approved.
2. General Fund - "house-keeping" type amendments for several line items.
3. General Fund - Reducing regular salaries and FICA to put money into retirement contributions, professional services and printing and binding in the county manager's budget.
4. County Transportation # 1 - cover Otha White's retirement from County,

repair of  
striping  
machine,  
and  
interest  
on loan  
for mowers  
for July,  
Aug, Sept,  
1994.

5. Mosquito Control/Landfill - line item changes
6. Planning Department - line item changes
7. Grant - Rural Planning - line item changes
8. Grant- Comprehensive Planning - line item changes
9. Fire Control - Mt. Pleasant was budgeted too much money in the budget - this amendment is to correct that mistake
10. Library - line item changes
11. Library - line item changes
12. Library - line item changes
13. library - line item changes
14. Emergency Management - Clerk Thomas asked that it be removed from consideration until it can be verified and corrected by the finance director.

**UPON MOTION BY COMMISSIONER DAVIS AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 5 - 0 TO APPROVE THE AMENDMENTS AS PRESENTED BY CLERK THOMAS EXCLUDING THE AMENDMENT PRESENTED BY EMERGENCY MANAGEMENT. IT IS TO BE REVIEWED BY THE FINANCE DIRECTOR AND RESUBMITTED AT A LATER MEETING.**

**COMBINED FINANCIAL REPORT (Attached)**

Clerk Thomas called attention to the combined financial report placed in the board packets for information purposes.

**APPROVAL OF PAYMENT OF COUNTY BILLS**

**UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO APPROVE THE PAYMENT OF THE COUNTY BILLS.**

**DISTRICT 1 REPORT**

Commissioner McGill announced he will be conducting a public question and answer session concerning the new budget in Midway and in Havana on Saturday, August 13. He invited the commissioners and other constitutional officers and staff to attend.

County Attorney Richmond interjected that if more than one commissioner should attend, the meeting must be duly advertised and properly recorded.

With that comment, Commissioner McGill suggested that no other commissioner attend.

**DISTRICT 2 REPORT**

Commissioner Powell stated that he had submitted a written report to the county manager earlier. He had no public statements to make at this meeting.

**DISTRICT 3 REPORT**

There was no report.

**DISTRICT 4 REPORT**

There was no report.

**DISTRICT 5 REPORT**

Chairman Dixon announced that the appointments for the Value Adjustment Board are Commissioner McGill, Peacock, and himself. It is to be held on September 29, 1994.

**UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER PEACOCK, THE CHAIRMAN DECLARED THE MEETING ADJOURNED.**

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**Edward J. Dixon, Chairman**

**ATTEST:**

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**Nicholas Thomas, Clerk**

**GADSDEN COUNTY INDUSTRY LICENSING BOARD**

The meeting was convened by Chairman Dixon.

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO APPROVE THE APPLICATIONS FOR LICENSES FOR JAMES WALTER WILLIAMS AS MASTER ELECTRICIAN; ROGER W. DUFFIELD AS MASTER ELECTRICIAN; AND HAROLD RICHARD DOWDY AS MASTER PLUMBER.

UPON MOTION BY COMMISSIONER PEACOCK, THE MEETING WAS ADJOURNED BY THE CHAIRMAN.

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Edward J. Dixon, Chairman

ATTEST:

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Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE GADSDEN  
COUNTY BOARD OF COMMISSIONERS ON  
AUGUST 16, 1994, THE FOLLOWING  
PROCEEDINGS WERE HAD, VIZ.

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

CALL TO ORDER Tape # 1; 95

The meeting was called to order by Chairman Dixon. Commissioner Davis led in the pledge of allegiance to the U. S. Flag. Commissioner Powell then opened the meeting with a prayer.

ADOPTION OF THE AGENDA (Attached) Tape # 1;

The agenda was amended and adopted.

The agenda was amended to include the approval of new polling places at the request of the supervisor of elections. (To be added to the consent agenda.) The Chairman noted he would address a memorandum from the Airport Authority during the District 5 Report.

Commissioner McGill questioned why the supervisor could not have submitted his request for approval of the polling places more timely so that it could appear on the written agenda. Chairman Dixon assured Commissioner McGill he would most certainly inquire as to why.

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO APPROVE THE AGENDA AS AMENDED TO INCLUDE THE FOLLOWING:

CONSENT AGENDA ADDITION:

Approval of new polling places (agreements attached)

DISTRICT 5 REPORT

Airport Authority Memorandum (Attached)

**APPROVAL OF MINUTES - August 2, 1994 Meeting**

The minutes of August 2, 1994 meeting were approved.

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO APPROVE THE MINUTES OF THE AUGUST 2, 1994 MEETING.

**COUNTY ATTORNEY**

**Byrd Landfill Interlocal Agreement**

The interlocal agreement with the City of Quincy concerning Byrd Landfill was approved with the proviso that Waste Management agrees to it in writing.

Mr. Hal Richmond, county attorney, presented the Byrd landfill agreement explaining that it was a continuation of an agreement held with the City of Quincy for a number of years. (Providing for tipping fee and the use of the Byrd Landfill) In that agreement, the county agreed to be responsible for the closing costs etc. Since the last interlocal agreement was signed, a number of changes have taken place.

The City of Quincy closed Byrd Landfill. (Waste Management has placed a transfer station on the site and they are still disposing of Gadsden County waste through Byrd Landfill.) Gadsden County's contract with Waste Management is tied to the Byrd Landfill agreement at \$44.00 per ton. The City of Quincy in their agreement with Waste Management has provided for some marginal increases in cost over the next five years (through 1999 - and the county's contract with Waste Management expires.)

Mr. Richmond stated there was no need for an agreement with the City of Quincy without an agreement with Waste Management. The county does not need to violate the spirit of either of the agreements. Therefore, the interlocal agreement with the City of Quincy needs to be modified to provide for Waste Management's agreement. But, the board can enter into the agreement under the terms of the agreement with Waste Management. He recommended that the interlocal agreement with the City of Quincy be adopted with the proviso that Waste Management approve it in writing and sign off on it.

Questions followed.

**UPON MOTION BY COMMISSIONER DAVIS AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO ADOPT THE INTERLOCAL AGREEMENT WITH THE CITY OF QUINCY FOR BYRD LANDFILL WITH THE PROVISIO THAT WASTE MANAGEMENT APPROVE IT IN WRITING AND SIGN OFF ON IT.**

### **Chattahoochee Library**

**The Chattahoochee Library air conditioning issue was passed for two weeks.**

Mr. Richmond reported that Jim Richmond has met with the City of Chattahoochee's attorney concerning the air-conditioning problems and was prepared to bring the matter to the board. He became ill earlier in the day and was unable to attend this meeting. It was passed for two weeks.

### **MIKE MURPHY of BISHOP ENGINEERING**

#### **Landfills - Recommendation of Award for Landfill Groundwater Monitoring to Harbor Branch Environmental Laboratory**

**Bid for monitoring of ground water monitoring wells at Chattahoochee Landfill and Gadsden East Landfill was awarded to Harbor Branch Environmental Laboratory.**

Mr. Mike Murphy reminded the board they had authorized the completion of a ground water monitoring plan for the Chattahoochee Landfill so that a closure permit could be renewed. That authorized work has been completed and on June 24, 1994, the Department of Environmental Protection (DEP) did issue closure renewal permits for the Chattahoochee Landfill and the Gadsden East Landfill. In those permits, special conditions were listed to which the county must comply - the ground water monitoring wells (which were responsible for some of the problems that occurred in the landfills) must be routinely sampled, analyzed and resulting reports made to DEP.

With the County Manager's approval, Mr. Murphy prepared a list of specifications for companies to use for submitting bids for monitoring of those wells. Five bids were received. After reviewing the bids, Mr. Murphy asked the board to award the bid to

Harbor Branch Environmental Laboratory in the amount of \$8,094.00.

**UPON MOTION BY COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO AWARDED THE CONTRACT FOR SAMPLING AND ANALYSIS OF THE GROUNDWATER MONITORING WELLS AT THE GADSDEN EAST AND CHATTAHOOCHEE LANDFILLS TO HARBOR BRANCH ENVIRONMENTAL LABORATORY.**

**Proposal from Ardaman & Associates to Drill 6 Wells at the Chattahoochee Landfill**

**The proposal was passed for two weeks.**

Mr. Murphy referred to a proposal from Ardaman Associates to drill six new ground water monitoring wells at the Chattahoochee Landfill. After a brief discussion, it was determined that the board had not been furnished a copy of the proposal, therefore the issue was passed for two weeks.

**RICK MCCASKILL - ECONOMIC DEVELOPMENT ACTIVITIES UPDATE**

Mr. Rick McCaskill reported that the Holiday Inn Express finally opened at 267 and I-10. He is continuing efforts to entice various restaurants to locate near the motel. He then outlined other economic development activities taking place throughout the county. (Memo attached)

**PLANNING AND ZONING RECOMMENDATIONS** Tape # 1; 774

**Coonbottom Volunteer Fire Department Project # 94PZ-15-201-1-8**

Tape # 1;789

**The board approved the construction of a fire station in Coonbottom.**

Coonbottom Volunteer Fire Department proposed to construct a fire station on a one acre site on the south side of CR 12, .5 miles east of CR 157. The applicant is Mr. David Houston, Fire Chief, Coonbottom Volunteer Fire Department, P. O. Box 1125, Havana, FL 32333. The property owner is the Coonbotton Volunteer Fire Department.

The Planning and Zoning Commission recommended approval.

The Planning and Zoning staff recommended approval subject to conditions outlined in the attached memo.

**UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO APPROVE THE COONBOTTOM VOLUNTEER FIRE DEPARTMENT SUBJECT TO THE SPECIAL CONDITIONS AS LISTED BY THE P & Z STAFF.**

**Burger King Express - 94PZ-16-208-4-8** Tape # 1; 836

**The board approved the expansion of the Exxon Station to locate a Burger King Express at I-10 and SR 12.**

A Burger King Express proposes to locate in the existing Exxon Gas Station/Convenience Store on the north side of I-10 and the east side of SR12. The property consists of one acre. The applicant and property owner is Johnson & Johnson, Inc., P.O. Box 157, Madison, FL 32340.

The Planning and Zoning Commission recommended approval.

The Planning and Zoning Staff recommended approval subject to the conditions listed in the attached memo and with the added special condition that they add a handicapped parking space consistent with the requirements of the standard building code in the Florida Statutes.

The owners were present in the audience but did not address the board.

**UPON MOTION OF COMMISSIONER DAVIS AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO APPROVE THE EXPANSION OF BURGER KING EXPRESS SUBJECT TO THE CONDITIONS RECOMMENDED IN THE ATTACHED MEMO PLUS THE ADDED CONDITION TO PROVIDE HANDICAPPED PARKING SPACE THAT IS CONSISTENT WITH THE STANDARD BUILDING CODE IN THE FL STATUTES.**

**CODE ENFORCEMENT**

**Isaac Bryant Property** - on 267 .2 miles north of CR 272

**The board authorized Mr. Sherman to proceed with code enforcement procedures after 30 days against Isaac Bryant.**

Mr. Sherman explained that Mr. Isaac Bryant is in violation

of the county nuisance ordinance. The staff has worked with Mr. Bryant and given him ample time to abate the nuisance. (Debris and old appliance in yard)

Staff's recommendation that the board notify Mr. Bryant that he has 30 days to abate the nuisance and if he does not comply, he was instructed to continue with the enforcement process.

**UPON MOTION OF COMMISSIONER DAVIS AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 5 - 0 TO AUTHORIZE MIKE SHERMAN TO NOTIFY MR. BRYANT THAT HE HAS 30 DAYS TO ABATE THE NUISANCE. IF THE NUISANCE IS NOT ABATED IN THE 30 DAYS, MR. SHERMAN SHOULD PROCEED WITH THE FINE PROCESS AS SPECIFIED IN THE ORDINANCE.**

**ARTHUR LAWSON - FY 1994-95 GROUP INSURANCE** Tape #1; 985

**Capital Health Plan was awarded the bid for health care services for county employees for 94/95.**

Mr. Lawson presented the insurance committee's recommendation for Capital Health Plan (CHP) to be the new health care provider for the county employees. CHP was the most responsive and low bidder. (analysis attached)

**MOTION WAS MADE BY COMMISSIONER DAVIS AND SECONDED BY COMMISSIONER MCGILL TO AWARD THE COUNTY'S HEALTH CARE TO CAPITAL HEALTH PLAN.**

Discussion followed.

**Mr. Arnold Rogers, Director of Sales for Health Plan Southeast,** was in the audience and asked to address the board. He asked the board to reconsider the award of health care services to CHP. He made an alternative offer to the county for their consideration.

Discussion followed between Mr. Rogers and the board.

Mr. Lawson asked to make several statements for the record relating to the latest proposal submitted by HPSE.

- 1) When the board instructed him to go out for bid for health care services, he informed the Health Plan Southeast representative.

- 2) Ms. Boyd of Healthplan Southeast presented the county with a renewal proposal.
- 3) Mr. Lawson asked Ms. Boyd at that time if that proposal was their final proposal (prior to any bids being accepted). Ms. Boyd indicated that it was their final proposal.
- 4) That is the proposal the bid committee used in its analysis against the other bids at the bid opening.
- 5) After the bid committee reviewed all the bids and made a recommendation, Mr. Lawson called Ms. Boyd to inform her of the bid committee's recommendation.
- 6) At that point in time, Healthplan Southeast came back with a counter proposal.

Mr. Lawson did not believe it was appropriate for him to accept their counter proposal because it was not submitted at the time all other proposals were opened.

The chairman recognized **Ms. Sue Conte** for remarks.

Ms. Sue Conte, marketing director for Capitol Health Plan responded briefly to a couple of issues raised by HPSE regarding their benefit package. She then entertained questions from the board members.

**QUESTIONS WERE CALLED BY COMMISSIONER POWELL. CHAIRMAN DIXON THEN CALLED FOR A VOTE.**

**THE BOARD VOTED 5 - 0 TO AWARD THE BID FOR HEALTH CARE SERVICES FOR GADSDEN COUNTY EMPLOYEES TO CAPITAL HEALTH PLAN.**

**CONSENT AGENDA** Tape # 1;1585

The amended consent agenda was approved.

**UPON MOTION BY COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO APPROVE THE AMENDED CONSENT AGENDA TO WIT:**

- 1) Change Order No. 4 - 1993 Road Paving Project # 4126.2 (Atwater Road) with William M. Bishop Consulting Engineers, Inc. (attached) (correct quantities to actual quantities used)
- 2) Application for certification in the Keep America Beautiful System - (develop a community volunteer program to address roadside litter prevention. Funding will

- come from the Litter Grant from DEP.)
- 3) Closing Order OGC - #92-1495 - Chattahoochee Landfill
  - 4) Closing order OGC - #86-0201 - Gadsden East Landfill
  - 5) Waste Management of Leon County, Inc. - Monthly rate increase.
  - 6) Agreement between Gadsden County and Riverside Baptist Church in Havana for the use of their building for the purpose of holding and conducting elections. (Precinct 14)
  - 7) Agreement between Gadsden County and St. James P.B. Church for the use of their building for the purpose of holding and conducting elections. (Precinct 15)
  - 8) Agreement between Gadsden County and St. John AME Church for the use of their building for the purpose of holding and conducting elections. (Precinct 13)

#### CLERK OF COURT

##### Hospital Concerns

Clerk Thomas told the board that his staff has conducted three financial inspections of Healthmark over the last year. He expressed on-going concerns about matters at the hospital which his staff does not have adequate time or resources to investigate further. He then asked the board to hire an independent firm to conduct an audit on the county's behalf.

County Attorney Hal Richmond stated that he has discussed the matter with the clerk and concurs with the recommendation to hire an independent auditing firm to do a more comprehensive evaluation of the hospital. He discouraged the commissioners from any negative discussions at this point because there could be no cause for alarm. He told them he would meet with each of them individually to apprise them of the situation if they have questions. He reminded them of the going concerns made in Healthmark's last independent audit report. Given the difficulties, he advised the commissioners to proceed with an independent audit.

Discussion followed.

**A MOTION WAS MADE BY COMMISSIONER PEACOCK AND SECONDED BY COMMISSIONER DAVIS TO HIRE AN INDEPENDENT ACCOUNTING FIRM (GO OUT FOR BID IF NECESSARY) TO CONDUCT AN AUDIT OF THE GADSDEN MEMORIAL HOSPITAL/HEALTHMARK - AND FOR THE COUNTY MANAGER TO FIND THE MONEY IN THE BUDGET TO PAY FOR THE SERVICES.**

The chairman called for discussion.

**QUESTIONS WERE CALLED BY COMMISSIONER PEACOCK.**

**UPON MOTION BY COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 IN FAVOR OF THE MOTION STATED ABOVE.**

**Duplicate Tax Sale Certificate for Charles E. Faircloth -Tape # 1:1702 - Certificate attached.**

**Board approved issuance of a duplicate tax sale certificate for Charles E. Faircloth.**

**UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO APPROVE THE ISSUANCE OF A DUPLICATE TAX SALE CERTIFICATE TO CHARLES E. FAIRCLOTH.**

**Contingency Request - Tax Collectors fees & commissions \$9,098.00**

**Tax Collector's request for \$9,098.00 in contingency funds approved.**

The clerk presented the tax collectors request for the additional fees and commissions he has collected. (\$9,098.00) He asked for board action stating that if the request is granted, the contingency balance will be \$15,463.00.

**UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO APPROVE THE CONTINGENCY REQUEST BY THE TAX COLLECTOR FOR \$9,098 FOR FEES AND COMMISSIONS TO WHICH HE IS ENTITLED.**

**Budget Amendments - 7 Tape #1; 1740 (Attachments - 7)**

Clerk Thomas described the budget amendment requests to the commissioners, then requested approval.

**UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 5 - 0 TO APPROVE THE FOLLOWING AMENDMENTS:**

- 1) General Fund - "Housekeeping" line-item changes made by the finance director
- 2) General Fund - budget amendment for the contingency request from

- the tax collector.
- 3) General Fund - Supervisor of Elections - line item changes
  - 4) General Fund - Budget amendment for the \$600 contingency request approved at August 2, 1994 meeting (Travel money for Veteran's Services)
  - 5) County Transportation # 1 - line item changes to provide money for small tools
  - 6) Grants - Emergency Management - line item changes.
  - 7) Grants - SHIP - to correct a previous budget amendment approved by the board on 7-19-94.

Approval of the Payment of County Bills Tape # 1;

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO APPROVE THE PAYMENT OF COUNTY BILLS.

DISTRICT 1 REPORT

Commissioner McGill reported he would be meeting with Rich Bay Road residents at the Midway Road AME Church on August 27, 1994 at 9:00 a.m. to finalize right-of-way issues. He asked that the county attorney, the county manager and road and bridge superintendent be present for the meeting.

DISTRICT 2 REPORT

Road Name Signs

Commissioner Powell addressed his concern for lack of road signs on those named roads throughout the county which appear on the county map. He asked that a automatic procedure be put into place so that signs would be erected without directions coming from the board. He asked the manager why this task can not be accomplished.

County Manger James Carter responded by saying the only action necessary is for such a request be made known to Public Works Department. He went on to say issues such as this one will be resolved once a full time director is hired and initiates a pro-active management of the public works department.

Dissolution of Gadsden Housing Authority

Gadsden Housing Authority is no longer an active organization

and has become burdensome to those appointed to it. He asked that the authority be dissolved.

Mr. Richmond stated it could be done by resolution of the Board of County Commissioners. He asked that it be passed for further research.

### **DISTRICT 3 REPORT**

Commissioner Peacock jokingly remarked that "Everything is wet in District 3".

### **DISTRICT 4 REPORT**

Commissioner Davis added that "Everything is wetter in District 4."

### **DISTRICT 5 REPORT**

Chairman Dixon stated "It is flooding in District 5."

### **Airport Authority Meeting**

Chairman Dixon read a memo from the Airport Authority to the effect that the joint meeting of the City of Quincy and Gadsden County Commissioners will be held on Tuesday, August 23, 1994 at 5:30 p.m. at the City Hall.

Mr. Richmond told the board he would not be available for that meeting.

### **CITIZENS REQUESTING TO BE HEARD**

#### **Robert Love - Grandfathering in of Night Club**

Mr. Richmond told the board he has represented Mr. Love on this issue in litigation and wished for the board to understand that he has a conflict of interest in this matter about to be discussed. It was duly noted for the record.

Mr. Love described the situation that led up to this meeting.

Mr. Mike Sherman was asked to describe the county's position and state the staff's opposition to the re-opening of the club.

Mr. Sherman addressed the board by stating that the county's comprehensive plan defines abandoned property as: "any property

that is vacant for more than one year or approved development where no developing has begun within one year, loses its classification."

Mr. Love's club has been closed for two years. The property is in an agriculture land use district and while certain types of land use are permissible (club use is allowable), the club still does not meet the locational criteria.

Mr. Richmond stated that Mr. Love had operated this club for more than 25 years. He had to close it temporarily until he could get water to the premises. He made several attempts to install a well. He had two wells to go bad. Finally, the well drilling company was determined to be at fault, and it ended in litigation.

Mr. Love can now get water by running water lines across his neighbor's yard. He wants to re-open his club without having to go through the process of making an application for land use change. The club was closed through no fault of Mr. Love. He has made good faith effort to remedy the problems that caused him to close initially. It was always his intention to re-open as soon as he could get running water. This process has evolved into two years.

Now, Mr. Love has the water problem remedied yet he has been denied a permit to re-open by the county staff saying that he abandoned the property and it would now require a land use change. Mr. Love denies having abandoned his property.

Discussion followed.

**UPON MOTION BY COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO GRANDFATHER MR. LOVE'S CLUB AND ALLOW HIM TO USE THE LAND TO RE-ESTABLISH HIS NIGHT CLUB. (HE MUST STILL GO THROUGH THE BUILDING INSPECTION PROCESS FOR PERMITS.)**

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**Edward J. Dixon, Chairman**

**ATTEST:**

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**Nicholas Thomas, Clerk**

**CONSTRUCTION INDUSTRY LICENSING BOARD**

The meeting was called to order by Chairman Dixon.

**UPON MOTION OF COMMISSIONER AND SECOND BY COMMISSIONER TO APPROVE  
THE LICENSING OF TERRY E. DARRELL AS A RESIDENTIAL  
CONTRACTOR.**

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**Edward J. Dixon, Chairman**

**ATTEST:**

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**Nicholas Thomas, Clerk**

Byrd Landfill Interlocal Agreement	2
Bid for monitoring of ground water monitoring wells at Chattahoochee Landfill and Gadsden East Landfill was awarded to Harbor Branch Environmental Laboratory.	3
Rick McCaskill - ECONOMIC DEVELOPMENT ACTIVITIES UPDATE	4
Capital Health Plan was awarded the bid for health care services for county employees for 94/95.	6
Change Order No. 4 - 1993 Road Paving Project # 4126.2 (Atwater Road) with William M. Bishop Consulting Engineers, Inc. (attached) (correct quantities to actual quantities used)	6
Application for certification in the Keep America Beautiful System - (develop a community volunteer program to address roadside litter prevention. Funding will come from the Litter Grant from DEP.)	6
Closing Order OGC - #92-1495 - Chattahoochee Landfill	
Closing order OGC - #86-0201 - Gadsden East Landfill	
Waste Management of Leon County, Inc. - Monthly rate increase.	
Agreement between Gadsden County and Riverside Baptist Church in Havana for the use of their building for the purpose of holding and conducting elections. (Precinct 14)	
Agreement between Gadsden County and St. James P.B. Church for the use of their building for the purpose of holding and conducting elections. (Precinct 15)	
Agreement between Gadsden County and St. John AME Church for the use of their building for the purpose of holding and conducting elections. (Precinct 13)	8
Hospital Concerns Memo From Clerk	8
Duplicate Tax Sale Certificate for Charles E. Faircloth	9
Contingency Request - Tax Collectors fees & commissions \$9,098.00	9
AMENDMENTS	
(1)General Fund - "Housekeeping" line-item changes made by the finance director	

- 2) General Fund - budget amendment for the contingency request from the tax collector.
- 3) General Fund - Supervisor of Elections - line item changes
- 4) General Fund - Budget amendment for the \$600 contingency request approved at August 2, 1994 meeting (Travel money for Veteran's Services)
- 5) County Transportation # 1 - line item changes to provide money for small tools
- 6) Grants - Emergency Management - line item changes.
- 7) Grants - SHIP - to correct a previous budget amendment approved by the board on 7-19-94.

Licensing application of Terry E. Darrell as a residential contractor

10

13

AT A REGULAR MEETING OF THE BOARD  
OF COUNTY COMMISSIONERS, HELD IN  
AND FOR GADSDEN COUNTY, FLORIDA ON  
SEPTEMBER 6, 1994, THE FOLLOWING  
PROCEEDINGS WERE HAD, VIZ.

PRESENT: ED DIXON, CHAIRMAN  
FORREST DAVIS, VICE-CHAIRMAN  
BILL MCGILL  
JAMES PEACOCK  
ANTHONY POWELL  
HAL RICHMOND, COUNTY ATTORNEY  
JAMES CARTER, COUNTY MANAGER  
NICHOLAS THOMAS, CLERK

CALL TO ORDER

The meeting was called to order by Chairman Edward Dixon. Commissioner Powell led the audience in pledging allegiance to the U. S. Flag. Chairman Dixon then opened the meeting with prayer.

ADOPTION OF THE AGENDA (Attached)

The agenda for September 6, 1994 was approved as written.

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO ADOPT THE AGENDA AS WRITTEN.

APPROVAL OF MINUTES - July 28, 1994 Special Meeting  
August 16, 1994 Regular Meeting  
August 23, 1994 Special Meeting

The minutes of July 28, 1994 Special meeting were approved.

The minutes of the August 16, 1994 Regular meeting were approved.

The minutes of the August 23, 1994 Special meeting were approved.

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO APPROVE THE MINUTES OF THE JULY 28, 1994 SPECIAL MEETING.

UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO APPROVE THE MINUTES OF THE AUGUST 16, 1994 REGULAR MEETING.

**UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO APPROVE THE MINUTES OF THE AUGUST 23, 1994 SPECIAL MEETING.**

**SHERIFF WOODHAM - COUNTY HEALTH INSURANCE**

**It was the consensus of the board to implement procedural changes with regard to awarding insurance contracts in the future.**

Sheriff W. A. Woodham appeared before the board to ask the board to reconsider award of the health care contract to Capital Health Plan. He encouraged them to give the employees a choice of carriers. He indicated that his personnel and some from other constitutional officers' staff were unhappy with the change. He cited several services provided by Healthplan Southeast which are not available by Capital Healthplan.

Mr. Arthur Lawson, Purchasing & Personnel Director, was asked to respond. He stated that his position remains unchanged. The bids were let properly, analyzed in detail, and the Insurance Committee recommended Capital Healthplan. There is considerable savings to the county with that decision. He went on to say that the bid has been awarded but the contract has not been signed. There could be some penalties if the commission should reverse itself on this matter. As to giving the employees a choice, Mr. Lawson indicated that the quotes submitted were for full participation of the county employees. If the participation is not 100%, then the cost could likely change.

Sheriff Woodham suggested that the insurance committee meetings should have occurred prior to the bids being let and accepted. And the employees should have been given more opportunity to participate in reaching the decision.

Mr. Richmond, county attorney, was asked for comment.

Mr. Richmond advised that if there was a valid meeting of the Insurance Committee (and there was), and if the action was brought to a public hearing and ratified by the commission at the public hearing (which it was), there is little reason to initiate litigation. His basic concern was on behalf of the employees in that they were not aware of changes that resulted and were not given the opportunity to express themselves prior to the decision. He recommended that it be handled differently in the future but to live with the decision already made.

Sheriff Woodham suggested that the Insurance Committee should meet prior to accepting bids so that the employees can speak to potential changes.

County Manager Carter was instructed to implement procedural changes with regard to awarding insurance contracts in the future.

Chairman Dixon recognized those county employees who objected to the change - Robert Renfroe, Donald Hamm. Chairman Dixon apologized to the employees who were present for not allowing more opportunity for their involvement in the process of the selection. He promised to make adjustments in that process before another change is made.

COUNTY ATTORNEY Tape 1; 399

Chattahoochee Library

Mr. Richmond was instructed to send a "demand for payment" letter to the City of Chattahoochee for the reimbursement for the air conditioning unit installed by the county. If they do not pay within 30 days, Mr. Richmond should file necessary papers to get a judicial interpretation of the lease agreement.

County Attorney Richmond asked the board for authorization to send a "demand for payment" letter to the City of Chattahoochee for costs of installation of air conditioning of the Public Library in Chattahoochee. The letter should include language to the effect that if it is not resolved in 30 days, the attorney has the authority to file necessary papers to get a judicial interpretation of the lease to determine who should pay for the replacement of the air conditioner.

Commissioner Peacock advised that if the board should continue to pursue this matter, it should also look at all other leases and interlocal agreements with all municipalities within the county. The City of Chattahoochee is presently repairing the roof on the library, repainting it and has replaced another air conditioner since the time the one in question was replaced. If the county enters suit against Chattahoochee, he would insist on similar treatments of all other cities. He encouraged the board to drop the matter.

Chairman Dixon called for discussion. He interjected that the City of Chattahoochee replaced the second air-conditioner

because it was their obligation to replace it. He was not in favor of dropping the matter.

Commissioner Powell asked for clarification of the circumstances.

County Attorney Richmond gave a brief synopsis:

- 1)The city owns the building.
- 2)The contract states that inside repairs are the responsibility of the city and the outside repairs by the county. The language of the lease is vague.
- 3)Historical precedence showed there have been other air conditioning problems which the city had paid.
- 4)When this bill came up, the city took the position that they were not obligated to pay.
- 5)Library grant monies were used (\$2,000) to purchase a new unit.

UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 3 - 2 TO AUTHORIZE THE COUNTY ATTORNEY TO SEND A LETTER DEMANDING REIMBURSEMENT FOR INSTALLATION OF AN AIR CONDITIONING UNIT AT THE CHATTAHOOCHEE BRANCH LIBRARY. IF NO PAYMENT IS FORTHCOMING TO FURTHER AUTHORIZE THE ATTORNEY TO PROCEED WITH NECESSARY ACTIONS TO GET A JUDICIAL INTERPRETATION OF THE LEASE. COMMISSIONERS POWELL, MCGILL AND DIXON VOTING IN FAVOR. COMMISSIONERS PEACOCK AND DAVIS OPPOSED THE MOTION. MOTION CARRIED.

PLANNING AND ZONING Tape # 1; 646

Update on Code Enforcement Issues

Civil court enforcement proceedings were authorized by the board for: Nesbitt Bus Nuisance Complaint and D & M Auto Repair Complaint.

Staff was instructed to send notice of compliance letters to the parties involved with the following complaints: Sadler sawmill, Watson Nuisance and Castillo Garage.

**Nesbitt Bus** - The requirements of the Code Enforcement Board have not been met. Staff recommended that the case be turned over to the county attorney for civil court enforcement.

**Sadler Sawmill** - The board had previously ordered the operation of the sawmill to cease. Site inspection of the premises revealed no evidence of continued operation. The staff

believes the intent of the ordinance has been fulfilled. Staff recommended that the Board advise the Code Enforcement division to notify the property owner of compliance with the order.

**Watson Nuisance** - The board previously ordered that the trash and debris on the property be cleaned up and removed. The property owner has complied with the order. The staff recommended that the board advise the enforcement division to notify the property owner of the compliance with the order.

**Castillo Garage** - The board previously ordered that the owner comply with the development order conditions. The staff conducted a site visit and coordinated with the Department of Environmental Protection (DEP) and concluded all violations have been abated. The staff recommended that the board advise the code enforcement division to notify the property owner of compliance with the order.

**D & M Auto Repair** - The board previously ordered that the property owner comply with the requirements of the fence ordinance. Upon a site inspection of the property, it was determined that approximately 90% opaqueness has been achieved. As the ordinance requires 100% opaque coverage, the staff recommended that the board turn the case over to the county attorney for enforcement action.

**UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO ACCEPT, APPROVE AND AUTHORIZE ACTIONS AS RECOMMENCED BY CODE ENFORCEMENT DIVISION AS LISTED ABOVE.**

#### **Historic Preservation Award Grant and Restrictive Covenants**

**\$500,000 Historic Preservation Award Grant was accepted and Restrictive Covenants for the grant were approved.**

The Florida Legislature has awarded Gadsden County \$500,000 for the purpose of historic preservation of the courthouse. In the agreement is a scope of services. The agreement had been reviewed by the attorney and approved by him.

Mr. Sherman investigated the possible use of some of the money in renovating the county-owned buildings facing Jefferson St. on the south side of the courthouse square. He made a request in writing but was not encouraged that the money could be used for any other structure.

If the county accepts the money, it would require accounting of the grant through the clerk's office for which the clerk could receive a fee.

Mr. Thomas informed the board that this grant would not be any different than all others being handled by his office. He stated he was not interested in collecting any fees for administering the grant.

**UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO ACCEPT THE AWARD AND THE APPROVE THE AGREEMENT.**

**Schedule for Land Development Code**

**September 14, 1994 workshop scheduled for land development code.**

The board agreed to meet on September 14 to work on the land development code. Other dates may be scheduled at the next board meeting.

**MIKE MURPHY - BISHOP ENGINEERS, INC.**

**Gadsden East Landfill**

**Proposal for \$10,491.50 to effect closure of Gadsden East Landfill approved.**

Mr. Murphy informed the board of the proposal for engineering services involved with the closure of the Gadsden East Landfill. WMBCE No. 4133. The total amount of the proposal was \$10,491.50.

**UPON MOTION OF COMMISSIONER DAVIS AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO APPROVE THE PROPOSAL FOR THE CLOSURE OF GADSDEN EAST LANDFILL AS DESCRIBED BY MR. MURPHY AND IN THE ATTACHED LETTER FROM WILLIAM M. BISHOP ENGINEERING CONSULTING ENGINEERS, INC.**

**Chattahoochee Landfill**

**Proposal from William M. Bishop Consulting Engineers, Inc. for \$11,241.80 to effect closure of Chattahoochee Landfill approved.**

The second proposal presented by Mr. Murphy was for engineering services involved with the closure of the Chattahoochee Landfill amounting to \$11,241.80.

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO APPROVE THE PROPOSAL (\$11,241.80) FOR THE CLOSURE OF THE CHATTAHOOCHEE LANDFILL AS DESCRIBED BY MR. MURPHY AND IN THE ATTACHED LETTER FROM WILLIAM M. BISHOP ENGINEERING CONSULTING ENGINEERS, INC.

COUNTY MANAGER Tape # 1; 1192

### Fire Services

The Five-Year Plan for fire services was approved.

The priority for completion of capital improvement projects was approved.

Mr. James Carter presented the board with the Five Year Plan for Fire Services. He asked the board to adopt the five year plan and approve the priority order for completion of the projects as listed in the plan.

UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO APPROVE THE FIVE YEAR PLAN AND THE PRIORITY ORDER OF THE CAPITAL IMPROVEMENT PROJECTS AS DESCRIBED IN THE ATTACHED MEMO.

The Chairman recognized Ms. Archie Mae Carter for comments and questions.

### Capitol City Youth Productions

Board approved filming of live video at the old county jail by Capitol City Youth Productions provided they agree to special conditions to be listed by the county attorney to hold the county harmless.

Capitol City Youth Productions will be filming a live video during the month of September entitled "Do Something Now". They have requested to use the old county jail to create a scene in the film.

UPON MOTION BY COMMISSIONER POWELL AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO APPROVE THE USE OF THE OLD COUNTY JAIL TO THE CAPITOL CITY YOUTH PRODUCTIONS FOR FILMING A VIDEO PROVIDED THAT THEY AGREE TO THE SPECIAL CONDITIONS TO BE LISTED BY THE COUNTY ATTORNEY WHICH WILL HOLD THE COUNTY HARMLESS.

CONSENT AGENDA Tape # 1; 1437

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO APPROVE THE CONSENT AGENDA TO WIT:

- 1) Hazardous Materials Hazards analysis Grant Agreement 95EP-3V-02-30-22-013 (\$9,565)
  - 2) Solid Waste Grant Agreement SC95-09 \$50,000.
  - 3) Waste Tire Grant Agreement WT95-18 (\$32,844)
  - 4) Annual Certified Budget - Mosquito control
  - 5) Maintenance agreement between the State of Florida Department of Transportation (DOT) and Gadsden County State Project no. 5006-3601; WPI 3123086 - Willachochee Creek Bridge on County Road 65.
  - 6) FEMA funds for Damage Resulting from Hurricane Alberto - \$18,037
  - 7) Cooperative Agreement- U. S. Department of Agriculture Soil Conservation Service 68-4209-4-225
  - 8) Resolution for EMS to apply for HRS grant money to improve and expand Gadsden County's pre-hospital emergency medical services.
  - 9) Mutual Aid Agreement with Tallahassee Memorial Hospital
  - 10) Interlocal Agreement with City of Chattahoochee for Ambulance Services
  - 11) Adoption of Library Bill of Rights
  - 12) Adoption of the Freedom to Read - Library
- CLERK OF COURT

Contingency Request - \$8,000.00

Contingency Request for \$8,000 approved.

Clerk Thomas asked the board to approve a contingency request for \$8,000 for conflict and court appointed attorney fees and psychological evaluations.

UPON MOTION BY COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL, THE BOARD APPROVED 5 - 0 TO APPROVE THE CONTINGENCY REQUEST OF \$8,000 FOR COURT APPOINTED ATTORNEYS AND CONFLICT ATTORNEYS AND PSYCHOLOGICAL EVALUATIONS.

Budget Amendments

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER PEACOCK THE BOARD VOTED 5 - 0 TO APPROVE THE BUDGET AMENDMENTS ATTACHED TO WIT:

- 1) General Fund - line item changes ( 0235, 0030, 0005, 0007)  
\$104,433.00
- 2) General Fund - line item changes (0011, 0014, 0010) \$26,712.00
- 3) General Fund - contingency request approved above
- 4) General Fund - line item changes (0118) \$76,077.00
- 5) General Fund - line item changes (061) \$8,600.00
- 6) General Fund - line item changes (0009, 0017, 0008, 0101)  
32,872.00
- 7) General Fund - line item changes (0049) \$98,561.00
- 8) General Fund - line item changes (0016) \$6,134.00
- 9) General Fund - line item changes (0098) \$59,380.00
- 10) General Fund - line item changes (0059) \$10,452.00
- 11) Fine and Forfeiture - line item changes (115-0115, 115-045, 115-0116) \$1,240,421.00
- 12) Grants - Solid Waste - line item changes (145-1150)  
\$42,592.00
- 13) Grants - Waste Tire - line item changes (146-1160)  
\$28,262.00
- 14) Grants - Recycling - line item changes (147-1170) \$36,075.00
- 15) Grants - Litter - line item changes (159-1151) \$5,000.00
- 16) Other court costs - line item changes (610-0610)  
\$34,400.00
- 17) Grants - EMA Local - line item changes (0051) \$14,577.00
- 18) Grants - EMA Federal - line item changes (149-1121) \$13,070.00
- 19) Grants - EMPA - line item changes (150-1120) \$64,644.00
- 20) Grants EMS - set up dispatch grant (163-1163)
- 21) EMS - line item changes (142-0145) \$29,021.00
- 22) Library - line item changes (1125) \$23,754.00
- 23) Library - line item changes (118-0123) \$11,400

- 24) Grant - line item changes (1554-1123) \$32,000.00
- 25) Library - show Friends of Library revenue

### Financial Report

Clerk Thomas called attention to the financial fund summary report provided as information to the board.

### Payment of County Bills

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL THE BOARD VOTED 5 - 0 TO APPROVE THE PAYMENT OF THE COUNTY BILLS.

### DISTRICT 1 REPORT

County Attorney Richmond was asked to determine if the tax amount to appear on the gas tax referendum could be changed to a lesser amount.

Commissioner McGill addressed the issue of the referendum for imposition of additional gas tax in Gadsden County. He asked Mr. Richmond if the referendum had already been filed with the Supervisor of Elections. He then asked if the referendum can be changed to \$.02 per gallon rather than \$.05. Mr. Richmond was asked to determine whether it could be done at this late date.

Beyond the issue of the referendum itself, Mr. McGill stated it was incumbent upon the board to educate the public as to the benefits that can be derived from the additional gas tax money if the voters will approve it. Additionally, the Road & Bridge Department must make more effort to maintain the roads.

### DISTRICT 2 REPORT

Commissioner Powell reported that Mrs. Patsy Bates has resigned from the Library Commission. He nominated Mrs. Jean Fletcher to replace her.

UPON MOTION OF COMMISSIONER POWELL AND SECOND OF COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO APPOINT MRS. JEAN FLETCHER TO SERVE ON THE LIBRARY COMMISSION.

### DISTRICT 3 REPORT

There was no report.

**DISTRICT 4 REPORT**

There was no report.

**DISTRICT 5 REPORT**

Commissioner Dixon recommended that the board re-appointed Mr. Jerry Wynn to Northwest Florida Big Ben Health Council and appointed Ms. Susan Fite to that same council.

**UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO RE-APPOINT JERRY WYNN AND APPOINT MS. SUSAN FITE TO THE NORTHWEST FLORIDA BIG BEN HEALTH COUNCIL.**

**PUBLIC INPUT**

**Mrs. Willie Lou Francis** introduced herself as a resident of Gadsden County for 61 years. She explained that she has been a recent patient of the Gadsden Memorial Hospital. She complained of the sanitary conditions of the hospital itself and the quality of care she received. She urged the board members to visit and inspect the facility and then take appropriate actions.

**Mr. Francis** also spoke to the board about the same issues.

The chairman directed the remarks to the county manager and asked him to make appropriate notations of the complaints.

County Manager Carter advised the board of the steps already taken with regard to the board's instructions to conduct an independent financial audit of the hospital. The only issues that can be enforced are those provisions in the current agreement with Healthmark. There are about 12 points raised by the county that are in the provisions of the agreement. He has requested certain information relating to those points in an effort to go forward with the board's instructions to perform the audit.

Commissioner McGill made a committment to visit the hospital during the following week.

**ADJOURNMENT**

**UPON MOTION BY COMMISSIONER POWELL, THE CHAIRMAN DECLARED THE MEETING ADJOURNED.**

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**Edward J. Dixon, Chairman**

**ATTEST:**

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**Nicholas Thomas, Clerk**

**CONSTRUCTION INDUSTRY LICENSING BOARD**

**RECIPROCAL AGREEMENT WITH CITY OF TALLAHASSEE**

Noted for the board's information only was a copy of the reciprocal agreement with the City of Tallahassee to accept Gadsden County contractors who have taken and passed the proctored and graded Block and Associates exam.

**LICENSES APPROVED.**

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO APPROVE THE LICENSING OF JACKIE LEON MITCHEM AS A ROOFING CONTRACTOR AND RICHARD SHIELDS OF A MASTER ELECTRICIAN.

**ADJOURNMENT**

UPON MOTION OF COMMISSIONER POWELL, THE CHAIRMAN DECLARED THE MEETING ADJOURNED.

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Edward J. Dixon, Chairman

ATTEST:

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Nicholas Thomas, Clerk

AT A SPECIAL MEETING OF THE BOARD  
OF COUNTY COMMISSIONERS, HELD IN  
AND FOR GADSDEN COUNTY, FLORIDA ON  
AUGUST 25, 1994, THE FOLLOWING  
PROCEEDINGS WERE HAD, VIZ.

PRESENT: ED DIXON, CHAIRMAN  
FORREST DAVIS, VICE-CHAIRMAN  
BILL MCGILL  
JAMES PEACOCK  
ANTHONY POWELL  
HAL RICHMOND, COUNTY ATTORNEY  
JAMES CARTER, COUNTY MANAGER  
MURIEL STRAUGHN, DEPUTY CLERK

CALL TO ORDER

Chairman Dixon called the meeting to order. He announced the purpose of the meeting to be two-fold:

- 1) Take necessary actions to allow for the use of federal emergency funds to repair roads damaged by Tropical Storm Alberto and Tropical Storm Beryl.
- 2) Authorize a letter of support for Gadsden Arts' to be used in seeking state funds with which to purchase the former Catholic Church at 407 N. Adams Street.

Chairman Dixon then turned the meeting over to County Manager Carter.

Listed below are county roads which suffered considerable damage due to floods resulting from recent tropical storms.

Peck Betts Road  
Potter Road  
Billy Branch Road  
Highbridge Road  
Scottstown & 65  
CR 61  
Double Branch  
Sutter's Creek - Easternway Street

The above project are eligible for U. S. Department of Agriculture Soil Conservation Service monies. The application process requires the county to make certain certifications as to

ownership of the road and that the money will only be used for those particular roads.

Mr. Richmond prepared statements to the effect that he has examined the property instruments as to title, rights, permission and authority to make improvements and found everything to be in order for each of the roads.

The purpose of the special called meeting is for the board to authorize the chairman's signature on the Certificate of Assurances Relating to Real Property Acquisition of each of the roads listed so that grant application can be expedited.

County Manager Carter told the commissioners that the grant totals \$321,000. He had asked Clerk Thomas to prepare a "declaration of hardship" to accompany the application in an effort to obtain 100% of the total cost of repairs rather than 75%. (Without a declaration of hardship, the county must match the grant with 25% of the repair costs.) Given the financial status of the county at the present time, the clerk was unable to demonstrate hardship.

**UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO ACCEPT THE GRANT FROM US DEPT OF AGRICULTURE AND SOIL CONSERVATION AND TO AUTHORIZE THE CHAIRMAN'S SIGNATURE OF THE ASSURANCES RELATING TO REAL PROPERTY ACQUISITION OF: PECK BETTS ROAD, POTTER ROAD, LEWIS LANE, SUTTER CREEK, DOUBLE BRANCH, COUNTY ROAD 161, 65 NORTH IN SCOTTSTOWN, BILLY BRANCH, 65 NORTH IN SCOTTSTOWN, FRIDAY ROAD, ATWATER ROAD, HIGHBRIDGE ROAD, TYLER SANDERS ROAD.**

**GADSDEN ARTS LETTER OF SUPPORT**

Mr. Carter told the board of the Gadsden Arts efforts to purchase and restore the old Catholic Church on N. Adams St. He received a request from them to get a letter of support from the county commission as it relates to the project.

Mr. Dixon stated he did not take exception with the cause or the request, but he did object to it appearing on the agenda of this special meeting without his prior knowledge. He did not feel proper procedure had been followed.

**UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO APPROVE THE LETTER OF SUPPORT**

Gadsden County Board of Commissioners  
August 25, 1994 Special Meeting  
Page 3 of 3

**FOR GADSDEN ARTS IN ITS PURCHASE AND RESTORATION OF THE OLD  
CATHOLIC CHURCH AS AN ART CENTER.**

There being no other business before the board, the meeting was adjourned.

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Edward J. Dixon, Chairman

ATTEST:

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Nicholas Thomas, Clerk

AT A PUBLIC HEARING OF THE BOARD OF  
COUNTY COMMISSIONERS, HELD IN AND  
FOR GADSDEN COUNTY, FLORIDA ON  
SEPTEMBER 7, 1994, THE FOLLOWING  
PROCEEDINGS WERE HAD, VIZ.

PRESENT: ED DIXON, CHAIRMAN  
FORREST DAVIS, VICE-CHAIRMAN  
JAMES PEACOCK  
HAL RICHMOND, COUNTY ATTORNEY  
JAMES CARTER, COUNTY MANAGER  
NICHOLAS THOMAS, CLERK

ABSENT: BILL MCGILL  
ANTHONY POWELL

CALL TO ORDER

Chairman Dixon called the meeting to order. Commissioner Peacock led in pledging allegiance to the U. S. Flag and Chairman Dixon then opened the meeting with a prayer.

The chairman turned the meeting over to the county manager.

County Manager Carter explained that the millage rate to support the proposed budget is set at 9.538 mills. He further explained that it was at the full roll back rate as agreed upon at the budget workshop.

The chairman recognized Ms. George Ruple from the audience. She complained about the problems with the road and ditches in front of her property. (1213 S. Blvd North Charleston, SC 29405 803-744-5681)

An audience member asked why the assessed values had gone up. He was instructed to speak to the property appraiser - assessments are strictly within his responsibility - not the Board of County Commissioners.

Another audience member (brother of Mrs. Ruple) was recognized for comment. His questions did not relate to the County Commission and he was directed to pursue them with the school board. He reiterated his sister's complaint about the drainage ditches next to his property. He stated that he had made other complaints to the county in the past to no avail.

Chairman Dixon assured him that their complaint would be

resolved and in turn he instructed the county manager to remedy their situation then notify them at their Charleston address once the work is completed.

The chairman turned attention back to the purpose of the public hearing.

**1994/95 OPERATING BUDGET MILLAGE RATE**

UPON MOTION BY COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 3 - 0 TO ADOPT THE OPERATING MILLAGE RATE OF 9.5383 FOR FISCAL YEAR 1994/95.

**1994/95 DEBT SERVICE MILLAGE RATE**

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 3 - 0 TO APPROVE THE DEBT SERVICE MILLAGE RATE OF 1.5411 FOR THE HOSPITAL DEBT SERVICE FOR THE FISCAL YEAR 1994/95.

**TENTATIVE OPERATING BUDGET FOR 1994/95**

UPON MOTION OF COMMISSIONER DAVIS AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 3 - 0 TO ADOPT THE TENTATIVE OPERATING BUDGET OF 17,367,311 FOR FISCAL YEAR 1994/95. (SUMMARY ATTACHED)

**DATE FOR FINAL BUDGET HEARING**

The date of the final budget hearing was tentatively set for September 19, 1994. Attorney Richmond was asked to prepare the resolution needed for adoption of the budget.

Mr. Richmond explained to the board he would not be able to be present for that hearing. He would have the resolution prepared in advance and have an associate present in his absence.

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 3 - 0 TO SET THE DATE FOR THE FINAL PUBLIC HEARING ON THE PROPOSED BUDGET FOR 1994/95 FOR SEPTEMBER 19, 1994 AT 6:00 P.M. AND TO AUTHORIZE THE RESOLUTION (ADOPTING THE BUDGET) TO BE PREPARED BY ATTORNEY RICHMOND.

**ADJOURNMENT**

There being no other business, the chairman declared the meeting adjourned.

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Edward J. Dixon, Chairman

ATTEST:

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Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE BOARD  
OF COUNTY COMMISSIONERS, HELD IN  
AND FOR GADSDEN COUNTY, FLORIDA ON  
SEPTEMBER 20, 1994, THE FOLLOWING  
PROCEEDINGS WERE HAD, VIZ.

PRESENT: ED DIXON, CHAIRMAN  
FORREST DAVIS, VICE-CHAIRMAN  
BILL MCGILL  
JAMES PEACOCK  
ANTHONY POWELL  
NICHOLAS THOMAS, CLERK  
HAL RICHMOND, COUNTY ATTORNEY  
JAMES CARTER, COUNTY MANAGER

CALL TO ORDER

Chairman Dixon called the meeting to order. Commissioner Davis led in pledging allegiance to the U.S. Flag and Commissioner Powell led as everyone prayed the Lord's Prayer together.

ADOPTION OF THE AGENDA Tape # 1; 79

Commissioner McGill asked that the minutes of the September 6, 1994 Regular meeting be removed from the agenda for correction of a technical error on page 2.

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 5 - 0 TO APPROVED THE AGENDA AS AMENDED ABOVE.

APPROVAL OF MINUTES - September 7, 1994 Budget Meeting Tape # 1; 118

UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO APPROVE THE MINUTES OF THE BUDGET HEARING OF SEPTEMBER 7, 1994.

LEON IRVING - WOODEN BRIDGES Tape # 1; 120

Mr. Leon Irving appeared before the board at the request of Commissioner Powell. He gave a brief presentation of timber bridges stating some of the advantages in rural communities. He left literature with the Planning and Zoning Director, Mike Sherman.

**ECONOMIC DEVELOPMENT UPDATE** Tape # 1; 355

Mr. Rick McCaskill gave a brief overview of the current economic development in Gadsden County. (Memo attached)

Commissioner McGill asked for an update on the Flying J Truck Stop.

Mr. McCaskill reported that they were presently going through the regulatory process to begin construction.

**PLANNING AND ZONING ITEMS (P & Z)**

**Code Enforcement - Jackson Nuisance** Tape # 1; 435

Mr. Sherman conveyed to the board a number of complaints received by the department dealing with inoperative vehicles, junk, debris, tires and a hog pen on the homesite of Mr. Willie Jackson, Rt. 4 Box 379-P, Quincy, Fl. Mr. Jackson was notified of the complaints but has done nothing to abate the nuisance. Mr. Sherman asked for directions from the board.

**UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO INSTRUCT MR. SHERMAN TO NOTIFY MR. JACKSON TO APPEAR BEFORE THE CODE ENFORCEMENT BOARD IN OCTOBER TO ANSWER TO THE COMPLAINTS FILED AGAINST HIM.**

**Select Hayes & Feed - Project #94PZ-17-201-1-9** Tape # 1; 620

Select Hays & Feed is a retail/wholesale hay and feed operation that proposes to locate in an existing building on the west side of US 27, just north of the Bread & Life Bakeries, approximately .4 miles south of Havana Town Limits. The property consists of 3.5 acres. The applicant is Mr. Mitch Smith, Rt. 4 Box 776-A, Havana, FL 32333. The property owner is mr. Jimmy Creamer, P.O. Box 3765, Tallahassee, FL 32315.

P & Z Commission voted 7 - 0 for approval.

P & Z Staff recommended approval.

Chairman Dixon called for public input. There was none.

**UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO APPROVE THE SELECT HAYS & FEED PROJECT SUBJECT TO SPECIAL CONDITIONS AS OUTLINED IN THE ATTACHED MEMO.**

**Bay Area Cycle Center - #94PZ-18-201-2-9 Tape # 1; 6712**

Bay Area Cycle Center proposes to locate a motorcycle service and sales business in an existing building (and add an additional 4873 square feet) on approximately two acres on the west side of US 27, just south of Peavy Farms Road and .1 mile north of Wayside Farms Road. The property consists of 7.86 acres. The applicants are Ray and Selma Massey, 1998 Cove Dr., Largo, FL 34643. The property owner is Mr. Evertt Watkins, 2301 Vincent Dr., Tallahassee, FL 32303

The P & Z Commission recommended approval subject to the conditions in the attached memo.

P & Z staff recommended approval subject to the special conditions as listed in the attached memo.

**UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 5 - 0 TO APPROVE BAY AREA CYCLE CENTER SUBJECT TO THE CONDITIONS AS LISTED BY THE P&Z STAFF AND COMMISSION.**

**Thomas Motor Cars Variance - Project No. 94PZ-13-201-1-6 Tape 1;711**

Thomas Motor Cars is seeking a variance to use an existing access onto US 27 in lieu of the approved access off of Choctaw Drive. The site consists of two (2) acres. The applicant is Mr. Bruce H. Thomas, P.O.Box 350, Quincy, FL 32353. The property owners are Mr. Donal Jones, P.O. Box 544, Havana, FL 32333 and Riverside Baptist Church, Rt. 4 Box 440, Havana, FL 32333.

DOT certified that they would approve the permit.

P & Z Commission recommended approval with the stipulation that if a long term lease is executed, the applicant must seek approval from the county within 12 months so that the US 27 access can be reassessed.

P & Z staff recommended approval subject to the condition as recommended by the commission.

Discussion followed.

The chairman called for public input. There were no comments.

**UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 5 - 0 TO APPROVE THE THOMAS MOTOR CARS VARIANCE SUBJECT TO THE SPECIAL CONDITION THAT THOMAS MOTOR CARS SEEK APPROVAL FROM THE COUNTY WITHIN 12 MONTHS IF THEY ENTER INTO A LONG TERM LEASE ON THE PROPERTY SO THAT THE COUNTY CAN RE-ASSESS THE US 27 ACCESS.**

**Post Plant Road Subdivision Variance #92PZ-17-205-2-8**

Tape #1; 840

Mr. Don Vickers was seeking a variance for the Post Plant Road Subdivision to have seven driveways instead of the approved four driveways for the seven lots. This development consists of seven acres and is situated on the north side of Post Plant Road, .3 miles east of CR 161. The applicant and property owners are Mr. Don Vickers & Mr. Myron Jones, P.O. Box 1027, Havana, FL 32333.

Farmers Home Administration will not finance any homes in that subdivision which have shared drive-ways.

The P & Z Commission recommended denial (4-3) of the variance so as to remain consistent with the 1992 development order of limiting driveways to facilitate greater internal capture of traffic along a minor collector roadway.

The staff initially recommended denial but after discussions with Mr. Vickers, site inspections and further research, the staff offered recommended approval of the variance.

**THERE WAS A MOTION BY COMMISSIONER POWELL AND SECOND BY COMMISSIONER PEACOCK TO APPROVE THE VARIANCE AND ALLOW EACH HOME TO HAVE A SEPARATE DRIVEWAY SUBJECT TO CONDITIONS AS LISTED BY THE P & Z DEPARTMENT.**

Discussion followed.

Questions were called by Commissioner McGill.

Chairman Dixon called for public input.

Mr. Richard White offered to answer any questions from the board or the citizens. He stated that the developer had agreed to joint driveways when the subdivision was originally submitted for approval. Based on the Farmer's Home Administration requirements coupled with the county's commitment to promote affordable housing, the developer has been placed in a position to ask for this variance.

Speaking in opposition to the variance was **Johnny Ells**.

Chairman Dixon apologized to the board saying he realized that was procedurally incorrect in entertaining public comments after questions were called.

**THE BOARD VOTED 5 - 0 TO APPROVE THE POST PLANT SUBDIVISION VARIANCE SUBJECT TO SPECIAL SPECIAL SPEED CONDITIONS AS OUTLINED THE P & Z STAFF IN THE ATTACHED MEMO.**

**Dogwood Farms Airport - #94PZ-20-206-1-9** Tape #1; page 1075

Mr. Guy Valdene is proposing to construct a private airstrip (approximately .5 miles in length) one mile west of CR 159, approximately one mile north of Dupont Road and 1.5 miles east of Lanier Road. The property consists of 788 acres. The applicant and property owner is Mr. Guy Valdene, Rt. 1 Box 2770, Havana, FL 32333.

The P & Z Commission recommended approval.

The P & Z Staff recommended approval subject to securing the necessary DOT and FAA Permits and the special conditions as outlined in the attached memo.

Discussion followed.

Mr. John Booth, a Sawdust resident, cautioned the board that if they approve this airstrip, they could be setting a precedent.

Dr. Cooksey was recognized for comments.

Mrs. Sherry Tucker spoke for Mr. Valdene who was unable to attend this meeting because he is in France for his mother's funeral. She assured the board of the applicants intentions to use the airstrip for personal use. Mr. Valdene is an author and

conducts business in other states. He also has family in France. He flies frequently for business reasons and does not intend to use the airstrip for pleasure.

Mr. Cal Cooksey was recognized for comments.

**UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 5 - 0 TO APPROVE THE DOGWOOD FARMS AIRSTRIP SUBJECT TO THE CONDITIONS LISTED IN THE ATTACHED MEMO.**

**North Florida Material Handling, Inc. Project # 94PZ-19-201-1-9**  
Tape # 1; 1262

North Florida Material Handling, Inc. proposes to operate a material handling/supply business (tools, Parts, shelves, racks, forklifts, forklift parts, etc.) on the east side of US 27, approximately .25 miles north of the northern entrance to Sandy Creek Subdivision and .6 miles south of Rich Bay Road. The property consists of one acre. The applicant is Mr. Fletcher Christian, Rt. 4 Box 380, Havana, FL 32333. The property owner is Mr. Michael McCoy, 5403 Mossgrey Spring, TX 77373.

P & Z Commission recommended denial of the project because the project does not constitute commercial infill at this location.

P & Z Staff recommended denial.

Discussion followed.

Mr. Dan Winchester gave a presentation to the board and argued that the project should be denied.

Mr. Fletcher Christian argued that the property is an appropriate infield commercial site because the property on either side of the lot was zoned commercial.

Commissioner Peacock recalled that the board had previously approved the adjacent properties for commercial use.

Speaking in favor of the project were Bill Hubert, unidentified audience member who lives directly across the road from the property.

Speaking in opposition of the project were Mr. John Esposito, an unidentified audience member, Dian Sheffield and the Pastor of the Community Bible Church adjacent to the property in question.

**UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 3 - 2 TO DENY THE PROJECT. COMMISSIONERS MCGILL, POWELL, & DIXON VOTING FOR THE DENIAL; COMMISSIONERS PEACOCK AND DAVIS OPPOSING THE DENIAL.**

**Gretna Water Improvement - Project #94PZ-21-203-4-9** Tape #1; 2100

The City of Gretna is proposing to upgrade their potable water system by establishing a new well at an existing wellsite in the Mr. Pleasant area, and extending an 8" PVC line to the wellsite. The new water line will tie in with an existing 6" line at the northwestern edge of the city. The line will extend up US 90 for approximately four miles to a point that is approximately 1.5 miles north of CR 379 and .6 miles northeast of US 90. The wellsite is situated on St. Joe Paper Company property. The applicant is Mr. Charles Hayes, City Manager, PO Drawer A, Gretna, FL 32315-3407. The applicant's engineering firm is Bishop Engineers, Inc., PO Box 3407, Tallahassee, FL 32315-3407

Questions were entertained by the chair regarding the relationship of the water improvement project to the effluent disposal project which appears next on the agenda.

Mr. Sherman stated that the water is necessary for operation of the new prison facility scheduled to open in March of 1995. The disposal project is necessary regardless of the prison opening. The City of Gretna must implement a new disposal system. They are currently in violation of DEP requirements.

The P & Z Commission voted to approve the project.

The P & Z Staff recommended approval.

Mr. Mike Murphy from Bishop Engineering Company was asked to respond to questions of the audience. He explained that the water is necessary for the anticipated population growth in Gretna. He went on to say that the City of Gretna is currently in violation of the Northwest Florida Water Management District's consumptive use guidelines. They have had one well to go bad and it must be taken off line. They have two other wells which are presently exceeding their draw-down. That is causing quality problems and draw-down on the aquifer in that area. The City of

Gretna has been through exhaustive efforts to find another well. The city is urgent need of the new water supply.

Public input was called for by the chairman.

Jeff Hires and Alney Parramore were recognized for questions and remarks.

**UPON MOTION OF COMMISSIONER DAVIS AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO APPROVE THE GRETNA WATER IMPROVEMENT PROJECT CONTINGENT UPON RECEIVING THE NECESSARY DEP AND DOT PERMITS, SATISFYING THE COUNTY ENGINEER AND THE COUNTY PUBLIC WORKS DIRECTOR. THE JACK-AND-BORE METHOD WILL BE USED ON ALL COUNTY ROADWAYS, UNLESS OTHERWISE PERMITTED BY THE PUBLIC WORKS DIRECTOR.**

**Gretna Effluent Disposal Project #94PZ-22-208-4-9** Tape #1;2351

The City of Gretna proposes to extend a ten (10) inch sewage effluent line approximately 8.5 miles south-southwest of the city to property owned by St. Joe Paper Company, approximately one mile south of CR 65A down Presha Road. The effluent will be transported to a 10 acre distribution box site and a 366 acre effluent disposal trench (three miles long and 1000 feet wide). The line will traverse southward on Dewey Johnson Road, west on SR12, south on SR65, south-southwest on 65A and south on Presha Road to its destination. The advanced secondary treatment will alleviate Gretna's sewage disposal deficiencies, relieve the problems with Telogia Creek and provide the necessary capacity to seve the new prison.

The City of Gretna is requesting the county to allow them to use the county's right-of-way for the pipe and approve the location for the disposal.

P & Z Commission recommended approval subject to special conditions.

P & Z staff recommended approval subject to receiving the necessary DEP and DOT permits, satisfying the County Engineer and the County Public Works Director.

Mr. Mike Murphy from Bishop Engineers was asked to approach the microphone for questions from the board and the audience.

The chairman called for comments from the public.

Chairman Dixon recognized a lady (name was inaudible) who lives directly across from the disposal site on Robert Brent. She voiced concerns that the effluent would be toxic to plants, wildlife and human beings. She urged the commissioners to deny the project.

James Rogers represented the residents of the Providence Community who oppose the disposal site. He brought attention to some historical facts regarding the City of Gretna's non-compliance with standards dealing with sewage. Regardless of what Gretna claims to be doing toward correction of the sewage problems, he contends that there is no assurance that Gretna can do what is being presented in this proposal. Once the pipe is laid, there is no way to stop its use. Their past performances do not indicate that their future performance will be any different. He suggested that if the board does approve this project, that they do so with the stipulation that the City post a \$50,000,000 performance bond to insure payment for any environmental cleanup in the event that an accident occurs.

He reminded them that the roadways involved with this project belong to the residents of Providence and not the City of Gretna. If the use of the roadway infrastructure in Providence community is jeopardized by its use by an adjoining community, it presents an unjust situation.

Mr. Rogers went on to point out there are a number of infrastructures which are in conflict with the effluent pipe such as the fiber-optic cable that parrallels I-10, numerous Talquin Electric water lines, and the Quincy Telephone lines. He asked the board to obtain more information on those matters since he has seen nothing in writing where these have areas been addressed.

He continued to point out the number of agriculture specialists who cross drain 65A with their irrigation lines. If anything should happen to impede the agricultural use of the irrigation lines or the water supply, it could have serious economic impact on that area.

The sewage treatment plant will also be used by the Gretna Industrial Park. The citizens of Providence will have no control over the possible usage of the Industrial Park. Any number of contaminants could be accidently deposited into the sewage treatment plant and ultimately wind up in the Providence community.

While sympathetic to the problems of Gretna, Mr. Rogers urged the commission to deny the effluent disposal system as proposed.

Mr. Murphy responded to Mr. Rogers by saying:

- 1) the likelihood of any such accident occurring is extremely low;
- 2) the sewage treatment would not be generating raw sewage;
- 3) all utility companies will be asked to locate their lines before construction begins;
- 4) the cross drains for irrigation lines would not be disturbed - farming will not be interrupted by placement of the pipe line;
- 5) any leak would be detected by a pressure reading at the sewage treatment plant. Such occurrences are rare, but it can happen, but corrective actions can be taken very quickly;
- 6) the treated sewage will not get into the aquifer between the sewage treatment plant and the disposal site. Once it gets to the disposal site, it is the intent for the treated water to get into the aquifer;
- 7) an ordinance calls for pre-treatment of any waste at the industrial park before it can be discharged into the sewers. Any hazardous waste must be removed before it can be discharged into the sewer system.

Mr. Pat Spencer was recognized for questions regarding the placement of the percolation pond.

Mr. Murphy described the property as follows:

The property needed by Gretna is approximately 15,000 feet long and 200 feet wide. The boundary of the property is the northern boundary of the Florida Gas Transmission right-of-way. 100 feet of the 200 ft. width will be cleared of trees. The pond itself is 20 feet wide.

Mrs. Ann Soffes presented the board with a petition which stated the disapproval of the the project by the Providence residents - 127 signatures. She read the petition into the record.

(Attached) She closed her remarks by asking the board to consider another alternative. She also requested public notification to all the petitioners of any further developments on the effluent disposal activity. She further stated that all of the petitioners shared the opinion that inadequate notice was given of this proposed project.

Dr. Harry McClaren of Providence re-enforced some of the same comments as previous speakers. He urged them to give this matter more consideration.

The chair recognized a lady (inaudible) who asked what kind of precautions would be taken in the event of accident. In addition she had questions regarding odors that might emanate from the percolation pond. Lastly, she asked if another alternative had been considered.

Mr. Murphy responded by saying other alternatives had been considered - this one appears to be the proposal of choice. He briefly described the other methods of waste water treatment. He expounded on the the viability of each alternative as well as the advantages and disadvantages. He maintained that there would be no odor because the pond will be holding treated water.

Mr. Murphy then answered the questions of the board.

Glen Wood, an area resident questioned Mr. Murphy about how this would affect the quality of his well water.

Mr. Murphy explained that a detailed study had been done on the site. The results of the study indicate the ground water movement is to the south. The waste water itself is treated to the point that when it reaches the pond, it is practically drinkable.

To insure the water quality, ground water 5 monitoring wells will be constructed along the boundaries to measure the background conditions of the pond.

Shirley Hastings voiced concern about long term contamination problems and increased insect population resulting from the pond. She opposed the placement of the proposed disposal site.

Mr. Brown, businessman near the site, feared that his business could be put in jeopardy if water contamination should occur as a result of this pipe line and/or percolation pond. He urged the commissioners to deny the project.

Commissioner Powell expressed to the other commissioners that he did not feel as though he was informed enough on the issue to support approval of the project at this meeting. He asked for more time and information.

**MOTION WAS MADE BY COMMISSIONER DAVIS SECONDED BY COMMISSIONER PEACOCK TO DENY GRETNA EFFLUENT WATER PROJECT.**

Discussion followed and Mr. Murphy once again tried to outline the facts that support this proposal to be the most viable solution for waste water disposal in Gretna.

Those factors involved are:

If the board denies the waste water disposal plan, the Gretna Prison project will be delayed. There will be a prison without a sewer service. That creates a real economic situation.

Bishop Engineering Inc. has explored the alternatives. The alternatives are limited because of the soil types in the area.

In the near future, DEP is expected to issue a statment that it will not allow surface water discharge into Telogia Creek. In that event, there is only one place to look - to the land.

The level of waste water treatment has to be based on the types of soil encourtered. Sandy soil is the best. Sandy soil is what was found at this location. The predominant location of this site is one mile into the St. Joe Paper Company property.

The only alternative to this proposal is to go back to a low-rate land application system. (Dispsosing of 1/2 inch per week over 300 acres with a number of large holding ponds) That alternative would be like starting over time-wise.

Mr. Murphy cautioned that other options to this proposal are very, very limited.

Questions were called.

**THE BOARD VOTED 3 - 2 TO DENY THE PROJECT. COMMISSIONERS DAVIS, PEACOCK & MCGILL VOTING TO DENY THE PROJECT. COMMISSIONERS POWELL AND DIXON OPPOSED THE VOTE TO DENY THE PROJECT.**

#### Comprehensive Plan Amendments

The P & Z Commission tabled the comprehensive plan amendments until the November meeting. Mr. Sherman stated they would be brought to the Board of County Commission in November complete with the P & Z recommendations.

Attorney Jim Richmond reminded the chairman that this meeting had been advertised as a public hearing on the matter of plan amendments. He advised the chair to at least call for public input regarding the issue.

Chairman Dixon called for public comments in reference to Comprehensive Plan Amendments. There was none.

**COUNTY ATTORNEY** Tape #1; 4391

**NON AGENDAED ITEMS**

**SHIP Contracts**

Mr. Richmond presented the board with an agreement with the City of Quincy for the use of two homes which the city owns. The agreement has been sent to Mr. Alex Hinson who will present it to the city commission.

The agreement calls for the homes to be used for relocation homes. It requires the county to insure the homes. It does not call for rental payments. He asked for board action.

The contracts were only presented to the board at this meeting. It was to consensus of the board to table the contract for action until October 4, 1994.

**SHIP News**

Chairman Dixon told the board that he had learned that the Gadsden County SHIP Program has either built or found contracts to build 23 new homes in this fiscal year. They have also made repairs to another 17 homes. He praised Mr. Edward Butler and Mrs. Rosemary Banks for their efforts.

**COUNTY MANAGER** Tape 1; 4496

**Resolution Honoring Edward J. Butler**

Mr. Carter presented the board with a resolution honoring Mr. Edward J. Butler upon his retirement. The resolution is in appreciation for his dedication and 23 years of service to Gadsden

County. He read excerpts from the resolution then asked for its adoption.

**UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 5 - 0 TO ADOPT THE RESOLUTION HONORING EDWARD J. BUTLER FOR 23 YEARS OF SERVICE AND DEDICATION TO GADSDEN COUNTY.**

The resolution will be presented formally in a retirement banquet in his honor.

**Amendment to the Juvenile Justice Grant** Tape #1;4583

Mr. Carter presented Amendment # 1 to the Juvenile Justice grant HRS MT611. The amendment adds a clause to the "Special Provisions" section of Attachment I of the contract. This clause has been required by law to be included in all HRS contracts which begin July 1, 1994 or later. No invoices can be paid for any HRS contract without this provision in place.

**UPON MOTION BY COMMISSIONER POWELL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO APPROVE THE AMENDMENT TO HRS JUVENILE JUSTICE CONTRACT # MT611. AMENDMENT ATTACHED.**

**Amendment to Department of Revenue Contract for Sheriff's Services**

Mr. Carter presented an amendment to the contract with Department of Revenue 0 BZE - 17. The amendment is made necessary due to the 93/94 legislative changes which calls for an increase in Sheriff's services and process fee from \$12.00 to \$20.00. In order to reimburse the Sheriff at the new rate, the contract must be amended. He asked the board to approve the amendment.

**UPON MOTION BY COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO APPROVE THE AMENDMENT WHICH ALLOWS THE INCREASE OF FEES PAID TO THE SHERIFF FOR SERVICES AND PROCESS FEES RELATING TO THE CONTRACT # BZE-17.**

**HRS - WIC Program Contract Amendment** Tape #1; 4668

Mr. Carter had received notice from Jerry Wynn of HRS that the Gadsden WIC program has received an additional \$35,000 in funding from State WIC and the USDA to be used for renovations to the WIC area of the Gadsden County Health Department. He asked the board to adopt the amendment.

**UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO APPROVE THE \$35,000 AMENDMENT TO THE HRS-WIC CONTRACT.**

**Resolution - Small County Coalition** Tape 1; 4708

Mr. Carter presented the resolution in support of the Small County Coalition of which Gadsden is a member. The resolution calls for payment of \$2,000 to the Coalition.

**UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 5 - 0 TO APPROVE THE RESOLUTION SUPPORTING THE SMALL COUNTY COALITION AND TO PAY THE \$2,000 FEES.**

**Havana Library Lease Rate Adjustment** Tape # 1; 4790

The current rent rate on the Havana Library is \$1,975.56 per month. The lease agreement with Olson Insurance & Financial Services provides for an increase to that amount based on the increase in property taxes, insurance cost and the annual CPI-U index. These increases causes the new rent rate to be \$2,108.28 per month.

The contract expires in the year 2000 but it does have a clause saying that the tennant may terminate at the end of five years (April, 1995) by notification to the landlord.

**UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER POWELL, THE HAVANA LIBRARY LEASE WAS TABLED FOR FURTHER NEGOTIATIONS.**

**County Manager's Contract** Tape # 1; 5036

Mr. Carter had provided copies of the proposed employment agreement between himself and the county commission prior to this meeting.

Chairman Dixon called for questions and comments from the board.

Commissioner Peacock pointed out the following:

1. The raise the manager is seeking is \$10,000 which would place him at \$55,000.

2. In addition, he is requesting health insurance coverage for himself and his dependents. (The county does not pay for any other employees dependent's coverage. This amounts to an additional \$4,786.80 per year.) Commissioner Peacock disapproved of paying the dependents health insurance coverage.
3. The manager is also asking that termination/severance clause be changed from 60 days severance pay to 180 days severance pay. Mr. Peacock disapproved of this.
4. The agreement called for the county to pay his disability insurance during his employment. The cost could not be determined. Commissioner Peacock was opposed to this clause.

In view of the fact that the county could only offer all other employees a 3% to 4% raise, he was opposed to the new contract for the county manager.

Chairman Dixon told the commissioners that the board does not have to agree to everything in the contract. The purpose of this discussion was to determine what is just and fair.

Commissioner Davis stated that he thought the manager should receive the same raise that all other county employees were receiving.

Commissioner Powell took exception to the statements made by Commissioners Peacock and Davis. Because the manager serves at the will of the board, he is entitled to special benefits. The new salary package is in line with other managers in the area.

Commissioner McGill reported the salaries paid to Major Pickles, Property Appraiser, Tax Collector, Clerk of Court and the Supervisor of Elections. In view of the accomplishments of the manager over the period of his employment, he feels that some amount of increase is justified. He supported the agreement.

Chairman Dixon called attention to the accomplishments of the manager and he supported the agreement.

After a lengthy discussion among the board members, questions and remarks from the public were entertained. There were as follows: James Rogers, Nolen Hancock, Dan Russ, unidentified lady, Bill Balcom, Kathy Rogers and Byron Rudd.

**MOTION WAS MADE BY COMMISSIONER PEACOCK TO TABLE ANY ACTION ON THE MANAGER'S CONTRACT UNTIL THE NEXT BOARD MEETING ON OCTOBER 4, 1994 AND IN THE MEANTIME EACH COMMISSIONER SHOULD PREPARE A PROPOSAL FOR THE COUNTY MANAGER IN WRITING.**

Some discussion followed between Commissioner Peacock and Chairman Dixon regarding the motion to table.

**CHAIRMAN DIXON DENIED THE MOTION TO TABLE STATING THAT COMMISSIONER PEACOCK'S MOTION WAS FRIVOLOUS AND HE DEEMED IT TO BE A DELAYING TACTIC.**

Commissioner Peacock asked for the county attorney to intervene and give the chair instructions relative to the parliamentary procedures surrounding a motion to table.

Attorney Jim Richmond responded by saying that this board has operated on the basis that a motion to table was a matter of personal privilege.

Chairman Dixon concluded that it has always been and will continue to be a matter of personal privilege but not when the chair deems it to be frivolous.

Commissioner Peacock insisted that it has always been procedure of this board to honor a motion to table.

The chairman called for order. He asked the bailiff to remove one gentleman in the audience if he did not remain quiet.

Chairman Dixon agreed to respect the motion to table and removed the issue from any further discussion.

It was the consensus of the board to hold a special meeting to discuss the county manager's employment agreement on Tuesday, September 27, 1994 at 6:00 p.m. in the courtroom.

**CONSENT AGENDA** Tape # 1; 6452

**UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 5 - 0 TO APPROVE THE CONSENT AGENDA TO WIT:**

**1) Standard contract between Gadsden County and HRS to operate the County Health Unit.**

- 2) Fire service Contracts with: Wetumpka Volunteer Fire Department; Robertsville Volunteer Fire Department; Mt. Pleasant Volunteer Fire Department; City of Midway; Town of Havana; City of Gretna; city of Greensboro; Coonbottom Volunteer Fire Department; City of Chattahoochee
- 3) Library State Aid Application
- 4) Business Records Corporation Contract
- 5) Recycling/Education Grant Agreement
- 6) EMPA FY 1994/95 Grant Funding

PUBLIC INPUT

Mr. Harvey Sweeney requested the minutes of this meeting reflect his opposition to the consent agenda.

Chairman Dixon told Mr. Sweeney he could ask the board to remove any issue from the consent agenda and place it for discussion. He was directed to make his wishes known in the future.

CLERK OF COURT Tape # 1 6673

Budget Amendments

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO APPROVE THE BUDGET AMENDMENTS TO WIT:

- 1) General Fund - line item changes \$536,349.00
- 2) General Fund - line item changes 40,920.00
- 3) General Fund - line item changes 950.00
- 4) General Fund - line item changes 1,093.00
- 5) General Fund - line item changes 42,769.00
- 6) General Fund - line item changes 74,925.00
- 7) General Fund - line item changes 2,856.00
- 8) General Fund - line item changes 61,994.00
- 9) General Fund - line item changes 2,758.00
- 10) General Fund - line item changes 140,270.00
- 11) General Fund - line item changes 75,875.23
- 12) General Fund - line item changes 257,011.00
- 13) Mos/Control - line item changes 11,892.00
- 14) Library - line item changes 199,573.00
- 15) Library - line item changes 152,798.14
- 16) EMS line item changes 50,138.00
- 17) Waste Services line item changes 3,200.00

18) Grant - 145line item changes	13,404.00
19) Grant - 146line item changes	1,987.00
20) Grant - 147line item changes	52,272.00
21) Grant - 148line item changes	36,710.00
22) Grant - 150line item changes	7,640.03
23) Grant - 155line item changes	10,995.06
24) Grant - 158line item changes	19,032.14
25) Library Friends show revenue received	219.77

### Financial Statement

Clerk Thomas called attention to the financial report provided for information purposes only. (attached)

### Physical Inventory

Clerk Thomas reminded the board of the physical inventory which is due by September 30, 1994.

### Payment of County Bills Tape # 2; 4

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO APPROVE THE PAYMENT OF THE COUNTY BILLS.

### DISTRICT 2 REPORT

Commissioner Powell spoke briefly to the issue of the county manager's employment agreement. He asked to go on record as saying that he believed the board had done a real injustice to the county manager.

### DISTRICT 3 REPORT

There was no report.

### DISTRICT 4 REPORT

There was no report.

### DISTRICT 5 REPORT

Chairman Dixon asked Clerk Thomas if the county manager had been given inquiry access to the clerk's computer for budgeting purposes. The clerk responded by saying it would not be on line

by October 1 but he would advise them of any progress as it happens.

**DISTRICT 1 REPORT**

There was no report.

**UPON MOTION OF COMMISSIONER PEACOCK, THE CHAIRMAN DECLARED THE MEETING ADJOURNED.**

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**Edward J. Dixon, Chairman**

**ATTEST:**

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**Nicholas Thomas, Clerk**

**GADSDEN COUNTY INDUSTRY LICENSING BOARD**

Chairman Dixon called the meeting to order.

**UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO APPROVE THE LICENSING OF CURTIS LEWIS GRAHAM AS A MASTER PLUMBER.**

The meeting was adjourned by Chairman Dixon.

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Edward J. Dixon, Chairman

ATTEST:

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Nicholas Thomas, Clerk

AT A SPECIAL MEETING OF THE  
BOARD OF COUNTY COMMISSIONERS,  
IN AND FOR GADSDEN COUNTY,  
FLORIDA ON SEPTEMBER 27, 1994,  
THE FOLLOWING PROCEEDINGS WERE  
HAD, VIZ.

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

The meeting was called to order by Vice-Chairman Forrest Davis in the absence of the chairman who arrived late. He stated the purpose of the meeting was to discuss the employment agreement with the county manager. He opened the floor for discussion.

Commissioner Peacock asked to make a presentation to the board. He passed out a copy of FL Statute, then questioned the legality of the meeting. He contended that the public had not been duly noticed.

He read from the statute: "Upon giving of due public notice, special meetings of the board of county commissioners may be held." Mr. Peacock contended that the meeting has not been duly noticed. Although a story appeared on the front page of the newspaper reporting there would be a meeting on this date, it was not a legal advertisement. In the past, the board has routinely posted notice of special meetings in each door of the courthouse. Such a notice was not posted for this meeting. He read FL Statute 286.411 3(d) and concluded once again that the meeting was illegal.

Hal Richmond, county attorney, was asked to respond.

The following is a verbatim account of the remainder of the meeting.

Richmond: Let me ask a question. You say, there are no signs up?

Peacock: No, sir. There has not been.

Richmond: Normally there are signs up. I don't know that... I was not here last week. Was there notice given. Were there signs put up?

Peacock: There have been no public, there have been no public advertisement what-so-ever of this meeting.

Powell: Was it advertised in the paper?

Peacock: No, sir.

Powell: A special meeting?

Peacock: No, sir. Here is a copy of the paper.

Chairman: Mr. Attorney, when a meeting is called in a public forum, before the press, does that pass as notice of a public hearing?

Powell: Special meeting.

Chairman: Special meeting, I'm sorry?

Richmond: Notice must be given of a special meeting. Notice has been given in the past in two ways. Either in the newspaper or by signs on the doors at the courthouse. If it is an emergency, notice requirements are different. Is anyone contending that this is an emergency?

Peacock: I can hardly, I can hardly see where it could be an emergency meeting.

McGill: Mr. Attorney, in the past when we have been at a regular meeting and we scheduled another meeting to take up issues. Does that not constitute public notice?

Peacock: It has been treated that way by this board in the past.

McGill: And we have done this on several occasions in the past, right?

Richmond: It has been done. It was my understanding when that was done, that signs were still put up on the doors of the courthouse.

Peacock: Right. There was still signs published on the doors of the courthouse two days before the meeting and not more than five days - its in the statutes here someplace, let's see.

Chairman:Mr. Attorney, if there is some questions as to whether we are in a public meeting, I was told that it is not necessary since it was announced in a public forum. Ah, well, anyway, let us not dicker. Let us move on to the point. If we are, then you need to say we are - If we aren't then please say so, so we may schedule.

Richmond:Let me suggest this. If you take action, any citizen in Gadsden County who felt it was not publicly advertised or noticed...

Chairman:That's fine. That's fine. Yes or No?

Richmond:Yes or no, if you want a legal

Chairman:Are we in a gray area?

Richmond:There is a gray area.

Chairman:Then let us - Mr. Carter, please advertise as soon as - what is good for everybody? Let us advertise a meeting of the board for Thursday, Mr. Carter. And please take all actions as has been taken by the board before in advertising a special meeting of the board.

Peacock:Are you call... Ah, Mr. Chairman, are you talking about this coming Thursday?

Chairman:Yes, sir.

Peacock:How are you going to get it into the newspaper between now and Thursday?

Chairman:I don't think it has to be advertised in the newspaper.

Peacock:You do, Mr. Chairman.

Chairman:Is that true, Mr. Attorney?

Richmond:It has to be noticed.

Chairman:It has to be noticed.

Richmond:I have not come prepared for this issue tonight, so I can't tell you that right now. In the past, two days notice with signs on the doors of the courthouse has

been sufficient with no prior notification of the press to hold meetings. That was my understanding.

Peacock:Mr. Chairman.

Powell:Mr. Chairman.

Chairman:Let me recognize Mr. Powell.

Powell:Mr. Chairman, I would like to ask a question now, to the attorney. If we have this meeting on - ah - we meet next Tuesday, we don't have to hold a special meeting - is that correct?

Chairman:No.

Powell:To transact this business?

Chairman:No. You want to move it to Tuesday then Mr. Powell?

Powell:I think with the way the statutes read we don't have any kind of justification here to have a meeting. Or at least that is my understanding, Mr. Chairman. Now you may see it different. Personally, I don't have any problems dealing with it now, personally. But ah, if it is your wishes and the board's wishes, we'll do it on Tuesday and don't worry about a special meeting.

Chairman:It's fine with me. Mr. McGill, questions?

Powell:Or we can do it tonight.

McGill:I was thinking about possibly, Friday, that would give us two days notice and legally meet the requirements. Again, but since we are going to have a regular meeting on Tuesday anyway, we can have the item agendaed for the Tuesday meeting, then we will definitely meet all the legal requirements by having it a regular meeting.

Peacock:It was suggested

Chairman:Just one second commissioner.

Peacock:Excuse me.

Chairman:Commissioner Davis?

Davis: Well, I think to have it next Tuesday would be o.k.

Chairman: Commissioner Peacock.

Peacock: It was my understanding that the motion was to be tabled until next Tuesday, but I was overridden and this meeting was called.

Powell: Mr. Chairman, the attorney said to give him about five minutes and he would check the statutes.

Chairman: Let us recess for five minutes.

Richmond: Mr. Chairman, I thought I could get to the statutes, but I can't.

Chairman: Just one thing before we adjourn. I really wish commissioner, that if you had any problems with this special meeting, that it would be brought up. Just a minute.

Richmond to baliff: Do you have a key to the statutes?

Chairman: If you had problems, it could have been brought to the board for that simple reason. If we were out of order we did not need to waste members of the board nor the public's time in coming here. If we were out of order. If there was some question as to whether we were out of order. Ah, you know, we are a board. Whether we like each other or not, we still must maintain a certain degree of respect for each other. Please let us confer or pass to the county manager that there is some question in a board member's mind as to what we are doing and why we are doing it. If there is some question as to this meeting, there was no problem in not having this meeting tonight. Ah. This has been a great waste of time. Members of the public, I apologize. Members of the board, this certainly was not necessary. We will adjourn for five minutes until we get an answer from the attorney.

Peacock: I would like to respond to that if I may. As you remember, at the last meeting I requested that we have ah table this matter until next Tuesday night which is the regular board meeting. At that time, it was my understanding that was the way it would be. Although it wasn't. Now, if the chairman has a problem with the way

I handled this tonight, the chairman should have searched the statutes out and seen what was right and what was wrong and what the statutes said about it before he called a special meeting. Thank you.

McGill:I believe he called the special meeting at the same time in that meeting.

Chairman:I am sure we are in order, but you know, it's not. There is no need to bicker about it.

Richmond:(inaudible)

Chairman:The attorney has said that we can not reach the statutes, therefore the chair will entertain a motion to adjourn.

McGill:I move.

Chairman:We stand adjourned.

---

Edward J. Dixon, Chairman

ATTEST:

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Nicholas Thomas, Clerk

AT A SPECIAL MEETING OF THE  
BOARD OF COUNTY COMMISSIONERS,  
IN AND FOR GADSDEN COUNTY,  
FLORIDA ON SEPTEMBER 27, 1994,  
THE FOLLOWING PROCEEDINGS WERE  
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PRESENT: EDWARD J. DIXON, CHAIRMAN  
FORREST DAVIS, VICE-CHAIRMAN  
BILL MCGILL  
JAMES PEACOCK  
ANTHONY POWELL  
NICHOLAS THOMAS, CLERK  
HAL RICHMOND, ATTORNEY  
JAMES CARTER, COUNTY MANAGER

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Chairman:Commissioner Davis?

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Chairman:The attorney has said that we can not reach the statutes, therefore the chair will entertain a motion to adjourn.

McGill:I move.

Chairman:We stand adjourned.

---

Edward J. Dixon, Chairman

ATTEST:

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Nicholas Thomas, Clerk

AT A SPECIAL MEETING OF THE BOARD  
OF COUNTY COMMISSIONERS AND GADSDEN  
SCHOOL BOARD ACTING AS THE PROPERTY  
VALUE ADJUSTMENT BOARD IN AND FOR  
GADSDEN COUNTY, FLORIDA ON  
SEPTEMBER 29, 1994, THE FOLLOWING  
PROCEEDINGS WERE HAD, VIZ.

PRESENT: ED DIXON, CHAIRMAN BOARD OF COUNTY COMMISSION  
JAMES PEACOCK, DISTRICT 3 - COUNTY COMMISSION  
WITT CAMPBELL - SCHOOL BOARD  
GEORGE HAMILTON, PROPERTY APPRAISER  
MARSHA KING, DEPUTY PROPERTY APPRAISER  
HAL RICHMOND, COUNTY ATTORNEY  
ALEX HINSON, ATTORNEY FOR PROPERTY APPRAISER  
MURIEL STRAUGHN, DEPUTY CLERK

CALL TO ORDER

Chairman Dixon called the meeting to order and turned the meeting over to Mr. George Hamilton.

Mr. Hamilton explained that the board was convened to hear the arguments from those citizens who have filed petitions requesting consideration from this board as to the assessed values of their property.

It was a consensus of the board to hear the arguments from the petitioners who were present at the hearing first, then review each of the other petitions individually.

---

**1. Clyde and Francis Maples**

Rt. 1 Box 990  
Whigham, Ga. 31797

**Parcel number 3 - 07-2N-3W-0700-00002-0050; located east of Quincy on U.S. 90 (just east of Murray's Bar-b-que)**

PETITION SEEKING REVIEW AND ADJUSTMENT OF THE ASSESSED VALUE OF REAL PROPERTY

Mr. Hamilton explained that the value of this vacant lot is exactly the same as it was last year - \$3,656.00. All adjoining properties are valued equally.

Mr. Maples stated that the value placed on the property is excessive. He has the property advertised for sale at \$1,500. The configuration of the lot is such that no building can be erected on the property. It has a extremely steep drop-off making it unsuitable for anything. He has been unsuccessful in selling the property even at the \$1,500.00 price.

**FINDING OF FACT:**

The value of the lot is excessive considering the configuration of the lot and the willingness of the petitioner to sell the property at a lower price. The property is advertised for sale in the Gadsden County Times for \$1,500.

**CONCLUSION OF LAW:**

The property was improperly assessed.

Commissioner Peacock made a motion to reduce the value of the property to \$2,500. School Board Member seconded the motion.

Discussion followed.

Commissioner Peacock withdrew the motion and School Board Member Campbell withdrew the second.

**UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY SCHOOL BOARD MEMBER CAMPBELL, THE BOARD VOTED 3 - 0 TO LOWER THE VALUE OF THE PROPERTY TO \$2,100.00.**

---

**2. Jodee Maro**

Route 3 Box 723  
Havana, FL 32333

**Parcel Number: 2-32-3N-3W-0000-00323-2000**

PETITION FOR HOMESTEAD EXEMPTIONS

Mr. Hamilton explained that he has denied homestead exemption of Ms. Maro's home because as of January 1, 1994 she was not using the home as her permanent residence. Site inspections of the property by the property appraiser's office checked the property several times. Upon one inspection, the staff found that the electricity was turned off.

Ms. Maro explained she did have the mobile home rented out at one time. However, the renters were evicted by her in November, 1993. She verified she had the electricity turned off for a time but has since made repairs and now resides there herself. She offered evidence that she uses the home as her primary residence. (Child Support, Insurance, electric bills etc.) She stated that she does also rent another house in Wakulla County, but uses this property as much as the rented house.

Mr. Hamilton stated for the record that the property value was dropped from \$26,000 to \$15,000.

**FINDING OF FACT:**

The Property Appraiser does not believe that the petitioner was using the home as her home above all others as of January 1, 1994. Site inspection of the home on several occasions could not substantiate that the petitioner was residing there. As late as June of 1994, correspondence sent to Ms. Maro at that address was undeliverable.

Property values were lowered on the property from \$26,000 to \$15,000.00.

**CONCLUSIONS OF LAW:**

The petitioner did not make the property claimed as homestead as of January 1st and does meet the criteria for homestead exemption.

**UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY SCHOOL BOARD MEMBER CAMPBELL, THE BOARD VOTED 3 - 0 TO DENY HOMESTEAD EXEMPTION TO MS. MARO.**

---

**3. Robert Sailor**

Route 1 Box 36  
Quincy, FL 32351

**Parcel number: 3-05-2N-4W-0000-00224-1000**

This homestead has been granted prior to this hearing.

---

**4. Clara Bennett**

Rt. 1 Box 83-4  
Quincy, FL 32351

This homestead was granted by the property appraiser prior to this hearing.

---

**5.F. Curtis Henderson, Jr.**

Rt. 3 Box 5275  
Havana, FL 32333

REQUEST FOR LATE FILED HOMESTEAD EXEMPTION

Mr. Henderson requested a late filed homestead exemption. He contends he was misinformed by personnel in the property appraiser's office.

Mr. Henderson was present and stated his argument to the board.

**FINDING OF FACTS:**

The board found there were special circumstances surrounding Mr. Henderson's filing for homestead exemption. The circumstances were sufficient to warrant special consideration of the Value Adjustment Board.

**CONCLUSION OF LAW:**

By statute, late-filed homestead exemption can be granted under some circumstances. The board found that special circumstances did exist in the case of Mr. Henderson and late-filed homestead exemption was granted.

**UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY SCHOOL BOARD MEMBER CAMPBELL, THE BOARD VOTED 3 - 0 TO GRANT HOMESTEAD EXEMPTION TO MR. HENDERSON.**

**Homestead Exemption granted.**

Gadsden County Value Adjustment Board  
September 29, 1994 Meeting  
Page 2 of 19

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THE FOLLOWING PETITIONS WERE DENIED BY THE VALUE ADJUSTMENT BOARD  
AFTER REVIEW OF EACH PETITION.

**6. Billy Alls**

P. O. Box 105  
Gretna, FL 32332-0105

**Parcel No. 2-32-#n-4W-0420-00042-0041**

NOTICE OF DISAPPROVAL OF APPLICATION FOR HOMESTEAD EXEMPTION BY  
THE COUNTY PROPERTY APPRAISER

Petitioner was mailed notice of hearing. Certified Mail was  
returned marked unclaimed after two attempts to deliver.

**FINDING OF FACTS:**

Applicant did not, in good faith, make the property claimed as  
homestead his permanent residence as of January 1st, 1994.  
Site inspection by the property appraiser's office revealed  
no improvements on the property.

**CONCLUSION OF LAW:**

Applicant does not meet the statutory requirements as there are no  
improvements to the property and the applicant does not  
reside on the property.

**Petition Denied.**

---

**7. Timothy Ross Avitable**

Route 1 Box 1755  
Havana, FL 32333

**Parcel No. 3-14-2N-2W-0571-0000A-0120**

NOTICE OF DISAPPROVAL OF APPLICATION FOR HOMESTEAD EXEMPTION BY  
THE COUNTY PROPERTY APPRAISER

An attempt was made to notify the petitioner of this hearing by  
certified mail. The certified receipt was not returned to the  
clerk's office prior to this hearing.

**FINDINGS OF FACTS:**

Applicant did not, in good faith, make the property claimed as homestead his permanent residence as of January 1st. Site inspection by the property appraiser's office revealed that applicant does live on property.

**CONCLUSION OF LAW:**

Applicant does not meet the statutory requirements for homestead exemption in that he does not live on the property.

**Petition denied.**

---

**8. William and Juanita Buckhalter**

Route 1 Box 2226  
Chattahoochee, FL 32324

**Parcel No. 1-33-4N-6W-0070-00005-0020**

NOTICE OF DISAPPROVAL OF APPLICATION FOR HOMESTEAD EXEMPTION BY  
THE COUNTY PROPERTY APPRAISER

Petitioner was notified by certified mail of this hearing. Petitioner did not appear.

**FINDINGS OF FACT:**

Mr. Buckhalter purchased this property from an individual who was claiming homestead exemption. Mr. Buckhalter is claiming homestead exemption on another piece of property. The law does not allow homestead exemption on more than one piece of property.

**CONCLUSION OF LAW:**

Applicant does not meet the statutory requirements for homestead exemption on this property in that this was not their permanent residence as of January 1st, 1994.

**Petition Denied**

---

**9. Angela Burns**

Route 5 Box 143-A  
Quincy, FL 32351

**Parcel No. 2-03-3N-4W-0000-00241-0800**

NOTICE OF DISAPPROVAL OF APPLICATION FOR HOMESTEAD EXEMPTION BY  
THE COUNTY PROPERTY APPRAISER

Applicant was notified of this hearing by certified mail.  
Applicant was not present.

**FINDINGS OF FACT:**

Site inspection of the property revealed there are no improvements  
to the property and homestead exemption was removed.

**CONCLUSIONS OF LAW:**

Applicant does not meet statutory requirement that the applicant  
must make the property claimed as homestead her permanent  
residence as of January 1st. There were no improvements to  
the property.

**Petition denied.**

---

**10. Janger Nell Owens Daniels**

P. O. Box 214  
Gretna, FL 32332 0214

**Parcel No. 2-30-3N-4W-0000-00443-0900**

NOTICE OF DISAPPROVAL OF APPLICATION FOR HOMESTEAD EXEMPTION BY  
THE COUNTY PROPERTY APPRAISER

Petitioner was notified by certified mail of this hearing.  
Petitioner did not appear.

**FINDINGS OF FACT:**

Gadsden County Value Adjustment Board  
September 29, 1994 Meeting  
Page 2 of 19

Site inspection of the property revealed that the house had burned. Homestead exemption was removed and the property owner was notified.

**CONCLUSION OF LAW:**

Applicant does not meet statutory requirements for homestead exemption in that there must be a dwelling and it must be utilized as a permanent residence.

**Petition denied.**

---

**11. Steve Davis**

Box 391  
Havana, FL 32333

Request for Late-filed Homestead Exemption

Attempt to notify the applicant of this hearing by certified mail. As of the date of this hearing the return receipt had not been received by the clerk's office.

**FINDING OF FACT:**

Applicant stated on his application that he had misunderstood the filing date to qualify for homestead exemption.

**CONCLUSION OF LAW:**

Mr. Davis's circumstances does not meet the statutory requirements to warrant granting of his request for late filed homestead exemption.

In the absence of a personal appearance to appeal to this board, the **Petition was denied.**

**12. Deighan Appraisal Associates, Inc.**

Petition seeking adjustment of assessed Value of

**Parcel No. 3272NW0000003320000**

**Petition withdrawn.**

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**Deighan Appraisal Associates, Inc.**

Petition seeking adjustment of assessed Value of

**Parcel No. 00000000275500**

**Petition withdrawn.**

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**13. Flossie Doster and Icelean Crittenden**

104 Valley Crest Drive  
Dothan, Alabama 35301

**Parcel No. 3-07-2N-3W-0690-00001-0030**

NOTICE OF DISAPPROVAL OF APPLICATION FOR HOMESTEAD EXEMPTION BY  
THE COUNTY PROPERTY APPRAISER

**FINDING OF FACTS:**

Site inspection of the property revealed that the property is being rented. Applicant does not live on the property.

**CONCLUSION OF LAW:**

Renting of a homestead constitutes abandonment. Applicant must utilize the homestead as permanent residence. Applicant does not meet the statutory requirements to qualify for homestead exemption.

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**14. Tommy E. and Cynthia S. Earnest**

511 N. Stewart Street  
Quincy, Florida 32351

**Parcel No. 3-06-2N-3W-0650-0000A-0020**

NOTICE OF DISAPPROVAL OF APPLICATION FOR HOMESTEAD EXEMPTION BY  
THE COUNTY PROPERTY APPRAISER

Gadsden County Value Adjustment Board  
September 29, 1994 Meeting  
Page 2 of 19

An attempt was made to notify applicant of this hearing. The certified mail letter was returned undelivered because there was no mail receptacle at the house.

**FINDING OF FACT:**

Site inspection revealed that the applicant no longer lives on the property.

**CONCLUSION OF LAW:**

Applicant does not meet the statutory requirements for homestead exemption in that he did not, in good faith, make the property claimed as homestead his permanent residence as of January 1, 1994.

**Petition Denied.**

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**15. Easley, McCaleb & Assoc., Inc.**

P.O. Box 173058  
Tampa, FL 32672

**Parcel No. 3-17-2N-#w-0000-00420-0000**  
Greenwood Terrace Apt.

PETITION SEEKING REVIEW AND ADJUSTMENT OF THE ASSESSED PROPERTY

**Petition withdrawn.**

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**16. Gadsden Medical Center, Inc.**

P. O. Box 2009  
Quincy, FL 32353-2009

Personal Property for 1994

NOTICE OF DISAPPROVAL OF APPLICATION FOR PERSONAL PROPERTY TAX EXEMPTION BY THE COUNTY PROPERTY APPRAISER

**FINDING OF FACT:**

Petitioner did not make application for exemption timely. Petitioner had been informed by the property appraiser and

all necessary information for filing had been provided to applicant. Applicant filed 18 days late. In addition the Property Appraiser was uncertain that they are entitled to the exemption.

**CONCLUSIONS OF LAW:**

Petitioner did not meet the statutory filing date requirements.

**Petition Denied.**

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**17. Terri Haas**

Rt. 2 Box 62-JU  
Quincy, Florida 32351

REQUEST FOR LATE-FILED HOMESTEAD EXEMPTION.

Applicant was notified by certified mail of this hearing. He did not appear.

**FINDING OF FACT:**

Applicant stated on his petition that he misunderstood the filing date.

**CONCLUSION OF LAW:**

Applicant did not meet the statutory requirement for homestead exemption. Applicant was informed of this hearing to appeal to this board for consideration and did not appear.

**Petition denied.**

---

**18. Richard Harris**

Rt. 6, Box 1610  
Quincy, FL 32351

REQUEST FOR LATE FILED HOMESTEAD EXEMPTION.

Gadsden County Value Adjustment Board  
September 29, 1994 Meeting  
Page 2 of 19

Attempt was made to notify the applicant of this hearing by certified mail. As of the date of this hearing, the receipt has not be returned by the post office to the clerk's office.

**FINDING OF FACTS:**

Applicant stated he was hospitalized at the time he was required by law to file for homestead exemption. He offered no evidence to support his claim.

**CONCLUSION OF LAW:**

Applicant's circumstances would permit late filed homestead exemption if he could substantiate his claim. The applicant did not appear before the board to make his appeal nor did he provide evidence to support his request.

**Petition Denied.**

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**19. Pamela Hicks**

831 Kimberlin Dr. N.  
Mobile Al 36695

Parcel No. 3-14-2N-2W-0565-0000B-0070

**NOTICE OF DISAPPROVAL OF HOMESTEAD EXEMPTION BY THE COUNTY PROPERTY APPRAISER.**

Attempt was made to notify applicant of this hearing by certified mail. As of the date of this hearing, the receipt has not been returned to the clerk's office.

The applicant did not appear.

**FINDING OF FACT:**

Site inspection of the property revealed that applicant does not live on the property.

**CONCLUSION OF LAW:**

Applicant does not meet statutory requirement of the law as the applicant does not live on the property.

Gadsden County Value Adjustment Board  
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**Petition denied.**

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**20. Classie Hines**

Route 5 Box 250  
Quincy, FL 32351

Parcel no. 2-18-3N-4W-0000-00444-0300

NOTICE OF DISAPPROVAL OF HOMESTEAD EXEMPTION BY THE COUNTY  
PROPERTY APPRAISER

Applicant was notified of this hearing by certified mail.

Applicant did not appear.

**FINDING OF FACTS:**

Site inspection of the property revealed that the dwelling has  
burned.

**CONCLUSION OF LAW:**

Applicant does not meet statutory requirements of the law as there  
is no dwelling and applicant does not live on the property.

**Petition denied.**

---

**21. Wanda Horgan**

Rt. 1 Box 1640-P  
Havana, FL 32333

PETITION FOR LATE FILED HOMESTEAD EXEMPTION.

**Petition granted prior to this hearing.**

**22. Shirley McMillian James**

Box 1557  
Quincy, Fl 32353

Parcel No. 3-12-2N-4W-0980-0000K-0900

Gadsden County Value Adjustment Board  
September 29, 1994 Meeting  
Page 2 of 19

NOTICE OF DISAPPROVAL OF HOMESTEAD EXEMPTION BY THE COUNTY  
PROPERTY APPRAISER

Applicant was notified of this hearing by certified mail.

Applicant was not present.

**FINDING OF FACTS:**

Site inspection revealed that the house was being rented.

**CONCLUSION OF LAW:**

Renting of a homestead constitutes abandonment. Applicant must utilize the homestead as residence. Applicant does not meet statutory requirements as applicant does not live on the property.

**Petition denied.**

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**23. Donald R. and Nancy M. Lasseter**

C/O Jewell Miller  
Route 1 Box 160-B  
Adrian, Ga. 31002

Parcel No. 3-28-2N-3W-0000-00344-0200

NOTICE OF DISAPPROVAL OF HOMESTEAD EXEMPTION BY THE COUNTY  
PROPERTY APPRAISER

Applicants were notified of this hearing by certified mail.

Applicants did not appear.

**FINDINGS OF FACT:**

Site inspection revealed no improvements to the property and no one living on the property.

**CONCLUSIONS OF LAW:**

Gadsden County Value Adjustment Board  
September 29, 1994 Meeting  
Page 2 of 19

Applicant does not meet the statutory requirements for a homestead as there is no dwelling on the property and it is not used as a residence.

**Petition Denied.**

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**24. Mary Love**

1511 Live Oak St.  
Quincy, FL 32351

**Parcel No. 3-12-2N-4W-0980-0000E-0050**

NOTICE OF DISAPPROVAL OF HOMESTEAD EXEMPTION BY THE COUNTY PROPERTY APPRAISER

**FINDINGS OF FACT:**

Site inspection of the property revealed that the property is being rented.

**CONCLUSION OF LAW:**

Applicant does not meet the requirement of the statutes for homestead exemption. Renting of a homestead constitutes abandonment. Applicant must utilize the homestead as a residence to meet requirements.

**Petition denied.**

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**25. Rhonda McDowell**

P. O. Box 560  
Midway, FL 32343 - 0560

**Parcel No. 3-32-2N-2W-0000-00232-0200**

REQUEST FOR RECLASSIFICATION OF AGRICULTURAL LANDS

Applicant was notified of this hearing by certified mail.

Applicant did not appear.

**FINDING OF FACTS:**

Applicant does not own enough land to qualify it as being used for agricultural purposes. Site inspection revealed the land is not used for agricultural purposes. Attempts to locate the applicant revealed that she no longer resides on the property.

**CONCLUSION OF LAW:**

The size of the land is not sufficient to qualify the land for agricultural operations, therefore it does not meet the criteria for agriculture use.

**Petition denied.**

---

**26. Mary P. Mills and Ronald L. Mercer**

Route 3 box 537  
Havana, FL 32333

Parcel No. 2-17-3N-1W-0000-00422-0300

NOTICE OF DISAPPROVAL OF APPLICATION FOR HOMESTEAD EXEMPTION BY  
THE COUNTY PROPERTY APPRAISER

Applicant was notified of this hearing by certified mail.

Applicant did not appear.

**FINDING OF FACTS:**

Applicant receives homestead exemption on another house.

**CONCLUSION OF LAW:**

Statutes only allow for homestead exemption on one parcel of property.

**Petition denied.**

---

**27. Carlton Sheffield**

E. U.S. 90  
Quincy, FL 32351

Gadsden County Value Adjustment Board  
September 29, 1994 Meeting  
Page 2 of 19

REQUEST FOR LATE FILED HOMESTEAD EXEMPTION.

Applicant was notified of this hearing by certified mail.

Applicant did not appear.

**FINDINGS OF FACTS:**

Mr. Sheffield was 28 days late filing.

**CONCLUSION OF LAW:**

Mr. Sheffield does not meet the criteria for granting late filed homestead exemption nor did he appear after being given due notice of this hearing.

**Petition denied.**

---

**28. Bethalina M. Stillwell**

2018 Tobacco Road  
Havana, FL 32333

REQUEST FOR LATE FILED HOMESTEAD EXEMPTION.

Applicant was notified of the hearing by certified mail.

Applicant did not appear.

**FINDING OF FACTS:**

Applicant did not state her reason for filing the request and did not appear after due notice.

**CONCLUSION OF LAW:**

Applicant did not meet the criteria for granting late filed homestead exemption.

**Petition denied.**

---

**29. Evans A. and Victoria Tettey**

2624 Nez Perce Trail  
Tallahassee, FL 32303

Gadsden County Value Adjustment Board  
September 29, 1994 Meeting  
Page 2 of 19

Parcel No. 3-17-2N-2W-0578-00000-0260

REQUEST FOR RECLASSIFICATION OF AGRICULTURE LANDS.

**FINDINGS OF FACT:**

Applicant does not have sufficient acreage to qualify for agriculture lands. (Land consists of 5.19 acres and site inspection of the property revealed that part of that has been cleared for a mobile home.)

**CONCLUSION OF LAW:**

Land is not sufficient size to meet the criteria for classification of agriculture lands.

**Petition denied.**

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**30. Jorge L. Valdes**

Rt. 4 Box 2195-C  
Havana, Fl 32333

REQUEST FOR LATE-FILED HOMESTEAD EXEMPTION.

This petition was granted by the property appraiser prior to this meeting.

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**31. Minnie Lee Vickers**

P. O. Box 396  
Gretna, FL 32332-0396

Parcel No. 2-30-3N-4W-0425-00000-0090

NOTICE OF DISAPPROVAL OF HOMESTEAD EXEMPTION BY THE COUNTY PROPERTY APPRAISER

An attempt was made to notify the applicant of this hearing by certified mail. The letter was returned by the post office marked unclaimed after 2 attempts for delivery.

**FINDING OF FACTS:**

Site inspection of the property revealed that no one lives on the property.

**CONCLUSION OF LAW:**

Applicant does not meet the requirement for homestead exemption in that she does not live on the property.

**Petition denied.**

---

**32. Johann R. Wolmarans**

Rt. 4 Box 1598  
Havana, FL 32333

REQUEST FOR LATE FILED HOMESTEAD EXEMPTION.

Applicant was notified of this hearing by certified mail.

Applicant was not present.

**FINDING OF FACT:**

Site inspection of the property revealed that it is a commercial piece of property. The applicant contends that he lives in it yet he has a Virginia Driver's License.

**CONCLUSION OF LAW:**

The property does not meet the requirements for homestead exemption in that it is not a residence. The applicant was not present to offer evidence to the contrary.

**Petition denied.**

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UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY SCHOOL BOARD MEMBER CAMPBELL, THE BOARD VOTED 3 - 0 TO DENY PETITIONS NUMBER 6 THROUGH 32 AS LISTED ABOVE.

UPON MOTION BY COMMISSIONER PEACOCK, THE CHAIRMAN DECLARED THE MEETING RECESSED UNTIL OCTOBER 18, 1994 AT 5:45 P.M.

Gadsden County Value Adjustment Board  
September 29, 1994 Meeting  
Page 2 of 19

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Edward J. Dixon, Chairman

ATTEST:

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Nicholas Thomas, Clerk

AT A SPECIAL MEETING OF THE  
BOARD OF COUNTY COMMISSIONERS  
HELD IN AND FOR GADSDEN  
COUNTY, FLORIDA ON OCTOBER 11,  
1994, THE FOLLOWING  
PROCEEDINGS WERE HAD, VIZ.

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

CALL TO ORDER

The meeting was called to order by Chairman Dixon. Commissioner Peacock led in pledging allegiance to the U. S. Flag. Commissioner Powell opened the meeting with prayer.

CITY OF GRETNA

Engineer's Report on Proposed Disposal

Mr. Mike Murphy, president of William Bishop Engineers, addressed the board concerning the Proposed Waste Water Disposal Project in Gretna.

Background of the project:

The intent of the project is to bring Gretna's waste water treatment system into compliance with state regulations and to also serve the prison which is under construction.

Gretna presently operates a waste water treatment plant which has a capacity of 125,000 gallons per day. It was designed to go to an eleven acre spray field next to the treatment plant. Shortly after going into operation, it became evident that the site would not work as a normal spray field. The effluent placed on the site ran off the site and into Telogia Creek. That happens to represent another waste water treatment technology known as overland flow. Gretna obtained a permit to discharge into Telogia Creek under that arrangement.

Since that time, the standards have changed and technology has changed. Eventually the Department of Environmental Protection (DEP) came to Gretna and told them they can no longer

discharge into Telogia Creek. Gretna began looking at alternatives to get that effluent out of Telogia Creek.

The three alternatives for municipal waste water treatment are:

- Secondary treatment with spray irrigation
- Advanced secondary treatment with a high rate land application
- Advanced waste treatment with surface water discharge

The first alternative (secondary treatment with spray irrigation) is highly desirable by Gretna. It is a easy technology to operate. It is the minimum level of treatment allowed by DEP, but it is a treatment level good enough to produce an effluent free of odors.

Spray irrigation is a very good technology. It can be used to grow crops - it is simple to operate. It can be used on commercial nurseries but this option requires a lot of sandy soil.

Several sites in Gretna were tested but engineers could not find any sites with sufficient amounts of sandy soil to install this type of waste water treatment for Gretna.

The next alternative (advanced secondary treatment with a high rate land application) is also referred to as percolation ponds or drain fields. This option requires a site with a lot of sand but not as much acreage. Engineers looked all over Gadsden County checking soil survey maps and found a site which was suitable. Preliminary testing indicated that the site would work for this purpose.

No evaluation was done on the last alternative - advanced waste treatment with surface water discharge - because the current philosophy of DEP is to eliminate all surface water discharges if possible.

Engineers derived that the best alternative was to go with alternative # 2 by pumping the water south down County Road 65 to a site due west of the gas line pump station.

On that basis, Gretna applied for a loan from Farmer's Home Administration. It was to be a 50% grant and 50% loan to be repaid. Given the cost of the project, it was not financially feasible for the City of Gretna to implement that project and did not continue to pursue it.

After discussions with the Legislature and through the wording of the request for proposals, it was decided that the new prison would tie on to Gretna's water and sewer system. It would eliminate a sewer treatment plant at the prison and it would provide Gretna with sufficient income to upgrade their water and waste water systems.

To do this, Gretna had to choose an option which was extremely reliable under most circumstances and the cost had to be competitive with other options that might be available to the prison. Engineers felt that discharging down CR 65 to this site met all the requirements.

Gretna resubmitted their application complete with calculation of additional revenue to Gretna. With the revenue from the prison, it became a feasible project.

The construction of the prison was held up for some time because of bid protests. The prison began construction before the bonds were sold. The bonds contained an impact fee to be paid to Gretna. Gretna could not do anything until the bonds were sold. The bonds were eventually sold and the impact fee became available to Gretna and Farmer's Home funding became available. At that time, Bishop Engineers proceeded with final design. The most critical part of the design was soil borings in the location of the disposal site. This radically changed the design. The soil characteristics, the ground water table flow necessitated a long narrow project. So, engineers proceeded with design and permitting.

One of the permitting requirements from DEP was for Gretna to come to the county and determine whether this project met with the comprehensive plan - primarily in the area of zoning. The Planning and Zoning Commission voted unanimously in favor of it and it subsequently came before the County Commission. The County Commission denied the project and directed engineers to look at other alternatives.

Mr. Murphy reported that he had met with DEP and they said they might consider advanced waste water treatment with discharge into Telogia Creek.

Other options have been discussed, but there are only two options which can be implemented in a reasonable time frame.

Option 1: advanced secondary treatment with a high rate land application - already has the design work and permitting process has already begun  
Option 2: advanced waste treatment with surface water discharge - no work has been done on the design nor has the permitting process begun.

The Northwest Florida Water Management District is promoting the re-use waste water systems rather than surface water discharge. They asked the engineers to get the project as close to nurseries in the hopes that the water would someday use the treated waste water. So they relocated the route of the treated waste water.

Mr. Murphy then gave a brief presentation using maps showing exactly where the project site would be located and the routing - down 65A to Willie Presha Road to the site. The site is parallel to the exiting gas line on the north side.

Mr. Bobby Cooley, District Director of Department of Environmental Protection, spoke to the board offering facts for them to use in making their decision.

Mr. Cooley reported that both options are permittable. DEP is prepared to issue an intent (not the permit itself) which could be signed by October 13. If the board decides to go with Option # 2, the permitting process would begin with an application from the City of Gretna and could take a long time. Both options could be challenged.

He presented two samples of treated effluent water and compared it to drinking water.

After his presentation, he entertained questions and statements from the audience.

The following people were recognized for questions and input:

Ann Blount - opposed to option # 1  
Unidentified gentleman - opposed to option # 2  
Elizabeth Robbins -  
Lyle French  
Joe Brown - Liberty County - opposed to Option # 2  
Jim Conner - Att. for Liberty County BOCC- opposed to Option # 2  
John T. Saunders - Liberty County BOCC - opposed to option 2  
Earl Jennings - Liberty County BOCC - opposed to option # 2  
L. B. Arnold - Liberty County BOCC - opposed to option # 2

Vernon Ross -Liberty County Clerk of Court - opposed to option # 2  
Cal Cooksey - opposed to option #1  
Harry McClaren - opposed to option #1  
Joe Shuler - Liberty County resident - opposed to option #2  
Unidentified Audience - re: assurance that sewer system will be privatized.  
Nancy Harvey - citizens who are affected parties and have standing may argue with DEP with 14 days of issuance of the permit  
Byron Rudd - opposed to option # 1  
Kathy Brandon - opposed to option # 1  
Willard Rudd - no opposition to either option - concerned about DEP allowing the dumping into the creek at the present time.  
Thomas Smith - questions only about # of gallons going into creek  
Debbie McDaniel  
Ann Blount - urged irrigation method; not happy with either option  
Billy Richards  
Pat Summerlin - Liberty County - opposed to option #2  
Donald Duncan - Liberty County - presented petition with 300 names opposing option # 2  
Marcus Edwards - opposed to option # 1  
Billy Bishop - invited audience to look at a similar treatment facility  
Ann Blount - response to Billy Bishop  
James Rogers - asked for performance bond as a safety net in event something goes wrong  
Rick Soskis - opposed to option # 1  
Roy Jenkins - opposed to option # 1  
Nealy Shuler - opposed to option # 2  
Bud Parmer - spoke on behalf of Department of Corrections asking board to proceed expeditiously to allow for prison opening on time.

Chairman Dixon closed the comments from the public after having allowed for a lengthy period for discussion. He then called for comments from the board.

Commissioner McGill recognized harmful effect of both options, but felt the only option available at this meeting is option # 2 unless the board votes to undo it's former decision.

Commissioner Peacock sympathized with the Liberty County neighbors but favored option # 2 with a performance bond to assure against an accident.

Chairman Dixon was opposed to option # 2. In favor of option # 1.

Commissioner Davis favored option # 2.

Commissioner Powell favored option # 1 as being the more environmentally safe option and fewer people would be affected by it.

**COMMISSIONER MCGILL MADE A MOTION TO APPROVE OPTION # 2 WITH THE SPECIAL CONDITION THAT GRETNA POST A 10 MILLION DOLLAR PERFORMANCE BOND. THE MOTION WAS SECONDED BY COMMISSIONER PEACOCK.**

County Attorney Richmond was asked to respond to the matter of a performance bond. He stated that it is a valid method of controlling and placing a condition on a requirement. The comprehensive plan does not address the issue of performance bonds. The question becomes "who will write the bond?" If the project is approved with conditions of a performance bond that can not be met under any circumstances, the board will have voted a nullity and that would be improper and the special condition of the performance bond would have to be removed.

Questions were called.

**THE BOARD VOTED 3 - 2 TO APPROVE OPTION # 2 WITH A SPECIAL CONDITION THAT GRETNA POST A 10 MILLION DOLLAR PERFORMANCE TO GUARD AGAINST ACCIDENTS. COMMISSIONERS PEACOCK, MCGILL, AND DAVIS IN FAVOR OF OPTION 2; COMMISSIONERS POWELL AND DIXON OPPOSING IT.**

**STORM WATER RESOLUTION**

**UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED TO APPROVE THE RESOLUTION DECLARING A STATE OF EMERGENCY RELATIVE TO ROADS IN GADSDEN COUNTY AND APPROVE THE USE OF TRANSPORTATION # 2 FUNDS.**

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**Edward J. Dixon, Chairman**

Gadsden County Board of Commissioners  
October 11, 1994 Special Meeting  
Page 7 of 6

**ATTEST:**

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**Nicholas Thomas, Clerk**

AT A REGULAR MEETING OF THE  
BOARD OF COUNTY COMMISSIONERS  
HELD IN AND FOR GADSDEN COUNTY  
ON OCTOBER 4, 1994, THE  
FOLLOWING PROCEEDINGS WERE  
HAD, VIZ.

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

CALL TO ORDER

The meeting was called to order by Chairman Dixon. Commissioner Davis led in pledging allegiance to the U.S. Flag and Commissioner McGill opened the meeting with a prayer.

ADOPTION OF THE AGENDA

Chairman Dixon recognized Gulf County Commissioner Nathan Peters who asked to be added to the agenda for this meeting.

UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTE 5 - 0 TO ADOPT THE AGENDA AS AMENDED TO INCLUDE REMARKS FROM COMMISSIONER NATHAN PETERS OF GULF COUNTY.

APPROVAL OF MINUTES

September 6, 1994 - Regular Meeting

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTE 5 - 0 TO APPROVE THE MINUTES OF THE SEPTEMBER 6, 1994 SUBJECT TO CORRECTION OF THE MOTION ON FIRE SERVICES. (Motion read "Motion by Commissioner Powell and second by Commissioner Powell" - it should read second by Commissioner Peacock.)

**September 27, 1994 - Special Meeting**

**UPON MOTION OF COMMISSIONER DAVIS AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO APPROVE THE MINUTES OF SEPTEMBER 27, 1994 SPECIAL MEETING.**

**COUNTY ATTORNEY** Tape # 1; 66

Mr. Hal Richmond called attention to items included last on his agenda - "Review of Parliamentary Procedure and Review of Statutory Notice Requirements". He told the board he had prepared a memorandum for the board members. He asked them to review that memorandum before addressing it in a board meeting. As to the matter of parliamentary procedure Mr. Richmond indicated that it is left to the sole discretion of the board. The matter of personal privilege is not truly within Robert's Rules of Orders but he offered to give a history of how it came to be utilized by this board. He asked for questions. There were none.

**County Manager's Employment Agreement** Tape # 1; 90

Mr. Richmond reported that he has reviewed the county manager's employment agreement for legal sufficiency. (Legal sufficiency meaning whether it is a legal contract.) It is a valid contract. The contents are solely left to the discretion of the board and offered no comments on its contents.

Chairman Dixon called for comments from the board.

Commissioner Peacock stated that he was still opposed to the contract.

Commissioner Davis stated that he too was opposed to the contract.

Commissioner Powell had no comments.

Commissioner McGill had no comments.

**MOTION WAS MADE BY COMMISSIONER POWELL AND SECONDED BY COMMISSIONER MCGILL TO APPROVE THE COUNTY MANAGER'S CONTRACT FOR THE YEAR 1994/95.**

Chairman Dixon called for discussion.

Commissioner Peacock asked to take the contract one item at a time and discuss it before a vote was taken.

Chairman Dixon yielded to Commissioner Powell who made the motion.

Commissioner Powell stated his motion was for the approval of the contract in its entirety. He went on to say there has been ample time for review and discussion prior to this meeting.

Commissioner Peacock voiced a concern specifically with the insurance coverage. He feared the board is setting a precedent. He felt it is unfair to the other employees in the county. His second concern was with the severance pay. He felt that 180 days is entirely too much and should be returned to 60 days.

Commissioner Davis asked for clarification of the long term disability insurance coverage. Mr. Carter explained that is only for the period of time that he is employed by the county. It is not something that is provided to any other employees of the county.

Questions were called by Commissioner Powell.

Mr. Nolen Hancock of the audience asked the chairman to allow for public input. The chairman declined stating that questions had been called by Commissioner Powell.

**THE BOARD VOTED 3 - 2 TO APPROVE THE CONTRACT. COMMISSIONERS POWELL, MCGILL AND DIXON VOTING IN FAVOR. COMMISSIONERS PEACOCK AND DAVIS OPPOSING.**

**Ship Agreements** Tape # 1; 560

City of Quincy - Use of Homes  
FHA - Assistance of Qualified Applicants  
Gadsden County Coop. Extension Service - Education Program for Home Buyers  
Home Program Agreement

Mr. Richmond reported that he has reviewed all of the agreements and they are all in proper form and meet legal sufficiency.

Mr. McGill asked that the use of homes contract with the City of Quincy be revised to include language that specifically states "there shall be no rent other than is provided herein".

**UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO APPROVE ALL OF THE SHIP AGREEMENTS SUBJECT TO THE AMENDED LANGUAGE IN THE USE OF HOMES CONTRACTS TO WIT:**

- 1) Use of Homes - amended language to include "there shall be no rent other than is provided herein."
- 2) FHA Assistance of Qualified Applicants
- 3) Gadsden County Coop. Extension Service - Education Program for Home buyers
- 4) Home Program Agreement

**CDBG Contract** Tape #; 727

Mr. Richmond asked that the board execute the Community Development Block Grant to provide for the funding of \$650,000 slated to be used in the Shiloh Area for home rehabilitation.

**UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO APPROVE THE CDBG CONTRACT AND EXECUTE THE AGREEMENT TO PROVIDE THE FUNDING FOR \$650,000 TO BE USED IN THE SHILOH COMMUNITY FOR HOME REHABILITATION.**

There was some discussion concerning the use of grant funds to install water hydrants into communities in the future. Chairman Dixon recognized several audience members for comments. (No names were provided.)

**Interlocal Agreement with City of Quincy - Application of County Building Code to County Owned Property.** Tape #1;

The above titled agreement is proposed by Frank Ritter, Building Inspector. The City of Quincy has indicated they will approve the agreement. It calls for all county owned buildings within the corporate limits of the City of Quincy will be subject to the building code of the county rather than the building codes of the city.

**UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO APPROVE THE INTERLOCAL AGREEMENT WITH THE CITY OF QUINCY FOR THE COUNTY OWNED BUILDINGS WITHIN THE CORPORATE LIMITS OF THE CITY OF QUINCY**

**BE SUBJECT TO THE CODES OF THE COUNTY AND NOT THOSE OF THE  
CITY.**

### Chance-Kinard Deed with County

Mr. Richmond asked that the Chance-Kinard Deed be tabled for further research.

### Hospital Audit Report

Mr. Chris Moran of Purvis, Grey and Company was authorized by the Board at the August 16, 1994 meeting to conduct an audit on Healthmark of Quincy, Inc. to determine if they are in compliance with their lease agreement with Gadsden County. (Lease dated April 15, 1993)

Mr. Moran first commended Mr. Hufstedler and the hospital staff for their co-operation during the audit. He reported that they were congenial and accommodating in all respects.

Mr. Moran continued his report by saying:

- 1)The \$ 1,000,000 line of credit has been paid down to \$300,000. Healthmark has always made that payment as well as the lease payments timely.
- 2)The money received by the hospital from the state (\$675,000) was used strictly to pay vendors. He further stated that the hospital is making every effort to pay its vendors even though they still are delinquent with many of them.
- 3)The reports required by Gadsden County in the lease agreement were readily available upon his request. He could not explain why they were not submitted to the board as outlined in the agreement.
- 4)Healthmark received a "going concern" by Saltmarsh, Cleaveland & Gund in an independent audit dated September 30, 1993. Subsequent conversation with that firm indicate that they may receive a second "going concern" for 1994 despite any financial improvements.
- 5)Healthmark's articles of incorporation are in order and the hospital's tax exempt status is current through 1996.
- 6)Overall, Healthmark appeared to be in compliance with the agreement with the exception of filing reports timely.

In summarizing his remarks, Mr. Moran concluded by saying "They have the information you require - they just aren't giving it to you." He suggested that commissioners put into writing the kinds of reports they want to get and a specific time for each to be filed. He encouraged the board to work more closely with the hospital and stay more informed.

**Hospital Status Report - Jon Hufstedler**

Mr. Hufstedler appeared before the board to advise them of the status of Gadsden Memorial Hospital.

- 1) Copies of the current financial statements have been submitted to the county through August 1994.
- 2) The lease and note payments are current.
- 3) Healthmark's articles of incorporation are in order and the hospital's tax exempt status is current through 1996.
- 4) Equipment lists for the past year has been provided to the accountant. The lists indicate purchaser of equipment.
- 5) No equipment has been obsoleted.
- 6) Insurance policies as required by the agreement are current.
- 7) Medical staff is competent. Recruitment continues.
- 8) Credit with hospital vendors is good.
- 9) Hospital Advisory Board is scheduled to meet the last week in October.

Mr. Hufstedler offered the following examples as ways the hospital is positioning itself to become more financially stable.

- 1) Certification of Rural Health Clinic will cause medicare and medicaid outpatient reimbursement to be increased.
- 2) Healthmark is currently negotiating for CT scanner to be available to Gadsden Memorial Hospital in October of 1994.
- 3) Healthmark is negotiating for an ultrasound machine for the radiology department to be available in October of 1994.

- 4) Healthmark has purchased a new anesthesia machine which is currently in use.
- 5) The hospital's Home Health department has more than doubled its census over the past year.
- 6) Disproportionate share monies allowed the hospital to pay most of the outstanding payable.
- 7) Business office operations have improved so that billing is more timely which has increased cash flow.
- 8) Recruitment of Emergency Department physicians and primary care physicians are being conducted with December as a target date for the addition of physicians to the medical staff.

Mr. Hufstedler closed his remarks by saying that the hospital appears to be stabilizing and positioning itself so that the coming year looks better.

#### **Gretna Effluent Disposal Line**

Gretna City Manager Charles Hayes appeared before the board. As a result of the Board's denial of their request on September 20, 1994 (to use the county's right-of-way to run the effluent disposal line to an open dispersion ditch in the Providence community), Gretna decided to go to an advanced treatment system (the treated water would be almost drinkable). The advanced treatment system will treat the waste sufficiently to allow for its discharge into Telogia Creek. Mr. Hayes explained that the City of Gretna would need to utilize the county's right-of-way on County Road 270 to run the disposal line to the creek.

Even though the board denied their first request for use of the right-of-way, Mr. Hayes indicated that the City of Gretna intended to proceed with the purchase of the property from St. Joe Land Company where the trench site is located.

There was discussion among the board members followed by remarks from the public (unidentified).

Providence community residents were present and voiced their concerns and objections that this matter was placed on the agenda

without giving notice to the residents that it would be discussed.

It was the consensus of the board to hold a special public hearing on this matter after all affected residents have been notified. The chairman instructed Mr. Sherman of the P & Z Department to send post card notices to all residents along the proposed route for the effluent disposal pipe-line. The county manager was asked to determine a date for the hearing and then have it properly noticed. (This date was later determined to be October 11, 1994.)

**NON AGENDA ITEM:**

**Amendment # 3 - Limiting Net Fishing - Honorable Nathan Peters - Gulf County Commissioner**

Commissioner Nathan Peters and members of the Florida Coalition of Fisherman from Gulf County, Florida, appeared before the board. They appealed for Gadsden County's support in their campaign to defeat Amendment # 3 - Limiting net fishing in Florida waters. The amendment will appear on the general election ballot on November 8, 1994. They left a packet of information with each commissioner and pleaded for help in informing the citizens of Gadsden County as to how Amendment #3 could affect the economy of this area. He concluded his remarks by saying "Vote No on Amendment # 3."

**Skip Koch and John Johnson - St. Francis Wildlife Refuge Proposal**

No one was present to make the proposal as described in the attached memo.

**COUNTY MANAGER**

**Havana Library Lease**

UPON MOTION BY COMMISSIONER POWELL AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO APPROVE THE HAVANA LIBRARY LEASE WITH OLSON INSURANCE & FINANCIAL SERVICES AT \$2,108.28 PER MONTH.

**Public Defenders Lease**

The Public Defender's Office lease was deferred until the October 18, 1994 meeting.

**Private Industry Council (PIC) Representatives**

Mr. Carter called attention to a letter from Ms. Lorene Wilson, Director of Leon County Department of Job Training (attached). The letter requested the Board to reappoint Ms. Sandy Russ, Mr. Angus Hinson, Mr. Sam Betsey, Mr. Reginald James, and Mr. William (Bill) McGill as their terms have expired.

Additionally they asked the board to appoint another person to replace James Atkins. The Chamber of Commerce nominated Mr. Rick McCaskill as their first choice and Duncan Fletcher as their second choice.

**UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 4 - 0 TO APPROVE THE RE-APPOINTMENT OF MS. SANDY RUSS, MR. ANGUS HINSON, MR. SAM BETSEY, MR. REGINALD JAMES AND MR. BILL MCGILL AND TO APPROVE THE APPOINTMENT OF MR. RICK MCCASKILL TO THE PRIVATE INDUSTRY COUNCIL. MR. BILL MCGILL ABSTAINED FROM VOTING.**

**CLERK OF CIRCUIT COURT**

**Invoice from Nabors, Giblin & Nickerson**

Clerk Thomas called attention to an invoice from Nabors, Giblin and Nickerson totaling \$11,368.97. It is for services rendered for the county in defense of the St. Joe Paper Company law suit relating to the fire assessment.

The board directed the clerk to pay the invoice from the fire assessment funds at the February 1, 1994 meeting. At the clerk's request, the county attorney provided Clerk Thomas with a letter stating that it was an appropriate expenditure to be paid from that fund. However, the clerk remained reluctant to use the fire assessment funds to pay for legal services to defend the county against the assessment itself. He asked the board to approve payment of the invoice using general fund money. If and when a judge should rule that it is a proper expenditure for the fire assessment fund, the general fund can be reimbursed.

**UPON MOTION OF COMMISSIONER DAVIS AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO APPROVE PAYMENT OF \$11,368.97 TO NABORS, GIBLIN & NICKERSON USING MONEY FROM THE GENERAL FUND.**

**Local Option Gas Tax**

Clerk Thomas mentioned to the board members that the local option gas taxes which were levied in 1985 and 1987 will soon expire. His remarks were for information purposes only - no board action was required.

**Application for Corporate Credit Card**

During budget workshops, the board directed the clerk to make application for a corporate credit card to be used by the county manager and the commissioners.

Clerk Thomas reported that he had obtained the application from the bank. The application required a certificate and a resolution to complete the application process.

**UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 3 - 2 TO APPROVE THE CERTIFICATE AND RESOLUTION AND PROCEED WITH THE CREDIT CARD APPLICATION. THE AUTHORIZED USERS ARE THE COUNTY MANAGER AND THE COMMISSIONERS.**

**COMMISSIONERS MCGILL, POWELL AND DIXON VOTING IN FAVOR WHILE COMMISSIONERS PEACOCK AND DAVIS OPPOSING.**

The clerk stated that corporate credit cards of this type have an unprecedented record of abuse by its authorized users. He told the commission that he would view any and all improper charges made with the card as an attempt to defraud the county.

**Payment of County Bills**

**UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO APPROVE THE PAYMENT OF THE COUNTY BILLS.**

**DISTRICT 1 REPORT**

There was no report.

**DISTRICT 2 REPORT**

There was no report.

**DISTRICT 3 REPORT**

There was no report.

**DISTRICT 4 REPORT**

There was no report.

**DISTRICT 5 REPORT**



Appointments to Small County Coalition

UPON MOTION BY COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 5 - 0 TO APPOINT COMMISSIONER DIXON AND MCGILL TO BE GADSDEN COUNTY'S REPRESENTATIVES TO THE SMALL COUNTY COALITION. ADDITIONALLY THE BOARD APPOINTED THE COUNTY MANAGER TO BE THE COUNTY'S SUPPORT STAFF PERSON TO ACT AS THE LIAISON TO THE COALITION.

Resolution Supporting the Return of Prayer to the Public Schools

Attached

Gulf and Glades County requested that Gadsden County join them in their efforts to have prayer reinstated in the public schools.

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 5 - 0 TO ADOPT THE RESOLUTION CALLING FOR REINSTATEMENT OF PRAYER IN THE PUBLIC SCHOOLS.

ADJOURNMENT

UPON MOTION OF COMMISSIONER MCGILL, THE CHAIRMAN DECLARED THE MEETING ADJOURNED.

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Edward J. Dixon, Chairman

ATTEST:

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Nicholas Thomas, Clerk

**GADSDEN INDUSTRY LICENSING BOARD  
October 4, 1994**

The meeting was called to order by Chairman Dixon.

**UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER  
MCGILL, THE BOARD VOTED 5 - 0 APPROVE THE LICENSING OF CORY  
RATCLIFFE WILHOIT AS ROOFING CONTRACTOR.**

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Edward J. Dixon, Chairman

ATTEST:

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Nicholas Thomas, Clerk

AT REGULAR MEETING OF THE  
BOARD OF COUNTY COMMISSION  
HELD IN AND FOR GADSDEN COUNTY  
ON NOVEMBER 1, 1994, THE  
FOLLOWING PROCEEDING WERE HAD,  
VIZ.

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

CALL TO ORDER

The meeting was called to order by Chairman Dixon. Commissioner Davis led in pledging allegiance to the U.S. Flag and Commissioner Powell opened the meeting with a prayer.

ADOPTION OF THE AGENDA

County Manager, James Carter, asked that the agenda be amended to include under the county attorney's agenda the budget amendment to allow for the physician's salary at the county jail.

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 5 - 0 TO APPROVE THE AGENDA AS AMENDED TO INCLUDE THE BUDGET AMENDMENT FOR THE COUNTY JAIL PHYSICIAN UNDER THE COUNTY ATTORNEY'S AGENDA.

APPROVAL OF MINUTES

September 19, 1994 Public Hearing

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 5 - 0 TO APPROVE THE MINUTES OF THE SEPTEMBER 19, 1994 PUBLIC HEARING.

September 20, 1994 Regular meeting

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DAVIS THE BOARD VOTED 5 - 0 TO APPROVE THE MINUTES OF THE SEPTEMBER 20, 1994 REGULAR MEETING.

September 27, 1994 Special Meeting

UPON MOTION OF COMMISSIONER DAVIS AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO APPROVE THE MINUTES OF SEPTEMBER 27, 1994 MEETING.

October 18, 1994 Regular Meeting

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO APPROVE THE MINUTES OF OCTOBER 18, 1994 MEETING.

PROGRESS REPORT ON GRETNA EFFLUENT DISPOSAL LINE

Mr. Harold Knowles, attorney for City of Gretna introduced himself to the board and passed out information pertinent to the issue of Gretna's effluent waste water disposal line.

The City of Gretna presented two options to the board regarding the routing of a disposal line through Gadsden County to a final disposal site. They were:

**Option # 1:** Disposal of the effluent into a trench on property recently purchased by the City (previously owned by St. Joe Paper Co.) This option was denied by the Board on September 20, 1994.

**Option # 2:** Advanced waste treatment and discharge into Telogia Creek. This option was approved by the Board on October 4, 1994 contingent upon Gretna posting a \$10,000,000 performance bond.

Mr. Knowles continued by saying that other facts came to be known since those decisions were made. They are as follows:

1. The City of Gretna can not financially afford to post the bond. The cost of such insurance could run as high as \$100,000 per year. Option # 2 is not feasible for Gretna.
2. Obtaining a permit for option # 2 is questionable. The State of Florida is moving away from the discharge of effluent water into surface water bodies. DEP has subsequently advised that if they do permit Gretna to discharge into Telogia Creek, it would only be temporary. This fact makes option # 2 less feasible. This fact alone calls into question whether Gretna can obtain a permit for option # 2.

3.Option # 2 would have to begin by processing it through the county's planning and zoning commission causing time constraints.

The chairman opened the floor for questions and discussion.

After some discussion, Mr. Knowles asked the board to hold a another public hearing and place both options on the agenda for reconsideration.

**UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 3-2 TO SET A SPECIAL MEETING TO RECONSIDER THE OPTIONS AVAILABLE TO RESOLVE GREYNA'S EFFLUENT DISPOSAL SYSTEM. COMMISSIONERS MCGILL, POWELL AND DIXON VOTING IN FAVOR AND COMMISSIONERS PEACOCK AND DAVIS OPPOSING.**

COUNTY ATTORNEY Tape # 1; 1450

Resolution on Rich Bay Road Attached

Mr. Hal Richmond introduced a resolution to the board which establishes the following:

- 1.Rich Bay Road as a public road in which Gadsden County has a vested interest.
- 2.Description of the extent and width that the road which has actually been maintained for at least the last four years.
- 3.1987 land survey map prepared by Thomas Skipper, Land Surveyor, establishing the right-of-way as it has been maintained by the county for at least the last four years.
- 4.Right-of-way has been dedicated.

Mr. Richmond explained that this resolution is the first step in the procedures set forth in the county's comprehensive plan for paving a road.

**Dan Winchester** spoke (on behalf of Rich Bay residents) to the board briefly encouraging them to pass the resolution.

Questions were entertained from the board.

Discussion followed regarding why the other roads from the road paving priority list were omitted from this resolution.

Mr. Richmond explained that each road must have a map. It is **not** the resolution itself that sets the process in motion - it is the filing of the map. Rich Bay is the only road on the priority list with a map in hand.

Chairman Dixon asked Mr. Richmond to come back to the board with either maps, a resolution, or whatever is appropriate that can be dedicated to the public for the purpose of defining the other roads on the priority list.

**UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER PEACOCK THE BOARD VOTED 5 - 0 TO APPROVE THE RICHBAY ROAD RESOLUTION, ESTABLISHING IT AS A PUBLIC ROAD AND ACCEPTING THE MAP SHOWING THE RIGHT-OF-WAYS AS MAINTAINED BY THE COUNTY FOR AT LEAST THE LAST FOUR YEARS.**

Mr. Winchester spoke once again to thank the board for moving forward with the resolution.

**Public Hearing on Contractor's License Ordinance** Tape # 1; 2109  
Attached

Mr. Richmond called for public input on the proposed Contractor's License Ordinance which was duly noticed and advertised.

The ordinance provides and defines additional classifications of contractor's certificate of competency and designated specialty.

Mr. Richmond read the ordinance by title into the record.

**UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 5 - 0 TO ADOPT THE CONTRACTOR'S LICENSE ORDINANCE (95-002).**

**Settlement Proposal for Foremost Vs. Gadsden County**

Mr. Richmond asked for authority to execute a settlement with Foremost Insurance Company pursuant to discussions between himself and each commissioner (individually) previously.

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO AUTHORIZE THE COUNTY ATTORNEY TO EXECUTE THE SETTLEMENT AGREEMENT WITH FOREMOST INSURANCE COMPANY.

**Nuisance Demands**

Mr. Richmond asked for clarification from the board as to what is expected of him in regard to unabated nuisances which have not been resolved through the usual channels of the code enforcement board.

It was the consensus of the board to have the attorney proceed with filing civil law suits against those people who have not complied with the county's attempts to work with them to abate the nuisances.

**Interlocal Agreement with City of Quincy - Building Codes**  
Information purposes only.

Through approval of an interlocal agreement with the City of Quincy, the county does not need to meet the city's building code requirements for county owned buildings. This agreement was approved by the board and sent to the City for their approval. Some of the language in the agreement has been modified by the City of Quincy. Mr. Richmond indicated that the intent of the agreement was not changed and can be signed by the chairman. It did not require any further action.

**Authorization to Publish a Notice of Intent on Surcharge for Moving Violations**

Mr. Richmond presented a draft ordinance as proposed by Mark Dickerson, Emergency Management Director. He then called for comments from the board.

Clerk Thomas responded by saying he was strongly opposed to this surcharge. He reminded the commissioners that they recently imposed additional charges on civil filing fees. He viewed it as an additional tax to the citizens of Gadsden County.

Further, the clerk added that he would like for the board to revisit the mediation issue (civil filing fees) after one year to see if the benefit is sufficient to warrant the fees imposed.

Mr. Mark Dickerson spoke to the issue. He explained that the surcharge is authorized under the law enforcement mutual aid act. It is designed to enhance communications between interlocal government organizations to make communications more efficient and give more service. Many counties throughout the state have had great success with it.

When asked to respond to the issue, Major Alvin Pickles of the Sheriff's Department stated that he knew nothing of the matter.

Commissioner Peacock asked that the board review the surcharge in more depth before making a decision to impose it.

Chairman Dixon asked Mr. Dickerson to provide the Sheriff with a copy of the ordinance and the supporting information.

**Mandamus Action Requiring Transfer of County Funds to Provide for Dr. Ramos's Contract at the County Jail**

UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO APPROVE THE TRANSFER OF \$12,000 FROM CONTINGENCY TO A LINE ITEM DEDICATED TO PROVIDE FOR DR. RAMOS' CONTRACT FOR THE COUNTY JAIL.

**COUNTY MANAGER**

**Sesquicentennial Committee** (Attachment)

Mr. Carter related to the board a request from the Secretary of State's Office, asking that the county appoint a committee to help plan local events for a state-wide sesquicentennial (150th) celebration.

Commissioner Davis suggested that this matter be addressed after the new board is seated.

It was a consensus of the board for each commissioner to appoint two people from each district. The names should be submitted at a future meeting. If the out-going commissioners wish to allow this appointment to be made by the commissioners-elect, they may do so.

**Big Bend Cares**

Big Bend Cares requested a letter of support from the board to be used as a part of an application for funding through HRS. The deadline is November 1, 1994.

UPON MOTION COMMISSIONER MCGILL AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO APPROVE SENDING A LETTER OF SUPPORT FOR BIG BEND CARES ORGANIZATION TO BE USED AS PART OF THEIR APPLICATION FOR FUNDING.

Payment of Overtime Wages Using Transportation # 1 Funds

It was the consensus of the board to approve the budget amendment providing for the payment of overtime wages using Transportation # 1 funds as a part of the amendments to be presented by Clerk Thomas under his agenda.

CONSENT AGENDA

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO APPROVE THE CONSENT AGENDA TO WIT:

- 1) Notice of County Award of EMS Grant - Grant C-9420 \$13,346.26
- 2) SHIP Committee Meetings Minutes - attached
- 3) Affordable Housing Advisory Committee Appointment - attached
- 4) Litter Grant for 1994/95 - LM 95-17 - \$10,000

CLERK OF COURT

Annual Report of Tax Collector, Clerk of Court, and Sheriff (Attached)

Clerk Thomas presented the official annual report of Tax Collector. He also presented the annual report for the Clerk of Court along with a check for \$692.08. Lastly, he presented the Sheriff's annual report along with a check for \$20.35.

Approval of Commissioner-elect Watson's Bond

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO APPROVE THE BOND OF COMMISSIONER-ELECT WATSON.

Warning from Department of Revenue - TRIM Compliance

Mr. Thomas presented a Warning Memo from the Department of Revenue pointing out that the percentage of decrease over the roll back rate stated in the resolution was not correct.

The resolution read:

"WHEREAS, a millage rate of 9.538 is a decrease of 4.841."

Mr. Thomas pointed out that using the calculations as described in the TRIM compliance package instructions, the resolution should have read:

"WHEREAS, a millage rate of 9.538 is a decrease of 0.00."

The memo further stated that cumulative infractions could place the county in jeopardy of losing its state revenue sharing funds.

#### 1993/94 Budget Amendments

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5- 0 TO APPROVE THE 1993/94 BUDGET AMENDMENTS. (ATTACHED - 43 AMENDMENTS)

#### 1994/95 Grant Budget Amendments

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO APPROVE THE 1994/95 GRANT AMENDMENTS. (ATTACHED - 9 AMENDMENTS)

#### 1994/95 Budget Amendments - Sub-allotment approved by County Manager and the Amendment to Cover Overtime Wages from Transportation # 1 Funds

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 5 - 0 TO APPROVE THE 1994/95 BUDGET AMENDMENTS - Attached.

#### Contingency Request for Emergency Management Grant

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 5 - 0 TO APPROVE THE CONTINGENCY REQUEST OF \$14,577 FOR THE COUNTY'S MATCH TO THE EMERGENCY MANAGEMENT GRANT.

#### Approval of Payment of County Bills

UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO APPROVE THE PAYMENT OF THE COUNTY BILLS.

**DISTRICT 1 REPORT**

There was no report.

**DISTRICT 2 REPORT**

Commissioner Powell gave the county manager a list of roads in District 2 which need road signs. He asked to have the record reflect that he had supplied the county manager with that list.

**DISTRICT 3 REPORT**

There was no report.

**DISTRICT 4 REPORT**

Commissioner Davis asked the county manager about the status of CR 379. (Mt. Pleasant to the GA line)

Mr. Carter responded by saying he had arranged a meeting for November 2, 1994 with an engineer and the county staff. The damages are sufficient to require an engineering study prior to attempting repairs.

**DISTRICT 5 REPORT**

Chairman Dixon made no report.

**EMERGENCY MANAGEMENT STATUS REPORT**

**Third Tropical Storm Federal Assistance**

Mr. Dickerson reported that emergency money for damages resulting from the third tropical storm of this season has not been approved by President Clinton. (Governor Chiles has requested it, but it has not been approved.) He went on to say that Florida should receive some money for hazard mitigation in River Junction, Crawfish Island, Robertsville and the Friendship Community. The status is "on-hold". This money should cover the costs to replace the bridge on CR 157A.

**Havana Fire**

As to the fire in the City of Havana (fire destroyed antique shop), Mr. Dickerson reported that conversations with SBA and the State indicate some assistance will be forthcoming in the form of small business loans.

**CITIZENS REQUESTING TO BE HEARD**

**Morris Baker**

Mr. Baker did not appear.

**ADJOURNMENT**

**UPON MOTION OF COMMISSIONER PEACOCK, THE CHAIRMAN DECLARED THE MEETING ADJOURNED.**

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Edward J. Dixon, Chairman

ATTEST:

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Nicholas Thomas, Clerk

AT A SPECIAL MEETING/PUBLIC  
HEARING OF THE BOARD OF COUNTY  
COMMISSION HELD IN AND FOR  
GADSDEN COUNTY ON NOVEMBER 7,  
1994, 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  
ARTHUR LAWSON, PURCHASING/PERSONNEL DIRECTOR  
MURIEL STRAUGH, DEPUTY CLERK

CALL TO ORDER

The meeting was called to order by Vice-Chairman Forrest Davis. Commissioner Peacock led in pledging allegiance to the U.S. Flag and Commissioner Powell then opened the meeting with a prayer.

Vice-chairman Davis explained that this meeting had been called at the request of the City of Gretna. The purpose of the meeting is to reconsider two previous actions of the board relative the City of Gretna's effluent waste water disposal problems.

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*These minutes frequently refer to Option # 1 and Option # 2 throughout. As a point of clarification, these options are described below but they were not described at the meeting.*

**OPTION 1: ADVANCED SECONDARY TREATMENT WITH A HIGH RATE LAND APPLICATION**

Gretna's effluent waste water would be piped from the treatment plant to a trench/swale on a piece of property purchased by the City of Gretna but located in the Providence community. In addition to the approval of the project itself, the City would require the use of the county's right-of-way to lay a 10-inch pipe.

The project was approved by the Planning and Zoning Commission unanimously and referred to the Board of County Commission for final approval.

The Board voted 3 -2 to **deny** this option on September 20, 1994.

The engineering design work is completed for this option and the Florida Department of Environmental Protection (DEP) is prepared to issue the permit.

**OPTION 2:ADVANCED WASTE TREATMENT WITH SURFACE WATER DISCHARGE INTO TELOGIA CREEK.**

The Board voted 3 -2 on October 11, 1994 to **approve** this option subject to the special condition that City of Gretna obtain a \$10,000,000 performance bond.

No engineering design work has been done for this option. Permit applications have not been made to DEP or to Gadsden County Planning and Zoning Commission.

The Liberty County Commission is opposed to this option and adopted a formal resolution asking the Gadsden County Board deny this option.

Subsequent to the above described board actions, Mr. Harold Knowles, attorney for the City of Gretna appeared before the Board of County Commission on November 1, 1994 and requested that the board hold this special meeting/public hearing so that Gretna could make a presentation using additional facts which may not have been considered in making their previous decisions.

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**Harold Knowles, City of Gretna**

Commissioner Davis yielded the floor to Mr. Knowles.

Mr. Knowles introduced himself and passed out information pertinent to the issue of Gretna's effluent waste water disposal line.

He began by saying there were facts that have come to be known since the Board of County Commissioners decisions regarding Gretna's effluent waste water disposal system were made. They were as follows:

- 1.The City of Gretna attempted to secure the insurance/performance bond following the decision to approve Option # 2 on October 4, 1994. The cost of such insurance could run as high as \$100,000 per year. Gretna can not

financially afford to post the bond making it not feasible.

2. From a permitting standpoint, Option # 2 is now less feasible than it was at the time of the board's approval on October 4, 1994. At the time the previous decisions were made, they were made under the assumption that Option # 2 could be permitted. However, the State of Florida is moving away from the discharge of effluent water into surface water bodies. The Florida Department of Environmental Protection (DEP) has advised that if they should permit Gretna to discharge into Telogia Creek, it would only be temporary (2 - 5 years.) This fact alone calls into question whether Gretna can obtain a permit for Option # 2.
3. Option # 2 would have to begin by processing it through the county's planning and zoning commission causing time constraints in opening of the prison. (scheduled for March of 1995)
4. No application has been filed with DEP for Option # 2. The environmental studies of Telogia Creek in the application process would take a minimum of 60 days and could take up to 12 months. A delay such as this would put the hook-up at the prison at great risk and ultimately have a negative economic impact county-wide.
5. Option # 2 would require construction of a holding pond which will add a cost of \$50,000.00 to the project. Gretna does not have funds with which to construct such a pond.
6. Farmers Homes Administration indicated that problems could arise with a change order deleting the percolation pond and adding the upgrade of the treatment plant to advance waste treatment. They will require more environmental review if the project location changes.
7. The Liberty County Commission is strongly opposed to Option # 2. They passed resolution on October 13, 1994 opposing the discharge into Telogia Creek. (copy attached)

Mr. Knowles contended that due to so many factors (as stated above), Option # 2 was not feasible. He went on to say that Gretna wants to be a good neighbor and is continuing to look at other alternatives.

One of those alternatives is distributing reclaimed water to lands leased by Gretna from farmers & nurseries.

Another is to divert the water to sod farms as irrigation water. This alternative will require more review from a legal standpoint and cannot be timely implemented for the prison opening. This alternative would be complimentary to Option # 1 because the water can be diverted before it reaches the swale.

Mr. Knowles then asked Mr. Mike Murphy of Bishop Engineering to address Option # 1.

Mr. Murphy then gave a visual presentation of Option # 1 using aerial maps and charts (attached) showing exactly where the project site would be located and the routing - down 65A to Willie Presha Road to the site. The site is parallel to the exiting gas line on the north side. He made note of the following:

- 1)The effluent water reclaimed treated water - not raw sewage. It must meet drinking water standards.
- 2)The site is called a percolation swale - not a trench. The swale itself is 20' wide.
- 3)No more than 6" of water will be present at any given time.
- 4)The swale is not visible from the roadway or homes in the vicinity. There is 50' of undisturbed woods on one side and 30' on the other. A 4' fence (with a locked gate) will be constructed in the center of a 10' clearing on either side of the wooded areas to add security.

Mr. Murphy continued by saying that Option # 1 requires a site with a lot of sand. The most critical part of the design of the disposal project was soil borings in the location of the disposal site itself. (The site had to be located where the soils were pourous enough for the waste water to percolate into the soil.) The soil characteristics and the ground water table flow necessitated a long narrow project.

Gadsden County has huge clay deposits over the entire county and the number of possible sites were very limited. ( Option # 1 will not work in clay because it will not percolate.) The site had to be large enough and pourous enough to sustain the project.

Engineers looked all over the county checking soil survey maps and found the site as described in Option # 1 suitable for the project. Preliminary testing indicated that the site would work. It was remote enough that it is not visible from a roadway or homes in the vicinity. It is in a location where there is no possibility to contaminate well water. At that point engineers proceeded with the design and permitting process.

One of the permitting requirements from DEP was for Gretna to come to the county and determine whether this project met with the comprehensive plan - primarily in the area of zoning. The Planning and Zoning Commission voted unanimously in favor of it.

**MR. BOB COOLEY OF DEP**

Mr. Bob Cooley of DEP spoke briefly to re-iterate some of the statements made by Mr. Murphy.

Mr. Cooley pointed to several facts not mentioned by Mr. Murphy. They were:

- 1) Option 1 conforms with the planning and zoning requirements of the county. The comprehensive plan requires very strict construction guidelines with which this project meets. Furthermore, it has already been approved by the Planning and Zoning Commission.
- 2) Option 1 complies with the Florida Statutes.
- 3) DEP is prepared to issue a permit for Option 1.
- 4) The project conforms relative to the protection of water quality.
- 5) The City of Gretna will not run the project. It will be operated by private company.

**RICK MCCASKILL - ECONOMIC IMPACT**

Mr. Rick McCaskill of the Chamber of Commerce spoke briefly to the financial impact the prison will have on the economy of the county. (attachment) In addition, once the sewage disposal issue is settled, the Gretna Industrial Park will be able to attract other new businesses to the county. He encouraged the commissioners to take final action and approve Option # 1.

**Mike McDaniel - Opposed to Option # 1**

Mr. Mike McDaniel praised Mr. Knowles for giving such a good presentation. He assured everyone that he is not opposed to the prison or the upgrade. But, he is opposed to the location of the swale. He was disturbed to find out that these plans have been worked on since 1988 and no one informed residents in the area until the plans were final and subject to the approval of the planning and zoning commission only one month ago. He suggested that the public should have been involved with selection of the alternatives and methodology of treating the effluent early in the planning stages of the project. He encouraged the commissioners to go back and explore other alternatives - not just the two which have been presented.

**Ann Soskis Blount - Opposed to Option # 1**

Mrs. Ann Soskis Blount addressed the board. She summarized her remarks by asking the board not to let time be the considering factor for making a decision relative to this project and to explore other alternatives. She made the remark that the residents in the Providence community are looking into becoming incorporated and expect to continue to challenge this issue if it is not resolved in a manner acceptable to them.

**Marcus Edwards - Opposed to Option # 1**

Mr. Marcus Edwards spoke to the board requesting that they keep in mind that the water involved with this project is a precious and scarce commodity. He implored them to be careful to protect it. He stated that farmers need the water and to take it away would be unjust. He was opposed to Option # 1.

**Thomas Smith - Opposed to Option # 1**

Mr. Thomas Smith who is a farmer/businessman stated that he would entertain - not promise - the possibility of using some of the reclaimed water on his land. He asked the commissioners to take time to continue looking for a solution that would be a win/win situation for everyone.

**Jay Phieffer - Opposed to Option # 1**

Mr. Jay Phieffer of the Providence Community asked the board to look for other options. He stated that if the board approves Option # 1, civil suits will surely follow as well as administrative hearings.

Chairman Dixon interrupted Mr. Phieffer to say that this meeting was not the proper forum for idle threats.

**Dave Robinson - Opposed to Option # 1**

Mr. Robinson asked the board to oppose Option # 1.

**Hal Richmond - County Attorney**

After public comments were concluded, Chairman Dixon asked Mr. Richmond for clarification about proper procedure on rescinding previous board actions.

Mr. Richmond responded by saying that the board could reverse its actions by a motion made by a commissioner who was on the prevailing side of the vote of the previous action.

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 3 - 2 TO RESCIND THE APPROVAL OF OPTION # 2 MADE ON OCTOBER 11, 1994. COMMISSIONERS MCGILL, POWELL AND DIXON VOTING IN FAVOR WHILE COMMISSIONERS PEACOCK AND DAVIS OPPOSING. MOTION CARRIED.

Mrs. Jean Edwards asked to address the board but was denied as public input was no longer being allowed.

UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 3 - 2 TO SET ASIDE THE BOARD'S DENIAL OF OPTION # 1 ON SEPTEMBER 20, 1994; GRANT APPROVAL OF OPTION # 1; AND TO ALLOW THE USE OF THE COUNTY'S RIGHT-OF-WAY FOR THE EFFLUENT DISPOSAL PIPE-LINE AS REQUESTED BY THE CITY OF GRETN. COMMISSIONERS POWELL, MCGILL AND DIXON VOTING IN FAVOR OF THE MOTION; COMMISSIONER DAVIS AND PEACOCK OPPOSING. MOTION CARRIED.

There being no other business before the board, Chairman  
Dixon declared the meeting adjourned.

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**Edward J. Dixon, Chairman**

**ATTEST:**

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**Nicholas Thomas, Clerk**

AT THE REGULAR MEETING OF THE  
COUNTY COMMISSIONERS HELD IN AND  
FOR GADSDEN COUNTY ON DECEMBER 20,  
1994, THE FOLLOWING PROCEEDINGS  
WERE HAD, VIZ.

PRESENT: JAMES PEACOCK, CHAIRMAN  
E. HENTZ FLETCHER, VICE-CHAIRMAN (arrived late)  
BILL MCGILL  
STERLING WATSON  
EDWARD J. DIXON  
NICHOLAS THOMAS, CLERK  
HAL RICHMOND, COUNTY ATTORNEY  
BETTY F. MILLER, INTERIM COUNTY MANAGER

CALL TO ORDER

Chairman Peacock called the meeting to order. Commissioner Dixon led in the pledge of allegiance to the U. S. Flag and Commissioner McGill opened the meeting with a prayer. The chairman asked that the record reflect that Commissioner Fletcher was not present.

ADOPTION OF THE AGENDA

Hal Richmond, county attorney, asked that the continuation of the public hearing for the dog ordinance be removed from the agenda. He stated that he needed to do more research and redraft the ordinance. He continued by saying he would advertise another public hearing to consider the matter at a later date.

(Commissioner Fletcher arrived at this juncture of the meeting.)

UPON MOTION OF COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0 TO AMEND THE AGENDA TO REMOVE THE CONTINUED PUBLIC HEARING ON THE DOG ORDINANCE FROM THE AGENDA.

MOTION WAS MADE BY COMMISSIONER DIXON AND SECONDED BY COMMISSIONER FLETCHER ADOPT THE AGENDA AS AMENDED.

Chairman Peacock asked that Item # 10 -Single Family Bond Program - be moved to the County Attorney's agenda.

THE BOARD VOTED 5 - 0 TO ADOPT THE AGENDA AS AMENDED.

**APPROVAL OF MINUTES**

**December 6, 1994 - Construction Industry Licensing Board**

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0 TO APPROVE THE DECEMBER 6, 1994 MINUTES OF THE CONSTRUCTION INDUSTRY LICENSING BOARD.

**December 6, 1994 - Board of County Commissioners Regular Meeting**

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0 TO APPROVE THE MINUTES OF THE REGULAR MEETING OF DECEMBER 6, 1994.

**COUNTY ATTORNEY** Tape # 1; 129

**Tallahassee Community College - County Library Lease Issues**

Mr. Richmond referred to a memo written to Mrs. Betty Miller (attached) outlining issues which need to be raised with Tallahassee Community College Board of Trustees as they relate to the provisions of the library lease agreement. (Construction of a cubicle and needed repairs resulting from water damages) He asked the board for directions.

It was the consensus of the board to have Mr. Richmond to communicate with the college via written correspondence stating the board's stance on the issues raised.

**1994 St. Joe Fire Assessment Suit** Tape # 1; 141

Mr. Richmond reported that he had been in contact with the attorney representing St. Joe Land Company regarding the suit filed against the county. He recommended that the board forego retaining counsel for the suit until such time as Judge Sauls renders a ruling on the 1992 St. Joe Fire Assessment Suit.

It was the consensus of the board to pass the matter until mid January. Mr. Richmond was instructed to inform the plaintiff's attorney that action was deferred.

**Interim County Manager's Employment Agreement** Tape # 1; 164

Mr. Richmond asked the board to authorize the chairman to execute the employment agreement with Mrs. Betty Miller who was appointed as the interim county manager.

**UPON MOTION OF COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0 TO APPROVE THE EMPLOYMENT AGREEMENT AND AUTHORIZE THE CHAIRMAN TO EXECUTE IT.**

**SINGLE FAMILY BOND PROGRAM** Tape # 1; 250

Mr. Richmond called attention to the multi-county bond issued that will be issued by the Escambia County Housing Finance Authority. The bond issue will provide low interest rate mortgage money for low and moderate income first-time homebuyers in the participating counties.

All expenses would be paid through the bond issues themselves. There is no responsibility to the county for the participation in the program.

In order to authorize participation in the Escambia program, Gadsden county would have to hold a public hearing (TEFRA hearing advertised 14 days in advance - December 30, 1994) and adopt a resolution which provides the following:

- 1) approves the form of the Interlocal Agreement between the County and the Escambia County Housing Finance Authority which specifically delegates all administrative, monitoring and financial responsibility to the Escambia County Housing Finance Authority.
- 2) authorizes the Escambia County Housing Finance Authority to operate within the boundaries of Gadsden County; and
- 3) approve the use of private activity allocation in the program.

Commissioner Fletcher stated that he would abstain from voting on the issue and would file a conflict of interest form with the clerk for the record.

Mr. Ed Bulleit, Senior Vice President for the underwriters of the bond issue spoke briefly to the board explaining some technical requirements which the motion to approve must state.

**UPON MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER MCGILL , THE BOARD VOTED 4 - 0 TO DELEGATE MRS. ROSEMARY BANKS TO CONDUCT A TEFRA HEARING (AS HEARING OFFICER) ON DECEMBER 30, 1994 AND DISCLOSE THE RESULTS OF THE HEARING TO THE CHAIRMAN WHO IN TURN SHOULD ANNOUNCE THE RESULTS OF THE HEARING PUBLICLY. THE MOTION FURTHER INCLUDED THE ADOPTION**

**OF THE RESOLUTION ALLOWING GADSDEN COUNTY TO ENTER INTO AGREEMENTS WITH THE ESCAMBIA COUNTY HOUSING FINANCE AUTHORITY; APPROVING A FORM OF INTERLOCAL AGREEMENT; APPROVING THE ISSUANCE BY THE ESCAMBIA COUNTY HOUSING FINANCE AUTHORITY.**

**Commissioner Fletcher abstained from voting.**

**CATO LEASE** Tape # 1; 369

On October 18, 1994, the board voted to notify CATO of the intention to terminate their lease as of January 15, 1995. It was the intention of the board to renovate the building to house the community services department.

Ms. Jennifer Erdman, Executive Director of Mainstreet Quincy spoke to the board and asked them to extend the lease of the CATO building until April. By extending the lease, it would give CATO ample time to find an alternate location in the Quincy community.

Chairman Peacock reported that he had talked with Mrs. Banks and was assured that the grants would not be jeopardized by extending the lease for four months.

**A MOTION WAS MADE BY COMMISSIONER WATSON TO GRANT A FOUR MONTH EXTENSION TO CATO.**

Commissioner Dixon questioned the accuracy of the information provided to the chairman.

Mrs. Miller assured the board that the county grants would not be affected by the extension of four months if the anticipated date of occupancy is provided to them at the time the plan amendment is submitted.

**THE MOTION TO EXTEND THE LEASE WAS SECONDED BY COMMISSIONER FLETCHER. THE BOARD VOTED 5 - 0 TO APPROVE THE EXTENSION OF THE CATO LEASE FOR FOUR MONTHS.**

**ECONOMIC ACTIVITIES UPDATE** Tape # 1; 509

Mr. Rick McCaskill, Executive Director of the Chamber of Commerce, gave a brief description of the new economic activity within the county. (report attached)

Mr. McCaskill reported he had made a proposal to a large plastic manufacturer who is looking for a 300,000 sq. ft. building that would create 300 jobs. The company was very specific in their needs. The 10/90 Commerce Park Inc. (an industrial park located at I-10 and US 90 off Brickyard Road in Midway) can provide their needs. One big attraction to the prospective company was the availability of natural gas. The Florida Gas Transmission goes across the industrial park property. The Florida Gas management has agreed to install a gate if a large user locates in the park.

### **PLANNING AND ZONING RECOMMENDATIONS**

#### **Supreme Court Ruling**

Mr. Richmond called attention to the Supreme Court ruling in the Snider Case. The ruling states that when the Board of County Commissioners sit as a quasi-judicial body making determinations on planning and zoning matters that come before them, they must not accept "out-of-hearing" statements from constituents. All statements need to be made at an open and public hearing **only**. Failure to adhere to the rule might result in decisions being overturned.

Mr. Richmond addressed the citizens present by saying that it was his recommendation to the commissioners to not receive comments or considerations of any matters outside of the hearing set to determine the matters.

Written comments addressed to the board that can be made a part of the packet which is disseminated publicly can be accepted.

He closed his remarks by urging the commissioners to use extreme caution in discussing Planning and Zoning issues.

#### **Dean's Workshop - Project #94PZ-26-201-2-12**

Dean's Workshop is a proposed woodworking shop in an existing 600 square foot building on a 2.3 acre site on the north side of Conrad Hills Road. .1 miles from CR159. The applicant and property owner is Mr. Dean Shumate, Route 5, Box 36, Havana, FL 32333.

Planning and Zoning Commission recommended approval subject to special conditions as listed in the attached memo.

Planning and Zoning Staff recommended approval subject to the special conditions listed in the attached memo.

Commissioner McGill questioned whether there are deed restrictions governing the mix of commercial operations in the residential area that can be raised by a homeowners association.

Mr. Richmond responded by saying that the issue before the board is strictly a planning and zoning usage issue - the board must only determine whether it is a permitted right under the county's planning and zoning comprehensive plan. Mr. Shumate may have to address neighbors and the homeowners association in a separate forum.

**UPON MOTION OF COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO APPROVE DEAN'S WORKSHOP PROJECT.**

**Copeland Variance - Project # 94PZ-27-204--3-12** Tape # 1; 880

Ms. Andrea Copeland proposes to live in an existing single-wide mobile home on a .19 acre site off of CR 269 and just south of CR 268, and requested a variance from the side and rear setback requirements. The applicant is Ms. Andrea Copeland, Route 1 Box 1316, Chattahoochee, FL 32334. The property owner is Ms. Betty Copeland of the same address.

There is a home on the site as well the existing single-wide mobile home. Ms. Copeland needs a 10 ft. setback variance from the required 10 feet rear setback. (It is on the property line.) She will also need a 3 ft. variance from the 10 ft. side variance requirements.

The staff recommended approval subject the special conditions listed in the attached memo.

The P & Z Commission's recommendation was for denial because of the 0 set back in the rear.

Mr. Sherman reported that she has a septic tank permit issued by HRS.

Chairman Peacock asked if there was anyone present to oppose the project. There was no opposition.

**UPON MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO APPROVE THE COPELAND VARIANCE.**

**Smith Variance - Project #94PZ-28-207-4-12** Tape # 1; 958

Ms. Tracey Smith replaced a single-wide mobile home with a double-wide mobile home on a .27 acre site on the north side of Atlanta Street and west side of Frank Jackson Road, and has requested a variance from the front setback requirements. The applicant is Ms. Tracy Smith, Route 4, Box 1127, Quincy, FL, 32351. The property owner is Ms. Annette Williams of the same address.

Staff recommended approval subject to conditions listed in the attached memo.

P & Z Commission recommended approval subject to special conditions as listed in the attached memo.

**UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0 TO APPROVAL THE SMITH VARIANCE PROJECT.**

**Gadsden Station Commerce Park 10/90 Preliminary Plat - Project # 94PZ-29-206-5-12**

Gadsden 10/90 Commerce Park, Inc. petitioned the county for consideration of a preliminary plat. The project is proposed as a light industrial/commercial and office park subdivision. Light industrial and commercial are consistent with the provisions of the approved Development of Regional Impact (DRI). The project is located in District 1, at the intersection of I-10 and US 90. The applicant is Gadsden 10/90 Commerce Park, Inc. The applicant's address is 2324 Centerville Road, P.O. Box 12909, Tallahassee, FL. 32308. The project surveyor is A.D. Platt & Associates. The project engineer is Moore, Bass and Bibler, Inc.

Mr. Sherman noted that the soils information has been provided by the applicant. Upon review of the soil report, it was noted that in certain areas, there may be mounded septic tanks systems necessary. The county's subdivision code prohibits mounded septic tank systems in subdivisions. Therefore, he asked that a special condition be added that no mounded septic can be

used and that on a case by case scenario, they may apply for septic tank permits. If those permits can be approved by the health department, they can operate on a septic tank. The development order in the DRI allows for the use of septic tanks up to 80,000 gallons per day of waste water. Once that threshold has been met, a central waste water facility must be constructed.

The P & Z staff recommended approval subject to the conditions listed above and in the memo attached.

The P & Z commission recommended approval subject to the conditions listed in the attached memo.

Chairman Peacock called for any opposition to the project. There was no opposition.

**UPON MOTION OF COMMISSIONER WATSON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO GIVE PRELIMINARY PLAT APPROVAL TO THE GADSDEN 10/90 COMMERCE PARK SUBJECT TO THE SPECIAL CONDITIONS AS LISTED BY P & Z STAFF.**

**Sprint Cellular Tower Site - Project # 94PZ-30-207-5-12** Tape # 1; 1072

The Sprint Cellular Company of Tallahassee is proposing to construct a 240 foot guyed cellular phone tower and a 12 ft. x 28 ft. equipment shelter. The applicant is Mr. Dan Ausley. The applicant's address is 217 John Knox Road, Tallahassee, FL 32303. The project surveyor is Broward Davis & Associates. Mr. Gary Lehr is the property owner.

The tower is in an agriculture 1 land use category located at the end of Walsh Road in District 5.

The comprehensive plan allows for certain types of public uses to be permissable. All land use categories provide for special exception approval from the Board of County Commissioners. The applicant asked for that special exception approval in this project.

P & Z Commission recommended approval subject to the special conditions listed in the attached memo.

P & Z Staff recommended approval subject to the special conditions listed in the attached memo.

**A MOTION WAS MADE BY COMMISSIONER FLETCHER AND SECONDED BY COMMISSIONER DIXON TO APPROVE THE SPRINT CELLULAR TOWER PROJECT SUBJECT TO THE SPECIAL CONDITIONS AS LISTED IN THE ATTACHED MEMO.**

Chairman Peacock called for discussion.

Mr. Dan Ausley and Mr. Mike Minnick of Sprint Cellular was present to answer questions of the board.

**THE BOARD VOTED 5 - 0 TO APPROVE THE MOTION TO APPROVE THE SPRINT CELLULAR TOWER PROJECT SUBJECT TO THE SPECIAL CONDITIONS LISTED IN THE ATTACHED MEMO.**

**Johnson's Barber Shop - Project #94PZ-31-207-1-12**

Mr. Elijah Johnson proposed to operate a neighborhood barber shop in an existing 292 sq. foot building located on his homestead property in the Pine Park Subdivision. The applicant's address is 907 Conyer Street, Havana, FL 32333. The property owner is Mr. Elijah Johnson.

The property is located in a rural residential land use category. Neighborhood commercial operations are permissible in rural residential land use categories upon approval by the Board.

The P & Z Commission recommended approval subject to the special conditions listed in the attached memo.

The staff was first informed of the operation by a neighbor's complaint. At the time of the complaint, Mr. Johnson did not have a permit to operate. He applied for a permit once he was contacted.

The P & Z Staff recommended denial because they do not feel it is an appropriate place to operate a business.

**A MOTION WAS MADE BY COMMISSIONER MCGILL TO DENY THE PERMIT FOR THE JACKSON BARBER SHOP.**

**THE MOTION DIED FOR LACK OF A SECOND.**

The Chairman called for a motion to approve the project.

**UPON MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 4 - 1 TO TABLE THE MATTER UNTIL THE**

**NEXT REGULAR MEETING. COMMISSIONER MCGILL CAST THE LONE  
DISSENTING VOTE.**

Mr. Charles Jackson, the complainant, approached the board to explain his opposition to the operation of the barber shop.

**Sawdust supermarket - Project # 94PZ-32-208-4-12 Tape # 1; 1304**

Ms. Adell Giliam requested to construct and operate a 1200 sq. ft. building to operate a supermarket. The property owner is Ms. Adell Giliam. Ms. Gilliam's address is 1502 Globe Court. Tallahassee, FL 32303.

The property is situated in a rural residential land use category. Neighborhood commercial operations are permissible in rural residential land use categories upon approval by the board. Grocery stores, supermarket operations are considered neighborhood commercial uses.

The P & Z Commission recommended approval subject to the special conditions as listed in the attached memo.

The P & Z staff recommended approval subject to the special conditions as listed in the attached memo.

Mr. Sherman called attention to a county ordinance which regulates the sale of alcohol from certain distances from various facilities - churches, schools, parks. But the ordinance exempts those establishments who sell beer and wine to be consumed off their premises.

There is a park directly across the street from the proposed store. There are ordinances prohibiting the consumption of alcohol on the premises of a park. That ordinance can be enforced.

Mr. Richmond called the board's attention to the matter at hand which is a planning and zoning issue - not the sale of alcohol.

**A MOTION WAS MADE BY COMMISSIONER MCGILL TO APPROVE THE SAWDUST  
SUPERMARKET.**

**THE MOTION DIED FOR A LACK OF A SECOND.**

**A SECOND MOTION WAS MADE BY COMMISSIONER MCGILL TO APPROVE THE SAWDUST SUPERMARKET. IT WAS SECONDED BY COMMISSIONER FLETCHER FOR DISCUSSION PURPOSES.**

The chairman called for discussion.

Speaking in opposition of the Sawdust Supermarket was Ron Barnett - property owner adjacent to the proposed store. He urged commission to keep the area strictly residential.

Speaking in support of the project was Al Hall, son-in-law of the applicant. He stated that Ms. Gilliam expects to uphold the laws of the state and ordinances of the county. He stated that the fear regarding the sale of alcoholic beverages was premature.

Chairman Peacock asked Mr. Hall if they would agree not to sell alcohol.

Mr. Hall responded by saying that it would be misleading for him to tell the board that they would consider not selling alcohol.

Commissioner Watson stated he could not support the project if there was a possibility of the sale of alcohol.

Chairman Peacock called for a vote.

**THE BOARD VOTED 2 - 3 FOR THE APPROVAL. THE MOTION FOR APPROVAL OF THE SAWDUST SUPERMARKET FAILED. COMMISSIONERS MCGILL AND DIXON VOTED "AYE"; COMMISSIONERS WATSON, FLETCHER AND PEACOCK VOTED "NAY".**

**COMMISSIONER WATSON MADE A MOTION TO DENY THE SAWDUST PROJECT. IT DIED FOR A LACK OF A SECOND.**

Attorney Richmond explained that the board had just taken a non-final action and the issue can come back to the board at the next meeting.

Further discussion followed.

Mr. Hall asked to speak again to argue for support of the project. He urged the board to reconsider.

Mr. Marcus Edwards, a Sawdust resident, spoke in opposition to the project. He urged the board to keep the zoning rural residential in view of the controversy surrounding the issue.

Mrs. Adell Gilliam was recognized for remarks. She encouraged the board to reconsider.

**Mrs. Bradwell's Lot Requirement Relief**

Ms. Bradwell attempted to pull a permit to place a single wide mobile home on a one-acre parcel in an area that is designated rural residential. The county's comprehensive plan requires that in residential areas where the lot size is less than one acre, there must be central water system available. There is no central water facility available at the site in question. She would have to have a well. The staff denied the permit. Mrs. Bradwell was present to request the board to grant her relief from the requirement of a central water system.

Commissioner Watson suggested that the board change the comprehensive plan to be consistent with the HRS septic tank permitting guidelines - to allow for permits when an individual can obtain a permit for a septic tank.

**UPON MOTION OF COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0 TO GRANT THE LOT REQUIREMENT RELIEF TO MRS. BRADWELL AND TO PROCEED WITH EFFORTS TO AMEND THE COMPREHENSIVE PLAN.**

**Comprehensive Plan Policy Amendments** Tape # 1; 2318

The P & Z Staff recommended a number of changes to various elements of the comprehensive plan. (Housing, future land use, traffic circulation) These amendments were presented at previous meetings.

Discussion followed.

**UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 4 - 1 TO ADOPT THE AMENDMENTS TO THE COMPREHENSIVE PLAN. COMMISSIONER WATSON CAST THE LONE DISSENTING VOTE.**

**Request from ARPC - Appointment to Technical Advisory Committee**

Chairman Peacock appointed Commissioner Fletcher and Mike Sherman to the Technical Advisory Committee of the Apalachee Regional Planing Council. Mr. Sherman was instructed to inform ARPC of the appointments.

**SHERIFF'S BUDGET - PROPOSED SETTLEMENT** Tape # 1; 2571

Chairman Peacock reported that he had met with the Sheriff to negotiate some kind of settlement that might deter him from proceeding with his budget appeal for more funding to the Governor and Cabinet. He further reported that an agreement had been reached with the Sheriff and a copy of that agreement was provided to each commissioner in their agenda packets.

**A MOTION WAS MADE BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER WATSON TO APPROVE THE PROPOSED SETTLEMENT WITH SHERIFF WOODHAM AND HIS BUDGET.**

Chairman Peacock called for discussion.

Commissioner Dixon asked for someone to show him the \$150,000 discrepancy that the Sheriff says is in the budget.

Chairman Peacock recalled to Commissioner Dixon that he had questioned the county manager about the sheriff's budget at the final budget hearing. (The fact that the sheriff's budget had been cut \$133,000 in the final budget from the preliminary budget.) Mr. Carter assured Commissioner Peacock that the sheriff was aware of the adjustment and was in agreement with his budget. The following day, Sheriff Woodham contacted him (Chairman Peacock) saying that he had not been informed of a cut in his budget.

Clerk Thomas stated that he was present in one of the negotiation meetings with the Sheriff. Clerk Thomas concurred with Sheriff about his budget needs and he supported the proposed agreement to help the sheriff address his problems. He further stated that if the board should approve the settlement, the sheriff would have no reason to appeal his budget for at least the next couple of years. The initial request made by the sheriff and preliminarily approved by the board was cut in the final budget.

**QUESTIONS WERE CALLED BY COMMISSIONER FLETCHER.**

**THE BOARD VOTED 4 - 1 TO APPROVE THE PROPOSED SETTLEMENT WITH THE SHERIFF REGARDING HIS BUDGET. COMMISSIONER DIXON CAST THE LONE DISSENTING VOTE.**

**BID COMMITTEE RECOMMENDATIONS** Tape # 1; 2991

Mr. Arthur Lawson, Management Services Director, addressed the board with the recommendations of the bid committee.

**Bid 95-01 5 Motor Graders**

The bid committee recommended that the board award the bid for the purchase of the five motor graders to Ring Power as the low bidder. (Bid Evaluation Tabulation Sheets attached)

Mr. Johnny Haire of Ring Power Inc. spoke to the board explaining the bid and the five-year buy-back proposal.

Commissioner Watson stated he thought it would be premature for the board to approve the purchase until a determination can be made as to the extent of road damages that occurred from recent flooding.

Commissioner Fletcher concurred with Commissioner Watson.

**A MOTION WAS MADE BY COMMISSIONER WATSON AND SECONDED BY COMMISSIONER FLETCHER TO ACCEPT NO BID ON THE MOTOR GRADERS.**

Mr. Haire spoke once again to the board urging them not to abandon the buy-back program and the guaranteed repair program.

Further discussion followed.

**QUESTIONS WERE CALLED BY COMMISSIONER FLETCHER.**

**THE BOARD VOTED 3 - 2 TO ACCEPT NO BID AND DENY THE PURCHASE OF NEW MOTOR GRADERS. COMMISSIONERS WATSON, FLETCHER AND PEACOCK VOTING "AYE"; COMMISSIONERS MCGILL AND DIXON VOTING "NO."**

**Bid # 95-03 Automatic truck-mounted pot hole patcher**

Mr. Lawson reported the bid committee recommendation that the board approve the purchase of the wild-cat equipment for \$119,670.

Chairman Peacock recommended that the board not purchase a road patching machine.

**COMMISSIONER FLETCHER MADE A MOTION TO DENY THE PURCHASE OF THE ROAD PATCHING MACHINE. COMMISSIONER WATSON SECONDED THE MOTION.**

Discussion followed.

**QUESTIONS WERE CALLED BY COMMISSIONER FLETCHER.**

**THE BOARD VOTED 3 - 2 TO DENY THE PURCHASE OF THE ROAD PATCHING MACHINE. COMMISSIONERS WATSON, FLETCHER AND PEACOCK VOTED "AYE" AND COMMISSIONERS MCGILL AND DIXON VOTED "NAY".**

**Bid # 95-07 Five Dump Trucks** Tape # 1; 4032

The bid committee recommended that the bid for five dump trucks be awarded to Tallahassee Mack Sales with the five year buy back provision. The total costs for five trucks would be \$144,698.55.

Chairman Peacock recommended that the county purchase four trucks rather than five if Tallahassee Mack Sales will offer the same price per truck.

**UPON MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 3 - 2 TO PURCHASE FOUR DUMP TRUCKS AS QUOTED BY TALLAHASSEE MACK SALES. COMMISSIONERS DIXON, MCGILL AND PEACOCK VOTED "AYE" AND COMMISSIONERS WATSON AND FLETCHER VOTED "NAY".**

**CONSENT AGENDA**

**UPON MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO APPROVE THE CONSENT AGENDA TO WIT:**

- 1) Grant Contract with Sheriff - Enhanced 9-1-1 System (attached)
- 2) Mutual Aid Agreement with Wakulla County (attached)
- 3) EMS Write-off of Bad Debts (attached)
- 4) Forestry Service Contract (attached)
- 5) Installation of dry hydrants (attached)
- 6) Waste Management - 3.0% Increase (attached)

**CLERK OF THE COURT** Tape # 1; 4552

**Request to Advertise for Budget Change**

Clerk Thomas asked for authority to advertise a budget change to correct the Primary Health Care Budget and reflect the increase to the Sheriff's Budget.

**UPON MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO APPROVE THE ADVERTISEMENT OF THE BUDGET CHANGES.**

**Budget Amendments**

**UPON MOTION OF COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0 TO APPROVE THE BUDGET AMENDMENTS 95-12-20-01 THROUGH 95-12-20-06.**

**Approval of Payment of County Bills**

UPON MOTION OF COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0 TO APPROVE THE PAYMENT OF THE COUNTY BILLS.

**DISTRICT 1 REPORT**

Commissioner McGill reported that he would prepare a resource use policy statement for the board's consideration in January.

**DISTRICT 2 REPORT**

Commissioner Watson had nothing new to report.

**DISTRICT 3 REPORT**

Chairman Peacock asked for a motion to appoint Mr. Joe Bradley to the Library Commission.

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0 TO APPOINT MR. JOE BRADLEY TO THE LIBRARY COMMISSION.

**DISTRICT 4 REPORT**

Commissioner Fletcher had nothing to report.

**DISTRICT 5 REPORT**

Commissioner Dixon yielded his time to Mr. Clayton Spivey. Mr. Spivey requested that board address two problems.

- 1)water erosion problem on his property
- 2)the disrespect he was shown by a Road and Bridge Department employee (Bo Brown) and Commissioner Dixon.

The chairman asked the county attorney and the road superintendent to research this erosion problem to see if there is a legal way for the county to alleviate the erosion problem.

**UPON MOTION OF COMMISSIONER FLETCHER, THE CHAIRMAN DECLARED THE MEETING ADJOURNED.**

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**James Peacock, Chairman**

**ATTEST:**

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**Nicholas Thomas, Clerk**

AT A BUDGET WORKSHOP OF THE  
BOARD OF COUNTY COMMISSIONERS  
HELD IN AND FOR GADSDEN COUNTY  
ON DECEMBER 13, 1994, THE  
FOLLOWING PROCEEDINGS WERE  
HAD, VIZ.

PRESENT: JAMES PEACOCK, CHAIRMAN  
E. HENTZ FLETCHER, VICE-CHAIRMAN  
BILL MCGILL  
STERLING WATSON  
EDWARD J. DIXON  
NICHOLAS THOMAS, CLERK  
MRS. BETTY F. MILLER, INTERIM COUNTY MANAGER

CALL TO ORDER

Chairman Peacock called the meeting to order. Commissioner McGill led in pledging allegiance to the U.S. Flag and Chairman Peacock opened the meeting with a prayer.

BUDGET ISSUES

Chairman Peacock stated the purpose of the meeting was to go over the budget for 1994/95. The chairman then turned to Clerk Thomas to give them his analysis of the budget.

Clerk Thomas stated clearly that he was not making any wholesale recommendations regarding the budget. He emphasized that he was asked by board members to make an analysis of the budget. With that explanation he went on to say that the county could survive one or two years with this type of budget. But if this budget sets a trend for future budgets, it would soon erode the county's financial security.

The clerk then expressed concern about spending almost \$600,000 of the reserve in order to balance the 94/95 budget - leaving the reserve balance considerably smaller. During the first quarter of any new year, the ad valorem tax collections are slow to come in. During that quarter, money is very tight and sometimes the county has to use money from the reserves to meet the financial obligations of the county. The unused reserve money is invested in interest bearing accounts.

Commissioner Watson asked the other board members to explain what their thoughts were when they approved a budget using \$600,000 of the savings account (reserve fund). He asked what the long range plans were when they approved the budget for a level of spending that would not go away at the end of the year.

Commissioner McGill responded by saying that just because they used \$600,000 of the reserves in this budget does not mean that amount would be needed in the following years. He did not perceive that there would be a continuing use of \$600,000 of reserve money.

Commissioner Watson asked the other members to show him where the \$600,000 was used in the budget. He further asked them to show him that there would not be re-occurring expenses using that reserve money.

Mrs. Miller verified that the budget provides for 2.25 new positions that would be recurring expenses.

Commissioner Dixon stated that it was the intention of the board to operationalize the money rather than bank it. The reserve for contingency was increased from \$110,000 to \$400,000. The money (\$600,000) is not gone. It was placed into different funds so that it can be operationalized if necessary.

Commissioner Watson countered that the revenue projections were maxed out in the budget in addition to \$600,000 of the reserve. He voiced concerns about the elevated EMS revenue projections - \$140,000 increase in revenue when history shows a traditional \$30,000 yearly increase.

Commissioner Dixon remarked that Clerk Thomas had fought the budget process every step of the way and he was not surprised to learn that the clerk had concerns about the budget.

Clerk Thomas stated that he was not at the meeting to fight. He explained that he was asked to make an analysis and his remarks were made in response to that request. He explained that the budget belongs to the board and they can do anything with it they choose to. They can also appoint anyone of their choice to prepare the budget. He stated that he respected the board's decision to appoint their own budget officer. If any of the commissioners have concerns about him being involved in the budget process, this meeting would be an appropriate forum to express them.

Commissioner Dixon suggested that the workshop should address specific problems.

Clerk Thomas expressed his other concerns as follows:

\*\*EMS revenue projections are too high but he suggested that no adjustments be made to the budget at this point. There is a possibility of grant funding that could possibly offset the high revenue projections.

\*\*Sheriff's budget appeal to the Governor and Cabinet. If Sheriff Woodham is successful in his appeal, that money must come from general fund contingency.

\*\*Primary Health Care debt service. In 1993, the board refinanced the balance with equal annual installments of \$91,000. The 94/95 budget is set up for only \$82,000. Mr. Carter shows \$30,000 cash reserves in the budget but it is actually only \$12,000. Clerk Thomas then asked the board to make an interfund transfer from the general fund of \$30,000 so the annual payment can be made.

#### **Transportation Reserve Fund**

Mr. Thomas advised the commission of the transportation reserve money. There is \$800,000 unappropriated reserves in Transportation # 2 that is not included in the budget. The board can use the money. The unappropriated reserve in Transportation # 1 is \$500,000. This reserve is not included in the budget. If the board should decide to use the money, an advertised budget change would be necessary.

Chairman Peacock stated that everyone needed to work together on the budget, including the clerk. While he believed that the revenue projections in some areas for the 94/95 budget is high, it is not high in other areas. He suggested that the board work toward projecting the revenues to the extent that it allows enough money in the budget to provide service to the public and not just building up the reserve fund.

Commissioner Dixon stated that the county had money in the bank when it needed to be operationalized. He went on to say that the public expects the county to deliver services for their tax dollars, not bank it. The county's policy calls for 5% of operating capital to be saved and that amount to be increased to 10% in 10 years. While he supported the need for a "rainy day" reserve, it should not be saved to the extent there is not enough money for a department to operate throughout the year.

Clerk Thomas remarked that he thought it was wonderful to be able to sit at this meeting and discuss how we can spend money in the reserve account. He reminded them that only 3 years ago, the

Gadsden County Board of Commissioners  
Budget Workshop - December 13, 1994  
Page 4 of 4

county was on the verge of being broke. The reserve in the general fund dipped to a little more than \$300,000. In the years 1990 and 1991, the revenues did not come in as projected and the county had to cut back during the course of the year.

The board then made a general review of the budget figures. There was no action taken.

The chairman declared the meeting adjourned.

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James Peacock, Chairman

ATTEST:

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Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE  
BOARD OF COUNTY COMMISSIONERS,  
HELD IN AND FOR GADSDEN  
COUNTY, FLORIDA ON DECEMBER 6,  
1994, THE FOLLOWING  
PROCEEDINGS WERE HAD, VIZ.

PRESENT: JAMES PEACOCK, CHAIRMAN  
HENTZ FLETCHER, VICE-CHAIRMAN  
BILL MCGILL  
STERLING WATSON  
EDWARD J. DIXON (arrived late)  
NICHOLAS THOMAS, CLERK  
HAL RICHMOND, COUNTY ATTORNEY  
BETTY MILLER, ACTING COUNTY MANAGER

CALL TO ORDER

GADSDEN COUNTY CONSTRUCTION LICENSING BOARD

The meeting was called to order by Chairman Peacock. He convened the meeting of the Construction Industry Licensing Board.

Commissioner Fletcher led in pledging allegiance to the U.S. Flag. Commissioner Watson then opened the meeting with prayer.

Chairman Peacock introduced Mrs. Betty Miller as the new interim county manager.

The chairman presented the application of Jerone J. Ellis for a license as a Veneer Contractor.

UPON MOTION OF COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 4 - 0 TO APPROVE THE ISSUANCE OF A VENEER CONTRACTOR'S LICENSE TO JERONE J. ELLIS  
(Commissioner Dixon was not present for this vote.)

UPON MOTION OF MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER WATSON, THE CHAIRMAN DECLARED THE MEETING OF THE GADSDEN COUNTY CONSTRUCTION INDUSTRY LICENSING BOARD ADJOURNED.

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James Peacock, Chairman

ATTEST:

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Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE  
BOARD OF COUNTY COMMISSIONERS,  
HELD IN AND FOR GADSDEN  
COUNTY, FLORIDA ON DECEMBER 6,  
1994, THE FOLLOWING  
PROCEEDINGS WERE HAD, VIZ.

PRESENT: JAMES PEACOCK, CHAIRMAN  
HENTZ FLETCHER, VICE-CHAIRMAN  
BILL MCGILL  
STERLING WATSON  
EDWARD J. DIXON (arrived late)  
NICHOLAS THOMAS, CLERK  
HAL RICHMOND, COUNTY ATTORNEY  
BETTY MILLER, ACTING COUNTY MANAGER

CALL TO ORDER

Chairman Peacock called the meeting to order.

ADOPTION OF THE AGENDA

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER  
FLETCHER, THE BOARD VOTED 4 - 0 TO ADOPT THE AGENDA.  
(Commissioner Dixon was not present for this vote.)

Chairman asked that the record reflect that Commissioner  
Dixon was not present at this juncture of the meeting.

APPROVAL OF MINUTES

November 7, 1994 Special Meeting

UPON MOTION OF COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER  
MCGILL, THE BOARD VOTED 4 - 0 TO APPROVE THE MINUTES OF THE  
NOVEMBER 7, 1994 SPECIAL MEETING.

November 15, 1994 Regular Meeting

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER  
FLETCHER, THE BOARD VOTED 4 - 0 TO APPROVE THE MINUTES OF THE  
NOVEMBER 15, 1994 REGULAR MEETING.

November 22, 1994 Special Meeting

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 4 - 0 TO APPROVE THE MINUTES OF THE NOVEMBER 22, 1994 SPECIAL MEETING.

COUNTY ATTORNEY

PUBLIC HEARING - DOG ORDINANCE

Action was tabled.

Mr. Hal Richmond introduced the proposed dog ordinance. He asked them to consider amending it to add a section to exempt owners of land of twenty acres or more who keep their dogs 400 feet from their neighbors.

Mr. Richmond stated that this hearing was duly noticed and the notice of intent was published. He explained the following options:

- 1) The Board could continue the hearing and re-notice it for another date and he would formalize the exemption described above.
- 2) Take no action at all.

UPON MOTION OF COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 4 - 0 TO TABLE ANY ACTION ON THE PROPOSED DOG ORDINANCE.

Hospital Financial Condition

Mr. Richmond asked permission of the board to meet with Purvis, Gray & Company to get an interpretation of some of the information furnished by them in November concerning the status of the hospital. He asked for authority to incur the expense.

UPON MOTION OF COMMISSIONER WATSON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 0 TO GIVE MR. RICHMOND AUTHORITY TO MEET WITH PURVIS, GRAY AND COMPANY TO GET AN INTERPRETATION OF INFORMATION CONTAINED IN THEIR REPORT TO THE BOARD IN NOVEMBER.

Chattahoochee Library

Mr. Richmond was instructed to drop any litigation regarding the cost of the air-conditioner installation at the Chattahoochee Library with the City of Chattahoochee and to renegotiate the lease agreement to better define the responsibilities of the landlord and tenant.

Note: At the September 6, 1994 meeting the board voted 3 - 2 to have Mr. Richmond to send a "demand for payment" letter to the City of Chattahoochee for the reimbursement for the air conditioning unit installed in the city owned building by the county. If they did not pay within 30 days, Mr. Richmond was instructed to file necessary papers to get a judicial interpretation of the lease agreement.

Mr. Richmond reported that he has continued to talk with the City of Chattahoochee concerning the \$2,000 bill for the air conditioner. He asked for directions. He offered to negotiate a new lease which will clarify the position of both the county and the city.

Chairman Peacock stated that he would like to have the lease renegotiated.

Commissioner Watson suggested that any law suit should be dropped and a better defined lease agreement be drawn up.

Commissioner McGill stated perhaps all contracts with the other cities be examined.

**UPON MOTION OF COMMISSIONER WATSON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 3 - 1 TO DROP ANY LITIGATION CONCERNING THE \$2,000 BILL FOR THE LIBRARY AIR CONDITIONER WITH THE CITY OF CHATTAHOOCHEE AND INSTRUCTED MR. RICHMOND TO REVIEW THE LEASE AGREEMENT FOR POSSIBLE RE-NEGOTIATION OF THE TERMS OF THE LEASE. Commissioner McGill cast the lone dissenting vote. (Commissioner Dixon was not present for this vote.)**

**JAMES ROGERS - GRETNA EFFLUENT WASTE WATER PROJECT**

The events of this issue are described below for clarification, but was not described at the meeting.

**OPTION 1:ADVANCED SECONDARY TREATMENT WITH A HIGH RATE LAND APPLICATION**

Gretna's effluent waste water would be piped from the Gretna treatment plant to a trench/swale on a piece of property purchased by the City of Gretna but located in the Providence community. In addition to the approval of the project itself, the City

would require the use of the county's right-of-way to lay a 10-inch pipe.

The project was approved by the Planning and Zoning Commission unanimously and referred to the Board of County Commission for final approval.

The engineering design work is completed for this option and the Florida Department of Environmental Protection (DEP) is prepared to issue the permit.

The Board voted 3 -2 to **deny** this option on September 20, 1994.

Harold Knowles appeared before the Commission on November 1, 1994 and requested the board to reconsider both options once again in a public hearing.

On November 7, 1994, the board held a special meeting/public hearing and ultimately voted to set aside the denial of Option # 1 (September 20, 1994); grant approval of Option # 1; and to allow the use of the county's right-of-way for the effluent disposal pipe-line as requested by the City of Gretna.

**OPTION 2:ADVANCED WASTE TREATMENT WITH SURFACE WATER DISCHARGE INTO TELOGIA CREEK.**

No engineering design work has been done for this option. Permit applications have not been made to DEP or to Gadsden County Planning and Zoning Commission.

The Liberty County Commission is opposed to this option and adopted a formal resolution asking the Gadsden County Board deny this option.

The Board voted 3 -2 on October 11, 1994 to **approve** this option subject to the special condition that City of Gretna obtain a \$10,000,000 performance bond.

The City of Gretna was unable to obtain the required performance bond and subsequent conversations with DEP led them to believe that they would have difficulty getting a long term permit for this option.

Harold Knowles appeared before the Commission on November 1, 1994 and requested the board to reconsider both options once again in a public hearing.

A special meeting/public hearing was held on November 7. At that meeting the Board **rescinded its approval of Option # 2** (made on October 11, 1994) and voted to approve Option # 1.

(A verbatim account of this portion of the meeting is on file with the Clerk's office. It is not, however, made a part of the official minutes.)

Mr. James Rogers addressed the board on behalf of the people of the Providence Community concerning Gretna's effluent waste water disposal system. He opened his remarks by saying that he did not feel the public hearing held on November 7 had been adequately noticed.

Mr. Rogers then called attention to the fact that in January of 1994, the county adopted the Affordable Housing Incentive Plan which requires 30% of all existing infrastructure to be reserved for affordable housing. He questioned whether this was taken into consideration when planning the disposal system or in the board decision to approve or deny either option. Because the poverty level for Gadsden County ranges between 25 - 30 percent, the affordable housing incentives must be protected and promoted.

Mr. Rogers concluded his remarks by making a final plea to the board to again consider the options for Gretna's effluent waste water system. He then thanked the board for allowing him to speak.

Chairman Peacock made reference to a law suit which was filed by the residents of the Providence community against the county. He asked Mr. Richmond to explain the law suit.

Mr. Richmond advised that there had been a hearing by Judge Sauls but he has not ruled on the case. He issued a Summons and Incertiorari on the issues raised in the complaint. He reserved jurisdiction on the re-hearing of the complaint on the writ of prohibition to give the members of the Gretna/Providence community (only them) the right to come before the board and exhaust their administrative remedies by appealing to the board for a re-

hearing. If the re-hearing is denied, the law suit will become merged.

Mr. Knowles, attorney for the City of Gretna responded by saying his concerns were procedural matters. 1) If the matter is to be reconsidered, someone who was on the prevailing side of the issue must move to have the issue reconsidered. 2) Final agency action was taken. Such action is only appealable in Circuit Court or the District Court of Appeal. Those opposing the action of this board have filed a complaint in the Circuit Court and are awaiting Judge Saul's ruling. He closed his remarks by saying he could see no basis for the board to reconsider anything. Mr. Knowles then encouraged the members of the commission to let the law suit take its course.

Mr. Richmond reiterated that there is a law suit pending. However, the language in the summons issued by the court indicated there may be some remedies available if the board were to consider a re-hearing.

Commissioner Watson asked if he could make a motion to rescind the motion to approve Option # 1 and was informed by the attorney that he could not since he was not on the board at the time the action was taken.

Margaret Pelitier, a resident of the Providence community made a plea for the board to rescind the approval of Option # 1.

**CHAIRMAN PEACOCK CALLED FOR A MOTION TO RESCIND THE MOTION TO APPROVE OPTION # 1. THERE WAS NO MOTION MADE.**

Commissioner Fletcher asked to go on record as saying that he would have to register a conflict of interest with the Clerk if the matter should come to a vote. His attorney has advised him that he cannot participate in a vote.

Dr. Goreau began asking questions of Commissioner Fletcher without being recognized by the Chairman to speak. Chairman Peacock told Dr. Goreau to meet with him after the meeting to ask his questions. The chairman then asked him to remain quiet or he would be asked to leave.

**Public Defenders Lease Agreement**

**A new three-year lease with Barnett Bank was approved for the Public Defenders office.**

Mr. Jim Richmond presented the lease agreement proposed by Barnett Bank for the use of their second floor office space by the Public Defender's Office. It is a basic form lease used by Barnett Bank. The two options contained in the agreement pertaining to the term of the lease and the rent to be paid. The length of the lease is for three years. The option in the rent is a choice of paying as follows:

1) \$8.25 per sq. ft. for the first year (\$2,270.81 per month) ;  
\$8.50 per sq. ft. for the second year (\$2,339.62 monthly);  
\$8.75 per sq. ft. for the third year (\$2,408.44 monthly);

or

2) Pay \$8.50 average for the three years. ( \$2,339.62 per month)

Barnett Bank has offered to include in the lease an option to renew the lease for an additional three years.

The exhibits (not included with this meeting agenda packet) attached to the lease is a work letter which details the renovation to be performed in the office such as new carpeting, new locks etc.

Chairman Peacock stated that he could approve the lease and suggested that the board select the \$8.25/\$8.50/\$8.75 option with an additional three year option. He then asked for board action.

Questions from the board followed.

Mr. Jim Richmond stated that if the county should break the lease within the three years, the county would still be responsible for all rent called for under the lease agreement unless the landlord defaulted in some manner. Additionally the county would be responsible for some of the unamortized costs of the improvements. If the space is rented for the full three years, there would be no costs involved for the improvements.

**UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 4 - 0 TO APPROVE THE LEASE WITH BARNETT BANK WITH THE \$8.25/\$8.50/\$8.75 PER SQUARE FOOT FOR THREE YEARS AND AN OPTION TO RENEW THE LEASE AT THE END OF THREE YEARS FOR AN ADDITIONAL THREE YEARS.**

**Contract with the Acting County Manager**

**This issue was passed for the next regular meeting on December 20, 1994.**

**Proposed Settlement on the Former County Manager's Contract Tape # 1; 410**

Mr. Richmond reported that he had met with Mr. James Carter to discuss the things he was entitled to under the terms of his employment contract with Gadsden County. There are some arguable issues in the contract. There is a proposed settlement offered which would resolve all issues between Gadsden County and the former county manager. It would be in the form of a lump sum payment in full settlement for \$20,000 plus the annuity payment and the accumulated annual leave. (The annual leave is to be paid in the same manner as the previous county manager upon his termination.) He asked for directions from the board and requested a draft for payment to settle the matter.

Chairman Peacock stated that two meetings with Mr. Carter were held. Mrs. Miller, Mr. Lawson and himself had witnessed the settlement negotiations. By settling with the lump sum payment, the county would save \$23,000 - \$25,000. He urged the board to accept the settlement.

Commissioner McGill asked if Mr. Carter was present. He was not. Chairman Peacock and Mr. Richmond assured Commissioner McGill that he was aware that the matter would be discussed at this meeting.

**A MOTION WAS MADE BY COMMISSIONER WATSON AND SECONDED BY COMMISSIONER MCGILL, TO ACCEPT THE SETTLEMENT AGREEMENT BETWEEN GADSDEN COUNTY AND MR. JAMES CARTER IN A LUMP SUM PAYMENT OF \$20,000 PLUS THE ACCUMULATED ANNUAL LEAVE AND ANNUITY.**

Questions were entertained.

Dr. Ted Goreau asked how the county would save \$23,000.

Commissioner Peacock explained that the severance pay to be paid under the contract agreement amounted to \$27,288 plus 120 annual leave for the new contract and the 64 hours of accrued annual leave plus the annuity costs. (The annuity and retirement costs for six months amounted to more than \$8,000.) If the contract were to be paid as it is stated, the county would pay a total of \$47,100+.

Mr. Richmond explained that this is a lump sum payment in settlement of contemplated law suit. There is no responsibility on the county for FICA. In doing a risk analysis (from a law suit standpoint), there is a statute in Florida that under employment contracts, if the plaintiff wins \$1.00 over what the county says we should pay him, the county would be responsible for his attorney fees in total.

Commissioner Watson stated that he believed that the contract was legal and he was not interested in contesting the contract.

Questions were called by Commissioner McGill.

**THE BOARD VOTED 4 - 0 TO APPROVE THE SETTLEMENT AGREEMENT WITH FORMER COUNTY MANAGER, JAMES CARTER.**

**\*\*\*NON AGENDA ITEM\*\*\* New Fire Assessment Law Suit - St. Joe Land Company**

Mr. Richmond informed the commissioners that a new law suit has been filed against the county by St. Joe Paper Company on the fire assessment for 1994. He explained that it is the same law suit as filed in 1992 and 1993.

A trial was held on the 1992 Suit in November. Judge Sauls still has not rendered a ruling in the case.

(Commissioner Dixon arrived at this juncture of the meeting.)

Mr. Richmond asked for directions stating that he had until December 27 to file an answer.

**UPON MOTION OF COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0 TO TABLE ANY ACTIONS ON THE ST. JOE LAW SUIT UNTIL DECEMBER 20, 1994.**

**HRS DISTRICT 2 HEALTH AND HUMAN SERVICES BOARD**

Mr. Robert Bryant, Chairman of the Health & Human Services Board for HRS District 2 and Dr. John Awad District Administrator made a presentation regarding the activities of the District 2 Board during the past year. (Annual Report Attached) Mr. Alexander and Mr. Jerry Wynn were also present.

**PLANNING AND ZONING** Tape # 1; 2810

**The proposed amendments to the comprehensive plan were tabled for further review.**

Mr. Mike Sherman presented the proposed policy amendments to the housing element, future land use element and the traffic circulation element to the comprehensive plan. (Attached) He explained that these amendments were first brought to the board on November 15, 1994 and they were tabled until this meeting.

**UPON MOTION OF COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0 TO TABLE DISCUSSION OF THE AMENDMENTS TO THE COMPREHENSIVE PLAN UNTIL DECEMBER 20, 1994.**

#### **Planning Commissioner Appointments**

**Robert Lewis was appointed to the Planning and Zoning Commission.**

Mr. Sherman reminded the commissioners that the Planning and Zoning ordinance requires each of them to appoint new Planning and Zoning Commissioners.

Commissioner Peacock appointed Mr. Robert Lewis to replace Mrs. Bonnie Holt.

**UPON MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0 TO APPOINT MR. ROBERT LEWIS TO THE PLANNING AND ZONING COMMISSION.**

#### **GRETNNA'S EFFLUENT WASTE WATER DISPOSAL SYSTEM**

Mr. James Rogers spoke on behalf of the Providence community regarding the issue of Gretna's effluent waste water disposal system. This portion of the meeting has been transcribed verbatim.

#### **PROPERTY APPRAISER'S BUDGET**

Mrs. Marsha King was present to answer questions from the board regarding the property appraiser's budget amendment.

**UPON MOTION OF COMMISSIONER WATSON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0 TO APPROVE THE BUDGET AMENDMENT FOR THE PROPERTY APPRAISERS 94/95 BUDGET.**

**UNITED STATES DEPARTMENT OF AGRICULTURE SOIL CONSERVATION SERVICE**

**Cooperative Agreement for Soil Conservation Projects Resulting from Tropical Storm Beryl**

Mrs. Miller explained there are seven county roads which sustained soil erosion damages resulting from Tropical Storm Beryl. The Soil Conservation Service has identified these sites as Emergency Watershed Protection Projects and will pay a 75% of the \$81,500 repair costs. The county must match the funding with 25% of the costs but the match can be in-kind services.

Soil Conservation Service has requested the county to execute the agreements so they can proceed with the projects.

UPON MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0 TO APPROVE THE COOPERATIVE AGREEMENT WITH THE SOIL CONSERVATION SERVICE FOR THE SEVEN EMERGENCY WATERSHED PROTECTION PROJECTS RESULTING FROM FLOODS ASSOCIATED WITH TROPICAL STORM BERYL. TO WIT:

- 1) Lanier Road
- 2) Sheline Road, Lake Yvette
- 3) Fl/GA Road
- 4) Merritt Lane
- 5) Kitrell Road
- 6) High Bluff Lane
- 7) Friday Road # 2

**BILL ADAMS - BISHOP ENGINEERING**

The Board voted to approve repairing CR 379 (to replace it as it was) as soon as possible, continue studies for future recommendation on 157-A and wait for further instructions on repairing Barrineau Road.

Mr. Adams gave the board a report on the three major roads in the county which are washed out. CR 157-A; CR 379; & Barrineau Road.

Preliminary analysis on the roads show that all three of them drain extremely large areas. (from 6,000 acres to 17,000 acres)

Options for replacing them:

Emergency permitting: Repair the road exactly as it was prior to damage. The permitting goes rather quickly - it could be obtained within 30 days. If the work is done in-house, the cost will be less but it will require more time. He estimated 90 - 120 days to get a culvert delivered. Completion of the culvert replacement would take 3 - 5 months. Total Costs: \$120,000 - \$150,000.

Upgrade with bridges or larger culverts: Takes a longer permitting time because you must change the flow of the creek, changing the environmental aspects. The permitting would be longer (60 - 90 days). Bridges are more expensive than a culvert. Wooden Bridge Costs would be \$175,000 minimum. Steel Bridges - \$225,000; Concrete Bridges \$250,000 - \$300,000. Rental Bridges - cost prohibitive and none available. Used bridge sections. Older load rating - H-15 for single axle truck. These bridges would not sustain log truck and heavy hauling standards. Weight limits would have to be established.

Barrineau Road is slag road in good condition and does not get much traffic. This project could be left until last.

Time and money are the two big factors. A workshop could prove to be beneficial to the engineers and to the board.

Commissioner Watson asked if the permitting process could be started on any of the projects.

Mr. Adams responded by saying he could begin the permitting process if the board decided to go with the replacement in kind and directed him to proceed.

Chairman Peacock recognized Ms. Celee Brown who told the board of a damaged road near her home.

Commissioner Dixon suggested that the board look to Soil Conservation Service for funding and to the state for funding.

Mrs. Jean Edwards called attention to the west end of Federal Road. She said the road is sinking and is dangerous.

Commissioner Fletcher indicated that the pipe line is at fault and the company should be made to fix it.

Mr. Adams stated the CR 379 is the smallest drainage area and it should pass the water using large culverts. He recommended that it go back as it was with culverts with more wall protection.

Barrineau Road should never have been culverts. There is too much water. It needs to be placed last.

Mr. Adams indicated that he needed to do more work before making a recommendation on 159.

Mr. Campbell, Public Works Director, asked the board to consider establishing a professional services contract with Bishop Engineers that would allow the departments the freedom to request proposals from them and then come to the board for authorization to get work done.

Mr. Richmond questioned the ability for the board to establish such a contract. He advised the board that a contract of that nature would have to go through the bid process.

**COMMISSIONER WATSON MADE A MOTION TO BEGIN THE WORK ON CR 379 (TO REPLACE IT AS IT WAS) AS SOON AS POSSIBLE, CONTINUE STUDIES FOR FUTURE RECOMMENDATION FOR REPAIR TO 157-A, DELAY REPAIR BARRINEAU ROAD UNTIL LATER, AND INSTRUCT MR. CAMPBELL TO PROVIDE THE BOARD WITH AN ASSESSMENT OF ALL NEEDED ROAD REPAIRS AS SOON AS POSSIBLE. THE MOTION WAS SECONDED BY COMMISSIONER DIXON.**

Chairman Peacock called for public input.

Mr. Barrineau was recognized for comments. He indicated that he did not oppose Barrineau Road being last for repair but he requested that it not be abandoned. He reminded them that it is a school bus route.

The board assured Mr. Barrineau that it would be repaired after a determination is made about how it should be repaired.

There were no other public comments.

**QUESTIONS WERE CALLED BY COMMISSIONER MCGILL.**

**THE BOARD VOTED 5 - 0 TO APPROVE THE MOTION.**

**FIRE ASSESSMENT EXEMPTIONS** Tape # 2; 333

Commissioner Watson asked the board to consider exempting non-profit organizations and churches from the tax assessment.

**COMMISSIONER FLETCHER MADE A MOTION TO AMEND THE FIRE ASSESSMENT ORDINANCE TO PROVIDE FOR THE EXEMPTION OF CHURCHES AND NON-PROFIT ORGANIZATIONS FROM THE FIRE ASSESSMENT.**

**Discussion followed.**

Commissioner McGill was in favor of exempting churches but not for exempting non-profit organizations.

Commissioner Watson stated he had conferred with Sara Bleakley. In order to avoid any law suites, she recommended that the board exempt the assessment for all non-profit organizations as opposed to just churches.

After conversation with Mr. Summerford, Tax Collector, budget will not be impacted a great deal. The assessment exemption on the churches amounts to \$19,000 and the non-profit exemption would amount to \$5,000.

**QUESTIONS WERE CALLED BY COMMISSIONER DIXON.**

Mr. Richmond asked to clarify the question: This is a request for a notice of intent to amend the fire assessment ordinance to provide for an exemption for non-profit organizations.

**THE BOARD VOTED 5 - 0 IN FAVOR OF EXEMPTING CHURCHES AND NON-PROFIT ORGANIZATIONS FROM THE FIRE ASSESSMENT AND TO PUBLISH A NOTICE OF INTENT TO AMEND THE FIRE ASSESSMENT ORDINANCE TO PROVIDE FOR THE EXEMPTION.**

**ACTING COUNTY MANAGER**

**Florida Sesquicentennial**

Mrs. Betty Miller called attention to a letter from the Secretary of State requesting the county to appoint members to serve on the Sesquicentennial Co-ordinating Committee who will plan events for Gadsden County in celebration of the 150th anniversary of Florida's statehood.

Commissioner Watson appointed Terrrence Massey. Commissioner Dixon appointed Muriel Straughn. There were not other appointments.

Mrs. Miller asked the commissioners to make their appointments known to her as soon as possible by telephone.

**Invoice from Nabors, Giblin & Nickerson** (Attached)

Mrs. Miller asked the board to approve the payment of an invoice from Nabors, Giblin & Nickerson totaling \$9,874.24. It is for services rendered in defending the County in the St. Joe Land Company Law suit. (Board policy allows for the county manager to approve invoices less than \$10,000 for payment but Mrs. Miller asked for board approval.)

Clerk Thomas asked that the board approve payment of this invoice from the general fund rather than the fire assessment fund. He added that when the judge rules on the St. Joe law suit, he will file for a declaratory judgement to determine if legal expenses are a proper expenditure from the fire assessment fund. Once that determination is made, the general fund can be reimbursed from the fire assessment fund.

**MOTION WAS MADE BY COMMISSIONER MCGILL AND SECONDED BY COMMISSIONER FLETCHER TO APPROVE THE PAYMENT OF THE INVOICE FROM NABORS, GIBLIN & NICKERSON IN THE AMOUNT \$9,874.24 FROM THE GENERAL FUND.**

**DISCUSSION FROM THE BOARD FOLLOWED.**

Commissioner Fletcher remarked that he would be glad to reach the point when the board will no longer have this expense.

Commissioner Watson spoke briefly to outline what he would like to see happen with the fire assessment. It was as follows:

- 1) exempt agricultural property and vacant property on the next assessment roll.
- 2) maintain the assessment of homes
- 3) set a commercial rate for building.

- 4) Renew the local option sales tax when it expires as an income source for fire protection
- 5) eliminate the MSBU and return to the county's original tax structure.

Commissioner Watson then invited the public to call him about that issue.

**QUESTIONS WERE CALLED BY COMMISSIONER FLETCHER.**

**THE BOARD VOTED 5 - 0 TO APPROVE THE MOTION.**

**EXTENSION OF 1994 ANNUAL LEAVE DEADLINE**

The current personnel policy of Gadsden County mandates that employees will lose all accumulated leave time in excess of 240 hours on December 31 each year.

There are 16 employees in the Public Works Department who have more than 240 hours accumulated.

Mr. Clayton Campbell, Public Works Director, appeared before the board to request an extension of that deadline until June, 1995 for this one time only. The 1994 tropical storm damages made it impossible for those employees to take annual leave. If annual leave requests are granted, the work force would be reduced by 50% until the end of the year. Additionally, a loss of their leave time would greatly reduce the moral of the employees.

**UPON MOTION OF COMMISSIONER FLETCHER, SECOND BY COMMISSIONER DIXON AND DISCUSSION, THE BOARD VOTED 5 - 0 TO APPROVE EXTENDING THE ANNUAL LEAVE DEADLINE UNTIL JUNE, 1995 FOR THE PUBLIC WORKS DEPARTMENT FOR THIS ONE TIME ONLY.**

**Travel Policy**

On October 18, 1994, the board voted to amend the travel policy to provide authorization for the county manager to travel provided he/she submits a memorandum no less than 5 days in advance informing the Board of the proposed travel dates and who will be acting manager in his/her absence.

Mrs. Miller presented the board with a copy of the revised travel policy which also reflects changes in the increase of personal mileage to .25 per mile. (FL Statutes 112.06)

**A MOTION WAS MADE BY COMMISSIONER DIXON AND SECONDED BY COMMISSIONER MCGILL TO APPROVE THE AMENDED TRAVEL POLICY.**

**DISCUSSION FOLLOWED.**

Commissioner Watson questioned the policy stating that he could not approve of a policy which allows the county manager to travel without prior approval of the board. Neither could he approve of the section which states that one commissioner could borrow from another commissioner's travel budget when his/hers is depleted. He suggested that when a commissioner depletes his travel budget, he should come before the commission for approval of that travel.

**COMMISSIONER DIXON AGREED TO AMEND HIS MOTION TO READ:**  
**"...When there is a need for the County Manager to travel, prior approval must be granted by the five commissioners in regular or special session." HE FURTHER AMENDED HIS MOTION TO INCLUDE AN AMENDMENT TO COMMISSIONERS TRAVEL POLICY BY DELETING SECTION B; PARAGRAPH 2 WHICH READS: "Once a commissioner's budget is depleted, he/she can "borrow" from another commissioner who has reserves in his/her budget."**  
**THE MOTION ALSO WAS AMENDED TO INCREASE THE MILLAGE ALLOWANCE FOR USE OF PERSONAL VEHICLE FROM 20 CENTS PER MILE TO 25 CENTS PER MILE.**

**COMMISSIONER MCGILL SECONDED THE AMENDMENT TO THE MOTION.**

**THE BOARD VOTED 5 - 0 TO APPROVE THE MOTION.**

**Request to Fill Vacant Positions**

Mrs. Miller explained the list of staff positions included in the FY 94/95 budget to wit:

- 1)Office Assistant - pending
- 2)Budget Coordinator - pending
- 3)Human Services Coordinator - position is filled - it is not a new position.
- 4)Permit Clerk in Building Inspection Office - OPS worker hired full time - justified by increased work load.
- 5)Code Enforcement Coordinator - budgeted but vacant
- 6)Veteran Services Officer - not new - filled and budgeted

- 7) 2 Heavy Equipment Operators - deleted
- 8) Community Development Co-ordinator - new title only  
position is filled
- 9) Housing Rehabilitation Specialist - new position to come from  
the general fund.

Mrs. Rosemary Banks explained why the housing rehabilitation specialist is needed.

Mrs. Miller asked for permission to fill the two positions that remain open - the housing rehabilitation specialist and the code enforcement co-ordinator in the building inspection office.

Chairman Peacock supported Mrs. Miller's request for the two positions.

Commissioner Watson voiced several concerns about the 94/95 budget. He spoke specifically about the use of reserve funds to balance the budget, the roll back of the millage rate, and increased expenses. He went on to say he could not support approval of the new positions in light of his concerns.

Chairman Peacock stated that he believed the revenue projections to be high, but the projections have been too low in the past. He went onto say that he was reasonably comfortable with them.

Commissioner Dixon explained that even with the roll back of the millage rate, the revenue generated for the general fund remained constant.

Chairman Peacock asked the board to conduct a budget workshop to explore the concerns expressed by the new commissioners.

**A MOTION WAS MADE BY COMMISSIONER DIXON AND SECONDED BY COMMISSIONER MCGILL TO APPROVE THE TWO POSITIONS AS REQUESTED BY THE ACTING COUNTY MANAGER.**

**DISCUSSION FOLLOWED.**

**Mr. Harvey Sweeney** was recognized for comments.

**Unidentified audience member.**

**QUESTIONS WERE CALLED.**

THE BOARD VOTED 4 - 1 TO APPROVE THE TWO NEW POSITIONS.  
COMMISSIONER WATSON CASTING THE LONE DISSENTING VOTE.

CONSENT AGENDA Tape # 3; 180

UPON MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER  
FLETCHER, THE BOARD VOTED 5 - 0 TO APPROVE THE CONSENT AGENDA  
TO WIT:

- 1) Bond for Commissioner Hentz Fletcher (attached)
- 2) Addition to State Farmer's Market Lease (attached)
- 3) SHIP Committee Meeting Minutes

CLERK OF COURT

Response to Request for Budget Analysis (Attached)

Clerk Thomas asked to reserve his comments until the budget workshop.

Chairman Peacock announced the budget workshop for Monday, December 13, 1994 at 5:30 p.m.

Quincy State Bank Resolution and Signature Card (attached)

UPON MOTION OF COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER  
MCGILL, THE BOARD VOTED 5 - 0 TO ADOPT THE BANK RESOLUTION  
AND AUTHORIZE CHAIRMAN PEACOCK'S SIGNATURE ON THE CHECKING  
ACCOUNT.

BUDGET AMENDMENTS

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER  
WATSON, THE BOARD VOTED 5 - 0 TO APPROVE THE BUDGET  
AMENDMENTS TO WIT:

- 1) General Fund - 95-12-06-01
- 2) Co. Transportation 95-12-06-02
- 3) General Fund 95-12-06-03
- 4) Waste Services 95-12-06-04
- 5) Grants - Historical 95-12-06-05
- 6) Grants Childcare 95-12-06-06
- 7) Grants - Haz. Mat. 95-12-06-07
- 8) EMS 95-12-06-08

- 9) General 95-12-06-09
- 10) Co. Trans. # 195-12-06-10
- 11) Grants EMA95-12-06-11
- 12) Grants EMA95-12-06-12
- 13) EMS95-12-06-13
- 14) Library 95-12-06-14

**Approval of Payment of Bills**

UPON MOTION OF COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0 TO APPROVE THE PAYMENT OF THE COUNTY BILLS.

**DISTRICT 1 REPORT**

Commissioner McGill had no report.

**DISTRICT 2 REPORT**

Commissioner Watson had no report.

**DISTRICT 3 REPORT**

Chairman Peacock passed out the committee assignments for the board members for 1994/95. He also reminded the commissioners of the commissioners orientation on December 14 from 1:00 - 5:00 p.m and again on December 16, from 1:00 p.m. - 5:00 p.m. at the Agriculture Center.

**DISTRICT 4 REPORT**

Commissioner Fletcher asked if the regular commission meetings could be moved to 5:30 rather than 6:00 p.m. No decision was reached.

**DISTRICT 5 REPORT**

Commissioner Dixon asked that the public works department to do some work in District 5. His remarks were directed to Mr. Campbell, the new Public Works Director.

Chairman Peacock asked that all calls for services from the Public Works Department be directed to Mr. Campbell directly and not to the county manager's office.

**UPON MOTION BY COMMISSIONER FLETCHER THE CHAIRMAN DECLARED THE MEETING ADJOURNED.**

James Peacock, Chairman

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**ATTEST:**

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Nicholas Thomas, Clerk

AT A BUDGET WORKSHOP OF THE  
BOARD OF COUNTY COMMISSIONERS  
HELD IN AND FOR GADSDEN COUNTY  
ON DECEMBER 13, 1994, THE  
FOLLOWING PROCEEDINGS WERE  
HAD, VIZ.

PRESENT: JAMES PEACOCK, CHAIRMAN  
E. HENTZ FLETCHER, VICE-CHAIRMAN  
BILL MCGILL  
STERLING WATSON  
EDWARD J. DIXON  
NICHOLAS THOMAS, CLERK  
MRS. BETTY F. MILLER, INTERIM COUNTY MANAGER

CALL TO ORDER

Chairman Peacock called the meeting to order. Commissioner McGill led in pledging allegiance to the U.S. Flag and Chairman Peacock opened the meeting with a prayer.

BUDGET ISSUES

Chairman Peacock stated the purpose of the meeting was to go over the budget for 1994/95. The chairman then turned to Clerk Thomas to give them his analysis of the budget.

Clerk Thomas stated clearly that he was not making any wholesale recommendations regarding the budget. He emphasized that he was asked by board members to make an analysis of the budget. With that explanation he went on to say that the county could survive one or two years with this type of budget. But if this budget sets a trend for future budgets, it would soon erode the county's financial security.

The clerk then expressed concern about spending almost \$600,000 of the reserve in order to balance the 94/95 budget - leaving the reserve balance considerably smaller. During the first quarter of any new year, the ad valorem tax collections are slow to come in. During that quarter, money is very tight and sometimes the county has to use money from the reserves to meet the financial obligations of the county. The unused reserve money is invested in interest bearing accounts.

Commissioner Watson asked the other board members to explain what their thoughts were when they approved a budget using \$600,000 of the savings account (reserve fund). He asked what the long range plans were when they approved the budget for a level of spending that would not go away at the end of the year.

Commissioner McGill responded by saying that just because they used \$600,000 of the reserves in this budget does not mean that amount would be needed in the following years. He did not perceive that there would be a continuing use of \$600,000 of reserve money.

Commissioner Watson asked the other members to show him where the \$600,000 was used in the budget. He further asked them to show him that there would not be re-occurring expenses using that reserve money.

Mrs. Miller verified that the budget provides for 2.25 new positions that would be recurring expenses.

Commissioner Dixon stated that it was the intention of the board to operationalize the money rather than bank it. The reserve for contingency was increased from \$110,000 to \$400,000. The money (\$600,000) is not gone. It was placed into different funds so that it can be operationalized if necessary.

Commissioner Watson countered that the revenue projections were maxed out in the budget in addition to \$600,000 of the reserve. He voiced concerns about the elevated EMS revenue projections - \$140,000 increase in revenue when history shows a traditional \$30,000 yearly increase.

Commissioner Dixon remarked that Clerk Thomas had fought the budget process every step of the way and he was not surprised to learn that the clerk had concerns about the budget.

Clerk Thomas stated that he was not at the meeting to fight. He explained that he was asked to make an analysis and his remarks were made in response to that request. He explained that the budget belongs to the board and they can do anything with it they choose to. They can also appoint anyone of their choice to prepare the budget. He stated that he respected the board's decision to appoint their own budget officer. If any of the commissioners have concerns about him being involved in the budget process, this meeting would be an appropriate forum to express them.

Commissioner Dixon suggested that the workshop should address specific problems.

Clerk Thomas expressed his other concerns as follows:

\*\*EMS revenue projections are too high but he suggested that no adjustments be made to the budget at this point. There is a possibility of grant funding that could possibly offset the high revenue projections.

\*\*Sheriff's budget appeal to the Governor and Cabinet. If Sheriff Woodham is successful in his appeal, that money must come from general fund contingency.

\*\*Primary Health Care debt service. In 1993, the board refinanced the balance with equal annual installments of \$91,000. The 94/95 budget is set up for only \$82,000. Mr. Carter shows \$30,000 cash reserves in the budget but it is actually only \$12,000. Clerk Thomas then asked the board to make an interfund transfer from the general fund of \$30,000 so the annual payment can be made.

#### **Transportation Reserve Fund**

Mr. Thomas advised the commission of the transportation reserve money. There is \$800,000 unappropriated reserves in Transportation # 2 that is not included in the budget. The board can use the money. The unappropriated reserve in Transportation # 1 is \$500,000. This reserve is not included in the budget. If the board should decide to use the money, an advertised budget change would be necessary.

Chairman Peacock stated that everyone needed to work together on the budget, including the clerk. While he believed that the revenue projections in some areas for the 94/95 budget is high, it is not high in other areas. He suggested that the board work toward projecting the revenues to the extent that it allows enough money in the budget to provide service to the public and not just building up the reserve fund.

Commissioner Dixon stated that the county had money in the bank when it needed to be operationalized. He went on to say that the public expects the county to deliver services for their tax dollars, not bank it. The county's policy calls for 5% of operating capital to be saved and that amount to be increased to 10% in 10 years. While he supported the need for a "rainy day" reserve, it should not be saved to the extent there is not enough money for a department to operate throughout the year.

Clerk Thomas remarked that he thought it was wonderful to be able to sit at this meeting and discuss how we can spend money in the reserve account. He reminded them that only 3 years ago, the

Gadsden County Board of Commissioners  
Budget Workshop - December 13, 1994  
Page 4 of 4

county was on the verge of being broke. The reserve in the general fund dipped to a little more than \$300,000. In the years 1990 and 1991, the revenues did not come in as projected and the county had to cut back during the course of the year.

The board then made a general review of the budget figures. There was no action taken.

The chairman declared the meeting adjourned.

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James Peacock, Chairman

ATTEST:

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Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE BOARD  
OF COUNTY COMMISSIONERS, HELD IN  
AND FOR GADSDEN COUNTY, FLORIDA ON  
OCTOBER 18, 1994, THE FOLLOWING  
PROCEEDINGS WERE HAD, VIZ.

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

CALL TO ORDER

Chairman Dixon called the meeting to order. Commissioner Davis led in pledging allegiance to the U. S. Flag and Commissioner Peacock opened the meeting with a prayer.

ADOPTION OF THE AGENDA Attached

County Manager Carter asked to amend the agenda to include in the consent agenda the certification of the grant award from the Department of Community Affairs.

He also asked to amend the County Manager's agenda to include a request to advertise a request for proposal (RFP) for restoring the store front facades on Jefferson Street.

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO APPROVE THE AGENDA AS AMENDED ABOVE TO INCLUDE THE CERTIFICATION OF THE DCA SUBGRANT AWARD AND REQUEST TO ADVERTISE RFP FOR RESTORING THE FACADE TO THE COUNTY OWNED STORE FRONTS ON JEFFERSON STREET.

DALE SUMMERFORD, TAX COLLECTOR - Return of Excess Fees for FY 93/94

Tax Collector Dale Summerford appeared before the board to explain how his office is budgeted - with fees and commissions paid to him by the various agencies for whom he collects money. At the end of FY 1993/94, his office had collected \$37,729.68 over and above his operating budget for the year. He presented Clerk Thomas with a check in that amount to be returned to the county.

FRED JOHNSON - SOIL CONSERVATION SERVICE

Fred Johnson was present to update the board of the measures being taken on the Watershed Protection Projects by U.S.

Department of Agriculture, Soil Conservation Service. The amount to be provided to Gadsden County is \$321,500.00. The county will be expected to match this with 25% funds - \$80,375.00. (Mr. Johnson added that efforts are being made get the 25% from the FL Department of Community Affairs.) This money is to be used for stabilizing the county roads which had erosion damages as a result of Tropical Storm Alberto. He explained that 13 sites have been identified and specific amounts will be made available for each site.

**COUNTY ATTORNEY** (Ordinance attached)

County Attorney Hal Richmond told the board that a public hearing had been advertised for this meeting for the purpose of adopting the mediation ordinance. The ordinance was suggested by the State Court Administrator's office and has been adopted by most of the surrounding counties. The purpose of the ordinance is to provide funding for mediation services in the county, circuit and family courts. It calls for additional filing fees to be imposed on all civil cases filed within the county.

Chairman Dixon called for public input.

Discussion followed.

Mr. Richmond read the ordinance by title into the record.

**UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO ADOPT THE MEDIATION ORDINANCE.**

**Proposed Animal-Noise Ordinance Review and Authorization for Publication** (Ordinance attached)

Mr. Richmond explained that the judges and law enforcement people have received so many complaints about barking dogs, that it has become necessary for the board to take measures to protect those who are adversely affected by this type of nuisance. He offered a example of such an ordinance for the board's consideration and review.

Discussion followed.

Mr. Richmond asked the board to give him the authority to advertise and publish a notice of intent to adopt the proposed ordinance.

**UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO AUTHORIZE THE COUNTY ATTORNEY TO PUBLISH AND ADVERTISE A NOTICE OF INTENT TO**

**ADOPT AN ORDINANCE PROHIBITING PUBLIC NUISANCE FROM NOISE BY ANIMALS, DOGS, OR BIRDS.**

Mr. Richmond concluded his remarks by saying he would advertise a public hearing for December 6, 1994.

**ECONOMIC DEVELOPMENT** (Memo attached)

Mr. Rick McCaskill, Executive Director of Chamber of Commerce spoke briefly to the board regarding the chamber's activities in relationship to Gadsden County's economic development.

When questioned about the status of the Flying J Truck Stop, Mr. McCaskill reported that they were progressing through the normal permitting phases at this time. He could not give them any specific information about when they expect to begin construction.

**CODE ENFORCEMENT ISSUES** (Memo attached)

**Bryant Nuisance**

On August 16, 1994, the board ordered the trash, debris and junked items to be removed from the property of Mr. Isaac Bryant. Staff observed the same conditions on October 6, 1994 as was in place on August 8, 1994. The requirements of the code enforcement board have not been fulfilled.

Mr. Sherman reported that he has talked with Mr. Bryant in person and has been informed of the code enforcement board actions. Mr. Bryant was mailed notice by certified mail but the letter was returned unclaimed.

Staff recommended that the case be turned over to the attorney for civil court enforcement.

**UPON MOTION OF COMMISSIONER DAVIS AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO PROCEED WITH CIVIL COURT ENFORCEMENT.**

Mr. Sherman was instructed to contact Mr. Bryant before pursuing the code enforcement - perhaps by having the letter served by the sheriff's office.

**Jackson Nuisance**

The County Commission was advised on September 20, 1994 of the Jackson nuisance and a hearing date was set for October 18, 1994. Mr. Willie Jackson, the property owner, was subsequently notified of the hearing with a certified letter. (junk, tires,

inoperative vehicles and a hogpen)

Staff observed minimal improvement on the site on October 6, 1994.

Mr. Sherman asked for board's direction.

Mr. Jackson was not present.

**UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 5 - 0 TO SEND ANOTHER LETTER GIVING MR. JACKSON 30 DAYS TO ABATE THE NUISANCE. IF HE DOES NOT COMPLY WITH 30 DAYS, MR. SHERMAN WAS INSTRUCTED TO PROCEED WITH CIVIL COURT ENFORCEMENT PROCEEDINGS.**

**PLANNING AND ZONING PROJECTS** (Memo attached)

**Magic Skillet - Project # 94PZ - 23-201-2-10**

The Magic Skillet proposes to add a mobile home behind the restaurant as an accessory building to be used for security and storage purposes. The restaurant is located on the west side of US 27, .25 miles north of Havana, and consists of 1.06 acres. The applicant is Ms. Malinda Griffith, Rt. 4 Box 2540, Havana, FL 32333. The property owner is Mr. Billy Register, Rt. 2 Box 130, Havana, FL 32333.

Chairman Dixon called for public comments. (Ms. Griffith was in the audience but did not wish to speak.)

**UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO APPROVE THE MAGIC SKILLET PROJECT SUBJECT TO THE CONDITIONS AS OUTLINED BY THE P & Z STAFF IN THE ATTACHED MEMO.**

**Alapaha (Atlantic) Tomato Growers Variance Project #94PZ-3-207-4-3**

Atlantic Tomato Growers is seeking a variance to allow delivery trucks to utilize an alternate route to avoid the Bostick Road-US 90 intersection. The property consists of 31 acres. The applicant and property owner is Atlantic Tomato Growers Assoc., Rt. 1 Box 20-A, Jennings, FL 32053. The applicant's representatives are Mr. Gil Autry, Jr. of the same address and Mr. Will Slone, P.O. Box 1506, Valdosta, Ga. 31603.

The concerns of the board centered around the speed limit in the area, the number of trips per day made by the trucks, routing

signs, lack of sidewalks and the children in the area.

Mr. Autry was present and answered questions of the board members. He told the board that the only trucks coming in and out of the area would be company owned trucks driven by their employees. He indicated that his drivers have been cautioned to voluntarily reduce speed in the vicinity. He also advised the board that Atlantic will monitor the speed and the drivers to make sure they comply with whatever speed the board deems appropriate.

Discussion followed.

**UPON MOTION BY COMMISSIONER DAVIS AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO APPROVE THE VARIANCE TO ALLOW FOR ATLANTIC TRUCKS RE-ROUTING UNTIL THE NECESSARY IMPROVEMENTS HAVE BEEN MADE TO THE US 90-BOSTICK ROAD INTERSECTION. THIS MOTION IS CONTINGENT UPON THE APPROVAL OF THE CITY OF QUINCY. ALSO AS A PART OF THIS MOTION, THE P & Z STAFF SHOULD DETERMINE AND POST AN APPROPRIATE SPEED LIMIT AND ROUTING SIGNS TO INSURE SAFETY AT THE SITE.**

**Talquin Corners - Project 94PZ-14-209-5-6**

Mr. Sherman advised the board that this project warrants further calculations and requested that the board remand this project back to the P & Z Commission for evaluation before coming before the county commission for approval.

It was the consensus of the board to remand the project to P & Z Commission for their review.

**COUNTY MANAGER**

**New Commissioners' Orientation** (Schedule Attached)

Mr. Carter submitted an agenda for the new commissioners' orientation tentatively scheduled for November 22, 1994. It will begin at 9:00 a.m.

Mr. Carter has informed all department heads of this event and requested them to make brief presentations of their departments to the new commissioners on that day.

**County Jail**

Mr. Carter advised the board of a letter written to him by Sheriff Woodham regarding substantial damages to the jail resulting from the flooding experienced from recent tropical storms and subsequent heavy rainfalls. The damage is extensive

and presents security and safety problems as well as health and sanitation hazards.

Mr. Carter asked for direction from the board on how to proceed.

Chairman Dixon called on Mr. Bill Bridges, an architect in the audience, for advice.

Mr. Bridges suggested they contact the architect who designed the building to get pertinent information then report back to the board. The board could then make a decision about a direction in which to proceed.

Chairman Dixon suggested that they get the Department of Corrections final inspection report and compare to the architects specifications when they meet to discuss the matter again.

There was some discussion as to whether a performance bond was secured when the jail was built. It was concluded that there was no performance bond required because they had a contractor overseeing the project in the interest of the county. (J. Kinson Cook)

The consensus of the board was to instruct the county manager to get in touch with the architect who designed the building, make some preliminary evaluations and report back to the board before further actions are taken.

#### **Roads - Ranch Road**

Mr. Carter reported that he has received estimates from Bishop Engineering as to the cost of repairing erosion damages to Ranch Road. Since that estimate was received, more damage has occurred. He recommended to the board that the county adhere to the assessment of the erosion problem as outline by Bill Adams of Bishop Engineering. (estimate and scope of work attached)

**UPON MOTION BY COMMISSIONER POWELL AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO APPROVE REPAIR TO RANCH ROAD PER THE COUNTY MANAGER'S RECOMMENDATION. THE WORK SHOULD BEGIN AS SOON AS POSSIBLE.**

#### **Termination of CATO lease**

The present location of the Housing Program Office (located on the second floor of the Administration Building) does not meet Americans With Disabilities Act (ADA) requirements. The county cannot continue to receive and administer state and federal grants

if it doesn't comply with the ADA standards.

The most expedient way for the county to meet the January 1, 1995 mandated deadline is to move the office to a location which can be easily modified. (Gadsden County has already been given a 1-year extension to bring those offices into ADA compliance. That year expires January 1, 1995.)

The county-owned building which is now occupied by CATO's can be renovated fairly easily to accommodate the Housing Program, Veteran Services and the Community Development Administration.

Mr. Frank Ritter, Building Official, joined Mr. Carter in his recommendation to terminate the CATO lease and pursue the most effective means to bring the facility (CATO's) to ADA requirement.

(The building is presently being leased on a month to month basis for \$600 per month.)

Discussion followed as to an appropriate date to terminate the lease.

**UPON MOTION OF COMMISSIONER DAVIS AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 1 TO TERMINATE THE CATO LEASE EFFECTIVE JANUARY 15, 1995. COMMISSIONER POWELL CAST THE LONE DISSENTING VOTE.**

The county attorney was asked to notify the store managers of the lease termination.

#### **Jefferson Street Building Facade**

Mr. Bill Bridges presented the board with the architectural drawings of the restored facade designs for the county-owned buildings facing Jefferson Street. (Fletcher Cantey Bldg, Building Inspection Office, CATOs). He asked for board approval to advertise the work and accept sealed bids.

Mr. Bridges indicated that the work could not begin until January and most of the grant money would be used in restoring the CATO store front. He assured the board that additional grant money would be available to restore the remaining store fronts.

**UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO AUTHORIZE ADVERTISEMENT FOR THE FACADE RESTORATION OF THE JEFFERSON STREET BUILDINGS AND TO ACCEPT SEALED BIDS.**

#### **Amendment to the Travel Policy** (Memo attached)

Mr. Carter asked the board to amend the travel policy which governs the employee travel - the county manager specifically. He explained that it is not always possible for him to meet the "prior approval requirement" before traveling to professional development classes, seminars, etc. because they do not

conveniently correspond to board meetings.

Discussion followed.

**UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 3 -2 TO AMEND THE TRAVEL POLICY AS FOLLOWS: (PARAGRAPH 1)**

**..authorize the county manager to travel provided he/she submits a memorandum no less than five (5) days in advance informing the Board of proposed**

travel dates and proposed cost of the trip and who will be acting manager in his/her absence.

COMMISSIONERS MCGILL, POWELL AND DIXON VOTING YES AND COMMISSIONERS DAVIS AND PEACOCK VOTING NO.

County Manager Out-of-Town Travel Memo Attached

Mr. Carter informed the board that he would be attending the Black Public Administrators National Council of the Presidents meeting in Cleveland, Ohio on November 1, 1994.

In his absence, Arthur Lawson will direct the day-to-day operations of the county.

Discussion followed but no action of the board was necessary.

CONSENT AGENDA

UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO APPROVE THE CONSENT AGENDA TO WIT:

- 1) Authorization to renew copier contract with Advance Business for 36 months (10-1-94 through 9-30-97).  
Lease of 11 machines - \$4,176.00 quarterly  
Maintenance Contract \$1,914.00 per quarter
- 2) Application for Household Hazardous Waste Grant - \$100,000.00  
No county match required.
- 3) Satisfaction of Housing Rehabilitation Agreement
  - a) Christine Murphy
  - b) Mrs. Cora L. Smith
- 4) Gadsden Station Development of Regional Impact (DRI) Annual Report
- 5) Sheriff - Subgrant Award (DCA - 95CJ-1Z-02-30-01-163)

CLERK OF COURT

Clerk Thomas asked the board to approve the payment of the county bills.

UPON MOTION BY COMMISSIONER DAVIS AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO APPROVE THE PAYMENT OF THE COUNTY BILLS.

DISTRICT 1 REPORT

There was no report.

**DISTRICT 2 REPORT**

There was no report.

**DISTRICT 3 REPORT**

There was no report.

**DISTRICT 4 REPORT**

There was no report.

**DISTRICT 5 REPORT**

Chairman Dixon asked the county manager to get the road graders into his district to scrape some of the roads.

**THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD, THE MEETING WAS ADJOURNED BY CHAIRMAN DIXON.**

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Edward J. Dixon, Chairman

**ATTEST:**

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Nicholas Thomas, Clerk

**GADSDEN COUNTY INDUSTRY LICENSING BOARD**

Chairman Dixon called to meeting to order.

**UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO APPROVE THE LICENSING OF BURTON C. DAVY AS A BUILDING CONTRACTOR AND MITCHELL EUGENE JONES AS MASTER PLUMBER.**

**THERE BEING NO FURTHER BUSINESS, THE MEETING WAS ADJOURNED BY CHAIRMAN DIXON.**

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**Edward J. Dixon, Chairman**

**ATTEST:**

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**Nicholas Thomas, Clerk**

AT A REGULAR MEETING OF THE BOARD OF COUNTY COMMISSIONERS HELD IN AND FOR GADSDEN COUNTY, FLORIDA, ON JANUARY 18, 1994, THE FOLLOWING PROCEEDINGS WERE HAD, VIZ.

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

CALL TO ORDER

Chairman Dixon called the meeting to order. Clerk Thomas led in the pledge of allegiance to the U. S. Flag. Mr. Carter then opened the meeting with prayer.

ADOPTION OF THE AGENDA (attached)

Chairman Dixon asked that the agenda be amended to include a discussion on the fire assessment law suit under the county attorney's agenda and discussion about Gadsden Memorial/Healthmark's request for X-ray equipment added to the county manager's agenda.

UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO ADOPT THE AGENDA AS AMENDED TO INCLUDE A DISCUSSION OF NABORS, GIBLIN & NICKERSON/ST. JOE PAPER COMPANY LAW SUIT UNDER THE COUNTY ATTORNEY'S AGENDA AND DISCUSSION OF GADSDEN MEMORIAL HOSPITAL/HEALTHMARK TO THE COUNTY MANAGER'S AGENDA.

APPROVAL OF MINUTES - JANUARY 4, 1994 - REGULAR MEETING

UPON MOTION OF COMMISSIONER DAVIS AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO APPROVE THE MINUTES OF THE JANUARY 4, 1994 MEETING.

COUNTY ATTORNEY

Settlement Agreement - Chattahoochee C & D Disposal Facility (attached)

Mr. Richmond asked the commissioners to look at the settlement agreement provided to them regarding the Chattahoochee C & D Disposal facility (attached). He told them the agreement has been

reached with the Department of Environmental Protection (DEP) which will bring the facility into compliance.

The agreement calls for a \$1,200 civil penalty plus a \$500 recovery fund payment. At the time this matter was brought to the attention of the board, the staff of the City of Chattahoochee agreed to pay the \$1,700 and then take title of the landfill. When contacted again about the reimbursement to the county, the Chattahoochee staff remarked that the payment would be negotiable.

Mr. Richmond explained that the landfill is presently titled to Gadsden County and the county is responsible for the penalty. He noted that in light of what the potential assessments against the county could become if it was contested, he judged the agreement to be fair and equitable. He urged the commissioners to act favorably on the matter at this meeting.

Mr. Richmond told the commissioners that if the City of Chattahoochee should not reimburse the county as they originally agreed to do, steps could be taken at a later time.

There was some discussion among the commissioners concerning the future of the landfill. The discussion revealed the following facts:

- 1) The landfill is not closed at the present time.
- 2) It will remain open for building debris only.
- 3) Chattahoochee must be permitted to take over the landfill and until that time, Gadsden County is still liable for it.
- 4) Chattahoochee is supposed to be monitoring the landfill.

**UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO ACCEPT THE SETTLEMENT AGREEMENT WITH THE DEPARTMENT OF ENVIRONMENTAL PROTECTION REGARDING THE CHATTAHOOCHEE C & D DISPOSAL FACILITY, TO PAY THE PENALTIES AS OUTLINED IN THE AGREEMENT, THEN PROCEED TO DEAL WITH CHATTAHOOCHEE FOR REIMBURSEMENT OF THE PENALTIES IMPOSED.**

#### **Resolution**

**Supporting Florida Highway Patrol Budget Initiative (attached)**

Mr. Richmond told the commissioners of the efforts of the Florida Highway Patrol to support their requests for additional funding over the next three years. This will result in additional troopers patrolling the outlying areas in the counties.

Discussion followed regarding where the increase in the FHP budget would be derived.

**UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO PASS THE RESOLUTION SUPPORTING THE FLORIDA HIGHWAY PATROL IN THEIR EFFORTS TO OBTAIN ADDITIONAL FUNDING.**

### **St. Joe Paper Company Law Suit**

Mr. Richmond outlined the events relating to the filing of the law suits against Gadsden County because of the fire assessment:

1. Mr. Nolen Hancock & Tax Watch people filed a law suit contesting several issues. Among them were the following:
  - a. the constitutionality and
  - b. validity of the assessment and
  - c. the process used in adopting the ordinance that provided for the assessment
2. St. Joe Paper Company filed their first suit last year contesting:
  - a. the constitutionality and
  - b. validity of the assessment and
  - c. the process used in adopting the ordinance that provided for the assessment as well as
  - d. issues regarding the benefit provided versus the fee paid.

St. Joe contends that they receive no benefit and should not have to pay the assessment. It essentially attacks the method used in developing the \$.20 per acre figure on St. Joe Paper Company property.

Ms. Sarah Bleakly and her firm, Nabors, Giblin & Nickerson, successfully defended the county in the suit filed by the Tax Watch people at no cost to the county.

In the suit filed by Mr. Hancock and Tax Watch, Judge Padovano ruled:

1. The ordinance was a valid exercise of the county's legislative power and was declared constitutional-
  - a. the assessment was properly done and
  - b. the methodology was correct
2. The landowners were obligated to pay the assessments.

3. Revenues generated must be used for fire protection exclusively.

But, in the final judgment, the judge recognized there were some distinct issues raised in the suit. He instructed the fire assessment board to develop a plan that would insure a benefit for everyone. This is a matter for the fire assessment board to address. The continued validity of the assessment depends on the creation and use of facilities that are adequate to serve the needs of all of the residents who are paying the assessments including those in remote areas of the unincorporated lands within the county. If the revenue is not used for fire protection services or if the county fails to provide a benefit, then the court has a duty to declare the ordinance invalid.

Now, St. Joe has filed a second law suit for this years assessment.

Since Judge Padovano's ruling in the law suit filed by Mr. Hancock & Tax Watch, the only issues remaining unresolved in the first and second suits filed by St. Joe are:

1. Is there a benefit provided to St. Joe?
2. How is the county addressing the needs in providing a benefit to St. Joe?

The question presented for action at this meeting was whether or not to hire the Ms. Bleakley to represent the county in the pending law suits with St. Joe. This matter was discussed in the December commission meeting but was not resolved.

Mr. Richmond reported to the commissioners that he has had several discussions with Mr. Kent, the attorney for St. Joe Paper Company. He regretfully told the commissioners, that a settlement does not appear to be possible and these suits will result in a trial on both law suits.

Mr. Richmond told the board without hesitation, the Nabors, Giblin and Nickerson Law Firm, are the experts in this case and can do a better job of defending the county in these suits. At this point in time, there is timely work to be done in both suits.

Chairman Dixon stated that he was inclined to hire the Nabors, Giblin & Nickerson Firm.

Commissioner Powell remarked that the fire assessment board has made good faith efforts to comply with the judge's order. They

have developed a three year and five year plan for providing benefit for everyone.

**MOTION WAS MADE BY COMMISSIONER DAVIS AND SECONDED BY COMMISSIONER PEACOCK TO RETAIN THE NABORS, GIBLIN & NICKERSON LAW FIRM TO DEFEND GADSDEN COUNTY IN THE LAW SUITS FILED BY ST. JOE PAPER COMPANY WHICH RESULTED FROM THE FIRE ASSESSMENT.**

Mr. Richmond added one more comment. The question of two St. Joe law suits - whether the Nabors, Giblin & Nickerson Law Firm did in fact agree to do St. Joe Paper # 1 free of charge to the county. (The question of validity). A general statement was made by Ms. Bleakley that they would defend the validity of the ordinance at no cost to the county.

Chairman Dixon asked Mr. Richmond to look into that question and write a memo to the board with the answer.

**Public Input Requested** (Tape # 2 Position # 1767)

**Mr. Nolen Hancock** stated that the order issued by Judge Padovano also said that the fire assessment would be monitored. He then asked who was monitoring it.

The board responded by saying the fire assessment board was monitoring it.

Mr. Hancock related several incidents which occurred that caused him to doubt that it was being monitored.

Questions were called by Commissioner Peacock.

**THE BOARD VOTED 5 - 0 TO RETAIN THE NABORS, GIBLIN & NICKERSON LAW FIRM TO DEFEND THE COUNTY IN THE LAW SUITS FILED AGAINST IT BY ST. JOE PAPER COMPANY RESULTING FROM THE FIRE ASSESSMENT.**

**County Liability Insurance Program Recognition** (Tape #2;1901)

Mr. Kent Monnigan who works with Florida Association of Counties (FAC) was present to advise the commissioners of things happening within the association. (Gadsden County is a member of the FAC.)

There are now 26 counties within the program. It is doing very well and providing broad insurance coverage to the participating counties.

Structural changes have been implemented in the areas of claims handling, litigation management and risk management.

He invited the county to inform FAC of the needs at the local level so that they might devise a plan to address problem areas and help the county to reduce its losses.

**Bill Grumhaus** informed the commissioners of some of things being done by FAC within the realm of risk management that provide benefit to its members. The success of the activities in risk management is directly related to the cooperation and participation of the counties.

1. FAC conducts training seminars for the FAC members
  - a. general liability
  - b. road departments
  - c. advanced driver training
  - d. parks & recreation - geared toward recreational injury liability.
2. Video tape lending library geared toward local government.
3. Printed materials library.
4. Research of particular matters unique to individual counties.
5. Analysis of claims occurring within a county. Tailoring of programs to curtail problems resulting in claims.

Mr. Grumhaus then delivered certificates of completion for two Gadsden employees, Leonard Brown and MacArthur Dunn, who participated in a seminar in Tallahassee recently.

**PLANNING AND ZONING RECOMMENDATIONS** (Tape #2; 2212)

Mr. Mike Sherman presented the following:

**Rock-of-Ages Funeral Chapel of Havana, Inc. Project #94PZ-1-201-2-1**

Rock-of-Ages Funeral Chapel of Havana is proposing to locate a funeral home in an existing building on the west side of US 27, approximately .4 miles south of the Havana Town Limits. The property consists of 3.5 acres. The applicant is Mr. Steve Cox, 2204 S. Monroe St. Tallahassee, FL 32301. The property owner is Mr. Jimmy Creamer, P. O. Box 3765, Tallahassee, FL. 32315.

No cremation and embalming will be done on site. It will be a viewing parlor only. If they wish to expand their services in the future to include embalming and cremation, the funeral home must appear before this board again for permission as this is one of the special conditions listed.

The Planning and Zoning Commission (P & Z) recommended approval subject to special conditions listed by the P & Z staff. (attached) The P & Z staff also recommended approval.

**UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO APPROVE THE ROCK-OF-AGES FUNERAL HOME PROJECT.**

#### **Road Paving Prioritization** (Tape #2;2536)

At the December 7, 1993 meeting of the county commission, the board approved the settlement agreement between the State of Florida and Gadsden County. Part of that agreement dealt with road paving and the prioritization of those roads and how it affects the remedial amendment that the county must adopt in order to be in compliance with the various rules governing growth management.

Mr. Sherman asked the board for their comments and guidance on how to proceed with establishing the criteria for prioritizing roads within the county for paving.

Commissioner Dixon opened the discussion by saying he was uncertain of some of the language and felt that a workshop should be held to help him understand what the amendment was really saying with regard to ranking of roads and the impact it will have. He then asked for input from other board members.

Commissioner Powell voiced concern over the methodology used to rank the roads. He would like to come up with some way of evaluating needs that would lend the ranking to some type of proportional system county-wide. Whatever method is determined, certainly, must include all the unpaved roads, not just the 35 listed in the plan at present.

Several scenarios were posed for lengthy discussion regarding the establishment of criteria of road paving prioritization.

(A verbatim account of this part of the meeting has been prepared but not made an official part of the minutes. It is on file in the clerk's office.)

Commissioner Peacock made a motion to table the discussion and to hold a workshop to fully analyze the situation before reaching a decision.

Mr. Sherman reminded them of time constraints. There is only 60 days to adopt the remedial amendment which could require an amended ordinance.

The general consensus of the board was to schedule a workshop on Wednesday, January 26th at 6 p.m.

(The workshop was later changed to January 31, 1994 at 6 p.m.)

### **Public Input**

Chairman Dixon recognized **Mr. Dan Winchester** who asked to address the board.

Mr. Winchester spoke briefly saying he thought a workshop on the road paving prioritization was very appropriate. He stated that this policy should get as much public debate as humanly possible. He closed his remarks by indicating that he would like to be a part of the workshop on the 26th.

### **COUNTY MANAGER**

#### **Roof Repair - Administration Building (Tape #2;3836)**

Mr. Carter reminded the commissioners he had requested permission at the last meeting to prepare an RFP to have the roof repaired on the administration building. In retrospect, he decided to have some estimates prepared by a roofing contractors.

The contractors gave Mr. Carter four options with estimated costs for each option. (A memo from Lamar Kent, Building Inspector is attached to these minutes explaining the options and the estimates.)

In developing a five-year plan for capital improvements, Mr. Carter felt that # 1 would be the best option because it has a five year warranty and does not involve a lot of work. The cost would be \$5,000. After the five year period, the roof could be re-coated for approximately \$1,500 - \$2,000 which would yield another 5 years of roof life. Essentially, for \$6,000 - \$7,000 the roof should last for 10 years.

**MOTION WAS MADE BY COMMISSIONER POWELL AND SECONDED BY COMMISSIONER MCGILL, TO ACCEPT OPTION #1 AS THE SPECIFICATIONS FOR THE RFP WHICH WILL REPAIR THE ROOF ON THE ADMINISTRATION BUILDING.**

Discussion followed.

Questions called by Commissioner McGill.

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

**Gadsden Memorial Hospital/Healthmark (Tape #2;4420)**

Mr. Carter addressed the board with a request from Mr. Jon Hufstedler, Healthmark of Quincy, Inc., Administrator of Gadsden Memorial Hospital. Mr. Hufstedler requested sufficient funds to purchase or lease X-ray equipment for the hospital. (attached)

Mr. Carter and Mr. Hufstedler had met with each commissioner individually concerning This request. Mr. Carter explained that the radiology equipment in place at Gadsden Memorial is outdated and inoperable.

After the first meeting with Mr. Hufstedler, Mr. Carter asked him to secure price quotes for the machinery he was requesting. Mr. Hufstedler submitted those quotes on January 7, 1994. After other discussions, Mr. Hufstedler was asked to produce more estimates as well as lease/purchase options. Those estimates have been received and were presented to the board for consideration.

Mr. Carter also read a letter from Dr. Wasserman supporting the request for the X-ray equipment.

The average estimate for a re-furbished (MPX) piece is near \$120,000.

Mr. Carter's recommendation (if the board voted in favor of this request) to the board was for the lease/purchase for the MPX model and requested permission to advertise for bids.

**Mr. Jon Hufstedler, Administrator of Gadsden Memorial Hospital** spoke to the board explaining the extreme need of the hospital for this equipment. He restated much of what Mr. Carter had already explained to the board, but in addition, asked them to waive the bidding process.

Discussion followed.

Mr. Richmond interjected that the board was under no obligation to purchase equipment for the hospital. Under the terms of the contract agreement with Healthmark, he was not prepared to tell the board for certainty that the county could purchase the equipment for a private entity using tax dollars. He also told the commissioners that the money could not be taken from the hospital trust fund. The \$ 1 million line of credit was a one-time deal where a circuit court judge said it could be done. It can only be used in a genuine emergency and must have judicial approval.

Mr. Carter clarified that there is \$500,000 + which is interest income derived from the corpus of the body of the trust fund. The income from that now totals near \$500,000. He asked if this money could possibly be used for the purchase.

Clerk Thomas explained that the money Mr. Carter is referring to is a fund that was set up initially to pay the Florida Patient's compensation claims. There are some years in which the county has to pay claims. In other years, the county receives a refund. It is very unpredictable and has the claims have the potential to be exorbitant. The use of the money initially had to have approval of the hospital board and the county commissioners. The language used in the agreement is not real specific as to how the money can be used. The only thing specifically stated is that it can be used to pay those Florida Patient's compensation claims.

Commissioner Davis pointed out that the balance on the line of credit still owed by Healthmark is \$450,000. At least that amount should be held in reserve in the endowment dividends in the event the board should have to pay that money back.

Commissioner Davis also said that prior to the time the agreement was amended to provide for the Florida Patients compensation claims, the dividends had been used to purchase capital improvements for the hospital. But the county was operating the hospital at the time and the hospital board was active and made those recommendations. Then the agreement was amended to use the dividends for these hospital claims.

Commissioner Peacock stated there were too many unanswered questions in order to make a decision on this matter at this meeting.

Chairman Dixon suggested that the attorney investigate the options with the general funds and the endowment dividends.

**COMMISSIONER PEACOCK MADE A MOTION TO DENY THE REQUEST OF HEALTHMARK FOR THE COUNTY TO PURCHASE OR LEASE X-RAY EQUIPMENT FOR THE HOSPITAL. COMMISSIONER DAVIS SECONDED THE MOTION.**

More discussion followed.

Questions were called.

**COMMISSIONERS PEACOCK, DAVIS AND DIXON VOTED IN FAVOR OF THE MOTION TO DENY THE REQUEST BY HEALTHMARK. COMMISSIONERS MCGILL AND POWELL OPPOSED THE MOTION TO DENY THE REQUEST.**

Chairman Dixon suggested that the attorney examine all the pertinent documents and provide the board with more definitive information that could be considered later if the request should come before the board again.

Mr. Carter asked for clarification of the action.

Chairman Dixon said that any of the commissioners could bring the matter up again. But as of this night's meeting, the request is denied and closed discussion on the matter.

**\$7,000 Budget Amendment for Supervisor of Elections (Tape #3;1430)**

Mr. Carter told the board of a request coming from the Supervisor of Elections then asked Clerk Thomas to expound on the request.

Clerk Thomas explained that Supervisor Hutchinson has requested an additional \$7,000 to cover expenses relating to the installation and implementation of the new voting equipment. The supervisor believes it is necessary to adequately hold the elections.

Discussion ensued.

**UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO GRANT THE REQUEST \$7,000 TO BE TAKEN FROM CONTINGENCY TO GIVE THE SUPERVISOR OF ELECTIONS PER HIS REQUEST.**

Clerk Thomas reported that the contingency fund was \$78,000 before this meeting began. He asked Mr. Carter if the roof repair to the administrative building will be taken from contingency. Mr. Carter told the clerk that he would leave that up to him but that decision could be made at the next meeting. The clerk added that

if the roof repair and the Supervisor's budget amendment is taken from contingency, the balance will be \$66,000.

#### **Request to develop RFP for road paving**

Mr. Carter asked the board for authorization to develop a RFP to get actual costs based on a structure of road that is specifically .5 mile. This would enable him to determine what the actual bid price would be if we bid a project for a double surface versus a triple surface and also for construction of a road base. He suggested a pilot project based on bids received from actual contractors. That information would tell the staff how far it can actually go, based upon the number of dollars in the budget, doing triple surface as opposed to high-grade paving.

It was the consensus of the board to allow Mr. Carter to develop a RFP on a pilot road paving project. This was only for securing bids and determining actual costs.

#### **CONSENT AGENDA** (attached)

**UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO APPROVE THE CONSENT AGENDA TO WIT:**

1. 4-H/Youth Position for County Extension Office
2. Litter & Marine Debris Prevention Grant Application
3. Section 504 Grievance Procedure
4. Change Order - #2 Gadsden Memorial Hospital Project

#### **DISTRICT 1 REPORT**

Commissioner McGill reported complaints from people in his district about excessive costs for Waste Management Services. He asked the County Manager to look into possible negotiations with Waste Management at the time the franchise is up for renewal.

Commissioner Davis suggested to Mr. McGill that he tell those people to pool their garbage with others.

#### **DISTRICT 2 REPORT**

Commissioner Powell told the board that he knew of contractors in the county who could not pass the county's exam to get a contractors license but had proven proficiency in their work. He asked if there was a way these people could be allowed a window to be grandfathered in without taking the exam.

Mr. Carter was asked to do some research into the matter.

Commissioner Davis said another window could really create problems for the county and he was not in favor of doing that.

After more discussion, Commissioner Powell appeared satisfied that it would not be in the county's best interest to open a window for this purpose.

#### **DISTRICT 3 REPORT**

Commissioner Peacock had nothing to report.

#### **DISTRICT 4 REPORT**

Commissioner Davis had nothing to report.

#### **DISTRICT 5 REPORT**

Chairman Dixon had nothing to report.

#### **CLERK'S AGENDA**

##### **Financial Reports**

Clerk Thomas presented a revenue update for the present fiscal year. (attached) He said if everything stays on schedule, the county will be o.k. from the revenue standpoint. There were no fund balances included in the report - only revenue income.

He then presented the cash balance report.

##### **Purchase of county owned property inquiry (attached)**

Clerk Thomas told the commissioners of a request from a citizen to purchase a lot in the St. Johns Subdivision from the county. It was acquired by the county for delinquent taxes. It is 70' x 150' lot and is assessed at \$425.00. He asked if the board was interested in selling the lot.

**UPON MOTION BY COMMISSIONER POWELL AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO APPROVE ADVERTISEMENT OF THE LOT DESCRIBED BY CLERK THOMAS (ATTACHED) BY NOTIFICATION.**

##### **Budget Amendments (attached)**

Clerk Thomas presented the budget amendments and requested approval.

UPON MOTION BY COMMISSIONER DAVIS AND SECOND BY COMMISSIONER  
MCGILL, THE BOARD VOTED 5 - 0 TO APPROVE THE BUDGET AMENDMENTS  
TO WIT:

1. County Transportation # 1
2. General Fund
3. Grants/Special Projects

Clerk Thomas informed the board he would be out of town at the  
time of the workshop on road paving.

**Payment of Bills**

Clerk Thomas asked for approval the payment of the county's bills.

UPON MOTION BY COMMISSIONER POWELL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO APPROVE THE PAYMENT OF THE COUNTY BILLS.

UPON MOTION BY COMMISSIONER PEACOCK, THE CHAIRMAN DECLARED THE MEETING ADJOURNED.

\_\_\_\_\_  
Edward Dixon, Chairman <sup>E</sup>

ATTEST:

\_\_\_\_\_  
Nicholas Thomas, Clerk

**LICENSING BOARD**

Chairman Dixon called the meeting to order.

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO APPROVE THE LICENSING OF WILLIAM JEFFERY WEST AS A RESIDENTIAL CONTRACTOR.

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Edward Dixon, Chairman E

**ATTEST:**

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Nicholas Thomas, Clerk

AT A REGULAR MEETING OF  
THE AFFORDABLE HOUSING  
ADVISORY COMMITTEE ON  
JANUARY 25, 1994, THE  
FOLLOWING PROCEEDINGS  
WERE HAD, VIZ.

PRESENT: Millie Forehand, Chairperson  
William Carr, Special Needs Representative  
Patrick Brown, Labor Representative  
James Rogers, Building Industry Representative

ABSENT: Craig McMillan, Vice Chairman & Real Estate

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James Atkins, Provider Representative  
Alice Kelly, Human Services Representative  
Len Starret, Bank & Mortgage Representative  
Tony Jones, Program Beneficiary Representative

COUNTY STAFF PRESENT: Rosemary Banks, SHIP Co-ordinator  
Edward J. Butler, Grants Administrator  
Muriel Straughn, Deputy Clerk

There was no quorum therefore, no business was conducted.

AT A SPECIAL MEETING OF THE BOARD OF  
COUNTY COMMISSIONERS, HELD IN AND  
FOR GADSDEN COUNTY, FLORIDA, ON  
JANUARY 31, 1994, THE FOLLOWING  
PROCEEDINGS WERE HAD, VIZ.

PRESENT: ED DIXON, CHAIRMAN  
FORREST DAVIS, VICE-CHAIRMAN  
BILL MCGILL  
ANTHONY POWELL  
JAMES PEACOCK  
HAL RICHMOND, COUNTY ATTORNEY  
NICHOLAS THOMAS, CLERK  
JAMES CARTER, COUNTY MANAGER

AU - Audience Member  
ED - Ed Dixon, Commissioner, District 5, Chairman  
BM - Bill McGill, Commissioner, District 1  
AP - Anthony Powell, Commissioner, District 2  
JP - James Peacock, Commissioner, District 3  
FD - Forrest Davis, Commissioner, District 4  
NT - Nicholas Thomas, Clerk  
JC - James Carter, County Manager  
HR - Hal Richmond, Attorney  
MS - Michael Sherman, Planning and Zoning Director

Chairman Dixon opened the meeting saying the purpose of the meeting was to conduct a workshop in reference to establishing a road prioritization policy.

Commissioner Peacock led everyone in pledging allegiance to the U. S. Flag. Commissioner McGill then opened the meeting with a prayer.

Chairman Dixon thanked the audience for their attendance and told them the evenings discussions would not include individual roads. The matter for discussion at this meeting is road paving policy to be included in the comprehensive plan.

The chairman turned attention to Mr. Mike Sherman, Gadsden County Planning and Zoning Director.

Mr. Sherman began the meeting by explaining how the county got to this night's meeting.

In November, 1991, Gadsden County adopted a comprehensive plan.

In June, 1992, the plan was found not in compliance by Department of Community Affairs. (DCA)

In addition to the notice of intent to find the plan not in compliance, there were people who intervened into the comprehensive plan on behalf of homeowner's associations and various businesses.

The Rich Bay Road property owners intervened because the county did not have a road ranking system based on criteria by which they prioritize roads for paving.

DCA and the homeowners association asked Gadsden County to come up with a set of criteria for analyzing the dirt roads in the county and come up with a system for paving based on need.

Gadsden County has done this. The criteria used is as follows:

1. Average daily trips
2. Available right-of-way
3. Accident frequency
4. Maintenance frequency
5. Population
6. Collector roads linking two arterial roads
7. Existing infrastructure along the road

The P & Z staff analyzed 35 unpaved roads which they judged to be the most highly traveled roads in the county.

P & Z staff negotiated a settlement agreement with DCA which would bring the county into compliance with the growth management plan. In December, the County Commission adopted that settlement agreement which called for a remedial amendment to the capital improvement element of the growth management plan.

The reason for this workshop is to determine how the county intends to implement the criteria already established in the settlement agreement.

Commissioner Peacock asked Mr. Sherman to read the list of the roads ranked for paving. (attached)

Audience questions:

AU: Is Central Road in Midway in the plan?

MS: No, it is not.

AU: How many roads is the county anticipating paving each fiscal year for the next 3 - 4 years.

ED: That's a question that has to be determined and it depends on how we go about it. Just let me say that and I'm going to offer a proposal in just a minute, but are there any more questions. I'm gonna try and answer your question in just a minute. Yes, sir?

AU: Would you read off the other roads that you've analyzed?

MS: We did Rich Bay, Dupont, Kitrell, Del Rio, Dusty House, Goldwire, Shilo, McNair, Holt, Bear Creek, Leslie Lewis, Wayside Farms, Hillside Farms, Deer Run, Lanier, Carter Road, Kever Road, Squaw, Frank Smith, Rod Shaw, Glen Julia, Colonial Estates, Merritt Lane, Neal Temple, Collins, Gibson, Bell, Rosedale Tower, Rice, Hough Farm, Jamison, Frank Jackson, Hardaway II, J & J Lane.

ED: Yes, sir?

AU: Does Lanier Road include South Lanier Road?

MS: No, Sir.

ED: I'll have some more questions.

AU: (question inaudible)

MS: We have trouble with people destroying our traffic counter and tossing it around and things like that. So what we have done is we selected the highest 1/100th hour and do it around P M Peak hour counts. We sit there from probably 4 o'clock to sometimes 7 o'clock at night trying to figure out the P M peak hour. You take the (inaudible) figure out the highest hour, multiply it by 10 and then average the two ends.

(This portion of the tape is inaudible.)

MS: The PM Peak hour gives us a pretty good idea of what the average daily trips is. It's not going to be 100% accurate I know, but I don't have 24 hours that I can hang out.

AU: Let me get a clarification, did you say Deer Wood Road or Deer Run Road?

JP: Deer Run.

MS: Deer Run.

AU: Has there been a traffic count on all of these and if so what bearing does that have on your priority list.

MS: Yes, sir. We have done a traffic count on all the roads we have analyzed so far. As I was explaining, we did it as a PM peak hour. That's one of the criterium. We did not try and rate one any higher than the other.

ED: Yes, sir?

AU: I'm sure you don't know about Dupont cause a lot of them have not been reported to -

MS: You are correct. If it was not reported, we have no records of that.

AU: About a year and one-half ago, you could have paved every road in the county for what you almost paid for from a woman sliding off that was pregnant.

(inaudible)

About six months ago, we had one that run into a tree down here that just couldn't stop cause it was so muddy.

MS: If it was reported to the Florida Highway Patrol or the Sheriff, we have got that.

AU: What's not reported is when they live out there and they just go and get someone that's got a tractor, like myself, and we go down and pull them out with that or either with trucks. I pulled three of them at one time. There were three of them in the ditch down there. I had to pull them out of the ditch between Kenny's court and where I live.

AU: And those things you all don't see. There's no evidence of them.

MS: Right, but there is realistically - at least using this criteria, there is no way for us to even be aware of that.

AU: The main thing is, I know that everybody in here would like to have their road paved. But, the way we read it in the paper, the county has no money to pave nothing. I'd like to know how many has been paved in the last three years. Probably very few.

ED: Very few.

AU: We are all here, hoping our roads will get paved, but we read in the paper, we have no money. We're spending our money on other things and everybody in here probably pay taxes. I paid the county \$150 a month in taxes and I see no benefit. Every time we hear ya'll meet, the first thing ya'll cut is the road department.

ED: Sir, if you will give us a minute, we plan to get into the meat of what it is we plan to do. Because that is part and parcel of the problem. We've had no plan to do anything.

What we're going to do now is try and try and establish the process by which roads will be paved and yes, we do have some monies available. We need more. If you're talking about 120 some odd thousand dollars to asphalt a road in this county per mile, the little monies we have don't go very far. So, what we have been doing is looking around trying to see if there are alternative methods.

One thing we have found is our plan is bad. The way we go about paving roads - that's bad.

Here we are in the middle of fiscal year now, five months down, and we don't even have a paving project. It's because of - the policy we're trying to get through now is to set it up to where it can be self functioning and not wait on the board to always approve a road before it gets paved. It should be in the capital improvement as an item. Road and Bridge should automatically know a year or two in advance which roads they're gonna do. You should know in advance which roads are gonna be paved.

In saying that, Mr. Sherman if you will read that paragraph that gave us so much trouble at the end of the ordinance.

MS: My ordinance is not in front of me, but, what it says among other things, of adopting a settlement agreement language for the remedial amendment so we can get in compliance with the state law, is that in that remedial amendment, a five-year schedule of capital improvements will be amended to list the road paving and associated storm water management projects. And that something needs to be done in 60 days, approximately 2 months from today.

ED: Now, that entails, while it sounds harmless, that entails the problem. What has happened? Last year, we as a board, sat here and we paved some roads in Commissioner Peacock's district, Commissioner Davis and Commissioner Powell's district and understanding was that this year we would come back we would pick up the gentlemen we left off - myself and Commissioner McGill.

Well, with DCA's ruling, that's basically out. We've got to find a new way to go about it. Mr. Sherman offered us a listing he has read for you that ranked 35 roads county-wide that will be paved.

Well, a lot of us didn't sit easy with that list because in my district, for instance, that meant I was going to wait another 4 years before I got a road paved. That wasn't fair to my people.

So what we have been trying to do in the meantime is to find an equitable solution to this problem and a process that can be self driven and it will no longer have to come before the board and get tied up in the political squabble like it has been in the past.

So, what I am offering is not a county-wide ranking but a district-wide ranking. So instead of one list, we'll have lists. One per district. One per commissioner.

We'll also will go in and take the monies, split them up five ways. What that allows for is for the political "in-fighting" to end. Because now we have equitable resources going to the districts.

I can't say my roads are worse than Commissioner Peacock's because he'll sit here and tell that his roads are worse than mine. He has more miles to pave than I do and so on and so forth. What it allows for us to do also is for us to go in with that criteria Mr. Sherman has said, has spoken about, set in place that criteria but also allow for commissioners that has a road will not meet up to the criteria - many of my roads don't meet the criteria - they're not long enough, they're not populated enough and so on - so we won't ever get any roads paved. What it allows for is for a commissioner to go in say "Hey, we have some roads that need to be on the list in that particular district and add to that district." So what you have created is instead on one window, five windows a year

happening.

AU: Are you going to be able to pave five roads a year?

ED: We think we can.

AU: That'll be great.

JP: That you won't know though until your gas tax money comes in.

FD: And another thing you're gonna have to think about is re-surfacing. A commissioner may want to use that to re-surface a road that may be deteriorated in his district.

ED: Yes sir. Let me just say one thing real quick - if you're gonna speak, please stand and state your name for the record.

AU: I live on Rich Bay Road, but if you've got another road that needs paving worse than Rich Bay, then pave it. But, your system won't work because you're not going to be sitting there all the time. Probably not two years from now, neither one of you. You'll be gone. So what's gonna happen to the next commissioner.

ED: It's dedicated. The money is not dedicated to me, it's dedicated to the district.

AU: You are a county commissioner, not a district commissioner, you are a county commissioner. So, you put it in the county, not in your district.

ED: I'm sorry, I didn't get your name.

AU: Earl Hughes.

ED: Hughes?

EH: Yes.

ED: Mr. Hughes, this does not discount Rich Bay Road. Rich Bay becomes the first road in Mr. McGill's district.

EH: I'm not talking just about Rich Bay Road. I said if you have another road that warranted paving ahead of Rich Bay, pave it. But, put it in the county priority - not your district priority. You are a county commissioner. You are not a

district commissioner. You are a county commissioner so work for the county. at large.

ED: Yes sir. We are working for the county.

EH: At large.

ED: At large.

EH: You can't take the money that is appropriated per district. It's to be spent for the benefit for the whole county. Now work for it for the county, not your district or your area.

ED: What has happened in the past is that road paving, as important as it is, gets caught up in political squabble. And nothing gets done. Everything is stalemated.

EH: The man's got a priority list over there, work according to it and you're alright.

BB: My name is Bill Bradford. I agree with the other gentleman. It should be a county-wide thing. I also agree - I live in your district, Mr. Dixon, - there should be a weighting factor from district to district. If we haven't gotten a road paved in our district within the county the last five years, that one factor should be one along with all the other factors.

ED: All we are looking for, and this is not the end product, we're looking for a way to satisfy the problems that are going on. That was my suggestion. I thought it was pretty good and equitable. So -

BB: Excuse me for saying so, but I don't think it should be split up five ways. I think it should be a county-wide effort. Just the weighting factor of how long it has been waiting.

ED: All of them have been waiting. That's the problem. Yes.

VR: My name is Virginia Ruff. I would like to know about this stipulated agreement with the state - with DCA. Have ya'll already signed off on the stipulated agreement? And if you're gonna start changing tonight, about what you want to consider for the road criteria, then what happens to the agreement that you have supposedly reached with DCA?

ED: The criteria has not changed. Yes, sir.

SH: Sandy Harrell. I want to continue. This is a workshop and ya'll want input from the people here. We all agree, I think most of us in here, you can't have one from each district. Just because it's your turn and you've got 2 miles with one house on it, you pave that and leave some other road with a bunch of houses on it waiting for that commissioner's turn. You should have a priority list and come right down it every year. If you're gonna pave four roads, get the top four on it that year and next year get four more or whatever it is - county-wide. You all work for the county and most of these people in here, if we knew, I think my road is number 5. If I knew I was going to get my road paved in two years, I wouldn't have no gripe. But the way it is now - I don't know of a road being paved - I'm sure there is some being paved but you know like everybody in here we are all being patient, we all pay taxes. I think the commissioners need to be aware that. The public, you know, - most of us - when you cut something, you cut the road department. You know - we'd like to have our road graded twice a month or every two weeks. By the time you get it paved, it supposed to be on rotation, but that dam rotation is going somewhere else. All of us in here would like to have our road graded.

ED: It's not going. I'm not talking about one road here and there per district. What I am saying is, let us just say each commissioner, each district is awarded \$200,000.

AU: No! No! No! We are a county and that tax belongs to everybody in the county, it doesn't belong to a district.

ED: What I am saying is that you can go look in my district. There are five roads that I can do with \$200,000. In that window - that can be done in one project. There will be five.

AU: Some of those on the priority could be done too.

ED: That is the priority. That is the priority. Yes, Ma'm.

BF: I'm Bonnie Fowler and I think you have developed a  
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ED: Mr. McGill?

BM: I have a question to direct to Mr. Sherman. I believe I heard a question about a Central Road in Midway. Is that right?

MS: I'm sorry, what was that sir?

BM: Central Road in Midway - As I understand it, we're under contract with the City of Midway so I think they must first file a resolution with the city and then have that resolution come before the county commission.

MS: O.K. So, that's a city road.

BM: Yes.

MS: I see.

BM: So she - where is that person - have the council in Midway and have them send the county commission a resolution on that road.

GJ: My name is Greg Jabinski and I live on Lanier Road. I've got a couple more basic questions related to this issue. First of all, I applaud your idea - we are in a workshop, we need to come up with new ideas and try to evaluate every possible way that we could approach this situation. One of my basic questions is: When these funds come into the county, what's the split between federal and state dollars or is there a split? Is it all state dollars?

ED: I think they are mostly state dollars. Gas tax, gas tax money.

GJ: Are we talking "GR" or trust fund money? Do we have the ability in the county to -

ED: It's dedicated money.

GJ: It's dedicated money. Will these funds go into the county trust and can be rolled over from one year to the next?

ED: Correct.

GJ: If your idea, there is something good about it. But I see the need to come up with a new priority system based upon what you're saying. Because, say, Mr. McGill here decides he's got all and we're dealing with \$120,000 per mile to pave a road. He's got roads that average 3 - 4 miles long. Mr. Davis, You've got some good size roads. It will take considerably more dollars to pave. Are you going to be able to take your dollars that were deeded to your district and be able to bank roll those over a period of several years until sufficient

funds are available so that you can pave that road all in one shot?

ED: Yes.

GJ: Then the other side of that is what kind of infrastructure is going to be built so that we assure that roads are going to be maintained 8 - 10 years down the road?

ED: Here's and let me answer this for Mr. Davis. In the program, 70 - 80 percent of monies collected would go to the district. The remaining 20 - 30 percent will be left for those capital projects. The capital resurfacing of major arterial, collectors, for emergency monies, and yes, from year to year, you will be able to roll over that money. I mean it is dedicated to that particular district and let's say for instance that you have a Rich Bay Road. Since it's so popular these days, it will probably require \$200,000 to \$300,000 to do it. We're gonna have to roll that money over unless you can borrow it from another district. Under the situation that I've developed. You will have the ability.

GJ: What I hear you saying is there might be some sort of an arrangement so that you can borrow from Mr. McGill so that you can pave that last mile of road X.

ED: Let us say that Commissioner does not have many miles of paved roads or dirt roads left in his district. He don't have many miles left in his district. That money is available to be moved over.

FD: But one thing, those roads have got to be resurfaced, so if I decided with my money that I wanted resurface some of those roads, see -

ED: Right, but those options are available.

GJ: We'd see another criteria similar to what he put together where we would look at the primary thrust of the project would be paved roads initially within an individual districts. Secondly, Mr. Davis or Mr. McGill or whomever would have the option of going back in and resurfacing a road before other roads in the county are paved.

ED: Yeah! If it needs to be, certainly.

GJ: Are there going to be any contingent established up front where its gonna be taken into account that Mr. McGill have 15 miles of roads versus Mr. Davis having 4 miles of road so that there's going to be equitable dollars.

ED: We were talking about tweaking it, and I haven't discussed tweaking it, just massaging it as Mr. Sherman said to allow for that. What I was looking at mainly was equity and yes it can be adjusted because Commissioner McGill has considerably more miles than Commissioner Davis. I mean dirt roads - dirt roads.

GJ: Unimproved roads or what not.

ED: Yeah!

GJ: I called them improved roads cause I like dirt roads - whatever.

ED: That's the basic idea, yes sir.

FD: But I could - just like Mr. McGill wanted to pave Rich Bay Road, and see - I've got \$200,000 and I didn't want to use mine or there wasn't enough for me to do my project, I could lend that to Bill and he could let me have his \$200,000 next year.

GJ: O.K. Now, will that be built into the priority system and the criteria cause I think that's something that the taxpayers need to know up front is - alright - Forrest is gonna give \$150,000 to Mr. McGill so he can pave this road. So, now Mr. McGill is in the hole \$150,000 to Mr. Davis for that resurfacing that needs to occur of Road X 15 years down the road. Like I said early on - your idea is good, you need to throw some ideas around here but you need to be up front with how we're gonna manipulate funds and make sure that it is done based upon miles of road - unpaved in each individual district.

ED: Let me say this, under, I think under the system that we have in place now that the first system that we were discussing, the county-wide road, instead of being able to pave one or two miles per year under this system, you could pave up to at least 10 miles a year, based on the funds that were put in place. Because each district would be paving roads in a given

window. Each district would be paving roads.

GJ: But, based upon the length of the road, it may be a partial surfacing of that road. Is that correct?

ED: Correct. Correct.

GJ: I have two more questions.

ED: O.K.

GJ: Total dollars coming into the county for road improvements.

ED: Right now in our transportation # 2 fund, it averages about \$500,000, I think. Is that right commissioners, I mean Mr. Clerk?

NT: About \$540,000 a year.

GJ: Does that include funds for road maintenance or is that just road improvements and does that include maintenance?

NT: That just goes into the fund that is set aside for paving the roads, it doesn't include any money for maintaining the Road and Bridge Department and maintenance.

ED: Am I correct, do we do very little maintenance of paved roads now?

James Parramore: Recapping. resurfacing or whatever, that money is used for, I believe.

NT: That money he was asking about first was the money for paving. That 80% constitutional gas tax is what it is called. It goes into a fund by itself and it is used for paving.

GJ: What's that figure again?

NT: About \$540,000 comes in a year.

FD: What about the local option gas tax?

NT: That goes into transportation # 1 and we've got six cents of local option gas tax and that brings in about \$809 - \$830,000 a year but that mainly goes to fund Transportation # 1 - the road and bridge department - maintenance and all.

GJ: Are those figures available?

NT: Sure.

GJ: I'd love to have a copy of it. I guess I'm talking to you now, Mr. Thomas. What's the balance of that account at this point?

NT: This fiscal year, the board will have over \$700,000 for road paving because the money has built up from the past. So there will be about \$737,000 to \$747,000 available for paving this fiscal year.

GJ: I have one more question, then I'll sit down and be quiet for 5 - 10 minutes. As far as alternatives to road paving, I know there has been some interest in the past by the road department to look at lime rocks on roads, oyster shells and that kind of thing, is that even a consideration anymore or are we going straight for the asphalt.

ED: Right now, we're trying to go around asphalt. I mean it is way, way too expensive. We are looking at triple surfacing. We looked at some up in Georgia. They're doing it for \$45,000 a mile. It is a quality surface for a neighborhood. You don't want it for collector or anything like that but for folks who are just driving home, ah, it is a very good surface. And if you're talking about each district being awarded \$200,000 and being able to put this into the neighborhoods, you're talking two good miles of road per year that a district could do.

GJ: And you call that triple surfacing? Can you describe the process, what the elements of that.

ED: You'll have to speak to Mr. Carter.

GJ: Hello Mr. Carter. I knew I'd get around to you.

ED: I defer to my road and bridge boys.

GJ: That triple surface process, what's the elements of that?

James Parramore: It's called surface treatment.

GJ: What's in it?

James Parramore: It's granite rock that's used and put in place of the - it's called slag rocks. It used to be the old iron-ore rocks. They can't use that anymore. I've got a question for Mr. Thomas.

Mr. Thomas, is all of that money that's accumulating just for new paving, new construction?

NT: It can be for resurfacing.

James Parramore: I noticed at a workshop and I hate to bust everybody's bubble, but we've got over 400 miles of paved roads that needs working on now.

ED: We've tried to adjust that because we knew it was coming up, then we'll let Commissioner Peacock have a word. What we've done is - we said that instead of looking at or in leu of looking at assessments, in continuing and in hand in hand with assessments, for some of those subdivisions, is that if we can raise the gasoline tax, because you've got those 400 miles already out there and we are very very far behind. Remember all this is contingent upon funding. The money is not there. O.K. Let me allow Commissioner Peacock to make some comments.

JP: I want to get back to the resurfacing -the slag type roads that ya'll were talking about. Now you've heard it \$42,000 - \$45,000 per mile that's just for the slag. Now when you go to talking about building the road bed to put that slag, you're talking about another \$90,000 to \$92,000 a mile.

JC: No, sir. That's not exactly correct. We've looked at some estimates. If you contract building the road base, we have two estimates. We received one from Mitchell Brothers and one from Peavy. Peavy was about \$92,000 and Mitchell Brothers was about \$111,000, just to build one mile of base.

JP: Right.

JC: We're saying, if allowed the opportunity, we have the expertise and the skills and abilities to do it in-house and could do it at a cheaper rate. Which I asked you at the - I believe it was at the January 18 meeting for an opportunity to try and bid two roads which were Del Rio and what was the other one? Goldwire.

JP: Were you bidding the entire job?

JC: Yeah! We bid the entire job just to get a good estimate.

JP: Then that's where you get your \$92,000 for the base and then the \$45,000 for the

JC: No, sir. It wouldn't cost \$45,000 to slag a road. Not a mile of road.

JP: Well, that's what I just heard here just a minute ago.

JC: No, No, No. That's the total costs. That's building the base and the surface treatment.

JP: Not if you contract it out, it won't be.

JC: No, not if you contract it out. The cost may be much higher.

JP: Well, if you go in-house with it, what will it cost us in-house - I know we done Atwater Road - ya'll done that and the costs .

James Parramore: Atwater was a little different type road. If you're talking a road that's already has, let's say you're dealing with a road with a forty ft. right-of-way, and its got a good base on it, we don't need any more right-of-way to do a surface treatment. Then you're looking at a lot less costs. These things we're working on now, I don't have the figures. We're a little premature with this meeting as far as what my figures are. I'm about two weeks from showing all of ya'll this new program. Mr. Carter and I have been working on it pretty hard.

JC: I think what we're trying to move toward is being able to offer some alternatives and some options so that you don't just look at high grade asphalt as being the only option. I think this gentleman mentioned the possibility of lime rocking some of the roads. If you can build a base, then put lime rock down, you can stabilize that road and that road base will stay there until you can get back to pave it. But, in the interim we haven't done that. What we're trying to do is work - one of the things I talked to Mr. Dixon about this morning was from representation which I would view actually be represented which makes it political - we're trying to move it from there to a level where we can deal with it and that's one of analysis plus implementation. We've got to move it

from the policy to where we can actually do what we need to do at our level and that's implement whatever program they decide upon. I think that's why Mr. Dixon and I -

ED: Let me recognize this young lady. She's been waiting a while.

Mable Morgan: My name is Mable Morgan and I live on Rich Bay Road. There is only about 2 miles on that road and it's one of the oldest roads in the county. And it goes from old Bainbridge Road to 27 and there is lots of traffic on it. Four years ago we made a survey and there was 160 homes on that road.

ED: Thank-you ma'm. Yes, sir.

AU: Mr. Dixon, a few minutes ago, you commented, or somebody commented, I'm not sure it was you, that the district as opposed to the county-wide program went, that 7 - 8 miles of road could be done compared to 2 miles just roughly in numbers. Is the funding different if it goes district as opposed to county. Do you get in more money to go district.

ED: No. No. No. And perhaps I misrepresented that. The biggest thing is that under the current system, I haven't had any roads paved in my district in a couple of years. Please let me finish. Now, we were scheduled to get road paving this year. Under the current system, my district won't get any roads until 97. O. K.? Whereas Mr. Powell's district will probably get 5 - 6 miles before then. But we're saying is that the way the system is designed now is not very equitable. That's all we're saying.

AU: That's ridiculous.

ED: It's not equitable at all. What the system relies upon is for the board to come together and agree on a road to be paved and we go out and pave usually one road.

AU: What concerns me if I May. I have several thoughts to speak out about. You know, on the surface, it sounds appealing. If you break the problem into smaller parts, you think maybe this will help solve the problem. But it also may lead more back into "in-fighting" among the groups. Yet, over here we have perhaps an objective or useful tool in assessing what roads need to be paved first in fact and which ones - you know you only have a certain amount of money. You've got to make

decisions. But it does seem like we are a county and it ought to be - as much as I'd like my road paved and unfortunately it is not on the list, - it does seem like it might be more reasonable with a county-wide system but linked to the absolute best assessment of what roads be bid first.

ED: Also, understand, that once you go to the districts, those roads still remain at the top of the district's list. Those roads don't change.

AU: I'm not - I know I've removed district from the vocabulary. We're talking county at that point. If you look at all the road which need to be paved, which of course is all of them, then start rating them according to an objective criteria of some sort - that everybody has decided is fair, then the chips should fall where they fall. But, here's a second layer of my comment. You know the old story where Jerry Glower says "shoot up amongst us, one of us has got to have some relief". We've got to have some relief.

ED: No, sir.

AU: You know, everybody is in the mud. Having to back up because people are stuck and having to drive an extra half hour to go around, so in the interim, if we could take a certain percentage of the paving funds, and bail us out by getting some sort of drivable surface in the rain for ambulances and all the emergency services not to mention the home owners, on there, like limerock or whatever is the least expensive - then concrete companies will give away the wash-out. They just want you to come get it. There are some things that can be used to put on the mud to appease everybody and help us out while the other goes on at perhaps a slower pace. Maybe it would help get people out of the mud. This is what most people are upset about. Doesn't have to be paving. It has to be something so we know we can get home at night and know that if you get in trouble and we call an ambulance we'll know they can get there and if the house catches on fire, you can get a truck through there.

ED: Thank-you. Mrs. Brown.

Sealy Brown: You say that each district - so much money goes to each district.

ED: Under the proposal I have, yes ma'm.

Sealy Brown: Well, I don't see no need for any to go to your district cause you say yours might not get none until 1997. Ain't no need for any money to go to your district. And you say won't none of yours get paved caused they too short. Well, the county put that through there, it wasn't no district person I don't imagine. - It was the county put it there. The school bus and the mail man run up and down there everyday. School bus done have to be pulled out of the ditch from down there, wasn't no long road and it wasn't all that wide. But the county put it through there, let the county clean it up and do their work, they get the money. But every time something needs to be done, the county is broke. One reason the county is broke - Don't tell that man to tell me to sit down - One reason the county is broke is cause ya'll just keep on - every time you hire somebody, you try to pay 'em too much money. You ain't got no money. (inaudible)

AP: I guess with the current criteria we have right now for paving county-wide, in a district pool, my district along with McGill's district has the most unpaved roads. No doubt about that. Out of the top ten roads, four of those fall in my district. Now, I like to system - how it is now. But, I'm willing to share the costs with the others. So I think if we look at the county approach right now, the criteria Mr. Sherman came up with, and with what Mr. Winchester came up with, you know, it spells out here what roads are the top ten roads in the county. I know a lot of ya'll aren't going to like that, but for as statistics show, four of the top ten roads are in district two. So, if you go county-wide, like Mr. Dixon said and Mr. Davis, and Mr. Peacock, you go on living without. All the work will be done in districts one and district two.

AU: That's all right. At least it will be county wide.

AP: I guess what Mr. Dixon has been trying to say is more affordable cost county-wide. Now personally, I would like to see paving assessments. A lot of people don't approve of assessments where we share the cost. But if you want your road paved real bad, and you are willing to share the costs on a 1/3 to 1/3 basis, that's my plan. We'll stretch the money further and it will be better planning if you know the money is steady coming back into the pot. When you pay that money back, we can do some better planning. We'll have some seed money. On a 1/3, 1/3 basis, we can spread our money farther.

We've got to start sharing the costs to get better mileage on our money.

Dan Winchester: My name is Dan Winchester. I don't know - this whole process first started probably before I even graduated from high school because I grew up on Rich Bay Road and I attended the public schools in this county. I'm proud to be from Gadsden County and I'm also real excited to see this many people turn out tonight. We all may disagree on which road fits which criteria and where they all fall, but one thing I think we all agree on is that historically in this county, roads have been paved based on who you are, where you live, how much money you have, whether you're white or whether you're black, that's always been the bottom line. Our goal is when this whole thing started was not to get Rich Bay Road paved. My goal and our association's goal was to help the county excuse the pun, but assist the county somehow in coming up with criteria that ranked roads based on need, not based upon how much money you had, not based upon whether you are black or whether you are white, not based upon who you know, not based upon whether you are Lawton Chiles. One of those roads recently paved was Atwater Road and we all know that's what's been going on for years. I don't really care whether it boils down to being district-wide or county-wide, as I said our goal was county-wide. But I'll sit here today, and I'll tell you tomorrow, this criteria has been two years in the making through the Gadsden County Planning Department then again by consultants. This criteria has been tested. It is decisively transportation engineered criteria. I am a certified planner and I will submit to you today that this criteria will withstand any legal challenge and I also submit to you that the criteria that has been used in the past to pave roads, will not stand in water. So we all need to understand that we all have a common goal. We need to reach that goal. We need to have some orderly process of getting there.

Audience Applauded.

ED: Thank you, Mr. Winchester.

BM: I think one thing that the audience needs to understand as well and that is that the county is not in a position to purchase or buy right-of-way. So when we start talking about paving a road, we're going to probably ask them along those roads to deed the right-of-ways to us. One thing the county

is considering is how small a road do they really need. Will a 40 ft. road do it, or 60 ft. road do it, or an 80 ft. road do it. I will tell you now, I am not willing to vote on an 80 ft. road to take that many feet from people when I don't think it is necessary. I don't feel like we need a 60 ft. road. I am willing to go with the smallest right-of-way that we need to pave the road as cheaply and cost effective as we can.

ED: Thank-you, Mr. McGill. Are there any other comments?

L.L. Shaw: I'm out on Bear Creek Road. Thirteen years ago, before any of you gentlemen were on this commission, I presented a petition with over 3200 names of people using Bear Creek Road daily. I was told at that time that they would put it on the program, it would be next in line. I was told that by the commission and ah, there's a member in the audience - Is Bill Parramore in the audience anywhere? Bill could give you the dates better than I can. His father donated quite a bit to that cause. Not only did I deliver over 3200 signatures, it is a known fact, that the money was collected and in the bank specifically for Bear Creek Road paving. Somewhere when you start juggling, and I picked that up a while ago when you was talking about borrow from this one and he borrows from that one, you start juggling back and forth, there's not going to be very much of that money that gets into the paving. Believe me, that's the way it's been. The money that was in the bank at that time, disappeared. It was never returned. This is record people. I have followed it up and found for a fact that the money was in the bank, it was juggled around and used by somebody that had no interest in Bear Creek Road. Bear Creek Road never got a dime of it to this day. When I moved up here, some 14 years ago, the first thing I done was to have a surveyor come out and survey the line from the 65-C pavement to the Bear Creek Bridge which is approximately a mile, back from the center of the road, what is required in this county for the county and state to pave. We surveyed that down, we told the county commissioners that part of mine from where the survey line is to the ditch, you can have it, you don't have to buy it, I give it to you in case you do decide to pave the road, you don't have to get in no right-of-way from me because it's out there. I told everybody out there that I sold any property to on Bear Creek Road, if they ever pave this road, you won't have to give up a foot of your property cause I've already give it to them. Some of the people that are living out there, I see is in the audience and can testify to that fact.

When the Bear Creek Bridge washed out not too long ago, it was absolute golden time to take advantage and paved that. But there was a lot of money spent patching and keeping that road up so traffic could go back and forth cause they couldn't get on down at 267. They would not do it. I was told, (I didn't put it on a tape recorder, since then I carry my tape recorder every with me if I'm going to say good morning to one of you gentlemen, I want to turn my tape recorder on I want a record of it ) that as long as L. L. Shaw owned property on that road, it would never be paved. Now I was told that by a commissioner. Well, right now, I can tell you I don't own any property on Bear Creek Road so you can go ahead and pave it. I have sold all my property on Bear Creek Road. I have moved eight families on Bear Creek Road. They all have beautiful places - places anybody can be proud of but any of it belong to L. L. Shaw. So get your shovels and go on out there and go to work.

ED: Thank you Mr. Shaw. Just one more.

Glen Watt: I'm Glen Watt. How much would you be allowed to raise the gas tax?

ED: There are five cents available.

Glen Watt: You can raise it that much?

ED: There are five cents available. I'm not sure -

Glen Watt: Is that what is already coming in?

ED: No, Sir. You'll have to ask the clerk.

FD: There is six cents coming in but I thought there was one cent you could do by referendum I think.

Glen Watt: Just raise an additional gas tax because that's the people who are riding on the road and use it strictly for paving.

ED: That's what we are trying to do. Thank you Mr. Watt. Let me get someone who has not spoken.

Judy Tucker: O. K. Well, personally I guess we all feel like there's a great deal of funds.

ED: State your name for the record please. State your name for the record, I'm sorry.

Judy Tucker: My name is Judy Tucker. I live on Rich Bay Road and yes, we've heard all the exact same things that Mr. Shaw heard. I think it is a standard phrase that they use on everybody. We are the county and we elect you guys. And we feel like you are here to serve us and that we should have input and you know help make the rules. Cause a lot of them was made without any of us you know there to say that is how we feel. So, what pretty much we propose is that you do a county-wide list based on need, in the meanwhile take care of the rest of us you know with upkeep and whatever is necessary you know to survive until we can get paving.

ED: Thank-you. Yes Ma'm.

Margaret Brown: I also live on Rich Bay Road. My name is Margaret Brown and I think I can go a little further back. We've been waiting 19 years for Rich Bay to be paved. My question is;  
All of you are political, you were voted into office, if we should go to the district alignment of money as you suggested, and you're voted out of office, who is going to make the decision as to take the money from this district to repair this road instead of paving this one? Who is going to make the decision?

ED: No commissioner has to agree to that.

Margaret Brown: I said, if it went to that, who, well who makes the decision anyway?

ED: Each individual commissioner.

Margaret Brown: You mean, since I live in McGill's district, he has the right then to say my road is going to be paved next?

ED: No. No. No ma'm.

Margaret Brown: That's what I want to know. Who makes that decision?

ED: Under the criteria, under the district plan, that's what

you're asking me about?

Ms. Brown: Yes.

ED: Under the district plan, he would have the opportunity to list the roads in his district that would fall under, that would meet the criteria that he wants to pave in the next five years in that district alone. He will get funding based on that and that's it, I think. Did I answer your question?

Margaret Brown: The decision whether his district or somebody else's district is going to get first paving?

ED: No ma'm. There will be .. under the plan there are five windows a year for each commissioner will pave roads each year - each year - each year.

Margaret Brown: Still going to be able to pave "x" number of miles per road.

ED: Yes ma'm.

Margaret Brown: For 5 different roads, whether this one's 2 miles or this one is 10, you're still going to be able to fund it?

ED: Well, if he doesn't have the money to pave and he wants to pave a 2 mile long road, then he will probably decide not to pave this year, he'll wait until funding next to couple his funding and to pay that 2 mile long road.

Margaret Brown: That's not priority.

ED: Yes ma'm it is. Even now.

Margaret Brown: No, not if you're going by district, it's not priority.

ED: Yes ma'm. Even now, if we say we're going to pave 5 miles of road, we probably can't. We'll have to wait to do the third and fourth mile.

AU: That's better than nothing.

ED: That's what - It is. True - don't get me wrong. It is better than nothing. But what I am saying is, under the district

plan, I can go and (inaudible) my roads, the ones that are highest on the list only a quarter mile long. I can go in and pave those roads in my district in that first year. Probably for \$100,000.

Margaret Brown: Well, why should you have priority to pave a 3/4 mile stretch of road when there is one over here in this district that is in much worse condition and needs the paving a lot worse?

ED: And, and, and that's the difficulty. The roads are not in much worse shape. My roads are just as bad or worse.

Margaret Brown: Would you come out to Rich Bay Road?

ED: I've been out to Rich Bay Road. I've been out to Rich Bay Road. Under the criteria...

Margaret Brown: Oh God!

ED: .. the criteria gives you points for population plus the average daily trips which shows a long road a heavily populated road like Rich Bay Road clearly to the top.

Margaret Brown: We did not have garbage pick up until today because the garbage - Waste Management district refuses to go down that road when its raining.

ED: what if some of the folks here in Spring Meadows - In my district on Spring Meadows, the buses can't go down in. I mean, they stop at the highway. So, I mean, what I'm saying is you've got the same problems we've got county-wide. What we're trying to do is find an equitable way to address them. And I think it is wrong to sit here and say your roads are worse than mine. That's where all the problems start.

Margaret Brown: Well, I think it should be county-wide. You should pick the worst road in the county and pave it first.

ED: It is county-wide. It is county-wide. The worst road in each district, I'll guarantee will be paved first. Yes, ma'm.

Dorothy Fields: My name is Dorothy Fields and I have a

question for Mr. McGill. Do you have  
Seventeen East Ave. on your list?

BM: No, it's not on this list - no. That's in Havana, right?

Dorothy Fields: Yes.  
AP Is that in the city or the county?

Dorothy Fields: It's outside.

BM: It's outside. O. K.

ED: Then that's one that needs to be evaluated and put on the  
list. Yes, Ms. Carter, I yield to you.

Archie Mae Carter: I just would like to say that it seems like that  
if the commission would get together and get the worst roads - the  
worst roads- and try to go ahead and get those paved and if they  
get the worst one this year, next year to get the other road.  
Because if they keep going, ..

ED: Mrs. Carter, the problem is we don't have one worst one. We  
don't have one bad road.

Archie Mae Carter: You have some roads that are worse than  
others. School buses and garbage trucks and  
people can't get in and out without getting in  
ditches - those roads, I think you should go  
ahead and try and do something about them.

ED: That's what we're trying to address. They are located all  
across the county. That's the problem. Yes, sir.

AU: Mr. Dixon, I live on Rich Bay Road and I want to ask you a  
question. Say, you split it up. Alright - I know for a fact  
and everybody in here knows it too. O. K. Mr. McGill asks  
this fellow here - Mr. Davis, I need \$2,000 you know \$100,000  
because I'm short. Well, no - I've got to resurface some of  
my roads. Nobody's going to give that money up.

ED: Well I, I - you know - I think they will.

AU: Why can't we go by this criteria, and I'm not saying Rich Bay  
Road, I'm saying any road in this county that needs paving

worse, pave it first. I mean, they've already done the assessments on these roads. Go by what the planning people tell you and do it that way. It's the only way it's going to work.

Rick Soskis: You spoke earlier about trying to remove the political process from it, that clearly needs to be done. And, I mean you've got a scientific process right here.

Ed: We are not circumventing the process. The criteria.

Rick Soskis: If you divide it into districts (inaudible)

ED: All the bad roads are not located in one place.

Rick Soskis: I'm sorry, will you say that again.

ED: All the bad roads are not located in one place. What we're saying when we divide the county into districts is that we understand that all the bad roads are not in one part of the county. Yes, sir.

Rick Soskis: If you have a road with one or two people on it, that road in fact under the district system could well get paved before one that has been identified through a scientific process as needing it first.

ED: No. Those roads have to meet the criteria. The roads on the list - right these are the same roads.

Rick Soskis: As the list.

ED: As the ones on his list. They are the same roads, just broken down into districts.

Rick Soskis: O. K. Maybe a lot of people didn't understand that.

ED: O.K. They are the same roads just broken down into districts. Yes, sir in the blue & white stripped shirt.

AU: My name is (inaudible) and I live on Dupont Road. I'm a new comer to this county I guess - I've only lived here 7 years. But, I appreciate your position because it makes it sound like we're all getting money, but I think Mr. Powell's roads need the money just as bad as all of you put together if he's got

four roads on the top ten. So, if we are paying this guy to do these studies, why don't we listen to him if it is scientific.

ED: We have.

AU: We are all county, so lets start with number 1 and if it takes 20 years, go through them - go through them. And the thing about them is - My question is What happens in 5 years. I've only lived on Dupont for 7 years. But in 7 years, it has gone - it is 100% worse than it was the day I moved there. So what happens in 2 years? Do we have another study to change the priority list or?

ED: The roads are in the condition because the board has not funded road paving and because we've not had a process in place to keep up with the paving and maintenance of roads in the county. That's the bottom line.

Dan Winchester: That's because roads in the past, Mr. Chairman, have not been paved by needs.

ED: Right. Correct.

AU: The thing about it is - We're hearing is -If you divide it up into districts, you can't get the political part out of it.

ED: Yes sir. You will take it out.

Audience: No - you won't.

ED: These roads will be in the comprehensive plan. They will be paved. They will have to be paved. I think Mr. Winchester and some those folks from Rich Bay understand that. These roads will be paved.

AU: What year?

ED: Right now what we trying to do is get a lot of roads paved instead on one or two. Let me have her sir, then you.

AU: (inaudible) I live on Dupont Road. Seems like with this study, you have solved your basic problem of figuring out who to do first. Why are you further complicating it by breaking it down into 5 different districts which means you're gonna have to have more money to figure who's going to take care of

who. Whereas if you've got it in one fund, as opposed to 5 different funds, (inaudible)

AU: Rick Soskis asked - correct me if I'm wrong - but he asked if you go to the district approach as you're proposing, you're going to and what I'm reading out of this is you're going to be in your district - you're going to try and prioritize what roads get paved first, second and third as opposed

ED: No. No.

AU: The roads are the same according to this list? O.K. What

ED: What I am saying is that the roads in my district no longer compete against districts 1, 2, 3 or 4.

AU: O. K. So I did understand you correctly. So what you have done is, we have , we have gone from a master list as Mr. Sherman come up with Rich Bay being # 1, now Rich Bay is # 1 in its district. What's # 1 in yours?

ED: What becomes #1 in mine? Holt. Holt Road.

AU: Mr. Davis, what's # 1 in yours?

FD: I don't know. But I would use most of mine to resurface with because my roads is getting in bad shape.

AU: What's # 1 in yours?

BM: Rich Bay.

AU: Rich Bay. I'm sorry. O. K. So each one of you - We've taken this master list, we've broke it down into 5 smaller lists. So even though we're still dealing with essentially is road paving, we have broke this in microbits now. What we've done - I have to agree, we've added another whole layer of bureaucracy to this thing by your proposal. I like your idea, it's great. It works for me but for the majority of these people, it doesn't.

JP: What you are saying is and I agree with this, instead of going from one road which you say is Rich Bay Road being to # 1, you're going with Rich Bay, Del Rio, Rosedale, Keever and Kitrell. You've got 5 # 1's instead of 1 #1.

AU: What is causes you to do is fragment that money 5 ways so now you're going to have to start borrowing money here amongst each other in order to get one or two roads paved depending on the mileage.

JP: Where as if you go with the criteria that Mr. Sherman has got, you're going to go with the # 1 road to start with. And whether it's my district or whose district, you're going to go with that road. Then the next in line whether it be my district or his district or whose district we'll go with that. I agree with you.

AU: Right.

ED: What the formula tries to do is to make up for the inequities that have been done. It tries to make up for the inequities and the fact that some parts of the county is growing faster than other parts. And so, you're going to say, do you pave the new folks coming in and do you forget about the L. L. Shaws who have been on a roll and won't ever make high on the list. You forget about those folks who have been living here and been paying those taxes and deserve some equity. They don't get any equity off that list. Off the master list. What they will get equity out of is if we can fund each district enough and I think we can, fund each district to the point where each commissioner has the ability to go out every year and pave 2 miles of road. That's the goal.

AU: It will never work.

ED: Let me hear from this gentleman here.

Sandy Harrell: I've got a couple of questions. I would like to reemphasize what everybody in this room - We have had this hearing. Ya'll are getting our input. And I guarantee if you voted right now, there is not a person in here right now that would go along with your suggestion. It is just a hearing. The county has worked on it for two years. It's proven. He said it would work in the courts and anything. Why? I dang sure wouldn't want to be sitting up there with any one of us coming in there gripping Well - let's see - Are you in my district? I might could help you on this road. But if you've got a master list here, Here, we're coming down this master list and when it comes your turn,

it will be done. There is no gripping. There is no complaining. I've got one more question. How long have we had these taxes - gas taxes? Where's the money going, that's what I want to know.

ED: Is the clerk still here? That's easy to explain. I know we've had it for a while.

NT: What is the question?

ED: Gas Taxes?

JP: We've paved last year?

NT: We paved Atwater, Tillman and Hanna Mill Pond Road.

JP: We have paved three roads - I've been on here 5 years and we have paved 3 roads out of the five years.

FD: I've been on here 16 years and the first 8 years, we never paved the first road. We resurfaced because the roads got into such bad shape we had to use all the money to resurface with. I think that's one thing we forget is this resurfacing.

Sandy Harrell: Are ya'll held accountable, I mean this money has got to be used strictly for road paving.

ED: Yes, sir. strictly for roads.

Sandy Harrell: I mean we have had it for 5 years, and only three roads.

ED: It's not that much money.

Sandy Harrell: You said you'd probably get \$500,000.

ED: That's right. But if you're talking about and if you run into an Atwater Road - you are talking about spending \$500,000 on 1 road.

JP: It's not that much now.

Ed: I mean you can wind up spending a lot of money on one road.

Sandy Harrell: But the way you're wanting to do it, if we ain't paved but 3 roads in 5 years, we split it up 5 ways, there ain't no damn road going to get paved.

ED: Please, not the vulgarity. We don't need the vulgarity now. Please understand, we're trying to have a discussion. Please keep the vulgarity to yourselves.

Sandy Harrell: I apologize for that.

ED: Thank you. Yes, Ma'm.

AU: My name is (inaudible) and I live on Rich Bay (inaudible) I think most of us will agree that we are here tonight to help you work out a problem that is very close to all of us. I would like to caution you as commissioners, I work for the State of Florida as operations management consultant, I worked with a lot of problems. I would like to caution each one of you gentlemen here tonight, please do not create a budgetary nightmare for yourselves. That's what you stand a very good chance of doing by dividing this up in the manner that you have in mind. It is something to consider. And I would also - Mr. Sherman and your people - it is obvious that you have done a great deal of work on this plan that they have designed and it would appear that it is a good plan. I do think that you need to consider that very closely before disregarding it and dividing up into districts. I think all of us would like to see this resolved as just as possible. But as you see, there are a lot of emotions here and I am sure that all you understand that. I just wanted to caution you on that one issue.

ED: Thank you ma'm.

AU: Hi! I'm Bonnie Cowart. I have one question and well a couple of questions. My first question is "What is not political about going to your buddy because maybe Mr. McGill and Mr. Dixon are better buddies than someone else down here that needs - I don't know but to me - some of the feelings that I have gotten from some of the people back here is - How is that not going to become political. It may not be with the existing commissioners, but what about the next ones that come in. That's just something to think about. I don't know what your reasoning is.

ED: That is not and is not considered in my thinking to be standard operating procedure to just say "Commissioner, loan me a hundred thousand dollars." I don't think that many commissioners would be able to. As I said, everybody's

district is really in bad shape. And so no one probably will.

If we were under this particular fiscal year, the way my numbers look, we would only get \$90 - \$100,000. And so, I would not be able to go out and pave a Rich Bay Road in this fiscal year. But under next year's proposal, that number would increase up to \$200,000 and I would be able to go and pave a Rich Bay Road. So what I would do this year is by-pass Rich Bay Road, go in and pave the next road down on the list that I could afford to pave, wait until the new fiscal year, come back and do Rich Bay Road. Most commissioners, or you could borrow if the option was available. Roads are so bad right now, I don't think, I think Commissioner Davis is probably the only one who could lend some money. And he is considered resurfacing. So, it's gonna be - you have to use - Rich Bay Road either way would not fall in this fiscal year. It probably will fall in 94/95 because it is a great big project.

Bonnie Cowart: The way it was presented at least to says to me and maybe I misunderstood what you were saying but I hear that if you did it this way, everybody would get a little piece of the pie and if your piece wasn't big enough, then you could you know talk to the next commissioner and they'd probably be willing to give you some and it sounded to me a little bit more like splitting it up would accomplish more than what it might actually accomplish.

ED: No, ma'm. It's just that we're in this fiscal year, since we are in the middle of the fiscal year, we have to work with the monies that are there now and that's all.

Bonnie Cowart: My other question and I don't know who to direct it to - the road superintendent or you, but, it's to think about you get what you pay for and a lot of these roads, using not asphalt and you know let's look at all the alternatives but not using asphalt - a lot of these roads are major thorough-fares and they are just going to get torn up real fast because people will not drive through them like they drive through neighborhoods.

ED: We have taken that into account. That's why we are only - under my proposal, that we are probably only going to spend 70 - 80% of that money in the neighborhoods. The remainder

will go to actually putting down good asphalt on those roads that are major connectors and that are major arterial.

Bonnie Cowart: Then what goes to the maintenance funding?

ED: That will be coupled into that fund. We'll project enough money out there to do both of those things.

AU: Chairman, the problem with that is that and I hate to interrupt, but I'm going to , the problem with that is that I'm not disagreeing with that concept, but problem that may occur is you say you can borrow from Peter to pay Paul, and what you just said a minute ago...

ED: I wouldn't describe it as borrowing from Peter to pay Paul.

AU: Well, you borrow dollars from one district to lever in another district, but the problem is if you have a road like Rich Bay Road or Dupont Road or Lanier Road or any of these roads that are major thoroughfares and major collector roads, you can say - one district has \$500,000 divided by 5 is 100 grand. That \$100,000 with an asphalt paving is probably - you're going to be lucky to get a mile down that road. That would be pushing it. What happens in a year or two, three, four or five. That road is sitting there half-way finished ...

ED: If that road is a major collector or major arterial, then it would fall into that fund that we've established to do major collectors and major arterial. No matter whose district it is in.

Dan: But, if you have \$100,000 and my other question was engineering. It would cost, I know, I would estimate around \$30 - \$50,000 for engineering. Then that's gonna chew up - if Mr. Powell's district has \$100,000 and he's got to pave one road, he may spend \$30 - \$40,000 on that one road just for costs of engineering that the (inaudible) blown up just to have the engineering done. Then he's left with 60 or \$50,000 to actually pave a road.

ED: Under our estimates, the engineering costs are no where near that amount.

Dan: They came real close to that amount.

ED: It depends on the quality of the road.

DAN: My final question is and I'll sit down is are there any roads in the county right now under contract to be paved?

ED: No.

AP: No.

DAN: You are sure about that.

ED: Did ya'll approve any?

AP: None.

JP: We're winding up the last road now which is Atwater Road. That was contracted back last year.

AP: In 93.

ED: Under the board, now somebody privately might be. We did, well, we did one down at the lake. Because of an accident but we did not pave that road. Private home owners paid for that road to be paved.

Rick Soskis: I'm a little bit concerned cause I'm not sure ya'll are hearing what is being said. I know that everybody up there that anything to do with answering the people who want roads paved in their district wants to do something for them. If I were in your shoes, I would want to do something for them too. I recognize that breaking it up might do that. But when you break it up, you complicate it and you get away from the equity. The most important thing to do - you've got this certain amount of money - you've got to simply, you've got to establish by an objective system in order to be fair and you've got to absolutely stick to it.

ED: Mr. Soskis,

AU: May I - I've been standing quite a while.

ED: Let me - go ahead sir.

OW Hartsfield: O. W. Hartsfield. I live on Dupont Road. Why are you spinning your wheels trying to devise another method when you already have it right here. Why

don't you begin tomorrow with shovels and spend this \$800,000 and pave the first one that is on the list and forget this. To heck with this. What you are doing is delaying the process. Now if you take a vote here, who is in favor Mr. Chairman of your proposal,

ED: Oh, I expect no one would be.

OW Hartsfield: Absolutely.

ED: Because you have an interest in it.

Let me make a point here. This was a workshop and continues to be. But had I known that we would stack the deck so to speak, I would have invited the people out from district 5 who would have said the same things that would have said the same thing that you are saying. Where are we at the top of the list?

AU : But you have a priority list already.

ED: That's right. That's right. We do. Let me, let me.... Please Mr. Winchester, let me here from the people, you've had your turn.

Susan Willis: My name is Susan Willis and I am from District 5. And sitting here listening to all of the other people speak, I, certainly I think everybody would like to have their road paved especially after having a summer like we did last year. I live pretty close to the road and I fought dust all year. But, I have a list here in my hand and I think if what was proposed here. And I think I have to agree being from district 5 that we do have money - Mr. Thomas said we do have money - in our budget for paving roads. So, why not pave #1 on the list and go ahead and get that road paved and work from the list. He said you're gonna have \$520,000 - \$540,000 coming in again. So, if you have \$700,000 - \$800,000 that's in there, go on and pave Rich Bay Road. I have no objection being and living in district 5 and living on Bear Creek Road.

Roosevelt Carter: My name is Roosevelt Carter and I'd also like to speak on the matter. I live on Dear Wood Road and we

didn't even make the list. I think the biggest thing that people want to hear is when they are going to get their roads paved. O.K. You've got a prioritized list right here. I know that everybody in every district want to get their roads paved. But, why don't you just take - do this - and go down the list and pave them as they come.

AP: You're on the list.

Roosevelt Carter: I am. Well, anyway, go down the list, go down the list and tell your constituents that you won't get paved this year but you'll get paved next year.

ED: Well, they won't get paved next year.

(inaudible)

Roosevelt: You got to understand though that you only got such a certain amount of money that you can pave roads with. Maybe this year, you can pave the first two roads and maybe the next year, you might get 3 or 4 of them. When it comes down to miles, you're going to pave the roads. First of all, if you keep going back and forth on how we are going down the list, the list is already established. What we need to be looking at is how many roads are we going to pave? We got to move on cause we want (inaudible) but lets take the official list and go down it. It don't make any difference what's been done in the past, so we just want 1 road started paving or 2 roads started paving. Then come back each year and then we go from there.

applause

AU : I would like to ask you one question. Has the county in the last 5 - 6 years received any suits that resulted from accidents on any of these roads?

ED: I'm sure we have. Yeah.

AU: Do you recall how much money was spent on these suits?

ED: No, Sir.

AU: It would seem to me from a legal standpoint if we accept the plan as presented by the gentleman here, we could certainly avoid a lot of legal issues probably because we are following the comp plan. Secondly, if we pick the roads they have selected as priority roads, these probably are going to be the roads that you are going to receive the most law suits from because these are the most heavily traveled roads. These are some of the worst roads. So these are going to be the roads where you are going to have accidents on. These are going to be the roads where the law suits are gonna come from. I feel personally, that the less of these law suits we have, the county will have more money to spend on roads for the people who don't (inaudible). So you might consider the legal aspect.

ED: Let me comment on that in the interest of discussion. These are the same roads that we are talking about. All of these roads are on the criteria list and meet the criteria list. We are not talking about a new set of streets. The information that we are approving is the same information that Mr. Winchester said would hold up in court. We are only going to take a few more questions and we're going to wrap this up.

AU: First of all, I'd like to direct this to Mr. Sherman. Are you a county employee?

MS: Yes, sir, I am a county employee.

AU: How much money was spent on this study?

MS: It's - We factored in our regular salaries, I just do comp for overtime and try and give some of my people time off for their hours they work after 5. So it's just figured in our regular budget. Our budget this year, I believe, it was about \$97,000 for this department's budget.

AU: What percentage of that do you figure was spent specifically on this study? Do you have a ball park idea?

MS: Well, we generally do three days a week from 4 to 7 o'clock at night counting roads, counting traffic for the last six months. So I'm factored in at salary, so it's no cost for me. The other person who goes with me is factored in at salary, so. It's not an increase to the budget for us to do this is what I am saying.

ED: Let's just try and address the questions to the policy at hand.

AU: Why I want to know is why is it that we spent -

ED: We have already said, the list doesn't change.

AU: Mr. Dixon, you have already come up with a new idea of how to approach this situation. I'm wondering if any of the other commissioners have some similar thoughts with coming up with any innovative ideas on their own.

ED: I don't know. You'll have to ask them.

AU: O. K. Well, I'd like to ask ya'll.

JP: Yes, sir. I have. I've been sitting here listening to all this. Of course, sticking with the criteria like it is, I'm probably going to get less roads paved than any commissioner here. Me and Mr. Davis. But I am in agreement with you people out there. I don't care how you set it up. It's going to be political. And I know that in the past, there have been some roads paved that shouldn't have been. There are other roads that should have been paved that maybe fit the criteria better. But back then, we didn't have to have a comp plan. Now, we do. So, you know to go district per district - I don't think I could support it. I would like to see us take it, the criteria that our planning and zoning director has, and start at the top and three years down the line, if one of my roads comes into that criteria, we'll pave it. The next thing that none of us has said too much about is We're going to set aside and I don't think 20% will cover it money to resurface these roads we already have and put some stripes on them. We've got roads that at night when it is raining, honestly you can't see where the shoulder of the road is, where the middle of the road is, even if the road is in good shape. When you go to talking stripping, you are talking money. They don't do it for nothing and we're not set up to do it. We will have to go out on contract to get it done. We have - over the next two years, if we don't resurface some of these roads that's in bad shape like they are, we're going to have to build new road beds for that road. That's more money. Whereas if we get to it in the next 2 - 3 years, we save a lot of money by doing that. I think our road superintendent can vouch for that. Again, I, you know, I would like to find something that would work better, but sitting here, listening

to all this, I don't see anything that going to work better than the criteria we've got.

AU: I came here realizing ya'll are under a 60 day time-clock with DCA and I personally came here to help you all with the situation. I'm done.

ED: Just these last two comments. Yes, sir.

AU: If you are going to pay this department over here to plan all this stuff for you, and you're not going to do it, why are you wasting our money?

ED: We are not talking about not doing it. I think ...

AU: What I am saying is they have went to the trouble and the people on Rich Bay Road did not do this. That department did this and any road. If they are going to go to the trouble of doing it, why not listen to them. They are the ones that drew this up.

ED: Thank you. Yes, sir. This gentleman. You first.

AU: I'd like to know from the commissioners that are sitting there, how many support your idea and how many support that one.

ED: I think that will be decided tomorrow night at the meeting and we are not here to make any decisions. So.

AU: The people out here want to know about the list.

ED: That decision will be made tomorrow night at the meeting. Yes sir.

AU: On the criteria points, what did you settle for in the way of road width.

MS: The county from what I understand, based on the functional classification of the road, whether it's a local road, a collector road, arterial or free road, there is a minimum right-of-way width. That will vary from road to road. I believe the local set a 60 ft. minimum right-of-way. But based on the features of that particular road, it can be lessened. There is a minimum but it could be reduced if necessary.

AU: Also, another question. You did say we had \$700,000.

NT: Yes.

AU: And you did say we will not pave Rich Bay Road this fiscal year right?

ED: I said probably under the plan because of all the work that has to be done on Rich Bay Road anyway. I'm saying it probably won't get paved. I'm not saying the work won't go forward.

AU: Why won't it get paved?

AU: The road department said our road was ready to get paved.

AU: You did say \$150,000 per mile right?

ED: Somewhere around there.

AU: IF you go down the list, that's five different roads that can be paved.

AU: It's two miles. So you're talking about \$300,000. You already have that in the fund. We have six months to go in this fiscal year. Why can't we proceed?

ED: Yes, Ma'm.

AU: You did not answer my question.

ED: I can't.

AU: Through what process Mr. Dixon do you have to go through to get your proposal approved in the policy and what can we do to oppose it and voice our opinion about your policy.

ED: Tomorrow night, the board will decide on the policy.

AU: Will we be able to have a say in that?

ED: Certainly.

AU: Tomorrow night - what time?

ED: 6:00 p.m.

AU: Here?

ED: Yes ma'm.

FD: I'd like to point out one thing. I've been on here probably longer than any of the rest of them and in the 16 years I have been on here we have not paved but about 5 roads in that period of time that was not grant related roads. The rest of it went to resurfacing. So we can't forget about all these roads in the county that's got to be resurfaced.

ED: Yes, sir.

AU: We don't care about resurfacing, we want to get a surface.

BM: I've been trying to be pretty patient and be quiet as I listen to this and while I came to agree with Mr. Peacock that we cannot forget resurfacing, I still believe that those citizens who live on paved roads that have never been paved period, ought to get top consideration. I'd rather dodge a pothole 50 yards than dodge a whole hole 50 yards. I really don't think that this the same. Now with respect to the plan, I'm having some problem. I'm getting more grey hair now than ever, I'm having a real problem with Commissioner Dixon's proposal. See, if you look at 5 roads being number 1 in each district, which is going to be number 1 of 5. Now obviously you cannot go out and start paving 5 roads at the same time but keep them all number 1 and all number 2. At some point, we're going to have to look at something that tells us yes, this is moved from the group to be number 1. This one is going to be number 2. Whether its going to be in district 1 or 2 or district 5 in inconsequential. Its hard for me to conceive let just go across the list and say Rich Bay is number 1 in district 1, Del Rio is number 2 in district 2 and road 3 is number 3 in district 3. How are we going to start all three at the same time?

ED: Mr. McGill, I said in the proposal that there would be 5 windows basically. Basically a window every 2 months.

BM: I'm sorry commissioner.

ED: And what you would do basically, is the number 1 or however many miles of road you could do in that district is what would be done.

BM: I understand that. But as we look at 5 number 1's, what in the criteria would say whether Del Rio is really number 1 or

ED: The criteria would say, would list the roads by district.

BM: You've got 5 roads, all having the same weight, same criteria, Are we talking about contracting with 5 different contractors to make sure they all start at exactly the same date and same time to get through the same time?

ED: That's easy enough done.

BM: By contractors?

ED: Yes, sir.

JP: I've got one more.

ED: Sir.

AU: Suppose now we've got enough money to pave Rich Bay Road.

ED: Yes sir.

AU: O.K. You want to divide that 5 ways.

ED: Only is the board approves that plan.

AU: IF. That's not going to leave enough money to pave Rich Bay Road is it?

ED: Probably not this year.

AU: You going to pave one, he's going to pave one if he's got enough money.

ED: Probably not this fiscal year.

AU: Not this fiscal year. When? It does extend into years - if not this year maybe next year and then this year turns into 22 years, if not this year but maybe next year. Let's leave it like it is and go with the plan that's already been approved. Your plan won't stand up in court anyway, I don't think.

ED: Yes it will.

AU: I don't think so. And still (inaudible) cause for putting it through there. You've got to wait for it to get through before you can put it through. You got to wait for court approval. Because definitely, you're going to have to get it if you try to.

ED: We'll hear from Commissioner McGill and then the chair will entertain a motion to adjourn.

JP: I need to make one comment.

ED: I'm sorry, I didn't mean Commissioner McGill, I meant Commissioner Peacock.

JP: I've got one comment to make to the board. If we go with your proposal - just say we went with your proposal. And like the gentleman states out here, we divide the money up and we don't have enough money to pave Rich Bay Road. Mr. McGill comes to me and wants to borrow \$150,000 from my district to help out with Rich Bay Road. He comes down to Mr. Powell and wants to borrow \$150,000 from him.

AP: I won't give him any.

JP: If I give him \$150,000 and I don't pave Rosedale Road over here with the money I've got set aside in mine, you talk about political, man it's going to get political. If that happens to be election year, I can assure you that those people of Rosedale Road, they ain't going to vote for Peacock.

ED: Thank you. Can I get a motion to adjourn?

AP: So moved.

BM: Second.

ED: Consider yourselves adjourned.



AT THE REGULAR MEETING OF THE  
GADSDEN COUNTY BOARD OF  
COMMISSIONERS HELD IN AND FOR  
GADSDEN COUNTY ON FEBRUARY 1,  
1994, THE FOLLOWING PROCEEDINGS  
WERE HAD, VIZ.

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

1. CALL TO ORDER Tape # 1; position 1

Chairman Dixon called the meeting to order. Commissioner Powell led in pledging allegiance to the U. S. Flag. Clerk Thomas then opened the meeting with prayer.

2. ADOPTION OF AGENDA Tape #1; position 36

Chairman Dixon presented the agenda for adoption asking for any additions or corrections.

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO ADOPT THE AGENDA AS WRITTEN.

3. APPROVAL OF MINUTES - JANUARY 18, 1994 REGULAR MEETING

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO APPROVE THE MINUTES OF JANUARY 18, 1994.

4. COUNTY ATTORNEY

At the last meeting, the board voted to retain the Nabors, Giblin & Nickerson Law Firm to defend the county in those proceedings relating to the law suits filed against the county by St. Joe Paper Co. Since the last meeting, the clerk has raised some questions regarding the use of funds from the fire assessment itself to pay the legal fees in the defense of the law suit.

Mr. Richmond stated that he believed that it would be within the legal ramifications of the fire assessment ordinance to use the assessment funds to pay those costs under the administrative provision of the ordinance. The suit is in defense of the fire assessment itself and there is provision for attorney fees in some amount.

The clerk asked Mr. Richmond to provide the finance department with a written legal opinion to that effect.

Mr. Richmond recommended to the board that they approve the clerk's request to have him prepare a written legal opinion in support of using fire assessment funds to pay the legal fees for defending the county in the St. Joe Paper Company law suits.

Questions from the board.

Commissioner Peacock: "Hal, I understand this suit now is just for pertaining to St. Joe Paper Company, right?"

Mr. Richmond: That's correct. St. Joe is claiming they get no special benefit. There are no other law suits pending except the two St. Joe Paper Company law suits at this time. And any decision will be only as it relates to St. Joe.

Commissioner Peacock: Thank you, that's the only question I have.

Commissioner McGill: Do you have any idea how much is set aside in the fire assessment ordinance to cover legal fees?

Clerk Thomas: Right now there's no money actually budgeted for legal fees. I mean, we will have to move money from contingency within that particular budget. There is no money currently in the fire fund budget to cover legal fees.

Commissioner McGill: Oh - I thought the ordinance itself provided for legal fees.

Chairman Dixon: It does, but there is no line item.

Attorney Richmond: There's administrative costs in there and I guess there are no attorney fees after all.

Clerk

Thomas: I'm just wanting clarification from my end so that I can feel covered that this is allowable. That's all.

Commissioner Peacock: That the money will come out of the fire assessment fund.

Clerk Thomas: Right, I'm just asking for a legal opinion from the attorney.

Commissioner Davis: How much is in the contingency?

Clerk Thomas: There is \$30,000 in contingency within that fund.

Chairman Dixon: Continue Mr. McGill.

Commissioner McGill: It will come out of our contingency?

Clerk Thomas: Contingency of the fire fund. Not the general fund contingency.

Commissioner McGill: I know you probably won't know this at this point probably, but, lets assume that say there are \$75,000 in legal fees as a figure, will each city then have a reduction on a proportional basis against that?

Clerk Thomas: Well, that's something you're gonna have to look at. You've got \$30,000 for contingency and you've got other money budgeted for other things. If it goes past the amount you've got in contingency, then that's a whole other question.

Attorney Richmond: That law suit shouldn't cost that much.

Clerk

Thomas: I'm just asking for a legal opinion so that I can feel comfortable.

Commissioner  
McGill: I so move.

Commissioner  
Peacock: Second.

Chairman  
Dixon: We have a move and second that we authorize the attorney to give to the clerk a written legal opinion.

Commissioner  
McGill: I call the questions.

**UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO APPROVE THE CLERK'S REQUEST TO HAVE THE COUNTY ATTORNEY PREPARE A WRITTEN LEGAL OPINION TO THE EFFECT THAT THE FIRE ASSESSMENT FUNDS CAN BE USED TO PAY THE ATTORNEY FEES TO DEFEND THE COUNTY IN THE ST. JOE PAPER COMPANY LAW SUITS.**

**5. COUNTY MANAGER** Tape #1; position #156

Mr. Carter called attention to a request from Hendry County Board of County Commissioners asking Gadsden County Commissioners for a resolution in support of their efforts to register complaints as local elected officials with the Department of Revenue. The complaint is for their being effectively excluded from participation in early stages of annual budget process for certain county officials. He asked for the pleasure of the board in this matter.

Chairman Dixon spoke as a proponent for the complaints expressed by Hendry County Commissioners. He would like to see the Property Appraiser's and the Tax Collector's budget be brought into the same time frame or calendar as the other constitutional officers of the county. They presently come into the budget process very late and consequently makes anticipated changes very difficult.

Commissioner McGill wondered aloud if the Legislature will take a serious look at the complaint. He was of the opinion that such a complaint would be an exercise in futility. He suggested that a campaign to cause the Legislature to change the statute would be appropriate.

Chairman Dixon explained that the best form of action at this point would be to send a resolution to the legislative delegation strongly urging them to propose amendments to the statutory budgets requirements set forth in Chapter 195 of the Florida Statutes.

**UPON MOTION BY COMMISSIONER DAVIS AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO SEND A RESOLUTION TO OUR LEGISLATIVE DELEGATION URGING THEM TO PROPOSE AMENDMENTS TO THE STATUTORY BUDGET PROCESS THAT WOULD CAUSE ALL COUNTY OFFICIALS TO SUBMIT THEIR BUDGETS TO THE COUNTY COMMISSION IN THE SAME TIME FRAME.**

**McSwain Riegler Corporation - U. S. Corrections Corporation**

Tape 1; Position 309

Mr. Carter introduced Mr. Hank Riegler of McSwain Riegler Corporation who spoke to the board requesting a letter of support in their efforts to build an addition prison facility adjacent to the one now under construction.

Mr. Riegler spoke briefly of the benefits to the county and community.

Mr. Richmond pointed out to Mr. Riegler that in giving this letter of approval, the county would not be acquiring any liability. If, in the future, the corporation should change their minds or if the board should deny the new prison, this letter can not be interpreted to be conceptual approval of the project.

Chairman Dixon asked Mr. Riegler to explain what was the advantage, if any, to having a private prison as opposed to state operated prison system.

Mr. Riegler stated the opposition to private prisons comes basically from the Florida Sheriff's Association - mainly because of loss of patronage. In some counties there is opposition from the State Department of Correction. There is some opposition to the Governor's setting up of a Privatization Commission because it takes from these entities some measures of control that they feel should remain with them. These are opinions. He could not relate any disadvantages.

Mr. Riegler went on to say that the biggest advantage to a private system is that they do not have to go

through the advertising and purchasing procedures required by the state prisons. Private institutions can buy locally without considering the state purchasing policies. Private corporations can put money directly into the local economy.

U. S. Corrections does not buy in bulk and does not have to store products. They prefer purchasing locally eliminating the need to warehouse goods necessary to run the prison.

The state owns the facility and if the prison is not operated effectively, operation of it will revert to the state. U. S. Corrections is required to operate the facility at a cost which is 7% less than the cost for the state to operate it. The state has many benefits that a private vendor does not receive and it must still operate at 7% less. At the end of 20 years it will be turned over to the state anyway.

The new facility will house the same classification of prisoners as the other prison. It will be a medium custody secure institution. It is to provide drug rehabilitation and vocational education.

**UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO WRITE A LETTER SUPPORTING MCSWAIN RIEGLER CORPORATION IN THEIR EFFORTS TO BUILD ANOTHER PRISON FACILITY IN THE GRETNA AREA.**

Mr. Riegler told the commissioners that his company will hold a job fair in the community sometime in March. He remarked they were very pleased with the community response saying also it was the best response they ever had anywhere.

**Bid Committee Recommendations** Tape # 1; position 744

**Bid 94-03; Development of County-wide Budgeting System - Tabled**

Mr. Carter presented the bid committee's recommendation for the contract to be awarded to OMB & Associates at a cost of \$9,000 to be taken from the board's contingency funds if approved.

Commissioner Peacock requested the courtesy of the board and made a motion to have this matter tabled until the next regular meeting of the board. He explained he was in the process of gathering information and financial figures. Since this matter is not an urgent matter, a two week delay should not impact in any way.

Commissioner Davis seconded the motion but was not necessary since a motion to table is a matter of personal preference.

Chairman Dixon declared the matter tabled.

**Bid 94-04; Concrete and Concrete Blocks - no bid**

Mr. Carter explained only bid was received before the dead line and it was a no-bid. Two bids were received after the dead line and will be returned to the vendors unopened.

**Bid 94-05; Steel Pipe - awarded to Gulf Atlantic Culvert**

The bid committee received three bids. The committee recommended awarding the bid to Gulf Atlantic Culvert.

**UPON MOTION OF COMMISSIONER DAVIS AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO AWARD THE BID FOR STEEL PIPE (94-05) TO GULF ATLANTIC CULVERT.**

Commissioner Powell asked if these culverts would be available for sale to residents. The answer was "no". The county will install them for residents but they must purchase their own. The county does not sell culverts to anyone.

**Bid 94-06; Hydraulic and Diesel Motor Oil - Tabled**

The bid committee received only two bids and Mr. Carter expressed disappointment and concern that only two bids were submitted. The committee recommended awarding the bid to Hinson Oil Company of Quincy.

Commissioner McGill asked Mr. Carter what the cost was on the hydraulic and diesel oil. Mr. Carter did not have the information with him and could not recall the prices and he was unable to answer Commissioner McGill's question. Chairman Dixon stated that the price was broken down for each of the items advertised.

Commissioner Peacock remarked that prior to this meeting, the bid committee has always had the prices broken down and each commissioner was furnished a list of all bidders and respective

bids. He suggested that the bid committee go back to the old format of presenting all bids with their recommendation.

Commissioner Dixon assured the board the bid committee has not changed any policy and noted that the person who typed the minutes of the meeting and the bid recommendations was obviously not the person who ordinarily prepared them.

Commissioner McGill explained that there are certain criteria that a bidder has to meet. In the absence certain pertinent information, he suggested that awarding of this bid be tabled.

Chairman Dixon asked the commissioners if all bids should be tabled.

Commissioner Peacock recommended that all bids be tabled.

Chairman Dixon asked Mr. Carter how many of the bids are needed immediately.

Mr. Carter replied saying there was no real urgency on any of them and delaying action for two weeks would be permissible.

Commissioner Peacock remarked that he was certain that the bid committee had done their job appropriately, but expressed reluctance to take action without examining all the bid figures for himself.

**COMMISSIONER MCGILL MADE A MOTION TO TABLE ALL BIDS.**

Chairman Dixon explained that in order to table all bids, it would be necessary to rescind the action already taken on the Gulf Atlantic Culvert bid.

**COMMISSIONER MCGILL MADE A MOTION TO RESCIND THE BID AWARDED TO GULF ATLANTIC CULVERT. COMMISSIONER PEACOCK SECONDED THE MOTION. MOTION FAILED BY A VOTE OF 3 - 2 WITH COMMISSIONERS MCGILL AND PEACOCK VOTING TO RESCIND THE BID AND COMMISSIONERS POWELL, DAVIS AND DIXON VOTING TO OPPOSE RESCINDING THE AWARD. COMMISSIONER DAVIS MADE A MOTION TO AWARD THE FUEL BID TO HINSON OIL COMPANY. COMMISSIONER POWELL SECONDED THE MOTION.**

Discussion followed. There was considerable confusion at this point of the meeting. Commissioner McGill thought he had tabled the bids and could not understand why this motion was on the floor. It was his intention to table any more bid awards.

Since it was Commissioner McGill's intention to table any further bid awards, the chairman asked Commissioner Davis if he would like to rescind the motion on the Hinson Oil Bid award.

**COMMISSIONER DAVIS WITHDREW HIS MOTION TO AWARD THE BID TO HINSON OIL COMPANY.**

**COMMISSIONER MCGILL MADE A MOTION TO TABLE THE AWARDED OF ANY OTHER BIDS.**

Commissioner Davis insisted that the board rise to a point of order.

Mr. Richmond explained that the motion to rescind the bid award to Gulf Atlantic Culvert **failed**, therefore the **bid award stands**.

A motion was made and seconded to award bid No. 94-06 to Hinson Oil Company but no vote was taken. The motion was then rescinded by Commissioner Davis.

Lastly, there was a motion by Commissioner McGill to table further awarding of bids. At that point all other bid awards were tabled and Chairman Dixon called for further discussion to cease.

**CONSENT AGENDA** Tape # 1; Position # 1141

**UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO APPROVE THE CONSENT AGENDA TO WIT:**

1. 1994 Committee assignments (attached)
2. Resolution approving Housing Assistance Plan (attached)
3. Affordable Housing Incentive Plan Resolution (attached)
4. Affordable Housing Commitment and Mission Resolution (attached)
5. Satisfaction of Housing Rehabilitation Agreement (attached)
6. Resolution Continuing Support of Preservation 2000 (attached)
7. Hazardous Waste Collection Interlocal Agreement with Leon County (attached)

**CLERK OF COURT**

Clerk Thomas reviewed briefly some concerns he has with regard to the expenditure side of the budget.

The first area of concern was the contingency fund. The fund's balance is presently \$71,961.00. He reminded them they had led the Chamber of Commerce to believe they would consider amending the budget in April to give them an addition \$10,000 which would return their level of funding to what it was the previous year.

The clerk's second concern dealt with court appointed conflict attorneys. That line item was funded at the beginning of the year at \$60,000 - \$2,000 more than last year. The balance is now \$27,222.00.

At present, there are two pending capital murder cases on the trial calendar for March and April. Both cases have court appointed conflict attorneys. It is reasonable to expect the costs to defend those cases to exceed the amount left in the budget. The only other budget source to cover those costs will be from the contingency fund.

In view of the facts, the clerk recommended that the board approach any future contingency spending with caution, limiting it for extreme emergencies until nearer the end of the year.

**Cash Balance Report - \$2.9 Million in general operating accounts**

**Budget Amendments (attached)**

The Clerk called attention to a mistake on the first budget amendment for the general fund. Repair and maintenance of equipment \$13.00 - the \$13.00 should have parenthesis around it.

**UPON MOTION BY COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO APPROVE THE BUDGET AMENDMENTS AS AMENDED TO WIT:**

1. General Fund
2. Grants - set up Hazardous Waste Grant
3. General Fund Account
4. General Fund - Information only - Supervisor of Elections Contingency Amendment

**Distribution of the Fire Assessment - Board approved distribution of fire assessment monies by request.**

Clerk Thomas told the board he has received several requests from municipalities and volunteer fire departments for their share of the fire assessment monies. He asked the board for their wishes.

**UPON MOTION BY COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO APPROVE THE DISTRIBUTION BY REQUEST OF THE FIRE ASSESSMENT MONEY TO THE MUNICIPALITIES AND VOLUNTEER FIRE DEPARTMENTS.**

#### **Approval of Payment of County Bills**

**UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO APPROVE THE PAYMENT OF THE COUNTY BILLS.**

#### **DISTRICT 1 REPORT**

Commissioner McGill asked that Central Road in Midway and Seventeenth Street in Havana be added to the road paving prioritization list.

#### **DISTRICT 2 REPORT**

Commissioner Powell asked Mr. Carter how to go about having the road paving assessments added to the criteria to be used in the ranking of roads.

Mr. Carter responded by saying, "If you accept the stipulated agreement and remedial amendment the way it was presented originally and the way it was accepted, the only way you can get it added is when you go back and add it as an additional criteria when we do the first amendment to the comp plan which could be sometime in March. We thought it would be in February, but we haven't had any response from DCA in reference to our stipulated settlement agreement."

Chairman Dixon suggested that Commissioner Powell speak to Mr. Sherman to see if it needs to be added as a part of the criteria in the comp plan or included in the implementing policy.

Commissioner Powell emphatically stated that he wanted it added as a part of the road paving prioritization process - whatever it takes to get it done.

Mr. Carter once again stated, "If you accept it the way it is written now, it will not go in until we send in the first actual amendments to the comp plan. At that time we plan to send in more than just the paving assessments to be added to the comp plan as an additional criteria for the rating of roads. I think that is the only way it can go in now based upon the criteria. Provided that DCA signs off on it within the next few days and we get it back and we have 60 days to respond to it and the board may take a different action within that 60 days."

Commissioner Powell then asked "What was the problem with ranking all the roads that were unpaved. I know that we did 20 per district, I think we said. What was the problem with ranking all the county's unpaved roads?"

Mr. Carter responded, "Time - Time is all. The time between the last time we met we just - basically what happened initially was - those 37 roads that were submitted - Mr. Sherman submitted those - and then we went back and just compiled a list of all the roads that we could identify with the records, by talking to sources - then compile a list and basically, just trying to distribute those to each district based upon roads we can identify. There are still some unnamed dirt roads in the county. I don't know what the process would be, but those need to be identified also and be added to the list. But if that is a request from the board that those be added into the hopper and then add the criteria and then you go back and re-rank them, then based upon those seven criteria and everything stands as is, you can possibly get a definite ranking system in those 37."

Mr. Carter had discussed this with Mr. Sherman earlier in the week. Mr. Sherman has requested some summer intern help to chart road traffic and perform other related tasks. Mr. Carter went on to explain that it takes an enormous amount of time to guess when the peak hours of traffic will be, conduct traffic counts, then come back and do the analysis based upon criteria and weights. The P & Z staff consists of only 2 people. They need help to continue the study requirements. Mr. Carter stated that he is confident the staff is conducting the studies scientifically but they need help. University interns could possibly offer assistance during the summer without costs to the county in terms of pay.

### **DISTRICT 3 REPORT**

There was no report.

### **DISTRICT 4 REPORT**

There was no report.

### **DISTRICT 5 REPORT**

There was no report.

### **PUBLIC INPUT**

Mr. Hosea Smith who resides on Atwater Road had several questions concerning the recent improvements made to Atwater Road.

He particularly asked the commissioners if they intended to make similar improvements to the opposite end of Atwater Road which was paved some years ago. The biggest difference is the mitered ends. He also observed that Highway 267 is getting mitered ends. He asked why they wouldn't improve the other end of Atwater Road with mitered ends while they are working out there already. He stated the older pavement is needing repair now.

Chairman Dixon explained that Highway 267 is a state road project - not a county road project. The state requires mitered ends.

Commissioner Peacock responded to Mr. Smith by saying that the mitered ends are now required by Department of Environmental Protection to comply with stormwater run-off. It is a new requirement that was not required at the time the other end of Atwater Road was paved.

Commissioner Peacock concluded his remarks by saying he would pass along his request to the Road and Bridge Department.

**UPON MOTION BY COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL, THE CHAIRMAN DECLARED THE MEETING ADJOURNED.**

\_\_\_\_\_  
Edward Dixon, Chairman

ATTEST:

\_\_\_\_\_  
Nicholas Thomas

**GADSDEN COUNTY LICENSING BOARD**

Chairman Dixon declared the meeting of the Gadsden County Licensing Board convened.

**UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO APPROVE THE LICENSING OF REGINALD VINCENT GUNN AS A RESIDENTIAL CONTRACTOR.**

**UPON MOTION OF COMMISSIONER PEACOCK, THE CHAIRMAN DECLARED THE MEETING ADJOURNED.**

\_\_\_\_\_  
Edward Dixon, Chairman

ATTEST:

\_\_\_\_\_  
Nicholas Thomas, Clerk

AT THE REGULAR MEETING OF THE  
GADSDEN COUNTY BOARD OF  
COMMISSIONERS HELD IN AN FOR  
GADSDEN COUNTY, FLA. ON  
FEBRUARY 15, 1994, THE FOLLOWING  
PROCEEDINGS WERE HAD, VIZ.

PRESENT: ED DIXON, CHAIRMAN  
FORREST DAVIS, VICE-CHAIRMAN  
BILL MCGILL  
ANTHONY POWELL  
JAMES PEACOCK  
HAL RICHMOND, COUNTY ATTORNEY  
JAMES CARTER, COUNTY MANAGER  
NICHOLAS THOMAS, CLERK

CALL TO ORDER

Chairman Dixon called the meeting to order. Commissioner Davis led in the pledge of allegiance to the U. S. Flag. Commissioner Powell then opened the meeting with prayer.

ADOPTION OF THE AGENDA Agenda amended then adopted.

The chairman called for the adoption of the agenda. Commissioner Peacock asked that the bid committee recommendations be removed from the consent agenda and be placed for discussion. The chairman placed the item on the county manager's agenda.

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO ADOPT THE AGENDA AS AMENDED TO WIT:

The bid committee recommendations be removed from the consent agenda and be placed on the county manager's agenda for discussion.

APPROVAL OF MINUTES

Minutes of February 1, 1994 approved as written.

UPON MOTION OF COMMISSIONER DAVIS AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO APPROVE THE MINUTES OF THE FEBRUARY 1, 1994 MEETING AS WRITTEN.

SMALL COUNTIES TECHNICAL ASSISTANCE PROGRAM

Larry Arrington presented the board with a Technical Assistance Work Plan (attached).

Mr. Larry Arrington spoke to the board briefly explaining the technical assistance work plan he had prepared for Gadsden County based on survey results. After his overview of the plan, he asked the commissioners to consider it for approval.

After brief discussion among the commissioners, it was the general consensus to have each commissioner study the plan at their leisure and have the matter brought up for approval at the next regular meeting.

#### **COUNTY ATTORNEY**

**The County attorney and county manager were given the authority to negotiate a lease agreement for the Library/Tallahassee Community College.**

Mr. Hal Richmond pointed attention to the lease agreement with Tallahassee Community College. (attached). He asked for permission from the board for himself and the county manager to negotiate with TCC on the lease agreement.

**UPON MOTION OF COMMISSIONER DAVIS AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO AUTHORIZE MR. HAL RICHMOND AND MR. JAMES CARTER TO NEGOTIATE THE TERMS OF THE LEASE AGREEMENT WITH TALLAHASSEE COMMUNITY COLLEGE.**

#### **County Attorney's analysis and BOCC activity update**

Mr. Richmond told the commissioners that he would be providing them with a different type of agenda addendum in the future which will update the commission routinely with regard to the status of assignments being performed by the attorney's office.

**ECONOMIC DEVELOPMENT ACTIVITIES** Tape # 1 Position # 445  
(Memo outlining activities attached)

Mr. Rick McCaskill from the Chamber of Commerce gave the commissioners an update on the Economic Development activities in the county.

#### **New Industry**

**Seminole Trust Company** has opened in the Midway location in the old window plant. That operation is currently is employing 45 people. They are expecting to expand and hire people in that area.

**Gulf Steel Plant** has been purchased by Steel City out of Panama City. There is no plan at present to occupy the building. The Chamber of Commerce is assisting in the cleaning of the

property in hopes the new property owner will soon be utilizing the building.

Construction of the **Holiday Inn Express** is progressing quickly. Several local contractors have been used in the construction.

Co-ordinated efforts have begun with the Department of Transportation and the local Planning and Zoning Department to accommodate the new tomato packing plant west of Quincy.

### **Industrial Parks Development**

The City of Quincy and Florida Power Company have begun research to find the types of industry that can use the treated waste water which the city would otherwise send to sedimentation ponds. It is their hope to entice such an industry to relocate to local industrial parks and utilize the water thus eliminate having to process the water back into the system.

### **Existing Industry Expansion**

The Chamber is still trying to locate a larger facility for **Fiberstone Quarries**.

### **U. S. Corrections - Gretna**

Mr. McCaskill reported good progress in the new prison employment situation. The Chamber is working with the law enforcement academy in planning educational classes to assist potential employees in meeting the employment requirements. Tests are administered locally. Classes have been designed for varying degrees of remediation when test results warrant it.

### **News Stories**

Channel 6 News featured stories on the new sewing factory on Lake Talquin Road and another on the Holiday Inn Express. Both stories were very positive.

### **Economic Development**

Mr. McCaskill reported that he and Mr. Carter had attended the Florida's Magnetic North meeting in Steinhatchee, Fl. This is an economic development group which was developed by Florida Power. The meeting was informative and sparked some interest in new areas.  
**State Fair**

The centerpiece used in Gadsden County's state fair booth was an old painting (12' x 8') of an old farm scene which was used in a state fair booth 60 years ago. The fair will run for three weeks.

**PLANNING AND ZONING** Tape # 1 position 661

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

**Shaw Subdivision**

**The board approved 18 month extension of the preliminary plat approval for Shaw Subdivision.**

In September of 1991, the county commission gave preliminary approval to Branch Mahaffey's development of 42 houses on 30 acres, situated on the northeast side of the intersection of CR 65 and Woodward Road.

A preliminary approval is good for 18 months and at the end of that time period, final approval must be obtained or it reverts back to conceptual approval status.

Before final approval can be obtained, all improvements (paved roads, drainage-ways water lines and electric lines) must be in place. Even though the development received a stormwater permit from Department of Environmental Protection (DEP) in July 1993, none of the required infrastructure has been constructed. (Theoretically, infrastructure improvements should have begun after the DEP permit was secured.) There has been no construction on the site.

The preliminary approval time period can be extended at the discretion of the board of county commissioners. Mr. Mahaffey has requested that the project's preliminary approval be extended and he be allowed to continue to progress toward final approval as a paved road, affordable site-built home development. The site is designated rural residential on the future land use map.

Both the P & Z staff and commission recommended approval of the extension.

**UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO EXTEND THE PRELIMINARY PLAT APPROVAL OF THE SHAW SUBDIVISION FOR 18 MONTHS.**

**Destiny Lane Road and Naming**

The P & Z Department received a request to name an unnamed private dirt road in District 2. The road is located in Balmoral Estates, .4 miles west of CR 159 and .15 miles east of Reston on the north side of CR 270 and extending for .4 miles. The Road Naming Committee met on January 24, 1994 and recommended approval. The petitioner is Ms. Joe Anna Emery, Rt. 3, Box 380, Havana, FL 32333.

**UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO APPROVE THE NAME "DESTINY LANE" FOR THE UNNAMED DIRT ROAD AS DESCRIBED IN THE ATTACHED MEMO WITH THE UNDERSTANDING THAT THE COUNTY IS ASSUMING NO LIABILITY FOR THE MAINTENANCE OF THE ROAD BY APPROVING ITS NAME.**

**Stewart's Ridge - Project #92PZ-13-207-5-7 Tape #1: Position 885**

**The board gave preliminary plat approval of Stewart's Ridge Subdivision**

Stewart's Ridge is a proposed residential subdivision for mobile homes and/or site-built homes on five lots, totaling 3.4 acres (.58 acres average size) that is seeking preliminary approval. The property consists of 46 acres. The site is located on the east side of Gene Williams Road, just off Spooner Road (CR267A), approximately .5 miles north of Old Federal Road (CR 65B). The applicant and property owner is Mr. D'Arsey Stewart, Rt. 3 Box 2024, Quincy, FL 32351. The developer's agent is Mr. John Johnson, P. O. Box 582, Quincy, FL 32353.

The project received conceptual approval from the BOCC on June 15, 1993 and has been approved by Department of Community Affairs. (Small scale map amendment from Agricultural 2 to Rural Residential.)

The P & Z Commission and the P & Z Staff recommended preliminary plat approval subject to conditions as outlined in the memo attached.

**UPON MOTION BY COMMISSIONER DAVIS AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 5 - 0 TO GRANT PRELIMINARY PLAT APPROVAL FOR STEWART'S RIDGE SUBDIVISION.**

**Alaniz Quick Store - Project #94PZ-2-205-2-2 Tape # 1: Position**

920

**The board approved the establishment of the Alaniz Quick Store.**

Alaniz Quick Store is a proposed convenience store to be situated in an existing building on the east side of CR 65 and south side of Tillman Road. The property consists of 3.75 acres and the site consists of approximately 1.25 acres. The applicant is Ms. Eva Alaniz, Rt. 2 Box 167-C, Quincy, FL 32351. The property owner is Mr. Frank Engle, Rt. 2 Box 170, Quincy, FL 32351.

P & Z Commission and P & Z Staff recommended approval with special conditions. (memo attached)

**UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO APPROVE THE ESTABLISHMENT OF ALANIZ QUICK STORE SUBJECT TO SPECIAL CONDITIONS AS LISTED BY P & Z STAFF.**

**Alapaha Tomato Growers - Project 94PZ-3-207-4-3**

The board approved the Alapaha Tomato Growers packing house project subject to conditions listed by P & Z staff. Also approved was the installation of a traffic light at a future point in time to be determined by P & Z and the Florida Department of Transportation. No further board action will be required for the installation.

Alapaha Tomato Growers is proposing to locate a tomato packing house on the south side of US 90 and the west side of Bostick Road. The property consists of 31 acres. The applicant and property owner is Gil Autrey, Jr., Alapaha Tomato Growers Assoc. Rt. 1 Box 20A, Jennings, FL 32053. The developer's representative is Will Slone, P. O. Box 1506, Valdosta, Ga. 31603.

P & Z Commission and Staff recommended approval with special conditions recommended as listed. Mr. Sherman pointed out two of the special conditions: 1) City of Quincy must provide central water and sewer. The property owner will be extending the lines

from where they are now to his property. 6) P & Z staff is concerned about the way the intersection is designed with the road coming off a hill as well as in a curve. It creates a blind spot and there is already a problem at the intersection. Discussions with Mr. McCaskill and the property owners and the planning commission have resulted in a unified effort to have Florida Department of Transportation to put a traffic light at the intersection. Until such time as a traffic control device can be put into place, P & Z staff is recommending that they access the packing house from US 90 just west of the intersection rather than at the intersection itself.

Mr. McCaskill spoke briefly with regard to installation of a stop light. He explained that DOT has a steadfast rule that requires a traffic count of 180 cars traveling per hour for eight hours to justify a traffic light. The required traffic count does not exist at the present time. DOT does recognize that the intersection is dangerous and poorly designed but they will not use projected figures - they base the need on actual traffic counts. DOT welcomed the opportunity to work with P & Z to alleviate the problem with the intersection until they reach a point that they are satisfied.

It was the consensus of the board that the project should be approved but efforts should continue toward the installation of a traffic control device.

**UPON MOTION OF COMMISSIONER DAVIS AND SECOND OF COMMISSIONER POWELL, THE BOARD VOTED 5 - 0 TO APPROVE THE PROJECT SUBJECT TO THE CONDITIONS AS LISTED IN THE MEMO ATTACHED. THIS MOTION ALSO INCLUDES ADVANCE APPROVAL OF THE INSTALLATION OF A TRAFFIC CONTROL DEVICE AS SOON AS TIME AND CIRCUMSTANCES PERMIT IT. THE INSTALLATION WILL NOT REQUIRE ANOTHER REVIEW FROM THE BOARD.**

**HRS GRANT SUB-CONTRACT WITH SHERIFF** Tape #1: Position 1485

**The board approved the sub-contract arrangement with the sheriff for grant from HRS for Emergency Medical Dispatch.**

Tommy Baker, Gadsden EMS Director explained to the commissioners that Gadsden County has been awarded a matching grant through HRS-EMS to enhance dispatch services by adding medical dispatch for EMS calls. EMS is unable to meet the required match of \$33,040.50. The sheriff has agreed to meet the match if the board would approve the sub-contract agreement for the sheriff's office to receive the grant money. The sheriff will then be responsible for the terms and conditions of the grant. EMS will

monitor the terms and conditions and assist the sheriff with reporting and meeting the HRS requirements.

Mr. Baker recommended that the board approve the sub-contract and authorize the transfer of \$99,121.50 HRS funds to the sheriff for this project.

**UPON MOTION BY COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO APPROVE THE SUB-CONTRACT AGREEMENT WITH THE SHERIFF FOR THE HRS-EMERGENCY MEDICAL SERVICES GRANT #3272 (ATTACHED) AND AUTHORIZE THE TRANSFER OF \$99,121.50 HRS FUNDS TO THE SHERIFF'S DEPARTMENT.**

**EMERGENCY MANAGEMENT GRANT**      Tape #1; Position 1527

Mr. Herb Chancey informed the commissioners that the Legislature had taken steps to improve the statewide emergency management programs. The Emergency Management Preparedness and Assistance Trust Fund has been established and funded. Gadsden County's share of the fund is \$71,924. The state has already purchased a computer system and provided one to each county which will link all the 67 counties in Florida. The base allocation of \$2,730 has been deducted from the grant. The only requirement of the county is to maintain the match amount for the Emergency Management Assistance Grant at the same level as it has done for the last three years. Gadsden's match amount is \$13,989 which is already allocated in this year's budget. The money can be used for education, coordination, restructure the plan and for preparedness training & exercises.

Mr. Chancey entertained questions from the board.

**UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO APPROVE AND ACCEPT THE EMERGENCY MANAGEMENT GRANT FROM THE DEPARTMENT OF COMMUNITY AFFAIRS.**

**COUNTY MANAGER**      Tape #1; Position 1639

**Request from Judge Hood for instant developing Cameras**

**Request from Judge Hood for instant developing cameras for the Florida Highway Patrol was tabled.**

Mr. Carter called attention to a letter written by Judge Hood (attached) requesting the county to purchase four instant developing cameras to be used by the Florida Highway Patrol for use

in photographing and identifying traffic offenders when they do not present a valid driver's license at the time the violation occurs. The cameras could be used on a trial basis to see if they would be helpful in properly disposing of cases resulting from such infractions. The alternative to cases involving wrong identities is to subpoena the law enforcement official who wrote the ticket - which entails much greater costs.

The costs of each camera would be \$50.00 plus the costs of the film.

Discussion ensued and some of the board members were unclear of the circumstances which prompted the request from the judge and whether the board is obligated to supply this type of request.

**UPON MOTION OF COMMISSIONER DAVIS, JUDGE HOOD'S REQUEST FOR INSTANT DEVELOPING CAMERAS WAS TABLED.**

#### **Public Hearing for adopting Comprehensive Plan Compliance Schedule and Sunshine Pipeline**

**The board approved setting March 8, 1994 for the public hearing for adoption of the comprehensive plan compliance schedule and to make a decision on recommending the placement of the Sunshine Pipeline.**

County Manager Carter told the commissioners that the stipulated settlement agreement on the comprehensive plan has been returned by the Department of Community Affairs. The next step is to conduct a public hearing on the issue before its adoption. He added that a public hearing on the placement of the Sunshine Pipeline could also be scheduled for the same evening.

Mr. Carter asked for the board's wishes concerning the public hearings.

Commissioner Peacock presented the board with 22 individual petitions he had received from citizens opposing the pipeline. He read the following from the petition and asked that it go on record:

"We the property owners of lands in western Gadsden County who are affected by Variation 19 of Sunshine Natural Gas Pipeline, by our signatures below, petition your commission to oppose Variation 19 and hereby make it known that we are not in favor of this proposal. We ask that you reconsider the Preferred corridor or the existing right of way in Calhoun County."

An audience member asked what would take place at the public hearing - would the commission make their decision?

It was the consensus of the commissioners that they would make a decision at the public hearing.

Attorney Richmond spoke to the issue briefly. He pointed out that the difficulty is if Gadsden County rejects their proposal, Sunshine will take it to an administrative hearing in Tallahassee. The administrative hearing officer will respect the rejection but it is not a licensing situation. Gadsden County can be overruled. If Gadsden County or any individual wants to contest it, someone has to present evidence to prove that it is not the best corridor. Otherwise, Sunshine will present evidence to support that their proposed route is the best place. In the absence of other testimony to the contrary, the hearing officer will likely rule in favor of Sunshine's proposal. A simple rejection from Gadsden County will be considered but would not in itself influence the hearing officer greatly.

#### **Citizen Input**

Mr. Walt Jaudzimaus spoke to the board imploring them to come to a decision as to which route they would prefer the pipeline to go if it must go through Gadsden County and present it to DEP as Gadsden's preference.

Mr. McCaskill spoke saying that if Gadsden presents an alternative, they must present evidence with it in support of why they think it is a better route.

Mr. Jaudzimaus was of the opinion that evidence would not be required for an alternate to be considered by DEP. He asked the commission to embrace a choice of route and defend it as being best choice with the least adverse affect for their constituency.

#### **Bid Recommendations**

**Bid # 94-06 for Hydraulic Oil & Diesel Motor Oil was awarded to Hinson Oil Company**

**Bid # 94-03 for a County-wide Budgeting System was awarded to OMB & Associates of Tallahassee**

Mr. Carter presented two bid committee recommendations for board decision. He reminded the commissioners that both bids were



which to manage the county's budget. It is not just for consultants to do a budget.

Commissioner Peacock stated there was nothing in the bid relating to software.

Commissioner Davis asked if the board had authorized an advertisement for bid on this. The answer was yes, the board had approved going out for bid for the county-wide budgeting system.

Commissioner McGill asked how much of the money would be for software and equipment to produce the budgeting system and who would own the system when it is done?

Chairman Dixon stated that the county would own it.

Commissioner Peacock asked how much equipment would the county be getting?

Chairman Dixon replied that it was software.

Commissioner McGill asked what we would be getting for this system that we can not get now?

Chairman Dixon replied "everything."

Questions were called by Commissioner McGill.

#### **Public Input**

Mr. Nolen Hancock said he was tired of the county's money going out to consulting firms. If the elected and appointed officials are not capable of producing a budget, then they should get out.

**A VOTE WAS TAKEN ON THE MOTION TO DENY THE BID. COMMISSIONERS PEACOCK AND DAVIS VOTED IN FAVOR OF THE DENIAL. COMMISSIONERS MCGILL, POWELL AND DIXON VOTED TO OPPOSE THE DENIAL OF THE BID. THE MOTION FAILED BY A VOTE OF 3 - 2.**

**UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 3 - 2 TO APPROVE THE BID AWARD TO OMB & ASSOCIATES OF TALLAHASSEE FOR THE COUNTY-WIDE BUDGETING SYSTEM. COMMISSIONERS POWELL, MCGILL AND DIXON IN FAVOR AND COMMISSIONERS PEACOCK AND DAVIS OPPOSED.**

**CONSENT AGENDA** Tape # 1; Position 2908

(attached)

UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO APPROVE THE CONSENT AGENDA TO WIT:

1. Emergency Management Assistance Grant
2. Library State Aid Contracts
3. Library Five Yr. Long Range Plan
4. EMS Billing and Collection System
5. Authorization to Sign CDBG Documents
6. CDBG Citizen Participation Committee

CLERK OF COURT Tape # 1; Position 2921

Budget Amendments approved (attached)  
Cash Balance Report - \$2,750,988 in general operating accounts  
Payment of county bills approved

Clerk Thomas described the budget amendments then asked for approval.

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED TO APPROVE THE BUDGET AMENDMENTS TO WIT:

1. General fund - Computer equipment for County Manager
2. Grants - Homebuyer education for SHIP
3. General Fund - Administration Bldg. Roof
4. Library - to cover Health Insurance for new full time employee.
5. Library - show receipts from Friends of the Library

Clerk Thomas reported the general operating account balance was \$2,750,988.24.

The clerk then asked for approval of the payment of the county bills.

UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 FOR THE APPROVAL OF THE PAYMENT OF THE COUNTY BILLS.

GADSDEN EAST LANDFILL

Chairman Dixon presented a proposal of \$1,500 from Bishop Engineering to prepare a closure permit application to Florida Department of Environmental Protection (FDEP) for the Gadsden East Landfill. He stated further that this is to renew the existing landfill permit. The proposal does not include making responses to FDEP. If further comments are needed, they will submit an additional proposal.

Commissioner McGill asked why the matter was not brought up under the county manager's agenda.

Mr. Carter responded by saying he had asked the chairman to present it because the agenda had already been prepared when it was received and expedient board action is necessary on the proposal.

**UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO AUTHORIZE BISHOP ENGINEERING AT A COST OF \$1,500 TO PREPARE AN APPLICATION TO FDEP FOR A CLOSURE PERMIT ON GADSDEN EAST LANDFILL.**

The chairman gave the clerk a check from Government Risk Management in amount of \$3,701.

#### **DISTRICT 1 REPORT**

Commissioner McGill reported everything was smooth in his district.

#### **DISTRICT 2 REPORT**

Commissioner Powell commented that he had received several complaints about young people gathering on street corners in early morning hours that often erupt into gang fights. He asked the other commissioners to begin considering a curfew. He recommended a workshop for this concern.

#### **DISTRICT 3 REPORT**

**Board approved Commissioner Peacock, County Manager and R & B Superintendent to negotiate repairs to CR 269 - 270A with party responsible for damages.**

Commissioner Peacock focused attention on the destruction of the road on CR 269 to 270A by companies hauling asphalt to I-10. He asked for permission from the board for himself, the county manager and R & B Superintendent to speak to whomever is responsible for the destruction in regard to repairing them or imposing a fee for damages incurred.

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO AUTHORIZE COMMISSIONER PEACOCK, MR. CARTER AND MR. PARRAMORE TO SPEAK TO WHOMEVER IS RESPONSIBLE FOR DESTRUCTION OF THE COUNTY ROADS (FROM 269 - 270A) TO EFFECT EITHER REPAIR TO THE ROAD OR IMPOSE A FEE FOR THE DAMAGES.

#### DISTRICT 4 REPORT

Commissioner Davis reported a lot of pot holes in the roads in his district and county-wide. He questioned how the county might be liable for damages caused as a result of the pot-holes. He urged the commissioners to take action to get them repaired.

Commissioner Davis voiced concern once again about the consent agenda. He asked that the board revert back to the old way of approving each of the items on the consent agenda by separate motion rather than all of them with a single motion. He felt that the public and the board would be better informed as a result.

Commissioner McGill stated that the consent agenda is an acceptable way to conduct the business of the county. The agenda is made available to the public. If there is a controversial item listed on the consent agenda, anyone in the public can ask that it be removed from the consent agenda and be discussed individually.

Commissioner Peacock told the board that he did not believe it was correct for the bid committee recommendations to be put on the consent agenda. He would like for it to be done as a part of the county manager's agenda.

#### DISTRICT 5 REPORT

Chairman Dixon spoke briefly to the financing of road paving. He asked for a consensus from the board as to how the board can move forward with respect to building new roads.

Mr. Ray Rentz from the audience spoke in protest of raising the gas taxes.

Commissioner McGill said he would like for the board to develop a road paving/maintenance policy to include new construction, old construction, pot-holes and everything relating to roads. Then the county would have a long range plan and how to accomplish it. He also asked the board to consider a road-paving bond.

Commissioner Peacock asked to go on record as opposing any tax to build roads without a referendum to approve it. If the public desires it, he would support it.

Commissioners McGill and Commissioner Davis concurred with Commissioner Peacock.

Chairman Dixon reminded the board that the problems are real and the board must decide how to deal with them.

**Public Input**

Dan Winchester asked the board to inform the public at least five days prior to the board considering any action in support of any additional revenue source.

Mr. Ray Rentz told the board that the only way to increase funds through a gas tax is to lower the taxes.

Other public comment was called for by the chairman. There was none.

**CHAIRMAN DIXON DECLARED THE MEETING ADJOURNED.**

\_\_\_\_\_  
Edward Dixon, Chairman

ATTEST:

\_\_\_\_\_  
Nicholas Thomas, Clerk

**CONSTRUCTION INDUSTRY LICENSING BOARD**

The Board of County Commissioners reconvened as the licensing board.

**UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO APPROVE THE LICENSING OF PAT CHESTER LAMB AS ROOFING CONTRACTOR.**

\_\_\_\_\_  
Edward Dixon, Chairman

ATTEST:

\_\_\_\_\_  
Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE AFFORDABLE HOUSING ADVISORY COMMITTEE ON FEBRUARY 22, 1994, THE FOLLOWING PROCEEDINGS WERE HAD, VIZ.

**PRESENT:** Ms. Millie Forehand, Chairperson  
Craig McMillan, Vice-chairperson  
Real Estate Representative  
William Carr, Special Needs Representative  
James Rogers, Building Industry Representative  
Alice Kelley, Human Services Representative  
Len Starret, Bank and Mortgage Representative

**ABSENT:** Patrick Brown, Labor Representative  
Tony Jones, Program Beneficiary Representative  
James Atkins, Provider Representative

**COUNTY STAFF PRESENT:** Rosemary Banks, SHIP Co-ordinator  
Edward J. Butler, Grants Administrator  
Muriel Straughn, Deputy Clerk

**I. CALL TO ORDER**

Ms. Millie Forehand, Chairperson, called the meeting to order.

**II. APPROVAL OF MINUTES OF PUBLIC HEARING ON DECEMBER 28, 1994**

UPON MOTION BY JAMES ROGERS AND SECOND BY WILLIAM CARR, THE COMMITTEE VOTED 6 - 0 TO ACCEPT THE MINUTES OF THE DECEMBER 28, 1994 PUBLIC HEARING.

**III. AFFORDABLE HOUSING INCENTIVE PLAN**

**A. Resolution adopted by BOCC**

Mrs. Rosemary Banks called attention to the resolution adopted by the Board of County Commissioners on January 4, 1994 approving the Affordable Housing Incentive Plan in accordance with the State Housing Initiatives Partnership. No action was necessary as it was provided for information purposes only.

**B. Florida Housing Finance Agency Question and Answer Memorandum 94-01.**

This memorandum was explained by Mrs. Banks and was addressed again later in the meeting.

**C. Recommendation Worksheet Session**

Ms. Forehand began the worksession by asking Mrs. Banks for the information dealing with two of the incentives which was requested from Mr. Sherman at the last meeting.

Mrs. Banks explained that Mr. Sherman has been unable to supply the information due to his increased work load. But he would continue working toward providing the information to the committee.

**INCENTIVE # 1 - THE AFFORDABLE HOUSING DEFINITION IN THE APPOINTING RESOLUTION.**

No change was deemed necessary. If the definition of the term "affordable housing" changes in the HUD guidelines, this committee will amend the definition in the Incentive Plan accordingly.

***Incentive Plan Worksheet***

VII. Housing Cost Reduction anticipated from implementing this recommendation: \$ \_\_\_\_\_ (Specify how the savings benefit the eligible households(s).)

This is not applicable.

**INCENTIVE # 3: MODIFICATION OF IMPACT-FEE REQUIREMENTS, INCLUDING REDUCTION OR WAIVER OF FEES AND ALTERNATIVE METHODS OF FEE PAYMENT.**

There was no discussion.

***Incentive Plan Worksheet***

VII. Housing Cost Reduction anticipated from implementing this recommendation: \$ \_\_\_\_\_ (Specify how the savings benefit the eligible household(s).)

Housing cost reduction can not be determined at this time.

**INCENTIVE # 4 - ALLOWANCE OF INCREASE DENSITY LEVELS**

**VII. HOUSING COST REDUCTION....**

Housing cost reduction cannot be determined at this time.

Ms. Forehand asked Mrs. Banks and Mr. Butler if there were particular concerns that need to be made known to the committee for immediate consideration.

**INCENTIVE # 2 - THE EXPEDITED PROCESSING TO PERMITS FOR AFFORDABLE HOUSING PROJECTS.**

Mr. Butler called attention to the memorandum 94-01 saying that the Incentive Plan must provide a schedule for implementation of expedited permit processing for affordable housing. They insist that the local government identify how they will expedite permitting for affordable housing if the current "no delay" situation should change and what would trigger the implementation of the expedited permitting process.

**Committee's recommendation for change:**

The current permitting process for Gadsden County should be retained until the case load increases to such a degree that a backlog is experienced. In accordance with the county's comprehensive plan, this includes a continual refinement and streamlining of the existing developmental approval process plus expedited plan reviews and inspections, explanatory brochures and computer programs to further refine the existence of permitting and development review process and reduce the financing costs for developers will be included.

UPON MOTION BY JAMES ROGERS AND SECOND BY CRAIG MCMILLAN, THE COMMITTEE VOTED 6 - 0 TO MAKE THE ABOVE RECOMMENDATION FOR ADDITION TO THE INCENTIVE # 2 - THE EXPEDITED PROCESSING TO PERMITS FOR AFFORDABLE HOUSING PROJECTS.

**INCENTIVE # 5 - THE RESERVATION OF INFRASTRUCTURE CAPACITY FOR HOUSING FOR VERY LOW-INCOME PERSONS AND LOW-INCOME PERSONS.**

The committee recommends that reservation of thirty percent (30%) of available infrastructure capacity be allowed for housing for very low-income and low-income persons.

Recommendation Worksheet:

- V. *Explanation of Advantages/disadvantages of changing or adopting this incentive.*

**Advantage:**

You are reserving the infrastructure for affordable housing.

**Disadvantage:**

You are forcing the local municipalities that have that infrastructure to upgrade their systems.

- VI. *Benefit to public health, safety, or welfare*

Most low income houses do not have sanitary health conditions. By reserving infrastructure, you are allowing those persons to have access to systems that normally they would not have.

Negligible effect: none

- VII. *Housing cost Reduction anticipated for implementing this recommendation.*

It can not be determined at this time.

- IX. *Recommended schedule for implementation:*

Immediately upon adoption of the Incentive Plan by the Gadsden County Board of County Commission and Affordable Housing Finance Agency.

**Mission Statement Approved by BOCC**

Mr. Butler told the committee that he had prepared a mission statement for the affordable housing program. It was submitted to the county commissioners and approved along with a resolution in support of affordable housing for the record. It should provide sufficient information about the program to future board members in the event of change.

The meeting was adjourned by the chairperson.

\_\_\_\_\_  
Millie Forehand, Chairperson

ATTEST:

\_\_\_\_\_  
Muriel Straughn, Deputy Clerk

AT A REGULAR MEETING OF THE BOARD OF COUNTY COMMISSIONERS, HELD IN AND FOR GADSDEN COUNTY, FLORIDA ON MARCH 1, 1994, THE FOLLOWING PROCEEDINGS WERE HAD, VIZ.

**PRESENT:**

FORREST DAVIS, VICE-CHAIRMAN  
BILL MCGILL  
JAMES PEACOCK  
ANTHONY POWELL  
HAL RICHMOND, COUNTY ATTORNEY  
JAMES CARTER, COUNTY MANAGER  
NICHOLAS THOMAS, CLERK

**ABSENT:** ED DIXON, CHAIRMAN

**CALL TO ORDER**

In the absence of the chairman, Vice-chairman Davis called the meeting to order. Commissioner Powell led in pledging allegiance to the U. S. Flag and Commissioner Peacock then opened the meeting with prayer.

**ADOPTION OF THE AGENDA**

The agenda was amended to include a public hearing on the lot abandonment in Peacock Estates.

County Attorney Hal Richmond asked that the agenda be amended to include an advertised public hearing on the abandonment of lots 24-34 in the Peacock Estates Subdivision. He added that it should be placed under the county attorney's agenda.

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 0 TO APPROVE THE AGENDA AS AMENDED TO INCLUDE THE PUBLIC HEARING ON LOT ABANDONMENT IN PEACOCK ESTATES UNDER THE COUNTY ATTORNEY'S AGENDA

**APPROVAL OF MINUTES**

The minutes of February 15, 1994 were approved.

UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 0 TO APPROVE THE MINUTES OF THE FEBRUARY 15, 1994 MEETING AS WRITTEN.

**COUNTY ATTORNEY**

## **PUBLIC HEARING**

### **The board approved abandonment of lots # 24 - 34 in Peacock Estates with specific conditions.**

Mr. Richmond asked Mike Sherman, Planning and Zoning (P & Z) Director, to speak to the commissioners concerning Grady Peacock's request to abandon 10 lots in Peacock Estates Subdivision.

Mr. Sherman stated that Mr. Grady Peacock has requested that the county allow him to abandon 10 lots in Peacock Estates which amounts to 62 acres of land. The matter was before the board some months ago and the board gave approval to advertise the abandonment for a public hearing.

Mr. Sherman added that Chapter 177 of the Florida Statutes states that when you annul or vacate a plat, all restrictions that go with the plat are also voided. He had notified the property owners by mail of the vacation of the plat and the possible removal of the subdivision restrictions. He reported that he had received several calls from property owners with concerns surrounding the removal of the subdivision restrictions particularly those dealing with the lot sizes, minimum square footage of homes, type of homes, as well as some requirements of property owners to maintain a lake on the property and liabilities for the use of the lake.

Commissioner Peacock asked Mr. Sherman if once vacated, would future home builders on that land be required to come before the P & Z commission and could the same restrictions be reimposed at that time.

Mr. Sherman responded by saying that the land is zoned a "one to ten agricultural 2 area." An individual could purchase a ten acre lot and come before P & Z for permission to place a unit on the property but P & Z would only verify to make sure that driveways were placed in a safe location, the culvert pipes are the correct size and that the density requirements meet the zoning restrictions. Beyond that, the P & Z staff does not have the ability to impose any restrictions which are not listed in the comprehensive plan.

Vice-chairman Davis asked if there was any one present who wished to speak against the proposal.

Mr. Al Poppell introduced himself as a professional land surveyor and asked to address the board on behalf of Mr. Peacock. He stated that it would take the approval of all of the current

land owners to relieve the restrictions originally imposed by Peacock Estates. He went on to say that the covenants and restrictions are a different document of record and not part of the plat itself. From a legal position, once the lots are vacated, the land becomes acreage tracts again but unless 100% of the land owners release those original restrictions, they are still applied to the property at hand. He asked for clarification from Mr. Richmond.

Mr. Richmond concurred with Mr. Poppell. The restrictive covenants will remain in effect. For the record, as a condition of the abandonment, Mr. Peacock could agree that restrictions would remain in effect unless agreed upon and signed off on by the land owners who have purchased lots in the subdivision.

Mr. Poppell stated that Mr. Peacock had confided to him that those restrictions would remain. If and when he should dispose of the property which is reverting back to raw acreage, the existing land owners in Peacock Estates would be informed and it would take their agreement for use of the land.

Mr. Richmond suggested that it should be made as a condition of the approved abandonment of the lots.

Mr. Poppell called attention to two drainage easements associated with the lots in question. He asked that they also be mentioned in the abandonment in the sense that the county would not want to maintain drainage-ways on private acreage that is no longer part of Peacock Estates.

Vice-chairman Davis asked if there were others who wished to speak on the subject.

There were none.

**UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 4 - 0 TO APPROVE THE ABANDONMENT OF LOTS # 24-34 OF PEACOCK ESTATES WITH THE SPECIAL CONDITIONS AS FOLLOWS:**

- 1) The original covenants and restrictions of the subdivision would remain in effect except by 100% agreement and signatures of the land owners who have purchased lots in Peacock Estates.
- 2) That the property owner will maintain the private drainage easements that is associated with the acreage

which is to be abandoned and is no longer a part of Peacock Estates.

- 3) In the event the property in question should be sold, the existing land owners in Peacock Estates would be informed and they must approve the intended use of the land.

#### **Courthouse Committee**

Board approved Commissioner Davis to represent the board at the next meeting of the courthouse committee on March 14, 1994.

Mr. Richmond briefed the commissioners of the work of the courthouse committee. He related to them a request from that committee that one of the commissioners meet with them at their next meeting on March 14 at 5:00 p.m.

**UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 0 FOR COMMISSIONER DAVIS TO REPRESENT THE BOARD AT THE MEETING OF THE COURTHOUSE COMMITTEE ON MARCH 14, 1994.**

#### **Chattahoochee Landfills**

Commissioner Peacock volunteered to meet with county attorney and county manager and ultimately meet with City of Chattahoochee on landfill agreement negotiations.

Mr. Richmond told the board he has had several discussions with the city officials in Chattahoochee concerning the two landfills. At the last meeting with the City Council, it was suggested that the county get a group to meet with the city for discussion concerning the \$1500 monthly payment which is made to the City of Chattahoochee pursuant to the 1986 agreement. He asked that a member of the commission meet with Mr. Carter and himself and in turn meet with the Chattahoochee people to work out a solution. There are some questions of interpretation of the 1986 agreement that need to be resolved.

Commissioner Peacock volunteered to meet with them.

#### **Nudity Ordinance**

Attorney Richmond will present draft proposed anti-nudity ordinance at March 15, 1994 meeting.

Mr. Richmond told the commissioners he has been furnished numerous ordinances to consider but he was still open to receiving

suggestions and input from the board in preparing Gadsden's proposed anti-nudity ordinance. He will publish a notice of intent for a public hearing on April 5, 1994 for the purpose of considering a proposed anti-nudity ordinance.

Commissioner McGill urged the board to follow through on this issue as soon as possible reminding them it was first proposed five months ago.

Mr. Richmond told the board he would have the draft copy by the next meeting and a proposed ordinance can be reached at the first meeting in April for a notice of intent for the second meeting in April.

#### **Curfew Ordinance**

**Attorney Richmond is to present samples of curfew ordinance at March 15, 1994 meeting.**

Mr. Richmond told the board he would have something pertaining to curfews in other areas for them to review by the next meeting on March 15, 1994.

#### **LORENE WILSON - JTPA INTERLOCAL AND SUBSTATE AGREEMENT** (Attached)

**Two year interlocal and substate agreements with JTPA approved.**

Ms. Wilson introduced herself as working with Leon County Department of Job Training and said that her office was responsible for the job training programs in Leon, Gadsden, Wakulla & Jefferson Counties. As part of that administration, her responsibilities include the development of interlocal agreement with the four counties that sets out how the programs will be operated in each of the four counties and the responsibility of each of the commission boards in those counties. The interlocal agreement is the document that allows JTPA services in those counties. The document is a two year agreement and must be signed by each of the commissioners every other year. 1994 is the year the document is up for renewal. She asked the board for their approval.

Attorney Richmond stated he had examined the agreement and reported it to be correct in form and content.

**UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 4 - 0 TO APPROVE THE INTERLOCAL AGREEMENT WITH JTPA.**

**UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 4 - 0 TO APPROVE THE SUBSTATE AGREEMENT WITH JTPA.**

**COUNTY MANAGER Tape # 1 Position 608**

**The board approved improvements to the building occupied by Gadsden Medical Center, Inc.**

Mr. James Carter related to the board a request from Gadsden Medical Center, Inc. for the board's permission to make improvements to three of the medical examination rooms in the building which they occupy (the building is owned by the county and leases it to Gadsden Medical Center, Inc.) It is their intention to use the rooms to offer dental services to their patients.

**UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 4 - 0 TO APPROVE THE IMPROVEMENTS TO THE EXAMINATION ROOMS IN THE BUILDING OCCUPIED BY GADSDEN MEDICAL CENTER, INC.**

**GADSDEN COUNTY TECHNICAL ASSISTANCE WORK PLAN Tape # 1; Position 689**

**Board approved the Technical Assistance Work Plan prepared by the Florida Counties Foundation - Small Counties Technical Assistance Program.**

Mr. Carter called attention to the Technical Assistance Work Plan which Mr. Larry Arrington left with them for their review at the last meeting. It was placed on the agenda for this meeting for its approval.

Commissioner Peacock asked if there is a charge for this work plan.

Commissioner Powell indicated there was no charge. It is free technical assistance by the Small County Coalition.

Commissioner McGill stated he would like to have a status report on the development of the plan.

**UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 0 TO APPROVE THE TECHNICAL ASSISTANCE WORK PLAN AS SUBMITTED BY LARRY ARRINGTON OF THE FLORIDA COUNTIES FOUNDATION.**

**Request for Cameras by Judge Hood**

**The board approve the purchase of four cameras and film to be used by Florida Highway Patrol.**

Mr. Carter presented Judge Hood's request for four cameras and film to be used for correctly identifying traffic violators who do not produce a driver's license when they are stopped by law enforcement officers. Many times when an individual is stopped for routine infraction, they will not have a driver's license in their possession. They will often give incorrect names to the officer writing the ticket. At the end of 30 days, and the ticket has not been paid (or the violator does not show up for a court date) it can result in the suspension of an innocent person's driver's license.

If the officers have a camera to take a picture of the offender when he does not produce a driver's license at the scene, it would assist the court greatly in rendering justice. The cost to the county in correcting suspensions in these instances is far greater than the cost of a camera.

**UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 0 TO PURCHASE 4 CAMERAS OF THE LESSER PRICE RANGE AND FILM TO BE USED ON A TRIAL BASIS BY THE FLORIDA HIGHWAY PATROL.**

**Proposed Imposition of Gas Tax** Tape # 1; Position 935

Mr. Carter offered as information only, the letter from Sarah Bleakley of Nabors, Giblin & Nickerson, P.A. (attached) outlining a timeline for imposition of any portion of the additional five cents of local option gas tax or the 9th cent gas tax.

Commissioner Peacock stated that he would not support a tax without the voters approval through a referendum. If the board votes to have a referendum, work should begin right away.

Commissioner McGill said he shared Commissioner Peacock's concern that the public should be allowed to express their concerns about the implementation of new taxes. If the referendum is passed, there would be no need for an ordinance imposing the additional tax.

Mr. Harvey Sweeney from the audience stated that he questioned whether there were three commissioners who really want<sup>3</sup> to pursue the new five cent tax. He suggested that they drop the discussion and move on to more important matters. The economy of Gadsden County will suffer greatly from implementation of more gas tax.

Mr. Richmond made note of the public hearing scheduled for March 8 that will speak to this subject. He suggested the board cease discussion until then.

**Bid Committee Recommendations** Tape #1; Position 1188

**The board awarded bid # 94-04R for concrete and concrete block to Oakland Concrete of Quincy, Florida.**

Mr. Carter presented the bids as follows:

Concrete & Concrete Block - Bid # 94-04R  
Florida Rock Industries of Tallahassee, Florida  
Oakland Concrete of Quincy, Florida

Florida Concrete only bid on the concrete block, therefore, was disqualified.

Oakland Concrete was the most responsive bidder and the bid committee recommended that the bid be awarded to them.

**UPON MOTION BY COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 4 - 0 TO APPROVE THE AWARD OF BID # 94-04R TO OAKLAND CONCRETE OF QUINCY, FLORIDA.**

**Request to advertise - Road and Bridge Equipment** (attachment)  
Tape #1; Position 1247

**The board approved the request to advertise for bid - three tractors and mowing equipment.**

Mr. Carter asked the board for permission to solicit bids for three new tractors and mowing equipment for Road and Bridge Department. (Justification is written in report attached.)

Discussion followed as to the possibility of contracting the mowing out to independent contractors.

Commissioner Peacock asked where the money would be coming from to purchase this equipment.

Clerk Thomas told the commission there would be \$130,000 next year because the last payment has just been made on the road graders. At least \$130,000 will be available in next fiscal year.

UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTE 4 - 0 TO APPROVE THE COUNTY MANAGER TO SOLICIT BIDS FOR THREE NEW TRACTORS AND NEW MOWING EQUIPMENT.

Proposed Budget Calendar (attached) Tape # 1; Position 1528

The board tentatively approved the proposed budget calendar for next fiscal year.

Mr. Carter presented a proposed tentative calendar for the new budget preparation.

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 4 - 0 TO TENTATIVELY APPROVE THE PROPOSED BUDGET CALENDAR.\*

\* Commissioner Peacock asked that special note be made with this motion that it is only tentative approval of the calendar.

Reorganization and Management Structure for County (attached)

Discussion on the re-organization and management structure was tabled.

Mr. Carter called attention to the report he submitted along with a reorganization chart for the county. He made a brief explanation and requested board approval as presented.

COMMISSIONER PEACOCK MADE A MOTION TO TABLE DISCUSSION ON THIS UNTIL THE NEXT REGULAR MEETING ON MARCH 15, 1994.

Proposed Drafted Budget and Financial Policies

Discussion on the proposed drafted budget and financial policies was tabled.

Mr. Carter presented his recommendation to the board for consideration of the proposed drafted budget and financial policies as the adopted fiscal policies of the board for fiscal year 1994/95. He then asked for their recommendations for modification and approval.

COMMISSIONER PEACOCK MADE A MOTION TO TABLE DISCUSSION ON THE PROPOSED DRAFTED BUDGET AND FINANCIAL POLICIES UNTIL THE NEXT REGULAR MEETING ON MARCH 15, 1994.

**JAMES M. DUTTON'S REQUEST FOR PERMIT TO DO BUSINESS AS AUTO SERVICE SHOP IN HIS EXISTING PERMITTED BUILDING**

**The board found Mr. James Dutton's project in compliance with ordinance 90-002 and approved continuation of the project and approved his operation of a auto service business at the site.**

Mr. James Dutton once operated an auto service business in Havana where he had an occupational license. The building in which he worked was torn down forcing him to move his business into the county. He received a permit in 1991 from P & Z and the building inspector and subsequently built a pole barn. In 1991, County Manager Bud Parmer made a site inspection, approved his plan and gave him verbal approval to continue with the building for business purposes. That gave Mr. Dutton the encouragement and approval he needed to begin moving his business to his property. Soon after Mr. Parmer's verbal approval, Mr. Dutton suffered a heart attack and later had heart surgery and has just recently recovered sufficiently to continue his work.

Presently, he has run into a problem in that he cannot purchase insurance until he gets board approval to operate his business there.

Mr. Mike Sherman related information of record to the commissioners. In April of 1991, Mr. Dutton was issued a permit for pole barn which is an allowable use on his property.

Now, Mr. Dutton is asking approval to operate a business on this property which could be an allowable use on the property but he must go through the planning and zoning process.

Mrs. Blackburn told the commissioners that Mr. Dutton has received a letter from the Department of Insurance saying he must have insurance by Thursday, March 3, 1994 or suffer losing some critical benefits. He must have the board's approval to operate a business prior to getting insurance and he is requesting the board to intervene and give him approval without going before the Planning & Zoning Commission. He has operated his business in good faith thinking that Mr. Parmer's approval in 1991 was sufficient. His appeal to the board was of one of emergency and urged them to give him special consideration.

Mr. Dutton submitted letters from all his adjacent neighbors who were requesting the board grant Mr. Dutton's appeal for approval to operate his business. Each stated they have no objections to his business being on the property.

After discussion, the board concluded there had been no violation of the permit to construct a pole barn given the fact that Mr. Parmer had given him verbal approval. The board viewed this situation to be a continuation of the original permit and would have been permitted for a business sooner if he had not suffered health problems. The board found the project in compliance with the ordinance 90-002.

**UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 4 - 0 TO FIND MR. DUTTON'S PROJECT IN COMPLIANCE WITH ORDINANCE 90-002 AND APPROVED HIS REQUEST TO CONTINUE THE CONSTRUCTION OF HIS PROJECT AND OPERATE A AUTO SERVICE BUSINESS IN THE POLE BARN HE BEGAN CONSTRUCTING IN 1991.**

**CONSENT AGENDA** (attached) Tape #1; Position 1670

**UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 4 - 0 TO APPROVE THE CONSENT AGENDA, TO WIT:**

1. CDBG Anti-displacement and Relocation Policy
2. CDBG Section 504 Self-Evaluation & Transition Plan

**CLERK OF COURT**

Clerk Thomas once again told the board that the note on the Road & Bridge Motor Graders was paid off last week. He told them also that the last settlement payment with Waste Management has been made. These debt satisfactions should help considerably in preparing the next fiscal year's budget.

**Budget Amendments**

The board approved the budget amendments.

**UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 0 TO APPROVE THE BUDGET AMENDMENTS TO WIT:**

1. County Transportation # 1 - Move \$3,500 from Repairs & Maintenance to Machinery & Equipment for the purpose of purchasing radio equipment as required by law.
2. General Fund - move \$35.00 from office supplies to employee recognition to cover the costs for the

plaque given to Lamar Kent upon his resignation for 19 years of service.

3. County Transportation # 1 - transfer excess money budgeted for interest on the motor grader to cover the contamination assessment at the Road & Bridge Department (\$13,000)

### **Sale of County Property**

The board voted to approve the chairman to sign a county deed over to Mrs. Erma Conyers for lot in St. John's Subdivision.

Clerk Thomas reported that Lot # 1 Block D in St. John's Subdivision has been sold to Mrs. Erma Conyers. The county came into possession of this lot in 1968 as a result of unpaid taxes. Ms. Conyers inquired about the property and last month the commissioners voted to advertise the lot for sale by notification.

All the adjacent property owners were notified of the sale. Two bids were received but one bid was later withdrawn. The property is assessed at \$425. Ms. Conyers bid \$500.00 and the bid was awarded to her. The clerk's office has received her check.

The clerk asked the board to authorize the chairman to sign the county deed over to Ms. Conyers.

**UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 4 - 0 TO AUTHORIZE THE CHAIRMAN TO SIGN THE COUNTY DEED FOR LOT # 1, BLOCK D, IN THE ST. JOHN'S SUBDIVISION OVER TO MRS. ERMA L. CONYERS IN EXCHANGE FOR \$500.**

The clerk announced this money would go into the board's general fund.

### **Approval of the Payment of County Bills**

The board voted to approve the payment of the county bills.

Clerk Thomas asked to the board to approve the payment of the county bills.

**UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 4 - 0 TO APPROVE THE PAYMENT OF THE COUNTY BILLS.**

### **CITIZENS REQUESTING TO BE HEARD**

**Walter Jaudzimas - Sunshine Pipeline Issue** (Attachments on file in Clerk's Office)

Mr. Walter Jaudzimas presented the commission with petitions and information concerning the natural gas pipeline which is proposed by Sunshine Pipeline to be placed through the Flat Creek/Sycamore Community. He appealed to them to oppose the placement of the pipeline in Gadsden County.

**DISTRICT 1 REPORT**

Commissioner McGill reported he has taken the time to drive around the county looking at various subdivisions, ravines and other areas that might be considered hazardous areas where water runs off county and state owned property onto private property. He asked the board to begin investigations to see if the water can be diverted without violation of any rules or ordinances then look for grants that will allow corrective measures to be taken to protect neighborhoods and subdivisions.

**DISTRICT 2 REPORT**

Commissioner Powell voiced concern over the litter along the county roads. He would like the board to address the problem legally in an attempt to stop it.

Commissioner Davis suggested that the Sheriff be contacted to see if he can assist by enforcing the ordinance already on the books.

Commissioner McGill reminded the commissioners that the ultimate enforcement of the ordinance lies with the judge. Many times after an arrest has been made, the judge has dismissed the case or has imposed no penalty. Arrests without penalty is futile.

**DISTRICT 3 REPORT**

Commissioner Peacock reported things were running smoothly in District three.

**DISTRICT 4 REPORT**

Commissioner Davis reported he has noticed that the City of Gretna is cutting the road again and making the road condition hazardous without posting caution signs, etc. He was concerned with possible liability resulting from the disruption at that part

of the road. He asked if a ordinance to prohibit cutting of the road is possible or else begin looking for some type of solution to absolve the county of the liability when the road passage is impaired for any reason.

Mr. Carter stated he was already making efforts to contact the Gretna City Manager about the matter.

**DISTRICT 5 REPORT**

Chairman Dixon was not present.

**UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL THE BOARD VOTED 4- 0 TO ADJOURN.**

\_\_\_\_\_  
orrest Davis, Vice-chairman <sup>F</sup>

ATTEST:

\_\_\_\_\_  
Nicholas Thomas, Clerk

**GADSDEN COUNTY LICENSING BOARD**

Vice-chairman Davis convened the meeting of the Gadsden County Licensing Board.

**UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 0 TO APPROVE THE LICENSING OF JOHN HOWARD BROWNING AS MASTER ELECTRICIAN.**

\_\_\_\_\_<sup>F</sup>  
orrest Davis, Vice-chairman

ATTEST:

\_\_\_\_\_  
Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE BOARD  
OF COUNTY COMMISSIONERS, HELD IN  
AND FOR GADSDEN COUNTY, FLORIDA ON  
MARCH 1, 1994, THE FOLLOWING  
PROCEEDINGS WERE HAD, VIZ.

PRESENT: ED DIXON, CHAIRMAN  
FORREST DAVIS, VICE-CHAIRMAN  
BILL MCGILL  
JAMES PEACOCK  
ANTHONY POWELL  
HAL RICHMOND, COUNTY ATTORNEY  
JAMES CARTER, COUNTY MANAGER  
NICHOLAS THOMAS, CLERK

CALL TO ORDER

APPROVAL OF MINUTES

AT A SPECIAL MEETING OF THE BOARD OF  
COUNTY COMMISSIONERS, HELD IN AND  
FOR GADSDEN COUNTY, FLORIDA ON MARCH  
8, 1994, THE FOLLOWING PROCEEDINGS  
WERE HAD, VIZ.

PRESENT: ED DIXON, CHAIRMAN  
FORREST DAVIS, VICE-CHAIRMAN  
BILL MCGILL  
JAMES PEACOCK  
ANTHONY POWELL  
HAL RICHMOND, COUNTY ATTORNEY  
JAMES CARTER, COUNTY MANAGER  
NICHOLAS THOMAS, CLERK

CALL TO ORDER

The meeting was called to order by Chairman Dixon. Commissioner Davis led the audience in pledging allegiance to the U. S. Flag and Commissioner Powell opened the meeting with a prayer.

ROAD PAVING FUNDING PUBLIC HEARING

The chairman announced the floor was opened for discussion on possible funding for road paving.

Commissioner Powell suggested that the imposition of additional gas tax be placed on the fall ballot as referendum. He also suggested a franchise fee.

Commissioner Peacock supported the proposal of a referendum for a gas tax but could not support a franchise fee without further study.

Commissioner McGill supported the proposal of a gas tax referendum but could not support a franchise fee.

Commissioner Davis supported the proposal of gas tax referendum but opposed the franchise fee.

The floor was opened to the public for input.

The following people were recognized by the chairman to speak:

**Harvey Sweeney** - opposed to gas tax

**Roland Baggett** - requested clarification of the board's actions

**Ray Rentz** - opposed to gas tax - suggested a cut rather than and increase of taxes

**James Irvin** -supported road paving but thinks funds should be from a fund other than gas tax

**Dan Winchester** -would like for the county to explore other avenues of funding and compile an inventory of all possibilities for road improvements. He also inquired about the possibility of using the infrastructure sales tax to fund roads instead of a new courthouse.

**UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO PUT THE ISSUE OF IMPLEMENTING AN ADDITIONAL GAS TAX ON THE BALLOT AS A REFERENDUM IN THE NEXT ELECTION AND CONSIDER THE OPTION OF A FRANCHISE FEE AND OTHER POSSIBLE ORDINANCES THAT CAN BE IMPLEMENTED TO FUND ROAD PAVING AND RESURFACING.**

#### **COMPREHENSIVE PLAN REMEDIAL AMENDMENT**

Mike Sherman, Planning and Zoning Director, gave a historical account of how the board got to this public hearing.

Gadsden County's Growth Management Plan was found not in compliance by the Florida Department of Community Affairs (DCA). The P & Z staff began negotiating with DCA to get the plan in compliance.

A settlement agreement which would bring the plan into compliance was approved by the Board of County Commissioners in December of 1993. The next step is to adopt the remedial amendment to the comprehensive plan. That remedial amendment is adopting by ordinance the settlement agreement which makes the settlement agreement a part of the adopted comprehensive plan.

An ordinance was prepared by the P & Z staff and was approved in context and form by Hal Richmond, County Attorney. In that ordinance, it sets forth all that is included in the remedial amendment.

P & Z Staff recommended that the board adopt the remedial amendment, the 5-year schedule of capital improvements as presented in the agenda. The 5-year schedule lists four roads to be paved in fiscal years 1994 - 1998. That schedule also operates under a couple of assumptions. One - there is \$700,000 available in

Transportation # 2 for road paving projects. Another assumption is that it costs approximately \$250,000 per mile to build and pave a road. The schedule also sets for the storm water management projects associated with the road paving projects.

Comments from the public:

Dan Winchester - encouraged the board to adopt the remedial amendment.

The board entertained questions from the public:

**Harvey Sweeney** - questions regarding the additional gas tax.

**Chris Richards** - number of roads to be paved.

**Archie Mae Carter** - questions regarding fire assessment were not allowed for discussion.

**Sealy Brown** - questions regarding how the 5 cents gas tax should be used.

**Tammy Albritton** - questions regarding Spring Meadows Road

**Sammy Conway** - questions regarding road scraping and pulling the ditches

Mr. Richmond encouraged the board continue to discuss the adoption of the remedial amendment at this meeting.

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 4 - 1 TO ADOPT ORDINANCE AND THE REMEDIAL AMENDMENT WITH OPTION 1 - TO RANK ROAD COUNTY WIDE ACCORDING TO NEED - LISTING THE FOUR ROAD IN THE CAPITAL IMPROVEMENT SCHEDULE - COMMISSIONERS MCGILL, POWELL, PEACOCK AND DAVIS VOTED IN FAVOR OF THE MOTION AND COMMISSIONER DIXON OPPOSING.

Mr. Richmond read the ordinance into the record by title only.

UPON MOTION OF COMMISSIONER DAVIS AND SECOND BY PEACOCK, THE BOARD VOTED 5 - 0 TO APPROVE THE READING OF THE ORDINANCE.

The chair recognized Mr. Walt Jaudzimas for questions.

**SUNSHINE PIPELINE PUBLIC HEARING**

Chairman Dixon recognized Mr. Guyte McCord who outlined the steps already followed by Sunshine Pipeline in an effort to place a pipeline in Gadsden County.

**Speaking in opposition to the placement of the pipeline through the Sycamore and Flat creek area were:**

**Sgt Kinch**- citing the inability to evacuate the area in the event of some disaster occurring with the pipeline.

**Frances Harley** - citing incidents involving damaged pipelines that resulted in large property damages.

**Bill Hoatson** - if this pipeline goes in, it will become a conduit for future pipelines, it will decrease property values. He encouraged the commissioners to say "no" to the pipeline.

**Linda Jaudzimas** - contrasted some of the justification statements made by Sunshine in its application to statistical comparisons of the Flat Creek and Sycamore area. She was careful to point out that she is not opposed to the pipeline in Gadsden County, she just thinks that it could be placed in an area that will affect fewer homes than the preferred route does.

**Speaking in support of the pipeline placement:**

**Rick McCaskill** of the Chamber of Commerce - spoke very briefly to say that the pipeline would be a positive thing for the economic development of the county. He did not recommend a particular route.

**PUBLIC COMMENT:**

**Hubert Clark** - Not opposed to pipeline but put it down I-10 corridor

**Unidentified** - offer Calhoun as preferred route to DEP.

**Clifford Kinch** - Not opposed to pipeline, just opposed to it going through Flat Creek area.

**Walter Jaudazmis** - keep the focus on the people of Gadsden County. Do what it takes to protect Gadsden citizens.

**Betty Kellum** - opposed to pipeline.

Commissioner Peacock said he had met with the citizens of the Flat Creek and Sycamore area and talked to many other people of the county. He noted that everyone he talked to was opposed to the pipeline. In good conscience he would not vote against the will of the people.

**MOTION MADE BY COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DAVIS TO PASS A RESOLUTION AGAINST SUNSHINE PIPELINE TRAVERSING ACROSS THE COUNTY - JUST SAY "NO" TO THE PIPELINE.**

Discussion followed.

Commissioner Peacock called the questions.

**THE BOARD VOTED 4 - 1 TO PASS THE RESOLUTION WITH COMMISSIONER DIXON CASTING THE LONE DESCENDING VOTE.**

**UPON MOTION OF COMMISSIONER PEACOCK, THE CHAIRMAN DECLARED THE MEETING ADJOURNED.**

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Edward J. Dixon  
Chairman

ATTEST:

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Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE BOARD OF  
COUNTY COMMISSIONERS, HELD IN AND  
FOR GADSDEN COUNTY, FLORIDA ON MARCH  
15, 1994, THE FOLLOWING PROCEEDINGS  
WERE HAD, VIZ.

PRESENT: ED DIXON, CHAIRMAN  
FORREST DAVIS, VICE-CHAIRMAN  
BILL MCGILL  
JAMES PEACOCK  
ANTHONY POWELL  
HAL RICHMOND, COUNTY ATTORNEY  
JAMES CARTER, COUNTY MANAGER  
NICHOLAS THOMAS, CLERK

CALL TO ORDER

The meeting was called to order by Chairman Dixon. Commissioner Davis led the audience in pledging allegiance to the U. S. Flag. Commissioner Peacock then opened the meeting with prayer.

ADOPTION OF THE AGENDA - Tape #1; 50

UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO ADOPT THE AGENDA AS PRINTED.

APPROVAL OF MINUTES OF MARCH 1, 1994 REGULAR MEETING Tape #1; 58

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO APPROVE THE MINUTES OF THE MARCH 1, 1994 MEETING AS WRITTEN.

COUNTY ATTORNEY Tape # 1; 65

**Curfew Ordinance - No action taken by board.**

Mr. Richmond asked the commissioners to review the curfew ordinance from Dade County which he had provided to them prior to the meeting. He asked for comments.

Chairman Dixon asked Mr. Richmond to include some financial considerations when preparing one for Gadsden County. He voiced concerns also that it should be accompanied by one within the city as well.

Commissioner McGill asked Mr. Richmond to get a copy of the ordinance passed in Orlando recently so that it can be reviewed at the same time.

Commissioner Powell asked Sheriff Woodham to review the ordinance before it comes back to the board for action.

Mr. Richmond was asked to provide copies of both ordinances to each of the city councils and their respective attorneys as soon as he receives them.

#### **Civil Filing Fees Tape # 1; 133**

**Mr. Richmond was asked to submit this issue to the local bar association for their comments and opinions. No action taken by the board.**

Mr. Tom Long, the Circuit Court Administrator has requested that Gadsden County consider an ordinance providing for additional filing fees to be collected by the clerk and placed into a special fund for the purpose of establishing a mediation and dispute settlement program for certain civil cases. The program calls for an independent mediator who would work with the parties in civil disputes and try to reach a settlement between them without the necessity of a trial. The additional fees would help defray the costs of the mediators. Mr. Long projected the additional fines would generate between \$6,000 and \$7,000 but would not cover the entire costs.

Mediation has become popular and viable in settling cases because it forces the parties involved to sit down and talk about the issues prior to coming to court. It saves time for the judges when cases can be settled ahead of time and it helps the court utilize its time. It would save the county the costs of a jury. It would assist in both county court and circuit court in resolving issues.

Leon County is presently the only nearby county with a mediator program but some of the other counties are considering it.

Mr. Richmond was asked by the board to contact the local bar association to get their comments and interest in establishing a mediator program as well as the imposition of the additional filing fees. He was also to determine whether or not a baliff would be required at the mediation hearings.

Clerk Thomas pointed out that the fees would be assessed on every civil case filed not just those in which mediators are assigned.

#### **FCC Certification to Regulate Cable Rates**

Mr. Jim Richmond referred to the information in the board packets (attached) concerning the process required by FCC to enable Gadsden County to regulate cable rates. After conversations with

County Manager Carter, he felt that it would be important enough to the citizens for the county to bear this burden.

He explained to the board that they have one year (which began on February 13, 1994) to enact a regulation that can be retro-active for one year. There is time to set up the regulation and becomes certified.

The most difficult part will be establishing the regulations themselves. There are a number of ways to approach writing them. The county can attempt to do it themselves; hire consultants to do it for us; or hire consultants jointly with other counties and share the costs.

Mr. Richmond told the board he would sit down with County Manager Carter and determine whether or not the county has the personnel available to draft the regulations ourselves.

The chairman suggested that the cities within the county might be contacted to share in the joint effort if that is the route the county pursues.

#### **Request for Relief of Judgment**

Mr. Hal Richmond conveyed to the board a request for relief of judgment filed by Gadsden County Waste Services for defaulted collection fees on a couple. The judgment is a joint judgment from a legal standpoint. The couple has since become divorced and the judge ordered each of them to pay one-half of the judgement. The husband has offered to pay his half. The request is from him for release of his name from the judgement in exchange for payment of one-half of the judgment. One-half of this judgements amounts to \$1,400.

Discussion followed.

**COMMISSIONER POWELL MADE A MOTION AND IT WAS SECONDED BY COMMISSIONER PEACOCK TO DENY THE REQUEST FOR RELIEF OF JUDGEMENT FOR THE GADSDEN COUNTY WASTE SERVICES BILL.**

Audience discussion was called for by the chairman.

Mrs. Pam Steffan spoke in opposition to the motion on the floor and asked the board to reconsider.

**THE BOARD VOTED 5 - 0 TO DENY THE REQUEST FOR RELIEF OF JUDGEMENT.**

### **Request for Release of Judgement**

**The board denied the request by Florida Gas Transmission to release a judgement against property filed by Gadsden Memorial Hospital in 1979.**

Mr. Richmond has been contacted by Florida Gas Transmission who is seeking the right-of-way on a piece of property which has a judgement against it for \$79.50 by Gadsden Memorial Hospital. They have offered to pay the judgement if the board will waive the interest on the judgement.

**UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 5 - 0 TO DENY THE SETTLEMENT OFFER MADE BY FLORIDA GAS TRANSMISSION FOR RELIEF OF JUDGEMENT OF \$79.50 FILED BY GADSDEN MEMORIAL HOSPITAL.**

### **FY 1993-94 Audit Presentation**

**The board approved the independent audit report presented by Purvis, Gray and Company.**

Mr. Chris Moran of Purvis, Gray and Company presented the audit report for Gadsden County. He reported that he has had conferences with each of the constitutional officers of the county as well as with the county manager and board chairman. He touched on the highlights of the report. He reported that the firm have given the county an unqualified opinion which is the highest level of assurance that a CPA firm can give to a county.

Mr. Moran pointed out that the county has increased the unappropriated fund balance in general fund by \$446,000 which gave a fund balance as of September 30, 1993 of \$1,133,000. It is the highest fund balance the county has had since 1986. He commended the board for raising the fund balance to a reasonable level.

The special revenue funds also increased by more than \$400,000 which brought the balance to over \$1,000,000 by the end of the year.

The county as a whole collected \$800,000 more than it spent last year. In three years, the board has gone from deficit spending to closing more than \$800,000 to fund balance. He stated it is the best financial condition the county has been in for seven to eight years.

The prior year's management comments were satisfied. The only new management letter comment and/or recommendation was related to the SHIP Program. The ordinance requires the money to be invested in a SBA account. The money was invested with a local bank rather than SBA. From a practical standpoint, the board will need to have money in the bank. Mr. Moran recommended that either the board amend the ordinance set up provisions to invest excess funds with SBA. It is not reasonable to have all the money invested with SBA.

In reference to the Internal Control comments, Mr. Moran noted that all small counties have a comment regarding adequate segregation of duties. It is just a standard comment. The only reason for it in this audit is to keep the commission aware of it. There is no feasible way to correct it. The county does not have the resources to hire all the people required by the book.

The ambulance department is now using a collection agency. During the year, there were no official write-offs of the receivables. It is the recommendation of Purvis, Grey and Company that the county develop a written mechanical policy concerning ambulance write-offs. The board needs to decide at what point, accounts can be written off and at what point the accounts should be turned over to a collection agency.

Chairman Dixon expressed appreciation for the thorough and informative explanation of the financial statement Mr. Moran provided to him last week. He encouraged the other board members to take the opportunity to sit down with Mr. Moran on a one to one basis and go through the audit report.

Clerk Thomas thanked Purvis & Gray and told the commissioners that the county was in better financial condition than it has been in for a number of years. He asked that the record reflect his appreciation for the fine work performed by Mrs. Connie McLendon and Ms. Helene Michaels and the entire finance department.

Mr. Moran explained that the 93 audit was officially concluded but he would be available for questions regarding it as long as needed. He then offered an engagement letter for the board's consideration for the new fiscal year.

**PLANNING AND ZONING RECOMMENDATIONS** Tape #1; 1183

**Faith Fellowship Daycare Center - Project #94PZ-4-201-2-3 (attached) -**

**The board approved the Fellowship Daycare Center.**

Faith Fellowship Church proposes to locate a daycare center on an existing church site of 10 acres off Harrell Road approximately .25 miles south of SR 12 and 1 miles west of Havana.

**UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO APPROVE THE FAITH FELLOWSHIP DAYCARE CENTER WITH SPECIAL CONDITIONS AS OUTLINED BY THE P & Z DEPARTMENT.**

#### **Mobile Home Inspections**

**The board approved revamping of the mobile home inspections procedures.**

Mr. Sherman discussed with the board problems he has encountered with performing mobile home inspections in compliance with the existing ordinance. The building inspection department has experienced considerable loss of money and man hours inspecting those homes coming into the county from distant locations such as Valdosta, Ga and Gainesville, Fl. He asked the board for authorization to revamp the mobile home inspection procedures and ordinance in such a way as to alleviate some of the burden to the county.

**UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO AUTHORIZE MR. SHERMAN AND THE COUNTY ATTORNEY TO REVAMP THE MOBILE HOME INSPECTION PROCEDURES AND THE ORDINANCE.**

#### **Drive-way Variance in Johnson Bluff Subdivision in Gretna**

**The board waived the application fees for Mrs. Kate Williams to pursue a drive way variance through the P & Z process.**

In 1988 the board approved a subdivision located on 65-A in the Gretna area. The subdivision plat shows driveways for 11 lots. When the subdivision was platted, the infrastructure was not required to be in place prior to the approval of the final plat. (Now, all infrastructure is required to be in place prior to final approval of the plat.)

It has been brought to Mr. Sherman's attention that one of the driveway culverts has been placed in a location which is not consistent with the plat. A notice was posted that the culvert would be removed by the Gadsden County Road and Bridge Department.

Through conversations with the property owners and with Commissioner Davis, it appeared that a significant amount of money

has been expended to pave the drive-way and place the culverts. The P & Z Department does not have the authority to administratively approve the placement of the driveway or culvert when it is not in compliance with the subdivision plat. He has investigated the site and reported no significant complications resulting from the placement. He asked the board for directions.

**UPON MOTION OF COMMISSIONER DAVIS AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO WAIVE THE VARIANCE APPLICATION FEE FOR THE PROPERTY OWNER, BUT TO INSTRUCT THE OWNER TO GO THROUGH THE PLANNING AND ZONING PROCESS TO APPLY FOR A VARIANCE FOR THE DRIVE-WAY.**

#### **Sheriff's Questions concerning auditors**

Sheriff Woodham asked the board to clarify the position of the engagement status of the auditors. Will the Purvis, Gray & Company firm be re-engaged or will the board be advertising for bids? Until one or the other is done, who can be contacted for advice and instructions in accounting matters for the county?

The chairman explained that the auditor's services were extended as long as they are needed to defend the 93 audit. The engagement letter for future services was not acted upon by the board. In the event of auditing matters for the immediate time, the county would need to make new engagement arrangements on an as needed basis until the board reaches a decision about future audit services.

**COUNTY MANAGER** Tape #1; 2280

#### **Reorganization and Management Structure (attached)**

**The board approved the new reorganization and management structure.**

County Manager Carter presented the reorganization and management structure explaining that it represents programs that he would like to see implemented in the county.

Commissioners Peacock and Davis spoke briefly stating objections and concerns to the new structure.

Commissioner Powell spoke in support of the new structure.

#### **Citizen input opposing new structure:**

Mr. Harvey Sweeney  
Mr. Nolen Hancock

**Citizen input supporting new structure:**

Mr. Sam Hawkins

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 3 -2 TO APPROVE THE REORGANIZATION AND MANAGEMENT STRUCTURE AS PRESENTED BY MR. CARTER. COMMISSIONERS MCGILL, POWELL AND DIXON SUPPORTING AND COMMISSIONERS PEACOCK AND DAVIS OPPOSING.

**Budget and Finance Policies**

The board approved the new budget and finance policies for FY 94-95.

Mr. Carter presented the new budget policies for board action.

Discussion among the board members followed. It was the consensus of the board that the policy dealing with county manager approval of intra-fund budget amendments should be limited to \$5,000 instead of \$10,000. It was also suggested that the term "emergency funding" should be defined as part of the policies.

UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER MCGILL THE BOARD VOTED 3 - 2 TO APPROVE THE NEW BUDGET AND FINANCE POLICIES BUT AMEND THE INTRA-FUND BUDGET AMENDMENT AMOUNT TO \$5,000 INSTEAD OF \$10,000 AND TO INCLUDE A DEFINITION FOR THE WORD "EMERGENCY FUNDING". COMMISSIONERS MCGILL, POWELL AND DIXON SUPPORTING THE MOTION. COMMISSIONERS PEACOCK AND DAVIS OPPOSING THE MOTION.

**Budget Amendment - Fire Services Assessment - (attached)**

The board approved \$15,700 to approve the funding and establishment of a Fire Services Coordinator.

Mr. Carter related to the board the need to establish a fire services director since Mr. Tommy Baker can no longer effectively manage it along with his responsibilities as Emergency Management Services Director. The requested amount of \$15,700 does not impact the General Revenue fund since it will be taken from the fire assessment.

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 5 - 0 TO APPROVE THE BUDGET AMENDMENT OF \$15,700 FOR FUNDING THE FIRE SERVICES COORDINATOR POSITION.

**Budget Amendment - Professionals Services for Budget Preparation**

**The board approved \$9,000 to be taken from Contingency Funds to pay for professional services to help prepare the 94/95 budget.**

Mr. Carter asked the board to approve \$9,000 from contingency to Office of Management and Budget to pay for necessary professional services in preparation of the new budget. This is the same amount of the contract awarded to OMB Associates who has since withdrawn their bid.

Commissioner Peacock asked what emergency was present in professional services that will require \$9,000 all at one time.

County Manager replied that the money would be used for technical assistance. He referred to a memo written to him by Larry Arrington of the Florida Association of Counties which stated the need for contract services.

Commissioner was opposed to spending the \$9,000 without going out for bids.

Mr. Richmond cautioned the commissioners about taking funds from contingency knowing that the legal bills for conflict murder trials are imminent.

Commissioner Davis warned of the indigent care bills which might also require contingency funds.

**A MOTION WAS MADE BY COMMISSIONER DAVIS, SECONDED BY COMMISSIONER PEACOCK TO DENY THE CONTINGENCY REQUEST. THE MOTION FAILED BY VOTE OF 3 -2. COMMISSIONERS DAVIS AND PEACOCK SUPPORTING THE MOTION TO DENY. COMMISSIONERS POWELL, MCGILL AND DIXON OPPOSING THE MOTION TO DENY.**

Commissioner McGill called attention to the fund balance of \$1,133,000. He stated that the county is not in bad shape.

Clerk Thomas interjected to the commission that it had required diligence to get the fund balance back to a minimal level of comfort. He strongly urged them to operate within the projected revenue this fiscal year and in the future. He stated that the board did not need to get into the posture of spending the reserves.

Commissioner McGill asked how much money was generated on the investments of the reserve funds.

The clerk said he would answer his questions regarding the interest if he would contact him at the office.

COMMISSIONER POWELL MADE THE MOTION TO APPROVE THE CONTINGENCY REQUEST OF \$9,000 FOR PROFESSIONAL SERVICES AND FOR THE BOARD TO MONITOR WHATEVER THE COUNTY MANAGER NEEDS TO DO TO GET THINGS IN PLACE FOR THE BUDGET THIS ONE TIME AND ONE TIME ONLY. COMMISSIONER MCGILL SECONDED THE MOTION. THE BOARD VOTED 3 - 2 IN FAVOR OF THE MOTION. COMMISSIONERS POWELL, MCGILL AND DIXON APPROVING IT. COMMISSIONERS DAVIS AND PEACOCK OPPOSING.

#### Budget Workshop

The Board set a workshop meeting for March 23, 1994 - 5 p.m.

Mr. Carter asked the board to set a date for a budget workshop for as early as possible.

It was the consensus of the board to set it for Wednesday, March 23, 1994 at 5:00 p.m. (This date was later changed to Monday, March 28, 1994 at 5:00.)

CONSENT AGENDA Tape #1; 4750

The board approved the consent agenda.

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 4 - 0 TO APPROVE THE CONSENT AGENDA TO WIT: (Commissioner Peacock was out of the room for this vote.)

#### ATTACHMENTS

- 1) Satisfaction of Housing Rehabilitation Agreement
- 2) LSCA Grant Application
- 3) Agreement with MDC Leasing, Inc. - Voting Equipment
- 4) Hazard Waste Assessment

#### CLERK OF COURT

##### Request for Duplicate Tax Sale Certificate

The Board approved issuance of duplicate tax sale certificate for Mark Rubin.

Mr. Mark Rubin has requested that the tax collector request the board to issue a duplicate tax certificate on his property as the original was lost or destroyed.

UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 4 - 0 TO APPROVE ISSUANCE OF DUPLICATE

**TAX SALE CERTIFICATE FOR MARK RUBIN. (Commissioner Peacock was not present for this vote. )**

**Budget Amendments (attached)**

**The board approved the budget amendments.**

Clerk Thomas presented the budget amendments and asked for approval.

**UPON MOTION OF COMMISSIONER DAVIS AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 5 - 0 TO APPROVE THE BUDGET AMENDMENTS TO WIT:**

- 1) County Transportation # 1 - move money \$2,000 to cover the expenses to prove clean soil at the Road and Bridge Dept at the site of the closure of two abandoned fuel tanks.
- 2) Grants - setting up a litter grant amounting to \$5,000.
- 3) General Fund - line item change moving money to repair and maintenance of equipment

**Cash Balance Report**

The clerk reported \$3.1 million dollars in the General Operating Fund.

**Fire Assessment Funds**

Clerk Thomas told the board he is considering filing for a declaratory judgment in court before making the payment of legal fees to Nabors Law Firm (St. Joe Paper suits) from the fire assessment fund even though he has a written legal opinion from Mr. Richmond stating that it is a proper expenditure. He expressed his continued concern relating to the former ruling by Judge Padovano would prefer a court's judgement before cutting a check.

**Approval of Payment of County Bills**

**UPON MOTION OF COMMISSIONER MCGILL AND SECOND OF COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO APPROVE THE PAYMENT OF THE COUNTY BILLS.**

**CITIZENS REQUESTING TO BE HEARD**

**Michelle Wonsey (not present)**

**Mitch Smith's request for special consideration relating to the sale of property was tabled.**

Mr. Sherman explained that Mr. Smith is a paraplegic who must have a full time attendant. He owns 19 acres of land zoned Ag 2. He would like to sell 2 acres of his property to Shawn Forehand (a long time friend who has helped to care for him) for a homesite. Since the density requirements are 1 unit per 10 acres in Ag 2 area, selling two acres would violate the density level set in the land use map.

The comp plan does allow for deeding of land to members of immediate family which is less than the required "unit per acre". The comp plan defines immediate family as being mother, father, brother, sister, grandfather, grandmother, etc. - basically one line away from the person who owns the property.

The county could expand the meaning of "etc" in the definition of immediate family to cover a caretaker. Otherwise, the county would have to apply for a comp plan amendment and take the risk of it being denied by DCA.

**COMMISSIONER POWELL MADE A MOTION TO TABLE THE DISCUSSION UNTIL THE ATTORNEY CAN STUDY IT AND OFFER SOME ADVICE.**

#### **DISTRICT 1 REPORT**

Commissioner McGill asked the board to consider conducting budget workshops in each of the municipalities of the county during the process of preparation this year.

#### **DISTRICT 2 REPORT**

Commissioner Powell reported on a demonstration of dry fire hydrants he had attended in Jackson County. He was impressed with the capability of the hydrants and asked the board if they would be interested in a demonstration in Gadsden County for the volunteer departments.

#### **DISTRICT 3 REPORT**

##### **Policy**

**It was the consensus of the board to require all advertisement for bids and proposals to be approved by the board if they are unbudgeted.**

Commissioner Peacock said he had been contacted by someone in his district in response to an advertisement for bid for mowing of the right-of-ways. He was unaware of the bid advertisement since the board had just approved going out for bids for new tractors and mowing equipment. In the past, advertisement for bids have always been done at the instructions and approval of the board.

When Commissioner Peacock confronted the county manager, Mr. Carter replied that he had the authority to do it when it is in the best interest of the county.

Commissioner Peacock stated he felt that the manager owed the board an apology. He then asked the board to express a policy dealing with authorizing of bid announcements.

County Manager Carter explained that he had placed the advertisements merely to offer an alternative to the purchase of new equipment. In the essence of time, he took the initiative to place the adds in order to provide figures for privatization of the mowing at the same time equipment bids are reviewed. After reviewing the procurement policy of the county, he deemed it was in the best interest of the county and was within his authority.

The chairman asked the manager to indulge the board by bringing such matters for approval of the board in the future.

#### **DISTRICT 4 REPORT**

##### **Employee Benefits**

**The board voted to advertise for proposals for health insurance coverage.**

Commissioner Davis reported that the insurance committee had met and is recommending that the board authorize Mr. Lawson to advertise bids for proposals on the county's health insurance.

**UPON MOTION OF COMMISSIONER DAVIS AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO AUTHORIZE THE PURCHASING DIRECTOR TO ADVERTISE FOR PROPOSALS, THE COUNTY'S HEALTH INSURANCE.**

#### **DISTRICT 5 REPORT**

##### **FAC Legislative Day**

Commissioner Dixon reminded the other board members of "Florida Association of Counties Legislative Day" at the Legislature. He encouraged them all to attend as there are important issues coming before the Legislature.

**Pot-hole Patching Demonstration**

Mr. Carter told the commissioners there would be a demonstration of pot-hole patching equipment on Wednesday morning and he invited them to attend.

**UPON MOTION OF COMMISSIONER PEACOCK, THE CHAIRMAN DECLARED THE MEETING ADJOURNED.**

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**Edward J. Dixon**  
**Chairman**

**ATTEST:**

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**Nicholas Thomas, Clerk**

GADSDEN COUNTY LICENSING BOARD

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER  
THE BOARD VOTED 5 - 0 TO APPROVE THE LICENSING OF LESTER  
BERNELL BRINSON, JR. AS A MASTER ELECTRICIAN AND JAMES WILLIAM  
TAYLOR, JR. AS AIR CONDITIONING "B" CONTRACTOR.

\_\_\_\_\_  
Edward J. Dixon, Chairman

ATTEST:

\_\_\_\_\_  
Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE BOARD OF COUNTY COMMISSIONERS, HELD IN AND FOR GADSDEN COUNTY, FLORIDA ON APRIL 5, 1994, THE FOLLOWING PROCEEDINGS WERE HAD, VIZ.

PRESENT: ED DIXON, CHAIRMAN  
FORREST DAVIS, VICE-CHAIRMAN  
BILL MCGILL  
ANTHONY POWELL  
HAL RICHMOND, COUNTY ATTORNEY  
JAMES CARTER, COUNTY MANAGER  
NICHOLAS THOMAS, CLERK

ABSENT: JAMES PEACOCK - excused (memo attached)

CALL TO ORDER

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

ADOPTION OF THE AGENDA Tape # 1; 43

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER DAVIS THE BOARD VOTED 4 - 0 TO ADOPT THE AGENDA AS WRITTEN.

APPROVAL OF MINUTES Tape # 1; 48

The board approved the minutes of the January 31, 1994 special meeting, March 8, 1994 special meeting, and March 15, 1994 regular meeting.

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER POWELL THE BOARD VOTED 4 - 0 TO APPROVE THE MINUTES OF THE JANUARY 30, 1994 MEETING.

UPON MOTION OF COMMISSIONER DAVIS AND SECOND BY COMMISSIONER POWELL THE BOARD VOTED 4 - 0 TO APPROVE THE MINUTES OF THE MARCH 8, 1994 MEETING.

UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER MCGILL THE BOARD VOTED 4 - 0 TO APPROVE THE MINUTES OF THE MARCH 15, 1994 MEETING.

CLERK OF COURT Tape # 1; 77

The board approved all amendment requests except the general fund - probation department request which will be verified by the clerk and resubmitted.

### Budget Amendments

Clerk Thomas presented the following budget amendment requests:

General Fund - Probation Department - line item changes moving money from regular salaries, contractual services and repair and maintenance into overtime and related expenses.

County Transportation # 1 Fund - Line item changes to cover the charges to complete the work on the old abandoned fuel site at public works department and other anticipated expenses in other line items for balance of the fiscal year.

General Fund - County Manager - Line item changes moving \$50 from travel and per diem into employee recognition; \$75 from postage into books/publications/subscriptions/memberships; and moving \$45.00 from repair and maintenance into office supplies.

Fire Control - Line item change requested by Tommy Baker moving \$100 from Imp. other/bldg. into travel.

General Fund - Line item change moving \$3,900 from utilities into equipment (\$2,900) and equipment under \$500 (\$1,000). This is for purchase of equipment for the new judicial facility.

General Fund - OMB Office - Line item change moving \$100 from gas & oil into office supplies.

Grants - Emergency Management Assistance - setting up a new reimbursable grant.

The clerk asked for approval of the amendments as described.

Commissioner McGill questioned the first amendment for the general fund (probation department). He asked about the contractual services from which \$1,500 was taken to cover the overtime.

Mr. Thomas explained the \$1500 was budgeted for Saturday morning activities that Rayfield Elias supervised for Judge Hood's program. He understood that those activities have been discontinued but he had not confirmed that with Judge Hood or the probation department.

There was some discussion among the commissioners as to why the program has been discontinued.

Commissioner McGill requested that the General Fund Amendment for the probation department be removed from consideration at this meeting and asked the clerk to verify the justification of the amendment request and submit it again at the next meeting.

**UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 4 - 0 TO APPROVE ALL AMENDMENTS EXCLUDING THE ONE FOR THE GENERAL FUND - PROBATION DEPARTMENT. Preliminary Revenue Projections Tape # 1; 220**

Clerk Thomas called attention to the revenue projections included in the agenda packets. He briefly explained how he had arrived at the figures and that the numbers would change later in the year.

**Approval of Payment of County Bills Tape # 1; 688**

**The board approved the payment of the county bills.**

**UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 0 TO APPROVE THE PAYMENT OF THE COUNTY BILLS.**

**The clerk then excused himself from the meeting.**

**REQUEST FROM CITY OF GRETNA Tape 1; 700**

Mr. A. W. (Walter Watson) and Mr. Charles Hayes spoke to the board requesting the county's assistance scraping roads, pulling ditches and installing a .25 mile road in the Gretna area. They also asked for the county to make an installment arrangement for the city to pay for the services. They expressed an urgent need for the assistance.

Discussion followed. It was the consensus of the board to have the county manager and the city manager to first determine that there are no outstanding invoices for work previously performed for Gretna, then work out a feasible arrangement to get the work done without further approval from the board.

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 4 - 0 TO HAVE THE CITY MANAGER AND THE COUNTY MANAGER TO WORK OUT A FEASIBLE ARRANGEMENT WHICH IS AGREEABLE WITH BOTH OF THEM TO GET THE ROAD WORK DONE AS REQUESTED BY GRETNA. IF THE ARRANGEMENT IS AGREEABLE WITH BOTH OF THEM, THERE WILL BE NO NEED TO COME BEFORE THE BOARD FOR FURTHER APPROVAL.

COUNTY ATTORNEY Tape # 1; 893

Recent Supreme Court Ruling affecting Planning and Zoning

Mr. Hal Richmond called attention to a Supreme Court Ruling ( Brevard County v. Jack R. Schneider) relating to the Planning and Zoning Requirements. In approving Planning and Zoning applications and reapplications, the Board of County Commissioners has always been considered a legislative body. The Supreme Court has now ruled that the Board of County Commissioners sit as a quasi-judicial body when hearing zoning application requests. In acting in a judicial capacity, there are certain requirements in a minimum "due process."

The result of that ruling necessitates a change in the way the applications are processed. Mr. Richmond suggested that the board prepare some practical considerations as to what the "minimum due process" should be. Things to be considered will be: a commissioners freedom to discuss rezoning issues outside the record, need for court reported present for the proceedings, etc.

Mr. Richmond told the board that he would speak with Mr. Sherman about these issues and be prepared to present some new procedural considerations by the next meeting. He welcomed the commissioners input but cautioned them to not to jeopardize any pending issues by discussing them off the record with anyone until further clarification of the ruling can be obtained.

Curfew Ordinance Update Tape #1; 1021

Commissioner Powell and Attorney Richmond were instructed to proceed with forming a committee to study the need for a curfew ordinance and follow up with an ordinance as determined by the committee.

Mr. Richmond had previously provided a copy of the Orlando curfew ordinance and the Dade County curfew ordinance for the commissioners to review. He told them that those ordinances have been legally challenged by the ACLU. Mr. Richmond suggested that

the commissioners appoint a task force to do "fact finding" before an ordinance is enacted.

Mr. Richmond had mailed copies of the ordinances to all law enforcement agencies in the county and asked for their input.

He asked for the board's guidance on setting up such a committee.

It was the consensus of the board to proceed with the establishment of a committee to study the need for the ordinance and if the need for one is well founded, the committee is to proceed with writing a draft ordinance. Mr. Richmond and Commissioner Powell were instructed by the board to spearhead the committee.

**Nudity Ordinance Update** Tape # 1; 1220

**The board authorized Mr. Richmond to advertise the notice of intent to adopt the nudity ordinance as previously submitted and defer the other considerations until the Land Development Code of the comp plan can be amended to address those issues.**

Mr. Richmond reported that he had considered a number of different matters brought to his attention in revising the nudity ordinance he had previously submitted for adoption. His recommendation was to return to the ordinance he had originally proposed and address the other matters in the Land Use Regulations and Zoning Ordinances.

Mr. Richmond asked for authority to publish the notice of intent for a public hearing on May 3 and defer the other issues until the Land Development regulations can be adopted.

**UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 4 - 0 TO AUTHORIZE ADVERTISEMENT OF THE NOTICE OF INTENT TO ADOPT AN ANTI-NUDITY ORDINANCE ON MAY 3, 1994.**

**Amendment to Ordinance 93-001** (attached) Tape # 1; 1295

Mr. Richmond offered the amendment to ordinance 93-001 for adoption. The ordinance removes the stipulation that local housing assistance fund be invested in the State Board of Administration's account. The amendment will allow the funds to be placed in a special escrow account designated as the Local Housing Assistance trust Fund. The notice of intent was advertised in the May 31, 1994 Gadsden County Times.

**UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 4 - 0 TO ADOPT THE AMENDMENT TO THE SHIP ORDINANCE # 93-001.**

**Vehicle Impoundment - County Court Order Declaring the Vehicle Impoundment Statute 316.1936 B Unconstitutional Tape # 1; 1336**

Florida Legislature passed a new statute last year which allows impoundment of vehicles involved in Driving under the influence cases. Judge Hood has ruled the law unconstitutional and issued a restraining order because of the costs of implementation.

**Inquiry on Court Room facilities Tape # 1; 1352**

**Mr. Richmond was asked to convey to the judge that the board is moving expeditiously on the building.**

**The board authorized RFP for replacement of the roof on the Courthouse Annex # 3.**

Mr. Richmond reported he has contacted by the Chief Judge inquiring about the courtroom space the commission promised the circuit judges. He asked for guidance to address the subject with Judge Padovano.

County Manager Carter told Mr. Richmond of his correspondence with Judge Gary informing him of the status of the renovation. Progress has been stalemated because the building inspector can not yet issue a certificate of occupancy because of the condition of the roof. He reported that the damages are extensive and can cost as much as \$50,000. The costs of a new roof has not been budgeted. He assured Mr. Richmond that he would have more information on the facility by the next meeting. He noted that he was attempting to get an appraisal on the facility to see if it will be costs effective to replace the roof.

Commissioner Powell reminded the commission that the county has this obligation and the board is compelled to follow through with completion of the project. He encouraged them to continue with the renovation and do what is right as a good faith effort.

Mr. Carter requested authority from the board to develop a request for proposals for replacing the roof on the courthouse annex # 3.

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER DAVIS , THE BOARD VOTED 4 - 0 TO AUTHORIZE THE COUNTY MANAGER TO DEVELOP A REQUEST FOR PROPOSAL FOR A NEW ROOF FOR COURTHOUSE ANNEX # 3 AND TO PREPARE IN-HOUSE COST COMPARISONS RELATING TO THE VALUE OF THE FACILITY AS SOON AS POSSIBLE.

Resolution approving chairman's signature on fire truck lease/purchase agreement Tape #1; 1616

Mr. Richmond called attention to the boards previous action to purchase a fire truck. The leasing company requires a resolution to be passed by the board authorizing the chairman and the clerk to execute the lease/purchase agreement.

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 4 - 0 TO AUTHORIZE THE CHAIRMAN AND CLERK TO SIGN AND EXECUTE THE LEASE/PURCHASE AGREEMENT FOR THE NEW FIRE TRUCK PREVIOUSLY APPROVED BY THIS BOARD.

PLANNING AND ZONING Tape # 1; 1654

Code Enforcement Issues

It was the consensus to address this issue in a work session.

Mr. Mike Sherman, Planning and Zoning Director, told the commissioners he has encountered problems with code enforcement issues. Whenever violations occur, the department sends letters to the violator requesting them to comply with the county ordinances governing the violation. When letters from the department fails, he has asked the State Attorney to write follow-up letters. The problem occurs when those measures don't result in resolution of the violation. His department has no authority to do anything more.

The nuisance ordinance allows the county commission to sit as a code enforcement board. It also allows the commission to set up an independent enforcement board. He requested permission to bring code violation cases to the board for enforcement until such time that a separate board is established.

The board postponed making a decision on this matter until it can be addressed in a work session.

COUNTY MANAGER Tape # 1; 1910

Request for Gadsden County Health Department Unit Renovations

The board voted to approve renovations to the clinic area, waiting room area and medical records area.

Chairman Dixon called attention to a letter from Jerry Wynn, HRS Health Department Administrator, requesting permission to make renovations to the building which houses the Public Health Unit.

UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 4 - 0 TO APPROVE THE RENOVATIONS TO THE COUNTY PUBLIC HEALTH UNIT.

Bid Committee Recommendations Tape # 1; 1938

The Bid Committee Recommendations were tabled.

Mr. Carter told the commissioners that he needed to speak again with the bid committee on their recommendations and requested that the matter be tabled until the next board meeting.

Audit Engagement Letter from Purvis, Gray & Company Tape # 1; 1955

The board voted to approve the Audit Engagement Letter with Purvis, Gray & Company provided that they include in their proposal a reflection of local revenues.

Mr. Carter recommended to the board that they approve the audit engagement letter previously presented to them by Purvis, Gray & Company.

Commissioner McGill raised a question about the auditor's proposal dealing with local revenues. The proposal letter does not specifically states that their services will cover state assistance and local revenue funds. Discussion followed.

A MOTION WAS MADE BY COMMISSIONER MCGILL AND SECONDED BY COMMISSIONER DAVIS TO APPROVE THE AUDIT ENGAGEMENT LETTER IF THEY WILL AMEND THEIR PROPOSAL TO SPECIFICALLY IDENTIFY AND REFLECT LOCAL REVENUES IN THE AUDIT. THE ENGAGEMENT PERIOD IS FOR 1 YEAR WITH PURVIS, GRAY & COMPANY.

Ms. Millie Forehand from the audience asked if the motion was irrespective of any additional costs.

THE BOARD VOTED 4 - 0 TO APPROVE THE AUDIT ENGAGEMENT LETTER.

Mr. Carter asked to have a work session with the board to discuss Planning and Zoning application and reapplication procedures, proposal received on county mowing service.

The chairman asked that discussion of a work session be moved to the end of the meeting agenda.

**EMS REQUESTS FOR CONSIDERATION**      Tape #1; 2243

**Bids for Old Radio Tower**

Mr. Tommy Baker presented bids for the radio tower behind the Highway Patrol Station. The county attorney advertised for bids for the property at the board's instruction. Three bids were received. The highest bid was for \$11,500 for the 1.33 acres, a small concrete block building and the 250 ft. radio tower. The high bid was submitted by Charlie J. Folmer.

**UPON MOTION BY COMMISSIONER DAVIS AND SECONDED BY COMMISSIONER POWELL, THE BOARD VOTED 4 - 0 TO ACCEPT THE HIGHEST BID BY MR. CHARLIE J. FOLMER FOR THE LAND, BUILDING AND 250 FT. RADIO TOWER.**

**Request for lease of radio tower space from private vendor**  
Tape #1; 2307

Mr. Baker informed the board of a request received from a private vendor to lease space on the new tower at the county jail, to place two antennas and radio equipment for a commercial paging system.

EMS staff recommended that the county proceed with the project if all terms and conditions from the Division of Communications and county requirements are met. (These conditions are listed in the attached letter.)

Mr. Baker then requested conceptual approval for the lease pending compliance with all terms and special conditions outlined by the State Division of Communications and pending negotiation of satisfactory terms and conditions with the county manager.

**UPON MOTION BY COMMISSIONER POWELL AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 4 - 0 TO APPROVE THE CONCEPTUAL APPROVAL OF THE LEASE OF RADIO TOWER SPACE SUBJECT TO THE SPECIAL CONDITIONS OUTLINED BY THE STATE DIVISION OF COMMUNICATIONS AND REQUIREMENTS OF THE COUNTY.**

EMS Billing & Collection Policy & Write-off of 1990 EMS  
Accounts Tape # 1;2397

Mr. Baker presented the board with a draft copy of billing and collection policies which have been previously submitted to them for approval. He requested adoption of the policy and approval of the write-off of EMS bad debt accounts.

UPON MOTION OF COMMISSIONER DAVIS AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 4 - 0 TO APPROVE THE EMS BILLING AND COLLECTION POLICY AND APPROVE THE WRITE-OFF OF THE 1990 ACCOUNTS.

Deed releasing the old radio tower to highest bidder Tape #  
1; 2440

Mr. Baker asked Mr. Richmond to prepare a deed for the highest bidder of the old radio tower. Mr. Richmond in return asked the board to authorize the chairman to execute a deed to benefit the person purchasing the tower.

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER DAVIS THE BOARD VOTED 4 - 0 TO AUTHORIZE THE CHAIRMAN TO SIGN AND EXECUTE THE RADIO TOWER DEED TO CHARLIE J. FOLMER.

CONSENT AGENDA (Attached) Tape # 1; 2480

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 4 - 0 TO APPROVE THE CONSENT AGENDA TO WIT:

- 1) Approval of the changes to the SHIP three year plan
- 2) Satisfaction of the Housing rehabilitation agreement for Elnora Harrington
- 3) Approval of Gadsden County Affordable Housing Incentive Plan
- 4) Approval to include the minutes of the Affordable Housing Advisory Committee meeting and the minutes of the Partnership Committee meeting as part of the Board of County Commission minutes.
- 5) Lease Agreement for the State Livestock & Crops Pavilion Annex

**6) Resolution - "Keep Gadsden Beautiful Month"**

**DISTRICT 1 REPORT** Tape # 1; 2488

Commissioner McGill presented petitions from the citizens in Midway who are opposed to the placement of the Sunshine Pipeline down the I-10 corridor. He asked that they be made a part of the record.

**DISTRICT 2 REPORT**

Commissioner Powell referenced the "County-wide Clean-up Day" scheduled for April 16, 1994. He encouraged the other commissioners and the citizens to partake in each of their districts to clean the roadsides. Efforts can be coordinated with Mr. Herb Chancey on any day - not just April 16.

**DISTRICT 3 REPORT**

Commissioner Peacock was not present.

**DISTRICT 4 REPORT**

Commissioner Davis reported things running smoothly in District 4.

**DISTRICT 5 REPORT**

Chairman Dixon had nothing to report from District 5.

**CITIZENS TO BE HEARD**

Mr. L. L. Shaw addressed a question to the county manager. He reported a large pot hole in the road on 65-C. He indicated that the pot hole was 2 feet wide and 2.5 feet long and 1 foot deep. He said that the hole was dangerous and could cause an accident.

Chairman Dixon asked the county manager to put this matter on the public work department's agenda.

**ADJOURNMENT**

UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER  
MCGILL, THE CHAIRMAN DECLARED THE MEETING ADJOURNED.

\_\_\_\_\_  
Edward J. Dixon, Chairman

ATTEST:

\_\_\_\_\_  
Nicholas Thomas, Clerk

Attachment 1

Memo from Commissioner Peacock

Attachment 2

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Attachment 3  
County Transportation # 1 Budget Amendment

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Budget Amendment - General Fund

Attachment 5  
Budget amendment - Fire Control

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Budget Amendment -General Fund - Judicial facility

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Budget Amendment - EMA Grant

Attachment 09  
Preliminary Revenue Projections













City of Gretna's letter for assistance with roads

Attachment 10  
Supreme Court Ruling Brevard County vs. Jack R. Schneider





















## Curfew Ordinance















































Attachment 12  
Nudity Ordinance

































Amended Ordinance 93-01







Court Order finding Vehicle Impoundment Unconstitutional





Resolution - approving chairman's signature on fire truck  
lease/purchase agreement

HRS request for renovation to Public Health Unit

Audit Engagement Letter with Purvis, Gray & Company





Notice of Intent to sell old radio tower

Bids for old Radio tower













Request for lease of radio tower space







EMS Billing & Collection Policy & Write-off of 1990 EMS Accounts



























Deed Releasing the old radio tower to Charlie Folmer

SHIP three-year plan













Satisfaction of Housing rehabilitation agreement for Elnora  
Harrington

## Affordable Housing Incentive Plan











Minutes of Housing Assistance Partnership Meeting for March 22,  
1994



Minutes of Affordable Housing Selection Committee Meeting March 22,  
1994

Minutes of Affordable Housing Advisory Committee Meeting March 22,  
1994

Lease agreement on the state livestock & crops pavilion annex



Resolution - "Keep Gadsden Beautiful Month"

Petitions opposing Sunshine Pipeline Placement along I-10 corridor



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April 5, 1994 Meeting

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AT A REGULAR MEETING OF THE BOARD OF  
COUNTY COMMISSIONERS, HELD IN AND  
FOR GADSDEN COUNTY, FLORIDA ON APRIL  
19, 1994, THE FOLLOWING PROCEEDINGS  
WERE HAD, VIZ.

PRESENT: ED DIXON, CHAIRMAN  
FORREST DAVIS, VICE-CHAIRMAN  
BILL MCGILL  
JAMES PEACOCK  
ANTHONY POWELL  
HAL RICHMOND, COUNTY ATTORNEY  
JAMES CARTER, COUNTY MANAGER  
NICHOLAS THOMAS, CLERK

CALL TO ORDER

Chairman Dixon called the meeting to order. Commissioner Powell led in the Pledge of Allegiance to the U. S. Flag and Commissioner Peacock then opened the meeting with prayer.

ADOPTION OF THE AGENDA (Attached) Tape # 1; 59

**Agenda was amended then adopted.**

County Manager Carter asked to add "purchase of mowing equipment versus contracted mowing services" to the agenda under the county manager's agenda.

Commissioner Davis asked to have the Fire Department's funding request removed from the consent agenda for discussion.

UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO ADOPT THE AGENDA AS AMENDED TO INCLUDE "purchase of mowing equipment versus mowing contract services" and remove the "fire department's funding request" from the consent agenda and place it on the agenda for discussion.

APPROVAL OF MINUTES - April 5, 1994

Minutes of April 5, 1994 were approved.

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO APPROVE THE MINUTES OF THE APRIL 5, 1994 MEETING.

**PLANNING AND ZONING** (Memo Attached)

**Stewart's Ridge Subdivision final plat approval**  
**Helen Butler Beauty Salon approved**  
**Kay Williams Variance approved**  
**Keith Plat variance approved**  
**Florida Reduction Corporation's request to negotiate for county's solid waste approved**  
**P & Z Commission appointments made - Don White (at-large) and Trey Morgan III (alternate)**

**Stewart's Ridge - Project 92PZ-13-207-5-7**

Stewart's Ridge is a proposed subdivision for mobile homes and/or site-built homes on five (5) lots totaling 3.4 acres (.058 acres average size) that is seeking final approval. The property consists of 46 acres. The site is located on the east side of Gene Williams Road just off of Spooner Road (CR267A), approximately .5 miles north of Old Federal Road (CR 65B). The applicant and property owner is Mr. D'Arsey Stewart, Rt. 3 box 2024, Quincy, FL 32351. The developer's agent is Mr. John Johnson, PO Box 582, Quincy, FL 32353.

The Planning and Zoning Commission recommended approval subject to conditions as listed in the attached memo.

The Planning and Zoning Staff recommended final plat approval subject to conditions outlined in the attached memo.

Mr. Sherman explained that this project was given preliminary approval by the board and a comp plan amendment has been done.

The P & Z staff is not in possession of the mylar maps but does expect to receive them within the next day or so.

There were no questions by the board or the audience.

**UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER MCGILL THE BOARD VOTED 5 - 0 TO APPROVE THE FINAL PLAT OF THE STEWART'S RIDGE PROJECT.**

**Helen Butler's Beauty Salon - Project (94PZ-5-203-2-4) Tape # 1;**  
178

Helen Butler's Beauty Salon proposes to use an existing building as a hair salon. The property consists of 10 acres and is situated on the west side of SR 267 just north of CR 483. The site

consists of approximately .5 acres. The applicant and property owner is Ms. Helen Butler, Rt. 5, Box 193, Quincy, FL. 32351.

The Planning and Zoning Commission recommended approval subject to conditions as listed in the attached memo.

The Planning and Zoning Staff recommended approval subject to special conditions as listed in the attached memo.

Discussion followed. Questions were entertained by the chairman.

**UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO APPROVE THE PROJECT OF HELEN BUTLER'S BEAUTY SALON SUBJECT TO CONDITIONS AS LISTED IN THE ATTACHED MEMO.**

#### **Williams Variance - Project 94PZ-6-203-4-4**

Ms. Kay Williams is requesting a variance for an additional driveway culvert that has been placed on the west side of Dewey John Road (CR65A) and .1 miles south of CR 270A just outside of Gretna in the Johnson's Subdivision. The property consists of one acre. The applicant and property owner is Ms. Kay D. Williams. P. O. Box 392, Gretna, FL 32332.

The Planning and Zoning Commission recommended that the additional culvert should remain in place but not to allow any additional accessways onto Dewey Johnson Road from this development.

The Planning and Zoning Staff recommended the same.

**UPON MOTION OF COMMISSIONER DAVIS AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTE 5 - 0 TO ALLOW THE CULVERT TO REMAIN, BUT NOT ALLOW ANY MORE ACCESSWAYS ONTO DEWY JOHNSON ROAD FROM THE DEVELOPMENT.**

#### **Plat Variance - Project # 94PZ-7-201-1-4 Tape # 1; 167**

Mr. Keith Plat is proposing to construct a house on lot # 3, block E of Lantern Lane Estates (situated .2 miles west of US 27 on the south side of Lantern Lane) on a .45 acre site and is requesting a variance from the 35 foot front setback requirement for the placement of the septic tank and drainfield. The applicant

is Mr. Keith Plat, Lifestyles Development Co., 1338 Vickers Road, Tallahassee, FL 32308. The property owner is Mr. Richard Yates, 3111-21 Mahan Dr., # 115, Tallahassee, FL 32308.

The Planning and Zoning Commission recommended approval of the variance subject to conditions listed in the attached memo.

The Planning and Zoning Staff recommended approval subject to the special conditions listed in the attached memo.

Questions were entertained from the board.

There were no questions from the audience.

**UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 5 - 0 TO APPROVE THE PLAT VARIANCE SUBJECT TO THE CONDITIONS LISTED IN THE ATTACHED MEMO.**

### **Gretna Reduction Corporation Request**

Mr. John Mathews from Florida Reduction Corporation is a potential contractor with the city of Gretna for their future municipal solid waste volume reduction facility and pelletizing plant. His appearance before the board was just to make a point of information that they would be in production during the first quarter of 1995. The facility being installed will be for non-hazardous household solid waste wherein a certain amount of products will be extracted (such as metal, paper, plastic) from the solid waste and in turn a small portion will be returned to a land fill. The remainder will be pelletized as bile-mass fuel for boilers located in Florida. There will be no odors emanating from the facility.

The business will be located on Lot 7 of Gretna's industrial park next the railroad track.

The city received a permit from the Department of Environmental Protection in February of 1994. The permit allows for a maximum of a two-day supply of municipal solid waste on the floor of the facility.

The waste will be hauled in completely enclosed vans. They expect a maximum of 300 tons a day for 5 - 6 days a week. Realistically, it will take 2 years to work up to that volume.

Florida Reduction now is shipping pellets to Georgia.

They do not expect to utilize the railroad.

Florida Reduction Corporation will employ 50 - 60 people from the local area. Mr. Mathews went on to say that he believes that his company can save the county money. He told the board that he has reached a stumbling block and is uncertain as how to proceed with offering their services to the county. He asked for their blessing and permission to work with the county attorney and the planning and zoning department and ultimately submit a proposal for the board's consideration.

**UPON MOTION OF COMMISSIONER DAVIS, SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO ALLOW NEGOTIATIONS BETWEEN FLORIDA RECOVERY CORPORATION, THE COUNTY MANAGER, THE COUNTY ATTORNEY AND WASTE MANAGEMENT. THEY ARE TO TAKE NO ACTION WITHOUT REPORTING BACK TO THE BOARD WITH A PROPOSAL.**

**Planning and Zoning Commissioner Appointment** Tape #1; 819  
(Resume's attached)

Mr. Sherman reminded the board that the planning and zoning commission advertised for an at-large planning commissioner. The commission also has an opening for an alternate commissioner. Two applications were submitted. He asked the board to appoint one of the applicants as the at-large and the other as the alternate commissioner.

**UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO APPROVE THE APPOINTMENT OF DON HILTON WHITE AS THE AT-LARGE COMMISSIONER AND PAUL (TREY) H. MORGAN III, P.E. AS THE ALTERNATE COMMISSIONER TO THE PLANNING AND ZONING COMMISSION.**

**ECONOMIC DEVELOPMENT UPDATE** (Memos attached) Tape # 1; 901

**Industrial Development update given  
Chamber of Commerce's Request for additional \$10,000 - no  
action taken**

Mr. Rick McCaskill, Chamber of Commerce Executive Director, appeared before the board to brief them on the progress made with respect to economic development in the county.

- tomato packing house construction has begun. The plant will employ 200 people.

- Chicago trade show yielded numerous leads on industrial possibilities for the county - 12 strong leads.
- discussion with cities of Quincy & Gretna & DEP in reference to waste water use.
- Industrial parks and buildings are diminishing in number prompting discussions for new parks and building.
- large metal working operation contemplating move to Quincy - negotiations pending.
- woodworking company negotiations beginning to unfold.
- prison employment group - town meetings arranged to get out public information April 25-27.
- traffic problems approached with DOT and Planning & Zoning.
- "federal enterprise zoning" possibilities researched.
- search for industrial park development grants
- plans for Steel City to open in the old Gulf Steel building progressing.
- Holiday Inn Express to open for business end of April.

#### **\$10,000 Budget Request**

When the 92-93 budget was passed by the BOCC, the chamber's budget was reduced by \$10,000. At that time the board instructed Mr. McCaskill to approach them in April and request the additional \$10,000. The board agreed to re-evaluate the county's financial situation at that time and possibly re-instate the amount removed from their request. Mr. McCaskill requested the additional money.

Commissioner McGill asked how many jobs the chamber has brought into the county since last September to which Mr. McCaskill replied 300 +. He added that many of those openings came into effect after more than a year of negotiations. He remarked that the chamber has brought in many jobs and a substantial amount of tax revenue to the county.

Chairman Dixon asked Mr. McCaskill to prepare a brief containing compact but very specific information relating to the accomplishments of the Chamber of Commerce to justify the request for the additional \$10,000.

Commissioner Davis asked how much money was left in the contingency fund. Clerk Thomas confirmed the balance of the contingency fund to be \$62,961.00.

Commissioner McGill asked Mr. McCaskill to research what the average wage per hour is for the new jobs created by the new

industries. Mr. McCaskill was also asked to include the number of local people employed by these industries.

**COUNTY MANAGER** Tape #1; 1355

**New purchasing policy tabled**

**Advertising for new roof for Annex # 3 approved**

**Sheriff's request to replace and repair damaged equipment at  
delayed for more information from  
insurance company.**

**Re-advertisement of budget to show \$59,000 additional revenue  
and \$57,666.38 additional expenditures  
for building inspection department approved**

**Bid # 94-10 - Petroleum Products awarded to B.P. Oil**

**Bid # 94-13 - Metal Building for Mosquito Control Chemicals  
not awarded due to lack of funds**

**Purchase of 3 tractors to be made from the state contract.  
Independent financing to be arranged. No  
action taken on the purchase of the mowers.**

**Revised Purchasing Policy (Attached)**

Mr. Carter called attention to the revised purchasing policy which was submitted for the board's review on March 22. He asked the board to adopt the revised comprehensive procurement policies as presented.

Commissioner Davis remarked that he need more time to study the policy before it was approved.

**UPON MOTION OF COMMISSIONER DAVIS AND SECOND BY COMMISSIONER  
PEACOCK THE PURCHASING POLICY WAS TABLED.**

Discussion ceased.

**Sheriff's Request to Replace Damaged Radio Equipment and Install  
Lightning Protection (memo attached)**

Mr. Carter presented the board with a memo from Sheriff Woodham asking for communications repair at the jail due to lightning damage last year. (This request was first made at the October 5, 1993 meeting at which time the Acting County Manager and County Attorney was asked to make inquiries to see if the damages should be covered by insurance.)

The sheriff has requested that the proceeds (\$11,500) from the sale of the "old radio tower" be used in addition to other money to make adequate repairs.

Mr. Carter's recommendation was for the board to request an itemized listing of radio or computer equipment to be replaced or repaired with the \$11,500 if the board approves the sheriff's request.

Discussions concluded that the \$11,500 would not pay for all the repairs and replacements needed.

No action was taken. It was the consensus of the board to table discussion. County Attorney Hal Richmond was instructed to check on the insurance coverage and report back to the board.

**Re-Roof of Courthouse Annex #3** (Estimate Attached)

Mr. Carter advised the board of an estimate of costs to replace the roof on the new courtroom facility (old DOC Vocational School). Shields Enterprises, Inc., submitted an estimate of \$17,000 for the replacement of the roof.

Mr. Carter asked for direction from the board.

Discussion followed.

Clerk Thomas advised there is some money left in the annex # 3 budget to help cover the costs of the roof replacement.

**UPON MOTION OF COMMISSIONER DAVIS AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO AUTHORIZE THE COUNTY MANAGER TO ADVERTISE FOR BIDS FOR NEW ROOF FOR THE COURTHOUSE ANNEX #3.**

**Capital Items Request for Building Inspections Division - (Memo Attached)** Tape #1; 1660

Mr. Carter presented the board with a request from the building inspection department for 3 computers, 3 pick-up trucks, several manuals and money for OPS staff person. The total fiscal impact is \$57,666.38.

The funds are not available in the 92-93 budget. However, the building inspection department has received \$59,000 in unanticipated revenue since implementation of the current budget.

Mr. Carter recommended that the board advertise the additional revenue and expenditures and thus approve the request.

Discussion followed.

Clerk Thomas made two comments:

- 1 - The budget can be re-advertised and accomplish the building inspection department's request. If that is done, the 94/95 year revenue projections will have to be adjusted downward by that amount because that \$59,000 was reflected in the appropriated fund balance. (The revenue projections were submitted at a previous board meeting.)
- 2 - The board should not assume that all line items were understated just because the projections in this line item were understated on the revenue estimates for the current budget.

Commissioner Davis cautioned that the remainder of the year may not be as productive as it has in the first part of the year and the excess fees may be needed to balance next year's budget.

Chairman Dixon reasoned that such capital items might be done in a more orderly fashion within the new budget process. He added that he understood and supported the request but was of the opinion that the timing was inappropriate.

Commissioner Peacock supported the chairman's position.

Mr. Sherman commented that the building inspection office is basically archaic in its operations. The equipment requested should bring the department up to a good level of service to the public. He stated that he thought the board's point of view was not correct.

Chairman Dixon once again stated that he thought the request should be evaluated in the context of the total budget at a more appropriate time.

Mr. Richmond noted that Chapter 125 of the Florida Statutes and Building Inspections code states that if fees are received and there is insufficient funding provided to properly inspect the buildings from which the fees are received, it puts the county in a difficult situation. A difficulty does exist in the department with staffing, equipment, etc. The matter must be addressed. There is a statutory requirement that the funding of the fees

received should insure that there is an appropriate "in-place" building inspection department that is properly funded and able to carry out its duties.

**UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 3 - 2 TO ADVERTISE THE BUDGET TO SHOW THE INCREASE OF REVENUES AND EXPENDITURES AND APPROVE THE REQUEST OF THE BUILDING INSPECTION OFFICE AS REQUESTED. COMMISSIONERS MCGILL, POWELL AND DIXON SUPPORTING THE MOTION, AND COMMISSIONERS DAVIS AND PEACOCK OPPOSING.**

**Bid Committee Recommendations (Attached) Tape # 1 ; 2179**

**Bid # 94-10 - Petroleum Products**

B. P. Oil was noted to be the most responsive bidder. The Bid Committee recommended awarding of the bid to B.P. Oil.

**UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 5 - 0 TO APPROVE AWARDING OF THE BID TO B.P. OIL.**

**Bid # 94-13 - Metal Building for Mosquito Control Chemicals**

Mr. Carter reported the bids were opened on Monday, April 18th. Two bids were received. There is not sufficient funds to move forward with awarding of the bids, therefore he recommended no purchase at this time.

**Purchasing Mowing Equipment Versus Mowing Contracting Services Recommendations attached. Tape # 1; 2290**

Mr. Carter offered three options for consideration of mowing.

The bid committee's recommendation was to purchase the tractors from the state contract rather than award it to any of the vendors who submitted bids. The savings to the county by purchasing from the state contract is \$22,400.00. Independent financing would have to be arranged.

The bid committee also recommended the purchase of three heavy duty mowers from the lowest bidder. Mr. Lawson stated that the lowest bid on the model 3615 (Bush-hog) was from Swearington of

Marianna, FL but he was unable to give the board the specific bid amount.

Commissioner Peacock could not support awarding of a bid on the mowers in the absence of cost figures relative to the bid award.

The chairman asked the board to take action on the tractors only and entertain the purchase of mowers at a later date. He then instructed the purchasing director to submit additional information including the bid prices for the board's consideration at a later date.

**UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 5 - 0 TO PURCHASE 3 TRACTORS FROM THE STATE CONTRACT.**

It was the consensus of the board to entertain purchase of the mowers at a later date.

**CONSENT AGENDA** Tape #1; 2632

**EMS Write-off Resolution approved  
Extension of Lease for Recycling Program approved  
Quincy-Gadsden Airport Authority FY 1993 Audit approved  
Wetumpka VFD & Coonbottom VFD Funding Requests approved**

**UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO APPROVE THE CONSENT AGENDA AS AMENDED TO WIT:**

- (1) EMS Write-off Resolution (Attached)**
- (2) Extension of Lease for Recycling Program (Attached)**
- (3) Quincy-Gadsden Airport Authority FY 1993 Audit (Attached)**

**Public Input**

**Mr. Nolen Hancock** asked the chairman what was the total amount of the EMS write-off.

The chairman was unable to answer the question because the board had actually approved the write-off at the last regular meeting. (It was only before the board to formally pass a resolution to that effect at this meeting.) He asked Mr. Hancock to telephone or visit with the county manager to get the information.

### **Fire Departments' Funding Requests**

The Fire Advisory Board met on April 7, 1994 and recommended two emergency funding requests. Wetumpka Volunteer Fire Department is in need of a truck repair and re-painting that totals \$1,284.00.

Coonbotton Volunteer Fire Department has requested a folding water tank, a dump valve, tires and truck repairs and training expenses totaling \$4,200.00.

Commissioner Davis asked from which fund the money for this request was going to be taken.

The chairman explained that it would come from the fire budget and not the general fund.

The clerk then explained that the advisory board has suggested it be taken from the line item #0105-56300 which is "improvements other than buildings". He could not be certain what that line item was intended for since he was not involved in the fire budget. He indicated there was enough money in that line item to make the purchases in the amounts described.

**UPON MOTION OF COMMISSIONER DAVIS AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO APPROVE THE FIRE DEPARTMENTS REQUESTS to wit: Wetumpka VFD - \$1,284.00 to repair and paint a fire truck; Coonbottom VFD - \$1,250.00 for folding water tank, \$450 for dump valve; \$2,000 Tires and Truck repairs; \$500 for training.**

### Public Input

**Mr. Nolen Hancock** asked the amount of the funding request from the fire budget. Mr. Hancock was provided a copy of the request by the minutes coordinator.

**CLERK OF COURT** Tape #1: 2743

**15 Tax Deeds approved  
Budget Amendments approved  
Payment of County Bills approved**

**Tax Deeds** Attached (15)

Clerk Thomas informed the commission of the deeds which he has vested title to the Board of County Commissions. The taxes on the properties have been delinquent for more than seven years. He explained that anyone could have purchased the property during that

seven years but had not. He told them the use of the property is now at their discretion. A bid price appears on the deeds but the county has not paid any money for them.

**Budget Amendments** Attached

The clerk then presented budget amendments to wit:

- (1) General Fund transferring money from regular salaries and contract services into other areas for the probation department.
- (2) Hospital Renewal and Replacement Fund - covering improvements at the hospital
- (3) General Fund - County Manager's office moving \$700 into Operating Equipment under \$500 from Supplies and Maintenance.
- (4) General Fund - amendment prepared by the finance director to cover costs related to the judiciary building and county court judge's budget.
- (5) Library - Grants - 019 - Line item change

**UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 4 - 0 TO APPROVE THE BUDGET AMENDMENTS AS PRESENTED.** (Commissioner Peacock was not in the room at the time of this vote.)

**Approval of Payment of County Bills\_** Tape # 1; 2850

**UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 4 - 0 TO APPROVE THE PAYMENT OF THE COUNTY BILLS.** (Commissioner Peacock was not in the room at the time of this vote.)

**DISTRICT 1 REPORT**

Commissioner McGill reported he had held town meetings in his district. He found the over-riding concern from his district to be the conditions of roads. He reminded the board of the pending law suit relating to an accident on Rich Bay Road. He encouraged the board to move with deliberate speed to begin correcting the road hazards and new paving.

**DISTRICT 2 REPORT**

Commissioner Powell reported he had been approached by a local 4-H group who want to adopt a county road to do litter pick-up. He

would like to erect a road sign designating that St. John Road has been adopted by the group.

**DISTRICT 3 REPORT**

Commissioner Peacock had nothing to report.

**DISTRICT 4 REPORT**

Commissioner Davis noted numerous calls about pot-holes in the county roads.

**DISTRICT 5 REPORT**

The chairman recognized Mrs. Archie Mae Carter who asked to speak.

Mrs. Carter asked about the possibility to of using jail inmates to clean the roadsides.

Mrs. Sealy Brown spoke briefly concerning the use of the fire money.

Commissioner Dixon then told the board of the results of the legislative session.

Mr. Nolen Hancock was recognized to speak only briefly.

**UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER MCGILL, THE CHAIRMAN DECLARED THE MEETING ADJOURNED.**

\_\_\_\_\_  
**DWARD J. DIXON, CHAIRMAN** <sup>E</sup>

**ATTEST:**

\_\_\_\_\_  
**NICHOLAS THOMAS, CLERK**

**GADSDEN COUNTY LICENSING BOARD**

The meeting was convened by Chairman Dixon.

**UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER  
DAVIS, THE BOARD VOTED 5 - 0 TO APPROVE THE LICENSING OF JOHN  
DENNIS HARRINGTON AS A GENERAL CONTRACTOR.**

The meeting was adjourned by the chairman.

EDWARD J. DIXON, CHAIRMAN

ATTEST:

NICHOLAS THOMAS, CLERK

Attachments

amended agenda 1  
15 Tax Deeds 12  
Bid Committee Recommendations 10  
Budget Amendments 12  
EMS Write-off Resolution 11  
Extension of Lease for Recycling Program 11  
Fire Departments' Funding Requests 11  
Industrial Development memos (2) 5  
John Dennis Harrington License application 15  
P & Z Commission appointments 2  
P & Z Projects memo 2  
Purchasing Mowing Equipment Versus Mowing Contracting  
Services 10  
Quincy-Gadsden Airport Authority FY 1993 Audit 11  
Re-Roof of Courthouse Annex #3 8  
Revised Purchasing Policy 7  
Sheriff's Request to Replace Damaged Radio Equipment and  
Instal 7  
Wetumpka VFD & Coonbottom VFD Funding Requests 11  
Capital Items Request for Building Inspections Division  
BidsBids  
B. P. Oil 10  
Metal Building for Mosquito Control Chemicals 10

AT A SPECIAL MEETING OF THE BOARD OF  
COUNTY COMMISSIONERS, HELD IN AND  
FOR GADSDEN COUNTY, FLORIDA ON APRIL  
21, 1994 THE FOLLOWING PROCEEDINGS  
WERE HAD, VIZ.

PRESENT: ED DIXON, CHAIRMAN  
FORREST DAVIS, VICE-CHAIRMAN  
BILL MCGILL  
JAMES PEACOCK  
ANTHONY POWELL  
JIM RICHMOND, ATTORNEY in absence of Hal Richmond  
JAMES CARTER, COUNTY MANAGER  
NICHOLAS THOMAS, CLERK

CALL TO ORDER

Chairman Dixon called the meeting to order. He announced the reason for the meeting was to approve the new voting precincts as submitted by the Supervisor of Elections, Denny Hutchinson (attached). He apologized for not addressing the matter which was on the agenda of the previous regular meeting of April 19, 1994.

UPON MOTION BY COMMISSIONER POWELL AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0 TO APPROVE THE VOTING PRECINCTS AS SUBMITTED BY SUPERVISOR OF ELECTIONS, DENNY HUTCHINSON.

Chairman Dixon then adjourned the meeting.

\_\_\_\_\_  
Edward J. Dixon, Chairman

ATTEST:

\_\_\_\_\_  
Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE AFFORDABLE HOUSING ADVISORY COMMITTEE ON APRIL 26, 1994, THE FOLLOWING PROCEEDINGS WERE HAD, VIZ.

PRESENT: Millie Forehand, Chairperson  
Craig McMillan, Vice-chairperson  
William Carr  
James Rogers  
Patrick Brown

ABSENT: Alice Kelley  
Len Starrett  
Tony Jones  
James Atkins

COUNTY PERSONNEL PRESENT: Rosemary Banks, SHIP Co-ordinator  
Edward Butler, Grants Administrator  
Muriel Straughn, Deputy Clerk

CALL TO ORDER

Chairperson Millie Forehand called the meeting to order.

APPROVAL OF MINUTES OF

UPON MOTION OF CRAIG MCMILLAN AND SECOND BY WILLIAM CARR THE COMMITTEE VOTED 5 - 0 TO APPROVE THE MINUTES OF THE FEBRUARY 22, 1994 MEETING.

STAFF REPORT

Mrs. Rosemary Banks reported the following:

The Board of County Commissioners approved the changes to the Affordable Housing Incentive Plan.

The Florida Housing Finance Agency (FHFA) approved the Three Year Housing Assistance Plan contingent upon the correction of a couple of minor technical inconsistencies which are addressed below.

**Incentive No. 2**

*The expedited processing to permits for affordable housing projects.*

Recommendation by Affordable Housing Advisory Committee (AHAC):

*No recommendation for change.*

**RECOMMENDATION BY FHFA:**

Affordable housing projects should be given priority if a backlog should occur.

**Incentive No. 10.**

*The establishment of a process by which a local government considers, before adoption, policies, procedures, ordinances, regulations, or plan provisions that have a significant impact on the cost of housing.*

Incentive adopted and by this committee:

*The committee recommends that any proposed policy change to the ~~comprehensive plan~~ which could impact in any way on affordable housing to be reviewed by this committee before it is presented for adoption by the county or one of the cities. The committee will act as a "clearinghouse" to preserve the interest of affordable housing.*

**RECOMMENDATION BY FHFA:**

The committee recommends that any proposed change to policies, procedures, ordinances, regulations, or plan provisions which could impact in any way on affordable housing to be reviewed by this Advisory Committee before it is presented for adoption by the county or one of the cities. The committee will act as a "clearinghouse" to preserve the interest of affordable housing.

**Incentive No. 9**

*Modification of Street requirements.*

Recommendation made by AHAC:

*No recommendation for change.*

**RECOMMENDATION BY FHFA:**

To be included in the upcoming land development code.

The changes were made to the incentive plan as recommended by the FHFA and resubmitted to the Board of County Commission for approval as amended. (copy attached)

Chairman Forehand asked Mrs. Banks to provide the committee members with copies of the new incentive plan which was adopted by the Board of County Commissioners.

**OFFICIAL RECORDS**

Mr. Butler noted that the minutes of the committee meetings should and would be included on the consent agenda of the County Commission meetings in an effort to make them part of the official record.

**AMENDED SHIP ORDINANCE**

Mrs. Banks also brought to the committee's attention that the SHIP ordinance has been amended at the recommendation of the independent auditors. The change allows for creation of the Local Housing Assistance Trust Fund and that money is to be retained in a special escrow account designated as the Local Housing Assistance Trust Fund and used for the purposes thereof. (copy attached)

**FUTURE COMMITTEE RESPONSIBILITIES**

Mrs. Banks told the committee that once the incentive plan is approved they should begin to study the land development code and make recommendations for change as needed to provide for affordable housing. Mr. Sherman of the Growth Management and Strategic Planning office will be assisting with this review.

**TOUR OF HOMES**

Mrs. Banks reminded the committee members of the tour of homes which were constructed recently and financed with affordable housing funds. The bus will leave from the county administration building on May 5, 1994 at 10:00 a.m.

**UPON MOTION OF CRAIG MCMILLAN, THE MEETING WAS DECLARED  
ADJOURNED.**

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Muriel Straughn, Deputy Clerk

AT A REGULAR MEETING OF THE BOARD OF  
COUNTY COMMISSIONERS, HELD IN AND  
FOR GADSDEN COUNTY, FLORIDA ON MAY  
3, 1994, THE FOLLOWING PROCEEDINGS  
WERE HAD, VIZ.

PRESENT: ED DIXON, CHAIRMAN  
FORREST DAVIS, VICE-CHAIRMAN  
BILL MCGILL  
JAMES PEACOCK  
ANTHONY POWELL  
HAL RICHMOND, COUNTY ATTORNEY  
NICHOLAS THOMAS, CLERK  
ARTHUR LAWSON, SR., ACTING COUNTY MANAGER

ABSENT: JAMES CARTER, COUNTY MANAGER (excused)

CALL TO ORDER

The meeting was called to order by Chairman Dixon.  
Commissioner McGill led in pledging allegiance to the U. S. Flag.  
Commissioner Powell then opened the meeting with prayer.

ADOPTION OF THE AGENDA (Agenda attached)

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER  
PEACOCK, THE BOARD VOTED 5 - 0 TO ADOPT THE AGENDA AS  
PRESENTED.

APPROVAL OF MINUTES - April 19, 1994 Meeting

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER  
MCGILL, THE BOARD VOTED 5 - 0 TO APPROVE THE MINUTES OF THE  
APRIL 19, 1994 MEETING.

UPON MOTION OF COMMISSIONER DAVIS AND SECOND BY COMMISSIONER  
PEACOCK, THE BOARD VOTED 5 - 0 TO APPROVE THE MINUTES OF THE  
APRIL 20, 1994 MEETING.

COUNTY ATTORNEY (Memo Attached)

Nudity Ordinance # 94-003 (Attached) Tape # 1; 87

Ordinance # 94-003 (Nudity Ordinance) adopted.

Mr. Richmond called for a public hearing on the nudity  
ordinance which had been duly advertised. He read the ordinance by  
title only into the record.

The chairman called for questions from the board.

Public input was called for by the chairman. There was none.

**UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO ADOPT THE NUDITY ORDINANCE.**

**Curfew Ordinance Committee** Tape # 1;154

**Organizational committee meeting scheduled for May 4, 1994.**

Mr. Richmond reported that he has contacted all law enforcement agencies in the county and other local political bodies interested in the adoption of a curfew ordinance. He had scheduled an organizational meeting of a committee which will address the need of such an ordinance. The meeting was scheduled at 5:00 p.m. at the county manager's office on May 4. He encouraged any commissioners and interested persons to be present for the meeting.

**CHAMBER OF COMMERCE REQUEST** (Attachment) Tape # 1; 302

**\$10,000 request approved for Chamber of Commerce.**

Mr. Rick McCaskill called attention to a memo he had prepared at the request of Chairman Dixon. It listed the number of businesses which had moved into Gadsden County during the last year, the number of employees in each industry and the average wage per hour (plant labor only) of the companies where information was available.

After a short presentation, Mr. McCaskill asked the board to approve funding of an additional \$10,000 which was removed from their budget last September.

Discussion followed.

**UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO APPROVE FUNDING THE CHAMBER OF COMMERCE \$10,000.00 FROM THE CONTINGENCY FUND.**

#### **COUNTY MANAGER**

Mr. Arthur Lawson spoke to the board in the absence of County Manager James Carter.

**Purchase of Bat Wing Mowers** (Attachment)

**Purchase of Bat Wing mowers from state contract approved.**

**Request to Develop RFP for financing of mowers and tractors**

**County Manager authorized to develop RFP for financing of three tractors and three mowers.**

Mr. Lawson told the board the county could purchase three Alamo mowers from the state contract list at a significant savings. He asked for board approval to purchase the mowers from the state contract and for permission to develop an RFP to secure the financing of the mowers and the tractors.

A brief discussion followed.

**UPON MOTION OF COMMISSIONER MCGILL AND SECOND OF COMMISSIONER POWELL, THE BOARD VOTED 5 - 0 TO APPROVE THE PURCHASE OF THE BAT WING MOWERS FROM THE STATE CONTRACT AND TO DEVELOP AN RFP FOR THE FINANCING OF THE MOWERS AND THE TRACTORS.**

**Revised Purchasing Policy (Attached) Tape # 1; 1078**

**New purchasing policy approved.**

Mr. Lawson then presented the new purchasing policy for consideration.

Commissioner Davis asked how the new policy differs from the old policy.

Mr. Lawson replied by saying there are significant differences in the thresholds. The procurement policies which the county is currently working under have not been revised in recent years. The new policy is more easily understood and provides proper mechanisms to conduct county business in a more expeditious manner and it saves money.

Mr. Richmond made a couple of remarks. Chapter 125.74 provides that the county manager maintains authority to develop, install and maintain centralized budgeting, personnel, legal and purchasing procedures. Paragraph 2 says the intent of the legislature to grant to the county administrator only those powers and duties which are administrative or ministerial in nature and not to delegate any governmental power indubed in the board of county commissioners as the governing body of the county pursuant to the Florida Constitution. Florida Statutes also provides that the county commissioners will be held personally liable for any improper expenditures made by the county manager.

The chairman asked for public input. There was none.

**UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 3 - 2 TO APPROVE THE PURCHASING POLICY AS WRITTEN. COMMISSIONERS MCGILL, POWELL AND DIXON VOTING IN FAVOR, COMMISSIONERS PEACOCK AND DAVIS OPPOSING.**

**Sheriff's Request for Radio Tower Sale Proceeds (Attachment) Tape # 1; 1650**

**Sheriff's request for the proceeds (\$11,500) from the sale of the radio tower was approved.**

Mr. Lawson called attention to the sheriff's request for the \$11,500 from the proceeds of the sale of the radio tower.

Mr. Richmond reported that no claims have been made for the lightening damage done to the communications and computer equipment at the jail. He could not discern when the damage was done or if such damage is covered by insurance. It is possible that time limitations for filing a claim could have expired.

**UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER PEACOCK THE BOARD VOTED 4 - 1 TO APPROVE GIVING THE SHERIFF THE \$11,500 PROCEEDS FROM THE SALE OF THE OLD RADIO TOWER WITH THE STIPULATION THAT ANY FUTURE DAMAGES SHOULD HAVE INSURANCE CLAIMS FILED FOR THE COST OF REPAIRS. THE MOTION INCLUDES APPROVAL FOR THE CLERK TO RE-ADVERTISE THE BUDGET TO SHOW THE INCREASE IN REVENUE. COMMISSIONER MCGILL CAST THE LONE DISSENTING VOTE.**

**Invoice for Thomas Skipper (Chattahoochee Landfill)  
Invoice for Bishop Engineering (Chattahoochee Landfill) (Attached)  
Tape #1; 1955**

**Board approved payment of invoices totaling \$9,274 (relating to the closure of Chattahoochee Landfill) to Thomas Skipper and Bishop Engineering from contingency funds.**

Mr. Lawson presented an invoice for \$1,324 from Thomas Skipper for surveying in connection with the Chattahoochee Landfill. He asked for instructions from the board. The money is not budgeted.

Clerk Thomas reported that the landfill trust fund is not adequately funded to cover this invoice or the amount owing to Bishop Engineering. (Invoice and contingency request attached)

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO APPROVE PAYMENT OF THE INVOICE FROM THOMAS SKIPPER FOR \$1,324 AS WELL AS THE INVOICE TO BISHOP ENGINEERING FOR \$7,950.00 FROM CONTINGENCY FUNDS.

Quote from Peavy & Son for Guide Rail Work on Hanna Mill Pond Road  
Tape # 1; 2204 (letter attached)

Installation of guard-rails on Hanna Mill Pond Road authorized to be done by the most expeditious method possible.

Mr. Lawson related information concerning costs to install a guardrail, with special posts on the box culverts and end anchors for Hanna Mill Pond Road bridge. He reported that there are some funds left in the paving contracts. It is an emergency situation which puts the county in a liable position. A change-order can be done to accomplish the installation of the guard rail quickly.

UPON MOTION OF COMMISSIONER DAVIS AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 5 - 0 TO AUTHORIZE THE COUNTY MANAGER TO HAVE THE GUARD-RAILS INSTALLED IN THE MOST EXPEDITIOUS AND ECONOMICAL MANNER POSSIBLE.

CONSENT AGENDA Attachments

The consent agenda passed without discussion.

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO APPROVE THE CONSENT AGENDA TO WIT:

- 1) DCA Notice of Intent to find Comprehensive Plan Amendment and Remedial Comprehensive Plan amendment in Compliance
- 2) Satisfaction of Housing Rehabilitative Agreement for Mae Helen Herman

CLERK OF COURT Tape # 1; 2374

Clerk Thomas told the commissioners he would be able to provide them with several reports generated from the new finance system software at the next meeting on May 17, 1994.

**Budget Amendments** - Attached (10)

- 1) General Fund - line item changes requested by Mike Sherman putting \$900 into travel and per diem.

- 2) County Transportation # 1 - line item change putting \$500 into training and education
- 3) General Fund - line item change
- 4) General Fund - Veteran Services Office - line item change putting money into books and travel & per diem.
- 5) Mosquito Control/State 1 - transfer monies to cover expenditures for the purchase of chemicals to be used for mosquito control.
- 6) General Fund - line item change in the probation department - putting money into travel & per diem and training and education.
- 7) General Fund - OMB - to cover office supply costs for the remainder of the year for computer networking and software.
- 8) General Fund - Circuit Judges - line item change
- 9) Grants - Recycling - line item changes
- 10) Grants - Setting up the Emergency Management Preparedness & Assistance Grant.

**UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO APPROVE THE BUDGET AMENDMENTS AS DESCRIBED BY THE CLERK.**

**APPROVAL OF PAYMENT OF COUNTY BILLS**

**UPON MOTION OF COMMISSIONER DAVIS AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO APPROVE PAYMENT OF THE COUNTY'S BILLS.**

**DISTRICT 1 REPORT**

Commissioner McGill reported that the resolution requesting funding for industrial park developments (adopted jointly by the Board of County Commissioners and the city councils) was not successful with the legislature this year. However, the county was encouraged to re-apply next year with better clarification as to where and how the money would be used if appropriated.

Commissioner McGill asked the board once again to consider the hazardous conditions of the county roads with respect to road striping and move toward absolving the county of that liability.

## **DISTRICT 2 REPORT**

Commissioner Powell yielded to Mike Sherman and Attorney Luther Smith who wished to address the board in regard to a zoning issue.

Mr. Sherman explained that Mr. Luther Smith has requested approval of a concurrency application. A concurrency application in this case is a clearance letter which allows a building permit to be issued. What Mr. Smith proposed to do is move a mobile home onto a one acre parcel in a residential area of the county. One unit is already in place on that property. To move another unit onto the parcel would be in violation of the density requirements. The comp plan addresses that issue in a number of its policies.

There are some circumstances in this case that make it unique but none of them apply to land claiming.

Mr. Luther Smith then approached the board explaining that the individual in question suffered a traumatic injury from a car accident which left him paralyzed from the neck down. He asked for a family exception to facilitate placing the home on the lot so that he could be near family members. A well and septic tank will be required but those can be approved through the health department.

The Planning and Zoning Department recommended that the county not deviate from the density requirements and deny the request.

Chairman Dixon expressed concern that the comp plan did not provide for some exception provision if it meets health department standards.

It was the consensus of the board to investigate with Department of Community Affairs to see if there is some avenue other than a comprehensive plan amendment which would allow for a hardship situation.

Mr. Richmond suggested that he and Mr. Sherman go through the comp plan again and see if there is some potential solution to help a family who is in severe and serious need. In the meantime, the surrounding property owners involved should be notified.

Chairman Dixon told Mr. Smith he would call a special meeting if something can be worked out to accommodate the placement of this mobile home.

**DISTRICT 3 REPORT** Tape # 1; 3214

Commissioner Peacock reported the roads in his district are in bad need of grading.

He asked Mr. Lawson to relate to the Road & Bridge Supervisor that a road grader has been sitting on the road side of U.S. 90 for a week and he would rather see it operating on the dirt roads near by.

**DISTRICT 4 REPORT**

Commissioner Davis had nothing to report.

**DISTRICT 5 REPORT** Tape # 1; 3241

Chairman Dixon submitted the names of Mike Sheldon and Jerry Owens as possible candidates for appointments to the Gadsden Airport Authority. (Resumes attached)

It was the consensus of the board to have the candidates appear before the board before making an appointment.

Mr. Lawson was asked to notify the candidates to appear before the board at the next meeting.

**ADJOURNMENT**

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER  
PEACOCK, THE CHAIRMAN DECLARED THE MEETING ADJOURNED.

\_\_\_\_\_  
EDWARD J. DIXON, CHAIRMAN

ATTEST:

\_\_\_\_\_  
NICHOLAS THOMAS, CLERK

**GADSDEN COUNTY LICENSING BOARD (Application Attached)**

Chairman Dixon called the meeting to order.

**UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER DAVIS THE BOARD VOTED 5 - 0 TO APPROVE THE LICENSING OF GEORGE WILLIAM ALLAMAN AS RESIDENTIAL CONTRACTOR.**

Chairman Dixon stated that the other application for a license (Joseph Sheffield) had been administratively removed from consideration by Mr. Ritter.

**UPON MOTION OF COMMISSIONER POWELL, THE CHAIRMAN DECLARED THE MEETING ADJOURNED.**

EDWARD J. DIXON, CHAIRMAN

ATTEST:

NICHOLAS THOMAS, CLERK

AT A REGULAR MEETING OF THE BOARD OF  
COUNTY COMMISSIONERS, HELD IN AND FOR  
GADSDEN COUNTY, FLORIDA ON MAY 17,  
1994, THE FOLLOWING PROCEEDINGS WERE HAD,  
VIZ.

PRESENT: ED DIXON, CHAIRMAN  
FORREST DAVIS, VICE-CHAIRMAN  
BILL MCGILL  
JAMES PEACOCK  
ANTHONY POWELL  
HAL RICHMOND, COUNTY ATTORNEY  
JAMES CARTER, COUNTY MANAGER  
NICHOLAS THOMAS, CLERK

CALL TO ORDER

The meeting was called to order by Chairman Dixon. Commissioner McGill led in pledging allegiance to the U. S. Flag and Commissioner Peacock opened the meeting with prayer.

ADOPTION OF THE AGENDA Tape # 1; 50

Commissioner Peacock asked to have the Gretna Interlocal Agreement removed from the consent agenda for discussion.

The chairman then added the agreement for discussion to the county manager's agenda.

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD 5 - 0 TO ADOPT THE AGENDA AS AMENDED TO INCLUDE DISCUSSION OF THE GREYNA INTERLOCAL AGREEMENT.

APPROVAL OF MINUTES Tape # 1; 68

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO APPROVE THE MINUTES OF THE MAY 3, 1994 MEETING.

AIRPORT AUTHORITY APPOINTMENT Tape #1; 79

Mr. Jerry Owens presented himself as a candidate for appointment to the Airport Authority citing his qualifications and desire to serve. (Resume attached)

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO APPOINT MR. JERRY OWENS TO THE AIRPORT AUTHORITY EFFECTIVE JUNE 2, 1994.

COUNTY ATTORNEY Tape # 1; 181

**Board authorized the attorney and planner to negotiate the issues in the stipulated agreement proposed by Sunshine Pipeline.**

Mr. Hal Richmond, County Attorney, called attention to a proposed stipulation agreement submitted for board consideration by Sunshine Pipeline regarding the placement of their pipeline through Gadsden County. He expressed reluctance to enter into any type of negotiations on the issue without prior board approval. He reminded the commissioners that they had voted previously to oppose the placement of the pipeline through the county.

Because it appears inevitable that the pipeline will be placed somewhere in Gadsden County, Mr. Richmond offered two legal alternatives.

1. Do nothing. When hearings are held, a hearing officer will recognize Gadsden's position but our opposition will not be forcefully presented.
2. Negotiate on technical issues in the stipulated agreement now and come to some agreement prior to hearings.

**UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO AUTHORIZE THE COUNTY ATTORNEY AND THE COUNTY PLANNER TO NEGOTIATE WITH SUNSHINE PIPELINE ON THE TECHNICAL ISSUES IN THE STIPULATED AGREEMENT AND REPORT BACK TO THE BOARD WITH THEIR FINDING.**

ECONOMIC DEVELOPMENT (Attached) Tape #1; 450

Mr. Rick McCaskill reported on various negotiations with prospective businesses considering re-locating to Gadsden County. He informed the board of transportation fund money that could be made available to the county in assisting with the infrastructure at the proposed industrial park at I-10 and U.S. 90. He assured the commissioners he would continue to work with Florida Department of Transportation and the county to complete an application for those funds if the negotiations with the prospective industries warrant it.

Mr. McCaskill also reported on the status of the video production of Gadsden County which is scheduled to be filmed soon. He asked for suggestions from the commissioners as to any particular scenes they would like to see included in the video from an industrial or residential point of view.

**BELINDA ROWAN AND ED EAGEN - OLD JAIL FACILITY**

The board agreed to consider donating the use of the old county jail to the United Way pending further investigations - no action taken.

Mr. Ed Eagen introduced himself as a representative of United Way. He gave a brief overview of services provided to the residents of Gadsden County by United Way. He stated the need for a facility in Gadsden County from which they could provide better service. He asked the board to consider donating the use of the old jail facility for this service indicating that volunteers could most likely accomplish any renovation other than removing the bars.

Discussion followed.

It was the consensus of the board to take a look at the old jail, determine the costs of removing the bars and discuss the feasible use of the building. In the meantime, the board asked Mr. Eagen to determine his space requirements and report back to the board.

**BUILDING INSPECTION DEPARTMENT** (Resolution attached)

**Amended Resolution to Mobile Home Ordinance # 90-006 approved.**

In March of 1994, the board was advised by the building inspection department that the mobile home placement ordinance needed to be revised. The county staff proposed to eliminate inspections of mobile homes that are over 50 miles away. Mr. Mike Sherman then presented an amended resolution to Ordinance 90-006. (attached)

Mr. Richmond stated the resolution was correct in form and in content.

**UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO ADOPT THE AMENDED RESOLUTION TO GADSDEN COUNTY ORDINANCE 90-006 AS ATTACHED.**

**COUNTY MANAGER**

**Re-roofing of Courthouse Annex # 3** Tape # 1; 1270

**Bid # 94-16 awarded to Commercial Roofing of Tallahassee**

County Manager James Carter presented the bid committee's recommendation to award the contract for the re-roofing of Courthouse Annex #3 to Commercial Roofing of Tallahassee for \$11,600.

**UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO AWARD THE REROOFING OF COURTHOUSE ANNEX # 3 TO COMMERCIAL ROOFING OF TALLAHASSEE, FL FOR \$11,600.00.**

**Fire Protection Assessment Contract for Services Tape # 1;**

1365

**Contract for Services with Nabors, Giblin & Nickerson approved.**

County Manager Carter reviewed the proposed contract with Nabors, Giblin and Nickerson to provide a Scope of Services and Fee Structure for the 1994-95 Annual Update of the Fire Protection Assessment. Their fee amounted to \$10,000. The roll should be prepared for adoption by July 28, 1994.

Discussion followed.

**UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 5 - 0 TO APPROVE THE FIRE PROTECTION ASSESSMENT CONTRACT FOR SERVICES WITH NABORS, GIBLIN & NICKERSON.**

**Deficient Bridge on County Road 159 - Tape # 1; 1496**

**Bridge #500032 was declared an emergency and immediate repairs authorized.**

Mr. Carter informed the board that engineers have confirmed to the Dept. of Transportation that Bridge # 500032 located on County

Road 159 is severely deficient and needs repair immediately. He advised the board to declare the bridge an emergency and proceed with repairs quickly.

**UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 5 - 0 TO DECLARE THE BRIDGE (# 500032) AN EMERGENCY AND INSTRUCT THE COUNTY MANAGER TO PROCEED EXPEDIENTLY TO REPAIR THE BRIDGE.**

**Interlocal Agreement with City of Gretna for Road Service**

**Gretna Road Service Agreement was tabled.**

Mr. Carter asked Commissioner Peacock to voice his concerns with the Interlocal Agreement with the City of Gretna.

Commissioner Peacock objected to the fees stated in the agreement (\$33.50 per hour) as opposed to the fees charged to the citizens of the county (\$50.00). He suggested the county should charge the same amount to all.

Mr. Carter explained that the charges are the same as for the City of Midway. He further explained that he had followed the board's instructions to work out an arrangement with the City of Gretna. The agreement was the same as the county has with the City of Midway.

Commissioner Peacock reminded the board that the county had offered to do the roadwork for Gretna in exchange for their share of the gas tax revenue. Gretna previously refused that offer. Since that time, the county has performed work for Gretna for which payment may not yet have been received.

**UPON MOTION OF COMMISSIONER POWELL, THE CHAIRMAN DECLARED THE MATTER OF THE INTERLOCAL AGREEMENT WITH THE CITY OF GRETNA TABLED FOR FURTHER REVIEW.**

**Travel Reimbursement for Workshop in Lake City**

**Board approved reimbursement of \$75.00 to Mr. Carter for travel expenses.**

Mr. Carter presented a request for reimbursement for expenses relating to a workshop he attended in Lake City, FL. on May 13, 1994. (Revenue Alternative for Florida's Small Counties) The request was for per diem costs and hotel accommodations totaling \$75.00.

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 5 - 0 TO APPROVE REIMBURSEMENT OF TRAVEL EXPENSES AMOUNTING TO \$75.00 TO THE COUNTY MANAGER FOR TRAVEL TO LAKE CITY, FL.

CONSENT AGENDA Tape # 1; 2150

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO APPROVE THE AMENDED CONSENT AGENDA TO WIT:

- 1) EMS Write off Approval (attached)
- 2) Long Term Agreement for Gadsden East Landfill (attached)
- 3) Resolution, DEP Florida Safe Boating Week (attached)

CLERK OF COURT

Public Hearing for 93-94 Budget Readvertisement

Readvertised 93-94 budget was approved at public hearing.

The clerk called for a public hearing of the budget readvertisement. He explained the advertisement shows additional revenue and expenditures which have already been approved by the board. (attached)

The chairman asked for public input.

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO APPROVE THE READVERTISED BUDGET AMENDMENT AS PRESENTED BY CLERK THOMAS.

Expenditure Concerns

Clerk Thomas advised the board that funds budgeted for court appointed attorneys in conflict cases has been expended and appropriate amendments would be necessary by the end of the fiscal year. (attached)

Clerk Thomas told the board that the Tax Collector has submitted a request for \$10,000 in commission fees to which he is entitled. This amount should come from contingency.

The Chairman suggested that the Tax Collector should send his budget request to the County Manager.

State Revenue Sharing Application Tape # 1;

Chairman's signature on the State Revenue Sharing Application was approved.

Clerk Thomas asked the board to approve the chairman's signature on the county's state revenue sharing application.

UPON MOTION OF COMMISSIONER DAVIS AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 5 - 0 TO APPROVE THE CHAIRMAN'S SIGNATURE ON THE STATE REVENUE SHARING APPLICATION.

Budget Amendments (attached) Tape # 1; 2394

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO APPROVE THE BUDGET AMENDMENTS TO WIT:

1. General Fund - Building Inspection Department - showing additional revenues and expenditures per budget re-advertisement. (equipment over \$500, salaries, books, benefits, etc.)
2. General Fund - Moving money into conflict attorney's from competency exams for court appointed conflict court cases.
3. Grants - change in the SHIP Program - Moving money into the Homebuyer Education line item.
4. General Fund - Mosquito Control/landfill - showing the transfer of contingency funds to mosquito control/landfill as shown in the re-advertised budget.
5. General Fund - Chamber of Commerce - Moving contingency funds into Chamber of Commerce - approved at the last meeting.
6. General Fund - Covered by the budget advertisement for professional services dealing with Chattahoochee landfill.

7. **Transportation # 1 Fund - to correct an account number for the uniform accounting codes for motor fuel use tax.**
8. **Fine & Forfeiture Fund - showing transfer of funds from the general funds received from sale of radio tower. This was included in the budget re-advertisement.**

### **Finance Reports**

The Clerk called attention to reports generated by the new finance software. He explained that they were only samples of information that can be made available. He encouraged the participation from the board in customizing specific reports they would like to have on a continual basis.

### **Payment of County Bills**

**Payment of county bills approved by the board.**

The clerk asked for approval of the payment of the county bills.

**UPON MOTION OF COMMISSIONER DAVIS AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO APPROVE THE PAYMENT OF THE COUNTY BILLS.**

### **DISTRICT 1 REPORT**

**Board authorized county manager to send letter of support for small county coalition issues to the local legislative delgation.**

Commissioner McGill urged the commissioners to call or write to the local legislative delegation to encourage them to support the issues of the Small County Coalition. The board authorized the county manager to fax a letter of support to the local legislators.

### **DISTRICT 2 REPORT**

Commissioner Powell thanked the county manager and staff for job well done.

### **DISTRICT 3 REPORT**

Commissioner Peacock reported things running well in District Three.

**DISTRICT 4 REPORT**

Commissioner Davis had nothing to report from District Four.

**DISTRICT 5 REPORT**

Chairman Dixon recognized Mr. and Mrs. Francis and Miss Francis.

Mr. Francis reported road wash conditions at his home site on Ranch Road and requested repairs to be made to stop the erosion.

Mr. Carter reported that he had already visited the site and was already working on a solution.

Mrs. Francis questioned the board concerning mosquito control in her area.

Chairman Dixon reported that the county now has two mosquito trucks running four days a week. He asked the county manager to include Ranch Road on the routes of the mosquito trucks.

**HRS - NOMINEE QUALIFICATIONS REVIEW COMMITTEE**

Ron Kirkland was re-appointed to HRS Nominee Qualifications Review Committee.

UPON MOTION OF COMMISSIONER DAVIS AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 5 - 0 TO REAPPOINT MR. RON KIRKLAND TO REPRESENT GADSDEN COUNTY FOR A TERM OF TWO YEARS ON THE HRS NOMINEE QUALIFICATIONS REVIEW COMMITTEE FOR SUBDISTRICT 2-B.

Chairman Dixon asked that all future budget expenditure requests and concerns be directed to the county manager's office.

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER PEACOCK, THE CHAIRMAN DECLARED THE MEETING ADJOURNED.

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Edward J. Dixon, Chairman

ATTEST:

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Nicholas Thomas, Clerk

**GADSDEN COUNTY CONSTRUCTION INDUSTRY LICENSING BOARD**

Chairman Dixon convened the meeting of the Gadsden County Construction Industry Licensing Board.

**UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO APPROVE THE LICENSING OF STEPHEN A. GINGRASS AS A ROOFING CONTRACTOR.**

**UPON MOTION OF COMMISSIONER MCGILL, THE MEETING WAS ADJOURNED BY THE CHAIRMAN.**

\_\_\_\_\_  
Edward J. Dixon, Chairman

ATTEST:

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Nicholas Thomas, Clerk

AT A SPECIAL MEETING OF THE BOARD OF COUNTY COMMISSIONERS, HELD IN AND FOR GADSDEN COUNTY, FLORIDA ON MAY 26, 1994, THE FOLLOWING PROCEEDINGS WERE HAD, VIZ.

PRESENT: ED DIXON, CHAIRMAN  
FORREST DAVIS, VICE-CHAIRMAN  
BILL MCGILL  
JAMES PEACOCK  
ANTHONY POWELL  
HAL RICHMOND, COUNTY ATTORNEY  
JAMES CARTER, COUNTY MANAGER  
NICHOLAS THOMAS, CLERK

CALL TO ORDER

The meeting was called to order by Chairman Dixon.

PURCHASING POLICY

BUDGET PREPARATION CONSULTING SERVICES

County Attorney Hal Richmond explained that the special meeting had been called to resolve questions raised by Clerk Thomas in regard to payment of an invoice for consulting services which was authorized by a contract entered into by the county manager. The clerk had returned the invoice to the commission requesting a legal opinion and supporting documentation by which he could legally pay the invoice.

Mr. Richmond pointed out that the new purchasing policy adopted by the Gadsden County Board of Commissioners conflicts with Chapter 125.74 with regard to the authorization of the county manager.

Chapter 125.74 (m) of the Florida Statutes states the county manager has the authority "to **negotiate** leases, contracts and other agreements, including consultant services for the county, **subject to the approval of the board.**" Mr. Richmond further stated that the circumstances of this contract did require board approval as well as approval of the manager's signature. He noted that there is also an opinion rendered by the Attorney General supporting the need for board approval in procurment of consulting services.

Commissioner Peacock noted his opposition to the hiring of this consultant and the circumstances of his hiring.

**UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 3 -2 TO APPROVE THE CONTRACT BETWEEN GADSDEN COUNTY AND ROBERT BENTKOFKY FOR CONSULTANT SERVICES IN PREPARATION OF THE COUNTY'S 94-95 BUDGET RETROACTIVE TO THE TIME IT WAS ENTERED INTO AND APPROVAL OF THE COUNTY MANAGER'S**

**SIGNATURE OF THE CONTRACT. COMMISSIONER'S POWELL, MCGILL AND DIXON APPROVING AND COMMISSIONERS PEACOCK AND DAVIS OPPOSING.**

**ECONOMIC DEVELOPMENT**

Mr. Rick McCaskill of the Chamber of Commerce told the board of negotiations with a South Georgia Company - Lynch Machinery/Miller Hydro. This company builds glass press machinery. The company has a large contract to build high definition television tubes and are looking for a plant location in which to build them. As a result of negotiations with Gadsden County, they are prepared to move to the proposed industrial park at I-10 and U.S. 90 interchange. As an incentive to get the plant to locate there, the State of Florida will offer transportation fund money to pay for the paving of the roads leading to the park. In order to get that money, an application must be filed by a local government. Mr. McCaskill asked for a letter of support and the chairman's signature on the application for the state transportation funds.

Mr. McCaskill noted that the company will employ 147 people at a average wage of \$11.00 per hour.

**UPON MOTION OF COMMISSIONER DAVIS AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO APPROVE THE CHAIRMAN'S SIGNATURE ON THE APPLICATION FOR STATE TRANSPORTATION FUNDS TO BUILD AND IMPROVE ROADS IN AND NEAR THE PROPOSED INDUSTRIAL PARK AT THE INTERCHANGE OF I-10 AND U.S. 90, TO ACCEPT THE MAINTENANCE OF THE ROADS ONCE COMPLETED AND APPROVAL OF A LETTER OF SUPPORT WITH THE APPLICATION.**

There being no other business, the meeting adjourned.

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Edward J. Dixon, Chairman

ATTEST:

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Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE BOARD OF COUNTY COMMISSIONERS, HELD IN AND FOR GADSDEN COUNTY, FLORIDA ON JUNE 7, 1994, THE FOLLOWING PROCEEDINGS WERE HAD, VIZ.

PRESENT: ED DIXON, CHAIRMAN  
FORREST DAVIS, VICE-CHAIRMAN  
BILL MCGILL  
JAMES PEACOCK  
ANTHONY POWELL  
HAL RICHMOND, COUNTY ATTORNEY  
JAMES CARTER, COUNTY MANAGER  
NICHOLAS THOMAS, CLERK

CALL TO ORDER

Chairman Dixon called the meeting to order. Commissioner Davis led in pledging Allegiance to the U.S. Flag. Commissioner Powell opened the meeting with prayer.

ADOPTION OF THE AGENDA

**Agenda amended and adopted**

Chairman Dixon called attention to the agenda, asking that the date be corrected to reflect the year 1994.

Commissioner Peacock asked to amend the agenda by removing the employment contract for mosquito control director from the consent agenda and placed for discussion. The agenda was so amended.

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 5 - 0 TO ADOPT THE AMENDED AGENDA.

APPROVAL OF MINUTES - May 17, 1994

May 17, 1994 minutes approved

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO APPROVE THE MINUTES OF THE MAY 17, 1994 MEETING.

APPROVAL OF MINUTES - May 26, 1994

May 26, 1994 minutes approved

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO APPROVE THE MINUTES OF THE MAY 26, 1994 MEETING.

COUNTY ATTORNEY

Notice of Intent to Enact ordinance - Family Mediation

**Notice of Intent to enact and ordinance establishing and supporting Family Mediation authorized**

Mr. Hal Richmond reported that he has obtained input from the local bar association and various individuals regarding the request from the court administrator to enact an ordinance establishing and supporting family mediation by imposition of additional filing fees in all civil suits. He had received some support as well as opposition.

Discussion followed.

**UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO GIVE THE COUNTY ATTORNEY THE AUTHORITY TO PUBLISH A NOTICE OF INTENT TO ENACT THE FAMILY MEDIATION AND IMPOSE FILING FEES.**

Mr. Richmond was asked to request Mr. Tom Long, the court administrator, to be present at the public hearing to answer questions regarding the family mediation program.

Gas Tax Referendum (Draft Resolution attached)

**No action - information and review only**

In response to the board's action On March 1, 1994, (to place a referendum on the election ballot asking for voter approval to impose a five cents gas tax), Mr. Richmond introduced a resolution calling for a gas tax referendum and asked the commissioners to review it. He explained that it is not a straw ballot vote - the results of the election would be binding.

Discussion followed.

Mr. Richmond was asked to change the language on the ballot to read "up to five cents gas tax".

The board will discuss the matter at a later meeting.

Cable Franchise - Certification for Basic Cable rate regulation

**No action - information only**

Mr. Jim Richmond shared the latest information made available to him on the possibility of the Federal Communication Commission (FCC) retaining regulation of basic cable rates in the unincorporated areas of Gadsden County.

Federal Statutes provide that FCC can, if a county does not have sufficient resources, initiate and monitor regulations.

Many Florida counties who choose to regulate the rates themselves have hired consultants to gather necessary information which meet with the FCC requirements. This method appears to be a viable alternative to FCC regulation.

Mr. Richmond expressed some concern with regard to the level of attention the FCC will give to the regulation in Gadsden County. The citizens could benefit with local regulation but at considerable cost.

Mr. Richmond then asked the board to give him directions pursuit to cable rate regulation. He offered to supply the commissioners with summary opinions from the Federal Register which outline in the steps necessary to implement regulation.

Discussion followed.

No action was taken. Mr. Richmond was asked to provide more information with which the commissioners could base a decision.

#### REQUEST FROM THE DEPARTMENT OF TRANSPORTATION

##### **Easement for Willocoochee Creek Bridge granted to DOT**

Mr. Richmond referred to a letter from the Florida Department of Transportation (DOT) in which DOT asked for a temporary easement from the county so that they may replace Bridge no. 500011 on State Road 65 over Willacoochee Creek. He asked the board to authorize the chairman to sign documents that will grant the easement to DOT.

**UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO APPROVE THE CHAIRMAN'S SIGNATURE GRANTING THE EASEMENT OF THE PROPERTY NECESSARY TO REPLACE WILLACHOOCHEE CREEK BRIDGE (NO. 500011) ON SR 65 TO DOT.**

JON HUFSTEDLER - GADSDEN MEMORIAL HOSPITAL Tape # 1; 620

##### Professional Office Building Concept

No action taken

Mr. Hufstedler was before the board to present a concept of a professional office building located at the hospital. He described the concept as a 2-3 story building connecting to the hospital. He added that such a building would strengthen the hospital and help recruit doctors. He asked the board to consider it and allow him to come back at a later time with a formal proposal.

The board asked Mr. Richmond to investigate how the land is pledged to the hospital bonds.

#### **CODE ENFORCEMENT**

##### **Hearing for Nuisance Complaints**

**Code Enforcement Hearing set for July 5, 1994**

Mr. Michael Sherman reported a number of nuisance ordinance violations. He asked the board to set a date to hear the complaints.

It was the consensus of the board to hold a hearing on July 5th during the regular board meeting.

##### **Dog Barking Complaints**

**No action**

Mr. Sherman reported a number of citizen complaints about barking dogs. He asked the commissioners to give him some directions about how to deal with the complaints. The commission was unable to offer any advice other than refer them to the Sheriff.

#### **DEPARTMENT OF STRATEGIC PLANNING & GROWTH MANAGEMENT**

**Land Use Plan Amendment Fees and Applications** (Attached)

**No action - application and fees to be revised**

Mr. Mike Sherman, Director, provided the board with a sample of an application for a comp plan amendment accompanied with a schedule of fees.

Discussion followed.

It was the consensus of the board for Mr. Sherman to formulate a sliding fee scale for consideration at the June 21st meeting.

The board then discussed the complexity of the application itself citing that the average citizen would not be able to complete the application.

The board encouraged Mr. Sherman to redesign the application to make it more user friendly.

### Pentecostal Subdivision

#### **Development Plan Negotiations authorized**

Mr. Sherman reviewed action taken on the Pentecostal Subdivision on July 20, 1993 and September 7, 1993. See below.

July 20, 1993

#### ***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 of 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.**

September 7, 1993

#### ***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.**

Mr. Sherman explained that the Pentecostal Subdivision developer has now abandoned the original intentions and will only

develop one lot per year to avoid putting in the infrastructure required of a subdivision. While it is apparent that the developer is not following the intent of the plan amendment, she is not in violation of the comp plan amendment. He asked the board for their approval to withhold the development order.

Mr. Hal Richmond advised that in the absence of written special requirement at the time the plan amendment was adopted, negotiations would be most appropriate. He cautioned the commission to take measures so that this would not happen again.

It was the consensus of the board to have Mr. Richmond and Mr. Sherman negotiate a development plan which will be acceptable to the county and DCA.

#### COUNTY MANAGER

##### Interlocal Agreement with City of Gretna - Road Maintenance

##### **Interlocal Agreement for Road Service approved**

Mr. Carter told the board that he had executed an agreement with the City of Gretna relating to road service which was questioned at the last board meeting. A verbatim account of the April 5, 1994 meeting was obtained for clarification of the instructions given to him. The verbatim minutes clearly gave the manager instructions to proceed with an agreement without the need for further board action. The agreement was developed and reviewed by the county attorney prior to its execution. He then asked the board to formally approve the interlocal agreement.

Commissioner Peacock voiced his concerns over the disparity between the fees charged to citizens for road maintenance and municipalities.

Commissioner McGill concurred with Commissioner Peacock.

County Manager Carter called the commissioners attention to Ordinance No. 71-003, Section 1 which addresses private roads outside municipalities but does not provide for street maintenance inside a municipality at all.

**UPON MOTION OF COMMISSIONER DAVIS AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 1 TO APPROVE THE INTERLOCAL AGREEMENT WITH THE CITY OF GRETNA FOR ROAD MAINTENANCE WITH THE UNDERSTANDING THAT THE FEE WILL BE AMENDED DURING THE BUDGET PROCESS IF DEEMED NECESSARY TO RECOVER THE ACTUAL COST**

**OF THE WORK. COMMISSIONER PEACOCK CAST THE LONE DISSENTING VOTE.**

Chairman Dixon recognized Gretna Mayor Rawlins who thanked the board.

Bid Committee Recommendations Tape # 1; 2142

**Skid Steer Loader awarded to West Florida Equipment Co.**

**Tractor and Mower financing awarded to Liberty National Leasing**

**Bid # 94-17 Skid Steer Loader**

The bid committee recommended award of the bid to West Florida Equipment Company of Marianna, FL for Model No. 853 Bobcat at a cost of \$18,858.00

**UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 5 - 0 TO AWARD BID #94-17 FOR A SKID STEER LOADER - MODEL NO. 853 BOBCAT - TO WEST FLORIDA EQUIPMENT COMPANY OF MARIANNA, FL FOR \$18,858.00.**

**Bid # 94-18 Financing for Tractors and Mowers**

The bid committee recommended award of Bid No. 94-18 to Liberty National Leasing of Tampa, Fl to finance mowers and tractors for 3 years at 4.80% fixed interest with annual payment of \$25,940.

**UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO AWARD BID NO. 94-18 FOR FINANCING OF TRACTORS AND MOWERS TO LIBERTY NATIONAL LEASING OF TAMPA, FL FOR 3 YEARS AT 4.80% FIXED INTEREST WITH ANNUAL PAYMENT OF \$25,940.**

**GADSDEN MEMORIAL HOSPITAL AUDIT REPORT**

**No action - Information only**

Mr. Carter presented the independent auditor's report of the Gadsden Memorial Hospital for information purposes only. The report was submitted pursuant to the agreement between Healthmark and Gadsden County. He noted the on-going concerns listed by the auditors in the report.

In addition to the auditor's report, Healthmark also included monthly financial statements for the months January, February and March.

The board requested that the hospital provide them with an additional report indicating how they use the funds from the state.

**EMPLOYMENT CONTRACT - ED MORGAN, MOSQUITO CONTROL DIRECTOR**

**Employment Contract with Ed Morgan approved.**

The employment contract with Mr. Ed Morgan as the Mosquito Control Director was brought for post ratification. Even though the contract was executed within compliance with the procurement policies approved by the board, the Florida Statutes require that contracts must be approved by the board.

The following facts were ascertained from the County Manager:

1. The contract was not advertised. Information provided by the Department of Agriculture concluded there were only two individuals in the region with the required credentials to direct the mosquito control program. There was some urgency involved in recruiting a director to avoid losing the state funding.
2. The new director's duties will include establishing a mosquito control program for Gadsden County under the provisions of the Department of Agriculture's latest program changes which were adopted in March, 1994.
3. Prior approval was obtained from Leon County Administrator before discussions began with Mr. Morgan who oversees the same program in Leon County.
4. Mr. Morgan will maintain a time sheet subject to the board's review. Requests for payment for services rendered will be substantiated by those time sheets. The time sheets will be signed by the Director of Operations who supervises the Mosquito Control Operations.

Commissioner Peacock asked that employment contracts to be placed on the agenda for discussion (not on the consent agenda) in the future.

Commissioner Peacock remarked that the board traditionally takes precaution to insure that local labor is used when new industry or businesses move into the county. He urged the board

to abide by its own hiring standards as opposed to soliciting employees outside the county.

Mr. Carter indicated that under the new minimum qualifications set forth for mosquito control program, certification is not easily obtainable.

**UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 4 - 1 TO APPROVE THE EMPLOYMENT CONTRACT WITH ED MORGAN AS THE MOSQUITO CONTROL PROGRAM DIRECTOR. COMMISSIONER PEACOCK CAST THE LONE DISSENTING VOTE.**

**LIBRARY - CHATTAHOOCHEE**

**No action - Information only**

Mr. Carter reported that the air conditioner at the Chattahoochee Public Library has long been in need of repair or replacement. The lease agreement on the building reads that the City of Chattahoochee is responsible for repairs to the outside of the building while the county is responsible for the inside of the building. The Chattahoochee City Council has declined to make the necessary repairs to the air conditioner.

Mr. Carter gave authority to Mrs. Mock to have the air conditioner repaired but the unit was ultimately replaced. H told Mrs. Mock to forward the invoice for the repairs and new installation to the City of Chattahoochee. If they prove uncooperative, the county may need to reconsider providing library services to that city.

Mr. Carter did not ask for action from the board as he was only apprising them of the situation. He will advise them if the problem escalates.

**CORRECTIONAL PRIVATIZATION COMMISSION**

**No Action - Information only**

The Correctional Privatization Commission was set up by the Legislature to assume the responsibility to contract with private firms for the design, financing, construction and management of state correctional facilities.

Recently the Legislature authorized the Commission to award four additional contracts. No decision has been made regarding the locations of these four facilities.

Mr. Reigler of USS Corrections has informed Mr. Carter that his company will be using Gadsden County as their host site for a new proposed facility.

If Gadsden County is interested in being considered as a site for another prison, they need to make it known. There is a time factor involved since the Commission will meet on June 21, 1994 to make a decision.

**REQUEST FOR COURTROOM SPACE**      Tape # 1: 2934

**Office space granted to the Court Administrator and the Guardian Ad Litem Program**

Mr. Carter stated he had received a letter from Tom Long, Court Administrator of the Second Judicial Circuit, requesting use of the office vacated by the Court Reporter for the Guardian Ad Litem Program.

Clerk Thomas stated he had no objection.

**UPON MOTION OF COMMISSIONER DAVIS AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 5 - 0 TO APPROVE ASSIGNING THE OLD COURT REPORTER'S OFFICE TO THE COURT ADMINISTRATOR'S OFFICE AND THE GUARDIAN AD LITEM PROGRAM.**

**COASTAL LUMBER COMPANY REQUEST**      (Letter attached) Tape # 1; 3000

**Letter to be sent to Georgia Public Service Commission opposing closing of CSX Railroad Agent's office in Attapulugus, Ga.**

CSX Railroad has requested that the Georgia Public Service Commission eliminate its agent in Attapulugus, Georgia. They propose to consolidate all activities into its Jacksonville, Florida headquarters.

Coastal Lumber Company states in a letter to the board that their rail service is already marginal. If the agent is eliminated, their business could be threatened. Since they employ 300 county residents, they are requesting that the board write to the Georgia Public Service Commission voicing its opposition to the proposed elimination of the CSX Agent in Attapulugus.

**UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO SEND A LETTER TO THE GEORGIA PUBLIC SERVICE COMMISSION OPPOSING THE CLOSING OF THE CSX RAILROAD AGENT IN ATTAPULGUS, GA.**

**SHIP PREDEVELOPMENT LOAN APPLICATION - BOCC RESUMES REQUIRED**

**Resumes of BOCC members due to Grants Administrator by June 15, 1994**

Mr. Edward Butler, Grants Administrator, has advised that the grants department is applying for a predevelopment loan through the State of Florida Housing and Finance Agency's Predevelopment Loan Program (PLP). This loan will purchase and complete the development of the Osceola Park Subdivision Phase II and III located on Virginia and Hamilton Streets in the City of Quincy,

As a part of the application requirements, all commissioners of the Board of County Commissioners have been asked to submit a resume. Mr. Butler has asked that they be submitted to him by June 15, 1994.

**CONSTITUTION OFFICERS BUDGET REVIEWS** Tape # 1; 3130

**Date to be determined by the county manager**

Mr. Carter asked the board members to set a date between June 8 and June 24 to meet with each of the constitutional officers to review their budget requests.

No date was set. Mr. Carter will determine a date and notify all parties.

**ANNUAL CONFERENCE OF FLORIDA ASSOCIATION OF COUNTIES**

**No action - information only**

Mr. Carter notified the board that Chairman Dixon and himself would be attending the annual conference of the Florida Association of Counties the end of the June.

Mr. Carter noted that he has been asked to serve on the Finance Programs and Policies Committee for rural counties. He considered it an honor to be asked to serve.

**CONSENT AGENDA**

**UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO APPROVE THE AMENDED CONSENT AGENDA TO WIT:**

- 1) **Emergency Food Assistance Program Contract (attached)**

- 2) Certificate of Public Convenience and Necessity for Tallahassee Community Ambulance (attached)
- 3) HRS Child Support contract (attached)
- 4) Gadsden Memorial Hospital Financial Statements (attached)

#### CLERK OF COURTS

##### **Budget amendments approved**

Clerk Thomas presented the budget amendments (attached) and asked for board approval.

- 1) General Fund - Annex # 3 line item change only moving \$400 into operating equipment from janitorial supplies.
- 2) General Fund - County Probation Office - line item change moving \$650 into office supplies from unemployment compensation.
- 3) General Fund - OMB - Moving \$3,000 into Professional Services from several line items. This puts a total of \$12,000 into professional services. He could not explain how the \$3,000 would be spent and asked the county manager if he would like to explain how the money would be used. Mr. Carter declined to explain.
- 4) General Fund - County Manager - transferring \$50 from employee recognition into overtime.
- 5) General Fund - Purchasing and Personnel office - line item changes
- 6) General Fund - BOCC budget - several line item changes
- 7) County Transportation #1 - Line item changes to cover expected expenditures.
- 8) Library - showing additional revenue and expenditures
- 9) Hospital Renewal and Replacement Fund - transferring \$4,000 into improvements from professional services.
- 10) Mosquito Control/State I - line item changes
- 11) Mosquito Control/Landfill - line item change

**UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 5 - 0 TO APPROVE THE BUDGET AMENDMENTS AS DESCRIBED BY THE CLERK.**

#### APPROVAL OF PAYMENT OF COUNTY BILLS

##### **Payment of county bills approved**

**UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO APPROVE THE PAYMENT OF THE COUNTY BILLS.**

**DISTRICT 1 REPORT**

**No action - Information only**

Commissioner McGill reported that he had written a letter to the Governor requesting that Agency Rule Act be placed on the agenda for the special session of the Legislature.

The Agency Rule Act would have provided some financial relief to small counties.

He received a return letter stating that is would not included on the agenda.

He encouraged the board to continue the efforts to have the act reintroduced at the next session.

**DISTRICT 2 REPORT**

Commissioner Powell had no report.

**DISTRICT 3 REPORT**

Commissioner Peacock had no report.

**DISTRICT 4 REPORT**

**Attorney authorized to draft ordinance on county parks use**

Commissioner Davis reported several complaints about use of one of the counties parks in the Sawdust Community. Sheriff Woodham has asked the county to adopt an ordinance regulating the use of the county parks and prohibit certain types of activity.

**UPON MOTION BY COMMISSIONER DAVIS AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO AUTHORIZE THE COUNTY ATTORNEY TO DRAFT AN ORDINANCE RESTRICTING THE USE OF COUNTY PARKS. THE COUNTY ATTORNEY SHOULD CONSULT WITH THE SHERIFF ABOUT THE CONTENTS OF THE PROPOSED ORDINANCE.**

**DISTRICT 5 REPORT**

**Stevens School Renovations**

**Information only**

Chairman Dixon reported that he had been advised that renovations are about to begin on the roof of the old Stevens School building.

### Jail Inspection Report

#### **Information only**

Follow up inspection report on the jail facility has been received. This matter will be discussed during the budget process since additional money will be necessary for jail operations.

#### Resolution

#### **Resolution of support passed for of the family of Sylvia Kimble**

Commissioner Slyvia Kimble from Hillsborough County has died. She was a member of the board of directors for the Florida Association of Counties. Funeral Services will be held on Saturday, June 11, 1994.

**UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 5 - 0 TO AUTHORIZE THE CHAIRMAN TO DRAW UP A RESOLUTION AND PRESENT TO THE FAMILY OF SYLVIA KIMBLE.**

#### CEDO Request

#### **Chairman's signature on letter of support authorized**

CEDO has asked the board to authorize the chairman's signature on a letter of support for their program dealing with "at-risk" children.

**UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO AUTHORIZE THE CHAIRMAN'S SIGNATURE ON A LETTER OF SUPPORT FOR THE CEDO PROGRAM.**

#### PUBLIC INPUT

**Joe Sheffield - License application remained unresolved**

**Alex Jackson - County Manager instructed to research why FL Statutes are not in libraries**

**Mort Suber - request for variance set for June 21, 1994**

**Chairman Dixon recognized Joe Sheffield.**

Mr. Sheffield explained that problems arising from his request for county license has not been resolved.

Chairman Dixon explained that conversation between Mr. Ritter and the City of Chattahoochee was taking place. The matter is expected to be resolved as soon as appropriate documentation is obtained for the record. Until such time, Mr. Ritter has been instructed to refund Mr. Sheffield's money.

Chairman Dixon recognized **Alex Jackson**.

Mr. Jackson complained that he had not been able to find Florida Statutes in the libraries.

The county manager was instructed to look into the matter.

Chairman Dixon recognized **Mort Suber**.

Mr. Suber requested a set back variance. He was told that matter would be on the agenda of the June 21, 1994 meeting.

**ADJOURNMENT**

**UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL, THE CHAIRMAN DECLARED THE MEETING ADJOURNED.**

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**Edward J. Dixon, Chairman**

**ATTEST:**

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**Nicholas Thomas, Clerk**

AT A BUDGET WORKSHOP HELD IN AND FOR  
GADSDEN COUNTY, FLORIDA, ON JUNE 20,  
1994, THE FOLLOWING PROCEEDINGS WERE  
HAD, VIZ.

PRESENT: ED DIXON, CHAIRMAN  
FORREST DAVIS, VICE-CHAIRMAN  
ANTHONY POWELL  
JAMES PEACOCK  
BILL MCGILL  
NICHOLAS THOMAS, CLERK  
JAMES CARTER, COUNTY MANAGER

CALL TO ORDER

The meeting was called to order by Commissioner Davis in the absence of the chairman who arrived late. He stated the purpose of the meeting is to conduct a workshop with the elected officials dealing with their budgets.

The meeting was turned over to Mr. Carter, the county manager.  
DALE SUMMERFORD, TAX COLLECTOR

Mr. Carter had no questions of Mr. Summerford since he had met with tax collector on two previous occasions.

Mr. Summerford elaborated on his \$215,000 request which is above the \$197,000 request of last year.

Mr. Summerford explained that the Board of County Commission pays him a fee for collecting the property taxes. The amount of money he has collected has increased dramatically and therefore, the fees to which he is entitled have increased proportionally. In 1993, he collected 4.9 million dollars. He projected the commissions due to him from the county commission for the next fiscal year to be \$215,000.00.

After Mr. Summerford answered questions from the board members, he was excused.

MARSHA KING, CHIEF DEPUTY PROPERTY APPRAISER

Mrs. Marsha King was present to answer questions from Mr. Carter and the commissioners.

Mr. Carter asked Mrs. King to submit more detailed descriptions of several line items and specific information relating to staff position titles and the number of each. Mrs. King agreed to provide the requested line item details and related

information.

After discussion with the board members, Mrs. King was excused.

**NICHOLAS THOMAS, CLERK OF CIRCUIT COURT**

Mr. Carter had provided Clerk Thomas with a list of questions prior to the meeting.

The Clerk answered those and other questions of the county manager and of the commissioners concerning his budget requests. He noted that his budget request is the same as last year indicating that he had made no special requests.

Mr. Carter asked if and when the manager's office would be given inquiry and print access to the finance information dealing with the county's budget.

The clerk replied that inquiry access would be allowed whenever the present software conversion is complete and clean - probably by October.

The manager concluded his questions by requesting staff position titles and number of employees by title. He asked for other detailed breakdowns of line items to which the Clerk agreed to furnish.

The clerk then answered questions of the board members and was excused.

**DENNY HUTCHINSON, SUPERVISOR OF ELECTIONS**

Mr. Denny Hutchinson was present and explained his budget requests and answered questions of Mr. Carter and of the board.

He explained how the new Voter Registration Act will impact Gadsden County. The increase requests in his budget are due primarily due to the new legislation. He requested a new clerical staff person in anticipation of increase workload.

He asked for funding for a copying machine which was not included in his original request to the board.

Gadsden County Board of Commissioners  
Budget Workshop - Constitutional Officers  
June 20, 1994  
Page 3 of 4

Mr. Carter asked for some detailed information and line item breakdowns similar to what he had requested of the other constitutional officers.

After he had answered the commissioners questions, Mr. Hutchinson was excused.

**MAJOR ALVAN PICKLES - SHERIFF'S OFFICE**

Major Alvan Pickles was present for Sheriff Woodham and explained the budget requests for the law enforcement division and the corrections division. He then answered questions directed to him by the county manager and the individual commissioners.

Major Pickles was asked to provide the manager with more detailed information regarding specific line items and staff positions.

Major Pickles expressed extreme need for reclassification and incentive pay increases for the sheriff's staff. The turnover rate is so great that it is imperative for the board to fund the sheriff's staff to a level competitive with surrounding jurisdictions.

The board then turned their conversation to general questions concerning the budget process.

Gadsden County Board of Commissioners  
Budget Workshop - Constitutional Officers  
June 20, 1994  
Page 4 of 4

There being no other business the meeting was adjourned by the chairman.

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Edward J. Dixon, Chairman

ATTEST:

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Nicholas Thomas, Clerk

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Mr. Carter had no questions of Mr. Summerford since he had met with tax collector on two previous occasions.

Mr. Summerford elaborated on his \$215,000 request which is above the \$197,000 request of last year.

Mr. Summerford explained that the Board of County Commission pays him a fee for collecting the property taxes. The amount of money he has collected has increased dramatically and therefore, the fees to which he is entitled have increased proportionally. In 1993, he collected 4.9 million dollars. He projected the commissions due to him from the county commission for the next fiscal year to be \$215,000.00.

After Mr. Summerford answered questions from the board members, he was excused.

MARSHA KING, CHIEF DEPUTY PROPERTY APPRAISER

Mrs. Marsha King was present to answer questions from Mr. Carter and the commissioners.

Mr. Carter asked Mrs. King to submit more detailed descriptions of several line items and specific information

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relating to staff position titles and the number of each. Mrs. King agreed to provide the requested line item details and related information.

After discussion with the board members, Mrs. King was excused.

**NICHOLAS THOMAS, CLERK OF CIRCUIT COURT**

Mr. Carter had provided Clerk Thomas with a list of questions prior to the meeting.

The Clerk answered those and other questions of the county manager and of the commissioners concerning his budget requests. He noted that his budget request is the same as last year indicating that he had made no special requests.

Mr. Carter asked if and when the manager's office would be given inquiry and print access to the finance information dealing with the county's budget.

The clerk replied that inquiry access would be allowed whenever the present software conversion is complete and clean - probably by October.

The manager concluded his questions by requesting staff position titles and number of employees by title. He asked for other detailed breakdowns of line items to which the Clerk agreed to furnish.

The clerk then answered questions of the board members and was excused.

**DENNY HUTCHINSON, SUPERVISOR OF ELECTIONS**

Mr. Denny Hutchinson was present and explained his budget requests and answered questions of Mr. Carter and of the board.

He explained how the new Voter Registration Act will impact Gadsden County. The increase requests in his budget are due primarily due to the new legislation. He requested a new clerical staff person in anticipation of increase workload.

He asked for funding for a copying machine which was not

Gadsden County Board of Commissioners  
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included in his original request to the board.

Mr. Carter asked for some detailed information and line item breakdowns similar to what he had requested of the other constitutional officers.

After he had answered the commissioners questions, Mr. Hutchinson was excused.

**MAJOR ALVAN PICKLES - SHERIFF'S OFFICE**

Major Alvan Pickles was present for Sheriff Woodham and explained the budget requests for the law enforcement division and the corrections division. He then answered questions directed to him by the county manager and the individual commissioners.

Major Pickles was asked to provide the manager with more detailed information regarding specific line items and staff positions.

Major Pickles expressed extreme need for reclassification and incentive pay increases for the sheriff's staff. The turnover rate is so great that it is imperative for the board to fund the sheriff's staff to a level competitive with surrounding jurisdictions.

The board then turned their conversation to general questions concerning the budget process.

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There being no other business the meeting was adjourned by  
the chairman.

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Edward J. Dixon, Chairman

ATTEST:

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Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE BOARD OF  
COUNTY COMMISSIONERS, HELD IN AND  
FOR GADSDEN COUNTY, FLORIDA ON JUNE  
21, 1994, THE FOLLOWING PROCEEDINGS  
WERE HAD, VIZ.

PRESENT: ED DIXON, CHAIRMAN  
FORREST DAVIS, VICE-CHAIRMAN  
BILL MCGILL  
JAMES PEACOCK  
ANTHONY POWELL  
NICHOLAS THOMAS, CLERK  
HAL RICHMOND, COUNTY ATTORNEY  
JAMES CARTER, COUNTY MANAGER

CALL TO ORDER Tape # 1; 407

Chairman Dixon called the meeting to order. Commissioner Powell led in pledging allegiance to the U. S. Flag. Chairman Dixon then opened the meeting with prayer.

ADOPTION OF THE AGENDA

The June 21, 1994 agenda was adopted.

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO ADOPT THE AGENDA AS PRINTED.

APPROVAL OF MINUTES OF JUNE 7, 1994

The minutes of June 7, 1994 was approved.

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 5 - 0 TO APPROVE THE MINUTES OF JUNE 7, 1994 AS WRITTEN.

COUNTY ATTORNEY Tape # 1; 451

Department of Transportation - Railroad Agreement (Attached)

Installation of traffic control devices at rail/highway crossing on county road 274 approved and resolution of future responsibility was approved.

Mr. Richmond called attention to a letter written to the county by Florida Department of Transportation requesting the board's approval and supporting resolution of installation of a traffic control device at Crossing No. 625702-Y; Gadsden County Road 274; Section 50000-6930.

**UPON MOTION BY COMMISSIONER DAVIS AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO APPROVE THE INSTALLATION OF A TRAFFIC CONTROL DEVICE AT THE CROSSING NO. 625702-Y ON COUNTY ROAD 274 AND A RESOLUTION AUTHORIZING EXECUTION FOR THE INSTALLATION OF GRADE CROSSING TRAFFIC CONTROL DEVICES AND FUTURE RESPONSIBILITY.**

**Curfew Ordinance**      Tape # 1; 484

**The board authorized Attorney Richmond to set a public hearing and publish notice of the hearing for the purpose of possible enactment of a curfew ordinance.**

Mr. Hal Richmond reported that a recent Supreme Court decision has upheld a curfew regulation in Texas. Similar ordinances for Orlando and Miami have also been ruled enforceable.

Through discussions with the municipalities of the county, there is every indication that each of them would adopt similar city ordinances if the county should impose a curfew ordinance.

In view of the support throughout the county, Mr. Richmond asked for authorization to proceed with holding a public hearing to get input from the public and municipalities. He then asked for authority to publish notice of that public hearing.

**UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO AUTHORIZE THE COUNTY ATTORNEY TO HOLD A PUBLIC HEARING FOR THE PURPOSE OF GETTING PUBLIC INPUT FOR POSSIBLE ENACTMENT OF A CURFEW ORDINANCE AND TO PUBLISH A NOTICE OF THAT PUBLIC HEARING.**

**Radio Tower Lease Agreement**      Tape # 1; 559

**The board amended and approved a lease agreement with Williams Metro Communications on the county jail radio tower.**

Williams Communications requested to relocate radio equipment to the radio tower at the county jail. Williams had equipment on the old radio tower under an agreement with the county. Under the new agreement, Williams will combine his system with one of the antennas presently being used by the Sheriff. This "combination" will eliminate the addition of another antenna on the tower.

An engineering study revealed that the tower structure is at or near capacity based on the new wind loading guidelines.

Williams has agreed to pay \$300 per month. The lease money is to be placed into a special fund for use in upgrading the loading capacity on the tower and for on-going tower maintenance costs.

The new lease has been reviewed by the county attorney and found to be in proper order.

Mr. Richmond read the lease into the record and noted that it was a renewal of a lease as Mr. Williams has leased space on the old tower for 10-15 years.

Mr. Kenneth Williams of Williams Metro Communications (1215 Tharpe St. Tallahassee, FL 32303) spoke to the board briefly to answer questions and explain the stress analysis study of the tower itself.

Discussion concluded that the board would like to see a termination clause added to the lease agreement.

Mr. Richmond was asked to put together some historical and comprehensive information relating to the tower for the board's review.

**UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER PEACOCK VOTED 5 - 0 TO AMEND THE LEASE TO INCLUDE A TERMINATION CLAUSE AND APPROVE IT AS AMENDED.**

**Gas Tax Referendum** Tape # 1; 1050

At the last meeting, Mr. Richmond presented the board with a resolution calling for a referendum on the imposition of additional gas tax in Gadsden County. At that meeting the board requested that the language on the referendum should read "up to five cents". Research reveals that the language must be specific to avoid any constitutional issues. The referendum amount should be set at the maximum amount the county chooses to impose. That amount can be reduced by super majority vote of the board at any later time.

Mr. Richmond asked for a motion to put a specific gas tax amount to be stated in the resolution calling for the referendum.

**UPON MOTION BY COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO AUTHORIZE THE COUNTY ATTORNEY TO STATE "FIVE CENTS" AS THE SPECIFIC AMOUNT OF THE GAS TAX TO BE IMPOSED FOR THE REFERENDUM WHICH WILL APPEAR ON THE BALLOT.**

Commissioner Peacock emphasized that the voters would approve or disapprove of the tax - not the county commission.

**NORTH FLORIDA EDUCATION DEVELOPMENT CORPORATION** Tape # 1; 1139

**The board authorized the chairman to sign agreement with NFEDC which allows renovations to begin on the old Stevens School Building with grant money.**

Chairman Dixon reported that the NFEDC has requested the board's permission to begin the rehabilitation of the old Stevens

School. The agreement calls for the chairman's signature. The county attorney has reviewed it and found it is in proper form. The building inspector has verified that all permits are in proper order.

**UPON MOTION OF COMMISSIONER DAVIS AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO AUTHORIZE THE CHAIRMAN'S SIGNATURE ON THE AGREEMENT WITH NFEDC CALLING FOR RENOVATIONS TO THE OLD STEVENS SCHOOL BUILDING USING GRANT MONEY.**

**PLANNING AND ZONING DEPARTMENT RECOMMENDATIONS**

Mr. Mike Sherman, Director of Growth Management and Strategic Planning was present to present the following:

**Hinson Produce Market - Project #94PZ-11-201-1-6** Tape #1; 1188

**Hinson Produce Market project was approved subject to special conditions.**

Hinson Produce Market is a small fruit/vegetable stand that proposes to locate on the north side of Williams Street, approximately 200 feet east of US 27 in the Hinson Community behind the Hinson Country Store. The property consists of approximately .5 acres. The applicant is Mr. Leonard Moore, Rt. 5 Box 1688, Havana, FL 32333. The property owner is Ms. Doris Harvell, HC2 Box 7803, Tallahassee, FL 32310.

**UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO APPROVE THE PROJECT AS DESCRIBED ABOVE WITH THE SPECIAL CONDITIONS AS LISTED IN THE ATTACHED MEMO.**

**Dawkins Variance - Project #94PZ-12-201-1-6** Tape # 1; 1260

**Variance was tabled for further review.**

Ms. Anna Dawkins has placed a double wide (1568 sq. feet) mobile home on a .37 acre lot (lot 74 of Ochlockonee Estates on the south side of Choctaw Drive and the east side of Sioux Circle), and is requesting a variance from the 20 foot side setback requirement for corner lots abutting a road. The applicant is Ms. Anna Dawkins, Rt. 6 Box 613, Havana, FL 32333. The property owner is Mr. Samuel Castle, P. O. Box 665 Havana, FL 32333.

Ms. Dawkins pulled the correct permits and had the mobile home inspected by Gadsden County officials. The county building inspector did not check the side setback requirement prior to having the electricity turned on but Mr. Sherman could not determine for certain that there was negligence involved.

Ms. Dawkins placed her mobile home on the lot in good faith thinking it was placed correctly.

Planning and Zoning Commission recommended denial of the variance by 7 - 0 vote provided that the Board of County Commissioners consider funding the reconfiguration of the mobile home, septic tank and drainfield.

The staff recommended denial of the variance.

Mr. Richmond noted that other residents of the subdivision expressed concern about safety factors involved with the present location of the home and felt that the home should be moved. In the event of an accident, the county could be liable. He recommended that the board investigate further before making a decision.

Some discussion followed as to the county's responsibility for the cost of reconfiguring the mobile home on the lot.

Speaking in support of the variance was Mrs. Helen Tucker, a neighbor.

Speaking in opposition to the variance was Mrs. Kathy Grove.

**UPON MOTION OF COMMISSIONER PEACOCK, MS. DAWKINS' REQUEST FOR A SETBACK VARIANCE WAS TABLED.**

**Thomas Motor Cars - Project # 94PZ - 13-201-1-6** Tape #1; 1656

Thomas Motor Cars proposes to operate a used car lot on the northeast side of US 27 and Choctaw Drive at the entrance of Ochlockonee Estates. This location will function as a satellite dealership for Thomas Motor Cars in Quincy. The property consists of 1.33 acres. The applicant is Mr. Bruce H. Thomas, P. O. Box 350, Quincy, FL 32353. The property owner is Mr. Donald Jones, P. O. Box 544, Havana, FL 32333. The developer's representative is Mr. Chip Gray, 1679 Metropolitan Circle, Tallahassee, FL 32308.

Mr. Bruce Thomas was present and responded to questions from the board and from the public.

**UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO APPROVE THE THOMAS MOTOR CARS PROJECT.**

**Talquin Corners - Project 94PZ-14-209-5-6** Tape # 1; 1764

**Talquin Corners Project site and conceptual plat was approved.**

Talquin Corners is a proposed residential subdivision for double wide mobile homes on seven lots, totaling 5.1 acres (.073 acres average size) that is seeking conceptual approval. The site is located on the west side of 1st Street and the east side of Cooks Landing Road, approximately .6 miles south of County Boy's Restaurant. The applicant an property owner is Mrs. Maurice Mitchell, 3324 Northshore Circle, Tallahassee, FL 32312. The applicant's representative is Mr. Larry Stephens, 5477 Sombra Del Lago Dr., Tallahassee, FL 32303.

Staff recommended conceptual approval of the project.

Planning and Zoning Commission recommend conceptual approval subject to the conditions listed in the attached memo.

Speaking in opposition to the project was Mr. George Hamilton, adjacent property owner.

Mr. Sherman explained that the developer must come before the board at least two more times - once for preliminary plat approval and again for final plat approval. The board may disapprove the project at either of those stages.

**UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTE 4 - 1 TO GIVE TECHNICAL CONCEPTUAL PLAT APPROVAL AND APPROVAL OF THE LOCATION OF THE TALQUIN CORNERS SUBDIVISION. COMMISSIONER PEACOCK CAST THE LONE DISSENTING VOTE.**

**Land Development Code Work Session Schedule** Tape # 1; 2080

**The county manager and P & Z director were instructed to schedule a meeting to review the LDR'S.**

Mr. Sherman asked to board to set up an initial meeting for review of the land development regulations (LDR's) to be incorporated into the comprehensive plan for Gadsden County.

It was the consensus of the board to have Mr. Carter and Mr. Sherman to work out the schedule and set a date for the board to begin the review.

**COUNTY MANAGER** Tape # 1; 2160

**Fire Protection Assessment FY 1994/95**

**Workshop for fire protection assessment set for June 27, 1994 at 5:00 p.m.**

**The public hearing for adopting a resolution setting the rate for the fire assessment and adopting the assessment roll was set for July 28, 1994 to be held at the Courthouse.**

The process for developing the 94/95 fire assessment roll includes a public hearing for the Board of County Commissioners to consider for adoption the resolution that sets the rate of the assessment and adopts the assessment roll for certification of the Tax Collector for collection. Notice of the public hearing will be provided by publication to the general public and by first class mail to the owners of certain parcels, including those which were not on the assessment roll last year and those who will experience a rate increase.

County Manager recommended the board set the workshop for June 27, 1994 at 5:00 p.m.

The public hearing for the adoption of the resolution and the assessment roll was set for July 28, 1994 at the Courthouse.

**Bid Committee Recommendations**

**Bid # 94-15 for EMS Billing System was awarded to EMS Consultants Ltd. for \$14,995.00.**

**Bid # 94-19 for Removal of Scrap Tires was awarded to SAJAW, Inc. of Samson, Alabama at \$85.00 per ton.**

Mr. Carter presented the recommendations of the Bid Committee as follows:

**Bid # 94-15 - EMS Billing System Tape # 1; 2333**

**UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO AWARD BID # 94-15 FOR THE EMS BILLING SYSTEM TO EMS CONSULTANTS, LTD OF LAGRANGE, GA. FOR \$14,995.00.**

**Bid # 94-19 Removal of Scrap Tires Tape # 1; 2369**

**UPON MOTION OF COMMISSIONER POWELL AND SECOND OF COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO APPROVE AWARD OF BID # 94-19 TO SAWJAW, INC. OF SAMSON, AL AT \$85.00 PER TON.**

**Appointment of Veteran Service Officer Tape # 1; 2391**

Mr. Carter reminded the board of Mr. Edward Butler impending retirement which will vacate the position of Veteran Service

Officer. He recommended the appointment of Mr. Chester Brown as his replacement.

Mr. Carter referenced a letter from the Department of Veteran Affairs (attached) stating certification requirements of a new officer and dates for certification training courses available.

**UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO APPROVE THE APPOINTMENT OF MR. CHESTER BROWN AS GADSDEN COUNTY VETERAN SERVICE OFFICER.**

Mr. Carter said the upcoming budget would reflect a small stipend as compensation to the Veteran Officer.

**Solid Waste Task Force** Tape # 1; 2505

The Apalachee Regional Planning Council has recommended the establishment of a solid waste task force to research and evaluate factors affecting the location of landfills and the management alternatives for local governments within the region.

The council has asked that each board appoint a staff member and a board member to serve on the task force.

Commissioner McGill offered himself as a volunteer for the task force.

**UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO APPOINT COMMISSIONER MCGILL AND HERB CHANCEY TO THE APPALACHEE REGIONAL PLANNING TASK FORCE DEALING WITH SOLID WASTE.**

**Franchise Fees for Utilities** Tape # 1; 2585

**DCA ruled non-charter counties may impose franchise fees to utility companies. Further research forthcoming. No action - Information only.**

Mr. Carter referred to a letter from Nabors, Giblin & Nickerson, P.A. (Attached) informing the board of decision rendered by First District Court of Appeal in the landmark case of Santa Rosa County v. Gulf Power Company on March 30, 1994.

DCA ruled that a non-charter county has the authority to impose a franchise fee. The law firm is doing additional research to develop the best mechanism by which a franchise fee may be imposed on cooperative which may be unwilling to voluntarily enter into franchise agreements with non-charter counties.

**Appointment of County Manager James Carter as President of the Tallahassee Chapter of the National Forum for Black Administrators**

Mr. Carter informed the board that he has been named as President of the Tallahassee Chapter of the National Forum for Black Administrators. He went on to say that a council president's meeting has been scheduled to be held in Las Vegas August 5 - 7, 1994. The Florida organization is comprised of 193 members and he considered it an honor to be named president of this chapter.

**Fire Assessment Coordinator** Tape # 1; 2692

Mr. Carter introduced Oliver Sellars who was appointed as the new Fire Assessment Coordinator.

**CONSENT AGENDA** Tape # 1; 2715

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO APPROVE THE CONSENT AGENDA TO WIT:

- 1) CSX Application to Relocate Attapulgus Service Center - Resolution from Gadsden County opposing the relocation (Attached)
- 2) Satisfaction of Housing Rehabilitation Agreements (Attached) - Shelia Harris, Fred & Pallace Haynes, Robert & Carrie Martin Brisco, George & Bernice Scott.

**CLERK OF COURT** Tape # 1; 2730

**Budget Amendments**

Nine budget amendments were approved.

Clerk Thomas presented the following budget amendment requests:

- 1) General Fund - Grant Administrators Department - line item changes
- 2) GRANTS - SHIP - Setting up local housing assistance program - providing salaries, etc.
- 3) Grants - line item changes in the SHIP program
- 4) EMS Billing & Administration - line item changes
- 5) Mosquito Control - State I - line item changes to provide payment for the new mosquito control director
- 6) General - line item changes to move money around to pay circuit court costs and conflict attorneys.

- 7) General - line item changes for court reporter and tax collector
- 8) Mosquito Control/State I - line item changes to provide public information printing costs
- 9) Grants - setting up grant for Historical Preservation for county owned buildings around the square.

**UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO APPROVE THE BUDGET AMENDMENTS AS PRESENTED BY THE CLERK.**

**Financial Report** (Attached)

Clerk Thomas called attention to the report in the board agenda packets which showed all fund summaries.

**Approval of Payment of County Bills**

**UPON MOTION OF COMMISSIONER DAVIS AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO APPROVE THE PAYMENT OF THE COUNTY BILLS.**

**GEORGIA PUBLIC SERVICE COMMISSION HEARING ON CSX RELOCATION**

Chairman Dixon read a letter he received from the Georgia Public Service Commission stating they had received Gadsden's letter opposing the closing of the CSX Railroad Agent in Attapulcus. The letter also stated there would be a hearing to get public input before making the final decision.

**DISTRICT 1 REPORT**

There was no report.

**DISTRICT 2 REPORT**

There was no report.

**DISTRICT 3 REPORT**

**Will Ramsey was appointed to the Industrial Development Authority.**

**Proclamation of appreciation for Mr. Joe Bradley was authorized by the board.**

Commissioner Peacock announced that Mr. Joe Bradley is retiring and would like to resign from the Industrial Development Authority.

Commissioner Peacock recommended that the board appoint Will Ramsey to replace Mr. Bradley on the authority.

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 5 - 0 TO APPROVE THE APPOINTMENT OF WILL RAMSEY TO THE INDUSTRIAL DEVELOPMENT AUTHORITY FOR GADSDEN COUNTY.

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO ADOPT A PROCLAMATION OR RESOLUTION OF APPRECIATION TO MR. JOE BRADLEY FOR THE YEARS HE HAS SERVED ON THE INDUSTRIAL DEVELOPMENT AUTHORITY.

**DISTRICT 4 REPORT**

**Hanna Mill Pond Road**

Commissioner Davis asked Mr. Carter to inform him as to when the county was going to install the guard rails on Hanna Mill Road Bridge.

Mr. Carter could not answer immediately but agreed to look into the matter and inform the commissioner of his findings.

**DISTRICT 5 REPORT**

There was no report.

The chairman declared the meeting adjourned.

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**Edward J. Dixon, Chairman**

**ATTEST:**

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**Nicholas Thomas, Clerk**

**CONSTRUCTION INDUSTRY LICENSING BOARD**

Chairman Dixon convened the meeting.

**Joseph Sheffield - Roofing Contractor**

Mr. Hal Richmond explained that special circumstances surrounding the licensing of Mr. **Joseph Sheffield** have occurred. He explained that under the interlocal agreement with the City of Chattahoochee, the city submitted a list of names who were previously authorized to work within their city. Some names were left off that list in error. Since that time the county has been reluctant to expand that list. The City of Chattahoochee now is requesting that the list be amended to include names left off in error.

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO APPROVE THE LICENSING OF JOSEPH SHEFFIELD IN THE CITY OF CHATTAHOOCHEE BUT NOT TO ACCEPT ANY OTHER ADDITIONS TO THAT LIST AFTER JULY 19, 1994.

**Bricey Strickland - Air Conditioning "A"**  
**Paul Daniel Bliss - Pool Contractor**

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER PEACOCK THE BOARD VOTED 5 - 0 TO APPROVE THE LICENSING OF BRICEY STRICKLAND AS AIR CONDITIONING CONTRACTOR AND PAUL DANIEL BLISS AS A POOL CONTRACTOR.

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Edward J. Dixon

ATTEST:

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Nicholas Thomas, Clerk

Attachments

<u>Description of the Attachment</u>	<u>Minutes Page No.</u>
___ Agenda	1
___ Railroad Agreement	1
___ Resolution of future responsibility	1
___ Williams Metro Communications Lease	2
___ Gas Tax Referendum Resolution	3
___ Agreement with NFEDC (Stevens School)	4
P ___ .....Planning and Zoning Department Recommendations	4
___ Bid # 94-15 for EMS Billing System	7
___ Bid # 94-19 for Removal of Scrap Tires was awarded to SAJAW	7
___ Letter from the Department of Veteran Affairs - Chester ....	Brown
___ CSX Application to Relocate Attapulugus Service Center - .....	Resol
___ Satisfaction of Housing Rehabilitation Agreements	
___ Shelia Harris,	
___ Fred & Pallace Haynes,	
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___ Budget Amendments	
___ 1) General Fund - Grant Administrators Department - line item changes	
___ 2) GRANTS - SHIP - Setting up local housing assistance program - providing salaries, etc.	
___ 3) Grants - line item changes in the SHIP program	
___ 4) EMS Billing & Administration - line item changes	
___ 5) Mosquito Control - State I - line item changes to provide payment for the new mosquito control director	
___ 6) General - line item changes to move money around to pay circuit court costs and conflict attorneys.	
___ 7) General - line item changes for court reporter and tax collector	

\_\_\_\_\_ 8) Mosquito Control/State I - line item changes to  
provide public information printing costs

\_\_\_\_\_ 9) Grants - setting up grant for Historical  
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\_\_\_\_\_ Paul Daniel Bliss - Pool Contractor..... 13

**Agreements  
Department  
Transportation  
Agreements  
Department  
Transportation**

**of**

**of**

AT A REGULAR MEETING OF THE BOARD OF  
COUNTY COMMISSIONERS, HELD IN AND  
FOR GADSDEN COUNTY, FLORIDA ON JULY  
5, 1994, THE FOLLOWING PROCEEDINGS  
WERE HAD, VIZ.

PRESENT: ED DIXON, CHAIRMAN  
FORREST DAVIS, VICE-CHAIRMAN  
BILL MCGILL  
JAMES PEACOCK  
ANTHONY POWELL  
NICHOLAS THOMAS, CLERK  
HAL RICHMOND, COUNTY ATTORNEY  
JAMES CARTER, COUNTY MANAGER

CALL TO ORDER

Chairman Dixon called the meeting to order. Commissioner Davis led in pledging allegiance to the U. S. Flag. Commissioner McGill then opened the meeting with prayer.

ADOPTION OF AGENDA (Attached)

County Manager Carter asked that the agenda be amended to include the Juvenile Justice Contract as part of the consent agenda.

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO AMEND THE AGENDA TO INCLUDE THE JUVENILE JUSTICE CONTRACT AS PART OF THE CONSENT AGENDA AND ADOPT THE AGENDA AS AMENDED.

APPROVAL OF MINUTES - JUNE 21, 1994 REGULAR MEETING

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER PEACOCK THE BOARD VOTED 5 - 0 TO APPROVE THE MINUTES OF THE JUNE 21, 1994 MEETING AS WRITTEN.

COUNTY ATTORNEY

Williams Communications Lease (Attached) Tape # 1 ; 129

New lease for radio tower (jail) with Williams Communications approved.

Mr. Hal Richmond, county attorney, presented a lease agreement with Williams Communications for radio tower space at the jail for

the board's approval and execution. A lease was prepared and presented for approval at the last commission meeting, but the board asked Mr. Richmond to add a termination option clause and bring it back for approval. Mr. Richmond made the change as requested noting the termination option was only for the county, however, the instrument does have a mutual agreement clause which benefits both parties.

**UPON MOTION OF COMMISSIONER DAVIS AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO APPROVE THE CONTRACT AND AUTHORIZE THE CHAIRMAN'S SIGNATURE TO EXECUTE THE AGREEMENT.**

Gas Tax Resolution (Attached) Tape # 1;156

**Resolution calling for five cents gas tax referendum approved**

Mr. Richmond presented a resolution calling for a referendum in the November General Election for the public's approval or disapproval of the imposition of a five cent gas tax for Gadsden County. He asked the board to execute the resolution and authorize him to proceed with getting it placed on the ballot with the Supervisor of Elections.

Chairman Dixon stated that without resolve from the board as a whole to promote the virtues of the tax, the referendum is doomed to failure. He encouraged the commission to speak out to inform the public of what the five cents could and would accomplish.

Commissioner McGill reported that he has attended at least two town meetings in the Havana area and he found those citizens supportive of the gas tax.

Commissioner Peacock stated he could only support a gas tax after the people vote to have it and he would not campaign for its passage. Short of voter approval, he would continue to oppose it.

**A MOTION WAS MADE BY COMMISSIONER MCGILL AND SECONDED BY COMMISSIONER POWELL TO PASS THE RESOLUTION CALLING FOR A REFERENDUM TO GET VOTER APPROVAL OF THE IMPOSITION OF A FIVE CENT GAS TAX AND THAT THE ISSUE WOULD APPEAR ON THE NOVEMBER 8, 1994 GENERAL ELECTION BALLOT.**

Discussion followed.

Commissioner Davis did not feel that it was the responsibility of the board to promote the tax.

Commissioner Powell suggested that a public workshop be held to educate the citizens.

**Public Input**

Dan Winchester, Rt. 4 Box 538, Havana favored the tax but feared the wording as it appears in the resolution will incite defeat. He asked if the ballot wording could be more specific as to what kind of capital expenditures the tax would go toward.

Attorney Richmond responded by saying that the wording had to comply with the constitutional and legal language.

The chairman recognized Nolen Hancock only briefly because his remarks did not address the gas tax referendum.

Alney Parramore was recognized by the chairman.

**THE BOARD VOTED 5 - 0 TO APPROVE AND EXECUTE THE RESOLUTION AS PRESENTED BY THE COUNTY ATTORNEY.**

**Resolution on Extension of Local Option Sales Tax Referendum**

This item was pulled by the county attorney from his agenda prior to the meeting but was not formally removed when the agenda was amended and adopted.

**Library Lease** Tape # 2;430 (This item was taken out of order)

**Lease with Tallahassee Community College approved**

Mr. Richmond presented the new lease between the county and Tallahassee Community College. He reported that it had the proper content and was proper in form.

**UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO APPROVE THE NEW LEASE AGREEMENT BETWEEN GADSDEN COUNTY AND TALLAHASSEE COMMUNITY COLLEGE.**

**Resolution for Joe Bradley**

**Resolution of appreciation to Joe Bradley adopted**

Mr. Richmond read a resolution into the record expressing appreciation to Mr. Joe Bradley who is resigning from the Industrial Development Authority after 15 years of service. (He was directed by the board at the last meeting to prepare the resolution.)

**UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO EXECUTE THE RESOLUTION OF APPRECIATION FOR JOE BRADLEY AS READ BY THE COUNTY ATTORNEY.**

**NON AGENDA - Barnett Bank Lease for Public Defender's Office**

Tape # 2; 500

Mr. Richmond reported that he had received a copy of a lease with Barnett Bank to review. He acknowledged the presence of Ms. Nancy Daniels, Public Defender, and asked the chairman if he would recognize her to speak. The Chairman then yielded the floor to Ms. Daniels even though she was not on the agenda.

Ms. Daniels reported that the lease for the Public Defender's office space between Barnett Bank and the county expires on September 30, 1994. She noted that she had explored other options for office space and has concluded the best option to be renewal of the same space. Because modifications are expected to be made to the offices, the cost will increase to \$8.50 per square foot totaling \$28,075.56 per year for three years. (An increase of \$8,000.00) No negotiations have transpired to date.

Mr. Richmond recommended that the board table the matter until further discussions with the county manager during the budget workshops.

**DALE SUMMERFORD - TAX COLLECTOR** Tape # 2; 1000

**Errors and Insolvencies Report**

**Errors and Insolvencies Report approved and adopted.**

Mr. Dale Summerford, Tax Collector, presented the list of errors and insolvencies for the tax roll for 1993/94. He asked for approval of the board.

**UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO APPROVE THE TAX ROLL ERRORS AND INSOLVENCIES REPORT PRESENTED BY THE TAX COLLECTOR.**

**County Name or "Sunshine State" on License Plates Tape # 2;**

**Board voted to retain county name on license plates.**

Because of the growing concern of tourist related crimes in Florida connected to rental vehicles, a suggestion was brought before the legislature to eliminate the county name from the Florida license plates so as to attract less attention to visitors to any area. The legislature agreed to leave this matter up to the individual counties.

Mr. Summerford went on to say that he had performed an informal survey to the various law enforcement agencies within the county and found that none of them are in favor of removing the county name from the plates. He recommended leaving the plates as they are. He requested action on this matter.

**UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO LEAVE "GADSDEN" NAME ON THE LICENSE PLATES.**

**MIKE SHERMAN - PLANNING AND ZONING RECOMMENDATIONS Tape # 2; 1182**

**Dawkins Variance - Project 94PZ-12-201-1-6 (Memo attached)**

**Dawkins Variance approved.**

Ms. Anna Dawkins has placed a double wide (1568 square feet) mobile home on a .37 acre lot (lot 74 in Ochlockonee Estates on the south side of Choctaw Drive and the east side of Sioux Circle), and is requesting a variance from the 20 foot side setback requirement for corner lots abutting a road. The applicant is Ms. Anna Dawkins, Rt. 6 Box 613, Havana, FL 32333. The property owner is Mr. Samuel Castle, P.O. Box 665, Havana, FL 32333.

The Planning and Zoning Commission recommended denial of the request for variance contingent upon the county funding the costs relating to reconfiguring the mobile home.

The staff recommended denial. The alternative is to grant the variance due to the special conditions surrounding its placement as described in the attached memo.

On June 21, 1994, the board tabled the project until a cost determination for relocation of the home and septic tank/drainfield

could be made. Those costs have since been determined to be \$2,985.00.

**UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO APPROVE THE SET BACK VARIANCE DUE TO THE HARDSHIPS STATED IN THE ATTACHED MEMO.**

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CODE ENFORCEMENT HEARING

Watson Nuisance Tape #2; 1387

**County staff was instructed to proceed with code enforcement process after 30 days if Ella Mae Watson does not comply with nuisance ordinance.**

Complaints were made to the county office of nuisance violation on Parcel #111-03 in Section 29 Township 2 North Range 3 West on the south side of Moore Road, .8 miles from CR268 owned by Ms. Ella Mae Watson, Rt. 7 Box 5560, Quincy, FL 32351. Staff notified the property owner three months ago of the violations. Since that time, some improvement has been observed by county staff.

In response to Mr. Alney Parramore's question, Mr. Sherman read the definition of nuisance and it is described in the ordinance.

Staff recommended to proceed with code enforcement procedures. **UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO AUTHORIZE THE STAFF TO PROCEED WITH CODE ENFORCEMENT PROCESS WITH RESPECT TO THE NUISANCE COMPLAINT FILED AGAINST MS. ELLA MAE WATSON.**

Castillo Garage Tape # 2; 1791

**County staff instructed to proceed with code enforcement process after 30 days if Mr. Castillo does not comply with development ordinance.**

An auto repair garage, situated on the west side of US 27 and the south side of CR 270, consisting of 1.95 acres (parcel #334-02 in Section 13 Township 2 North Range 2 West) and owned by Mr. Oscar Castillo, 3031 Baron Lane, Tallahassee, FL 32304. He is in violation of the Development Review Code #90-003. Public complaints were filed with the county. An on-site inspection and

found deficiencies. Upon revisit, staff observed some progress but there are violations still remaining.

Mr. Castillo was notified of this hearing and was present and answered questions from the board.

**UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 5 -0 TO ALLOW A 30 DAY EXTENSION FOR VIOLATIONS TO BE CORRECTED. IF NOT, THEN PROCEED WITH CODE ENFORCEMENT PROCEDURES IF NOT CORRECTED.**

Nesbitt Bus Tape # 2; 1940

**County staff instructed to proceed with code enforcement process after 30 days if Mr. Nesbitt does not comply with nuisance ordinance.**

Complaints were received concerning the placement of an inoperable bus on the property of Mr. Robert Nesbitt, Rt. 7 Box 1550, Quincy, FL 32351 situated at the end of CR 65C, Adjacent to Lake Talquin and consisting of approximately one acre (parcel #77100-21 of the Little River Survey). Site inspections revealed a blue bus with expired license plates. A subsequent site inspection found the bus parked in a different location. Mr. Nesbitt was notified of the violation three months ago and has not removed the bus from the property. Mr. Nesbitt was notified of this meeting by certified mail.

Mr. Nesbitt was not present when the chairman called for him to respond to the complaint.

**UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO PROCEED WITH THE CODE ENFORCEMENT PROCESS AFTER 30 DAYS IF THE BUS HAS NOT BEEN REMOVED.**

D & M Junkyard Tape # 2; 1982

**County staff instructed to proceed with code enforcement process after 30 days if Mr. Marriott does not comply with Ordinance # 91- 003.**

Complaints have been filed by the public as to inadequate buffering/screening of the D & M Junkyard. The property consists of 4.55 acres and is situated on the north side of US 90 across from Rice Road. The owner is Mr. Randall Marriott, P. O. Box 594, Chattahoochee, FL 32324. Parcel # 412 - 03 in Section 31 Township 4 North Range 5 west.

The owner is not in compliance with ordinance 91-003. The staff notified the owner of the violations three months ago and he has made no improvements.

Staff recommended giving the property owner 30 days to comply then proceed with code enforcement process if he has not complied.

There was no one present to represent D & M Junkyard.

**UPON MOTION OF COMMISSIONER PEACOCK, AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO GIVE MR. MARRIOTT 30 DAYS TO COME INTO COMPLIANCE THEN PROCEED WITH CODE ENFORCEMENT PROCESS IF COMPLIANCE HAS NOT BEEN MADE.**

Sadler Sawmill Tape # 2; 2138

**County staff instructed to proceed with code enforcement process after 30 days if Mr. Donnie Sadler does not comply with development code and nuisance ordinance by ceasing to operate a sawmill at his home.**

Staff has been receiving neighboring complaints concerning the operation of a sawmill and tree-cutting business on the property of Mr. Donnie Sadler, P. O. Box 1065, Quincy, FL 32353, situated on the south side of Old Federal Road (CR65B) and east side of Swift Street on lots B2 and B3 of Hillside Farms Subdivision. The sawmill operation and business are in violation of the Comprehensive Plan and the Development Review Code, as this area is designated Rural Residential. A noisy operation of this nature should be located in an Industrial area and not adjacent to homesites. The sawmill is also in violation of the Nuisance Ordinance. Staff has discussed the problem with Mr. Sadler, verbally and in writing, with no success in permanent abatement of this operation.

Mr. and Mrs. Sadler were present and addressed the board in their own defense. Mr. Sadler reported that he uses a 24 horse-power engine which is no louder than a lawn mower. They stated they used the sawmill to build their house and fence and as a hobby - they do not run a business. No money is exchanged. Mr. Sadler does bring his equipment home and leave it overnight.

Speaking in opposition were:

Jan Shekitka  
Mike Norton  
Amelia Shekitka

Discussion followed.

A MOTION WAS MADE BY COMMISSIONER PEACOCK AND SECONDED BY COMMISSIONER POWELL AUTHORIZE MR. SHERMAN TO NOTIFY THE SADLERS THAT THEY ARE FOUND IN VIOLATION OF THE NUISANCE ORDINANCE AND THE DEVELOPMENT REVIEW CODE AND THEY ARE GIVEN 30 DAYS TO ABATE THE NUISANCE AND SHUT DOWN THE BUSINESS OF OPERATING THE SAWMILL.

Discussion followed.

QUESTIONS WERE CALLED BY COMMISSIONER PEACOCK. THE BOARD VOTED 4 -1 IN FAVOR OF THE MOTION. COMMISSIONER DAVIS CASTING THE LONE DISSENTING VOTE.

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Comprehensive Plan Amendment Fee and Application Tape 2;  
2949 - (Attached)

**Comprehensive Plan Amendment Application and fee schedule approved.**

In response to the commissioners directions at the last meeting, Mr. Sherman made some revisions to the Comprehensive Plan Amendment Application and he presented it again to the board for consideration. The staff recommended a fee of \$500.00.

Discussion followed.

No public comments were offered.

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO APPROVE THE PLAN AMENDMENT APPLICATION AND THE FEE SCHEDULE AS PRESENTED BY MR. SHERMAN.

MARK DICKESON - Florida Statewide Mutual Aid Agreement Tape # 2;  
3508

**Florida Statewide Mutual Aid Agreement approved for Emergency Management was approved.**

Mr. Mark Dickeson, Gadsden County Emergency Management Director, was present and offered the Statewide Mutual Aid Agreement. The agreement establishes a formal mechanism, for reciprocal emergency aid and assistance, in case of emergencies too extensive to be dealt with by Gadsden County on its own.

Mr. Dickeson recommended approval of the agreement.

**UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 4 - 0 TO APPROVE THE STATEWIDE MUTUAL AID AGREEMENT. (Commissioner Peacock was not present for this vote.)**

**ECONOMIC DEVELOPMENT UPDATE** Tape # 2; 3608

**Economic Development Transportation Funds** Tape #2; 3622  
(Contract Attached)

**Contract for Transportaion Funds with Department of Commerce approved.**

Mr. McCaskill presented the board with an contract that will implement the recommendation of the Economic Development Transportation Fund Committee to provide funds to assist Gadsden County on behalf of the Lynch Machinery-Miller Hydro, Inc. These funds will be used to upgrade Brickyard Road in Midway and paving for the new industrial park in Midway.

**UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 4 - 0 TO AUTHORIZE THE CHAIRMAN'S SIGNATURE ON THE CONTRACT BETWEEN GADSDEN COUNTY AND THE FLORIDA DEPARTMENT OF COMMERCE THAT WILL PROVIDE FUNDING FOR ROAD PAVING FOR THE RELOCATION OF LYNCH MACHINERY - MILLER HYDRO, INC. TO MIDWAY. (Mr. Peacock was not present for this vote.)**

**Economic Development Update** Tape # 2; 3678

Mr. Rick McCaskill spoke briefly to update the board on the economic development in the county. (Attached)

**COUNTY MANAGER** Tape # 2; 3809

**Detailed Work Plan Budget - Arthropod Control for 94/95**

**Arthropod Control Detailed Work Plan Budget 94/95 approved**

Mr. Carter introduced the detailed work plan budget for the arthropod control which must be submitted to the Department of Agriculture and Consumer Services for state aid in the amount of \$26,451. This must be matched with a minimum of \$8,500.00. He asked for approval of the work plan budget. (Attached)

**UPON MOTION BY COMMISSIONER POWELL AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO APPROVE THE DETAILED WORKPLAN BUDGET FOR ARTHROPOD CONTROL AND AUTHORIZE THE CHAIRMAN TO**

EXECUTE IT FOR THE FISCAL YEAR 94/95. IT IS TO BE SUBMITTED TO THE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES.

CONSENT AGENDA Tape # 2; 3858

Satisfaction of Housing Rehab Agreement (attached)

Christine Glover Rodgers Satisfaction of Rehab Agreement approved.

Juvenile Justice Contract (Attached)

Juvenile Justice Contract approved.

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER PEACOCK THE BOARD VOTED 5 - 0 TO APPROVE THE CONSENT AGENDA TO WIT:

- (1) Satisfaction of Housing Rehab Agreement on Christine Glover Rodgers
- (2) Juvenile Justice Contract

CLERK OF COURT Tape # 2; 3866

Budget Amendments (Attached)

Five Budget Amendments approved as presented.

Clerk Thomas presented the budget amendments and requested approval of the board.

UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO APPROVE THE BUDGET AMENDMENTS TO WIT:

- (1) Grants - County Award - line item only
- (2) General Fund - line item changes only for Circuit Court Costs budgets, courthouse annex budgets and others
- (3) Grants - Solid Waste Grant line item changes
- (4) County Transportation # 1 - line item changes
- (5) Mosquito Control - line item changes

Payment of County Bills

Payment of County Bills approved.

UPON MOTION BY COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO APPROVE THE PAYMENT OF THE COUNTY BILLS.

**Fire Control Expenditure Status** - Attached

Clerk Thomas called attention to a report on the Fire Control Expenditures which was requested at the special meeting on June 27, 1994.

**DISTRICT 1 REPORT**

Commissioner McGill asked the board to direct the staff to move with all deliberate speed toward providing safe roads for all of Gadsden County.

**DISTRICT 2 REPORT**

Commissioner Powell asked about the progress of a road adoption program.

County Attorney Hal Richmond responded saying he did have some information and would provide it to the commissioner right away.

**DISTRICT 3 REPORT**

Commissioner Peacock had nothing to report.

**DISTRICT 4 REPORT**

Commissioner Davis had nothing to report.

**DISTRICT 5 REPORT**

Chairman Dixon referenced the road paving ten-year plan. He urged the commission to earnestly consider the position the board will take on the gas tax issue with respect to long range plans for roads in the county.

**UPON MOTION OF COMMISSIONER POWELL, THE MEETING WAS ADJOURNED  
BY THE CHAIRMAN.**

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Edward J. Dixon, Chairman

ATTEST:

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Nicholas Thomas, Clerk

Attachments

<u>Description of the attachment</u>	<u>Page # in the Minutes</u>
_____ Agenda .....	1
_____ Williams Communications Lease 1 <i>Original to Betty on 7/13/94</i>	
_____ Gas Tax Resolution.....	2
<i>Never got a copy except fax copy from Hal's Office</i>	
_____ Library Lease 3	
_____ Resolution for Joe Bradley 4 <i>Sent to Betty 7/13/94</i>	
_____ Errors and Insolvencies Report.....	5
<i>Original filed in big book 7/6/94</i>	
_____ Planning and Zoning Recommendations .....	5
_____ Comprehensive Plan Amendment Application and fee schedule 9	
_____ Florida Statewide Mutual Aid Agreement 10 <i>Originals sent to Betty 7/13/94 Still need copies with other agencies signatures on it</i>	
_____ Contract for Transportaion Funds with Department of Commerce 10 <i>Need the original with all signatures back. Sent to Betty 7/13/94</i>	
_____ Economic Development Update 11 <i>Rick passed out at meeting but I was not given a copy.</i>	
_____ Arthropod Control Detailed Work Plan Budget 94/95 11 <i>Received copy from Betty on 7/12/94</i>	
_____ Satisfaction of Housing Rehab Agreement 11 <i>Signed and sent to Betty on 7/13/94</i>	
13/9_____ .....	Juvenile Justice Contract
11	
<i>Never saw a copy</i>	
_____ Budget Amendments:	
(1) Grants - County Award - line item only	
(2) General Fund - line item changes only for Circuit Court Costs budgets, courthouse annex budgets and others	
(3) Grants - Solid Waste Grant line item changes	
(4) County Transportation # 1 - line item changes	
(5) Mosquito Control - line item changes.....	12



AT A JOINT MEETING OF THE GADSDEN  
COUNTY BOARD OF COMMISSIONERS AND  
THE AFFORDABLE HOUSING ADVISORY  
COMMITTEE HELD IN AND FOR GADSDEN  
COUNTY, FLORIDA, ON JULY 26, 1994,  
THE FOLLOWING PROCEEDINGS WERE HAD,  
VIZ.

PRESENT: ANTHONY POWELL, BCC  
JAMES CARTER, COUNTY MANAGER  
JIM RICHMOND, COUNTY ATTORNEY  
MURIEL STRAUGHN, DEPUTY CLERK  
ED BUTLER, GRANTS ADMINISTRATOR  
ROSEMARY BANKS, SHIP COORDINATOR  
MIKE SHERMAN, P & Z DIRECTOR  
STEVE SPARKS, PLANNER  
MILLIE FOREHAND, AHAC CHAIRPERSON  
WILLIAM CARR, AHAC  
JAMES ROGERS, AHAC  
PATRICK BROWN, AHAC  
RICK MCCASKILL, CHAMBER OF COMMERCE

CALL TO ORDER

Mr. Mike Sherman, Planning and Zoning Director for Gadsden County opened the meeting and welcomed all those in attendance.

OVERVIEW OF PROPOSED LAND DEVELOPMENT REGULATIONS

Mr. Sherman gave a general overview of the comprehensive plan and how the land development regulations actually will become the implementing document that will make it work. He also explained why the county must

The joint committees were asked to make a list the unique qualities of Gadsden County which they would like to see protected by the land development regulations.

That list included the following:

Visual Qualities  
Privacy  
Open Areas  
Hunting Preserves



The meeting adjourned at 7:20 p.m.

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Millie Forehand, Chairperson  
Affordable Housing Advisory  
Committee

AT A REGULAR MEETING OF THE BOARD OF  
COUNTY COMMISSIONERS, HELD IN AND  
FOR GADSDEN COUNTY, FLORIDA ON JULY  
19, 1994, THE FOLLOWING PROCEEDINGS  
WERE HAD, VIZ.

PRESENT: ED DIXON, CHAIRMAN  
FORREST DAVIS, VICE-CHAIRMAN  
BILL MCGILL  
JAMES PEACOCK  
ANTHONY POWELL  
NICHOLAS THOMAS, CLERK  
HAL RICHMOND, COUNTY ATTORNEY  
JAMES CARTER, COUNTY MANAGER

CALL TO ORDER

The meeting was called to order by Vice-chairman Forrest Davis for Chairman Dixon who arrived late for the meeting. Commissioner Powell led in pledging allegiance to the U. S. Flag and Commissioner Peacock opened the meeting with prayer.

ADOPTION OF THE AGENDA

Chairman Dixon arrived at this juncture of the meeting.

County Manager Carter asked the chairman to amend the agenda to include 94/95 Budget Workshop Schedule and approval of letter of support for Gadsden Medical facility.

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO AMEND THE BUDGET TO INCLUDE THE 94/95 PROPOSED BUDGET WORKSHOP SCHEDULE AND APPROVAL FOR LETTER OF SUPPORT FOR GADSDEN MEDICAL FACILITY THEN ADOPT THE AGENDA AS ADOPTED.

APPROVAL OF MINUTES

UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO APPROVE THE MINUTES OF THE MEETING OF JULY 5, 1994.

COUNTY ATTORNEY Tape # 1; 195

Interlocal agreement - Chattahoochee building inspections

Attorney Hal Richmond presented the addendum to the interlocal agreement pertaining to building inspections for the City of Chattahoochee. It could not be determined if the names on the

addendum were a complete list of local contractors or just those names to be added to the list.

After discussion of the board, it was determined that the agreement needed to be altered to include the following:

- 1) a complete list of contractors names who would be allowed to work within the City of Chattahoochee without meeting the county's licensing requirements.
- 2) the agreement needs to include a statement to the effect that subsequent to the approval of this agreement, no others will be grandfathered in - any future licenses issued to contractors to work in the City of Chattahoochee must meet the county's licensing requirements.
- 3) a place for the signature of the Chairman of the Board of Commissioners signature and attested by the Clerk to properly execute the agreement.

**UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO APPROVE THE ADDENDUM TO THE INTERLOCAL AGREEMENT WITH THE CITY OF CHATTAHOOCHEE IF IT IS ALTERED TO INCLUDE THE THREE CHANGES:**

- 1) a complete list of contractors names who would be allowed to work within the City of Chattahoochee without meeting the county's licensing requirements.
- 2) language to the effect that any future licenses issued to contractors to work in the City of Chattahoochee must meet the county's licensing requirements.
- 3) the signature of the Chairman of the Board of Commissioners and attested by the Clerk.

**Interlocal agreement pertaining to the cooperative use of the Quincy Byrd Landfill**

Mr. Richmond asked the board to postpone approving the interlocal agreement on the Quincy Byrd Landfill until August 2, 1994.

**PLANNING AND ZONING (P & Z) RECOMMENDATIONS** (Memo Attached) Tape # 1; 427

**Collins Variance - Project #94PZ-8-209-5-7**

Mr. Phelps Collins is proposing to construct an 896 square foot home on the south side of 11th St., approximately 100 feet west of Talquin Avenue on a .5 acre lot on lot 12 in Lakeside Subdivision, and is requesting a variance from the 35 foot front setback requirements. The applicant and property owner is Mr. Phelps Collins, 2410 Balsam Terrace, Tallahassee, FL 32303.

Mr. Collins was in the audience but declined to speak on his own behalf.

The chairman called for anyone opposing the variance to speak.

There was no opposition.

The P & Z Commission recommended approval.

The P & Z staff recommend approval subject to special conditions listed in the attached memo.

**UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER MCGILL THE BOARD VOTED 5 - 0 TO APPROVE THE VARIANCE AS REQUESTED BY MR. COLLINS AND SUBJECT TO THE CONDITIONS LISTED IN THE ATTACHED MEMO.**

**Folmar Tower - Project # 94PZ-10-207-4-7** Tape # 1;528

Mr. Charlie Folmar is proposing to increase the height of the former Sheriff's Radio Tower by 50 feet from 250 feet to 300 feet in order to improve the telecommunications system in the area. The tower is situated on the south side of US 90, approximately .6 miles west of Quincy and 100 feet from the State Patrol Tower. The property consists of approximately 1.5 acres. The applicant and property owner is Mr. Charlie Folmar, 641 W. Niagara Circle, Gretna, LA 70056.

P & Z Commission recommended approval.

P & Z staff recommended approval with special conditions listed in the attached memo.

Mr. Folmar was present.

The Chairman called for anyone in opposition to the tower extension. There was none.

**UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO APPROVE THE FOLMAR TOWER REQUEST SUBJECT TO THE CONDITIONS LISTED IN THE ATTACHED MEMO.**

**Flying J Travel Plaza - Project #94PZ-9-206-1-7**

Flying J Travel Plaza is a 24 hour truckstop/restaurant/gas station/RV stop that is proposing to locate on the west side of US 90, just north of I-10 and across from DuPont Road. The property consists of 22.74 acres and the site consists of 12.65 acres. The applicant is Flying J Inc., P.O. Box 678, Brigham City, UT 84302. The architect is Mr. Kelly Christoffersen, Wieser Architects, P.O. Box 678, Brigham City, UT 84302. The principal property owner is Mr. Pink Ferrell 522 E. 7th Ave., Tallahassee, FL 32303.

Mr. Sherman called attention to an error on the soil conservation map but assured the commissioners that the Department of Environmental Protection is in the process of doing the proper wetlands determination.

P & Z Commission recommended approval.

P & Z Staff recommended approval.

The chairman called for comments from the audience.

Mrs. Patricia McLean of the Midway City Council spoke favorably of the travel plaza saying she has visited another Flying J location and found it to be beautifully engineered and it showed no evidence of contamination. She is happy to see them locate in Midway. She also stated it should generate about 100 jobs.

**UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO APPROVE THE FLYING J TRAVEL PLAZA SUBJECT TO THE SPECIAL CONDITIONS AS LISTED IN THE ATTACHED MEMO.**

**Nuisance Complaints** Tape # 1; 765

Mr. Sherman reported two complaints received by his office. One dealing with dogs barking and the other a junk nuisance. He did not ask for board action.

**Land Development Code Workshop Schedule** Tape # 1; 801

The following schedule was presented for approval by the board. The workshops will be held jointly with the Affordable Housing Advisory Committee.

Tuesday, July 26 - 6 p.m.  
Tuesday, August 9 - 6 p.m.  
Wednesday, August 17 - 6 p.m.  
Wednesday, August 24 - 6 p.m.

It was the consensus of the board that the schedule was fine subject to the individual schedules of the commissioners.

### **Sunshine Pipeline**

Mr. Sherman reported that he had attended a Pre-Conference hearing in Tallahassee at the Division of Administrative Hearings (DOAH). At that meeting, the Sunshine Pipeline Company indicated that they are considering amending their application and submitting an alternative corridor.

Mr. Sherman asked the board to give him some directions in which to proceed.

The board's position still does not change. The county will continue to oppose placement of the pipeline anywhere in Gadsden County but will not defend that position.

The board did authorize Mr. Sherman to obtain maps showing the alternative corridor being submitted by Sunshine.

### **JAMES CULLITON - PLANNED PURCHASE OF FLORIDIN COMPANY BY ENGELHARD**

Mr. James Culliton introduced himself to the board as the General Manager of Engelhard. He told the board of the plans for Engelhard to purchase the Floridin Company in Quincy.

Mr. Culliton stated that he expects the transition to provide an additional 40 - 50 jobs. Labor contract negotiations have begun and expected to be completed by the time the sale is complete.

### **CONSENT AGENDA**

**UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO APPROVE THE CONSENT AGENDA TO WIT:**

- 1) First Florida Promissory Note Paid in Full (Attached)
- 2) Minutes of SHIP Partnership and Advisory Committee meetings (attached)
- 3) Letter to U.S.D.A. Soil Conservation Service (attached)
- 4) FY 94/95 Proposed Budget and schedule for budget workshops (budget on file with Clerk; schedule attached)
- 5) Letter of support for Gadsden Medical Center, Inc.

CLERK OF COURT

Clerk Thomas presented eight (8) budget amendments for approval stating his finance department found all of them to be in order.

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO APPROVE THE BUDGET AMENDMENTS TO WIT:

- 1) General Fund (016) - Department of Management Services - Line item changes
- 2) General Fund (0118) - County Probation - line item changes
- 3) Library - showing revenue from Friends of the Library amounting \$143.40.
- 4) Library (118-0123) - line item changes to add money to equipment to purchase a computer and a vacuum cleaner from the State Aid portion.
- 5) Transportation # 1 - 112-383 - to show increased revenue - other financing sources for the 3 new mowers and tractors.
- 6) Grants - 164 - to set up child care grant
- 7) SHIP (156-1410) Setting up new 94/95 SHIP Grant
- 8) SHIP (156-1408) - line item changes

APPROVAL OF PAYMENT OF COUNTY BILLS

UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO APPROVE THE PAYMENT OF THE COUNTY BILLS.

DISTRICT 1 REPORT

Commissioner McGill encouraged the board to look into the possibility of use CDBG money to install central water in the rural areas.

**DISTRICT 2 REPORT**

There was no report.

**DISTRICT 3 REPORT**

There was no report.

**DISTRICT 4 REPORT**

There was no report.

**DISTRICT 5 REPORT**

There was no report.

**PUBLIC INPUT**

The chair recognized Ms. Archie Mae Carter for questions and remarks to the board concerning the placement of fire hydrants in Gretna.

There being no other business before the board, the chairman declared the meeting adjourned.

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Edward J. Dixon, Chairman

ATTEST:

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Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE BOARD  
OF COUNTY COMMISSIONERS, HELD IN  
AND FOR GADSDEN COUNTY, FLORIDA ON  
JULY 19, 1994, THE FOLLOWING  
PROCEEDINGS WERE HAD, VIZ.

PRESENT: ED DIXON, CHAIRMAN  
FORREST DAVIS, VICE-CHAIRMAN  
BILL MCGILL  
JAMES PEACOCK  
ANTHONY POWELL  
NICHOLAS THOMAS, CLERK  
HAL RICHMOND, COUNTY ATTORNEY  
JAMES CARTER, COUNTY MANAGER

CALL TO ORDER

The meeting was called to order by Vice-chairman Forrest Davis for Chairman Dixon who arrived late for the meeting. Commissioner Powell led in pledging allegiance to the U. S. Flag and Commissioner Peacock opened the meeting with prayer.

ADOPTION OF THE AGENDA

Chairman Dixon arrived at this juncture of the meeting.

County Manager Carter asked the chairman to amend the agenda to include 94/95 Budget Workshop Schedule and approval of letter of support for Gadsden Medical facility.

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO AMEND THE BUDGET TO INCLUDE THE 94/95 PROPOSED BUDGET WORKSHOP SCHEDULE AND APPROVAL FOR LETTER OF SUPPORT FOR GADSDEN MEDICAL FACILITY THEN ADOPT THE AGENDA AS ADOPTED.

APPROVAL OF MINUTES

UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO APPROVE THE MINUTES OF THE MEETING OF JULY 5, 1994.

COUNTY ATTORNEY Tape # 1; 195

Interlocal agreement - Chattahoochee building inspections

Attorney Hal Richmond presented the addendum to the interlocal agreement pertaining to building inspections for the City of Chattahoochee. It could not be determined if the names on

the addendum were a complete list of local contractors or just those names to be added to the list.

After discussion of the board, it was determined that the agreement needed to be altered to include the following:

- 1) a complete list of contractors names who would be allowed to work within the City of Chattahoochee without meeting the county's licensing requirements.
- 2) the agreement needs to include a statement to the effect that subsequent to the approval of this agreement, no others will be grandfathered in - any future licenses issued to contractors to work in the City of Chattahoochee must meet the county's licensing requirements.
- 3) a place for the signature of the Chairman of the Board of Commissioners signature and attested by the Clerk to properly execute the agreement.

**UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO APPROVE THE ADDENDUM TO THE INTERLOCAL AGREEMENT WITH THE CITY OF CHATTAHOOCHEE IF IT IS ALTERED TO INCLUDE THE THREE CHANGES:**

- 1) a complete list of contractors names who would be allowed to work within the City of Chattahoochee without meeting the county's licensing requirements.
- 2) language to the effect that any future licenses issued to contractors to work in the City of Chattahoochee must meet the county's licensing requirements.
- 3) the signature of the Chairman of the Board of Commissioners and attested by the Clerk.

**Interlocal agreement pertaining to the cooperative use of the Quincy Byrd Landfill**

Mr. Richmond asked the board to postpone approving the interlocal agreement on the Quincy Byrd Landfill until August 2, 1994.

**PLANNING AND ZONING (P & Z) RECOMMENDATIONS** (Memo Attached) Tape # 1; 427

**Collins Variance - Project #94PZ-8-209-5-7**

Mr. Phelps Collins is proposing to construct an 896 square foot home on the south side of 11th St., approximately 100 feet west of Talquin Avenue on a .5 acre lot on lot 12 in Lakeside Subdivision, and is requesting a variance from the 35 foot front setback requirements. The applicant and property owner is Mr. Phelps Collins, 2410 Balsam Terrace, Tallahassee, FL 32303.

Mr. Collins was in the audience but declined to speak on his own behalf.

The chairman called for anyone opposing the variance to speak.

There was no opposition.

The P & Z Commission recommended approval.

The P & Z staff recommend approval subject to special conditions listed in the attached memo.

**UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER MCGILL THE BOARD VOTED 5 - 0 TO APPROVE THE VARIANCE AS REQUESTED BY MR. COLLINS AND SUBJECT TO THE CONDITIONS LISTED IN THE ATTACHED MEMO.**

**Folmar Tower - Project # 94PZ-10-207-4-7** Tape # 1;528

Mr. Charlie Folmar is proposing to increase the height of the former Sheriff's Radio Tower by 50 feet from 250 feet to 300 feet in order to improve the telecommunications system in the area. The tower is situated on the south side of US 90, approximately .6 miles west of Quincy and 100 feet from the State Patrol Tower. The property consists of approximately 1.5 acres. The applicant and property owner is Mr. Charlie Folmar, 641 W. Niagara Circle, Gretna, LA 70056.

P & Z Commission recommended approval.

P & Z staff recommended approval with special conditions listed in the attached memo.

Mr. Folmar was present.

The Chairman called for anyone in opposition to the tower extension. There was none.

**UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO APPROVE THE FOLMAR TOWER REQUEST SUBJECT TO THE CONDITIONS LISTED IN THE ATTACHED MEMO.**

**Flying J Travel Plaza - Project #94PZ-9-206-1-7**

Flying J Travel Plaza is a 24 hour truckstop/restaurant/gas station/RV stop that is proposing to locate on the west side of US 90, just north of I-10 and across from DuPont Road. The property consists of 22.74 acres and the site consists of 12.65 acres. The applicant is Flying J Inc., P.O. Box 678, Brigham City, UT 84302. The architect is Mr. Kelly Christoffersen, Wieser Architects, P.O. Box 678, Brigham City, UT 84302. The principal property owner is Mr. Pink Ferrell 522 E. 7th Ave., Tallahassee, FL 32303.

Mr. Sherman called attention to an error on the soil conservation map but assured the commissioners that the Department of Environmental Protection is in the process of doing the proper wetlands determination.

P & Z Commission recommended approval.

P & Z Staff recommended approval.

The chairman called for comments from the audience.

Mrs. Patricia McLean of the Midway City Council spoke favorably of the travel plaza saying she has visited another Flying J location and found it to be beautifully engineered and it showed no evidence of contamination. She is happy to see them locate in Midway. She also stated it should generate about 100 jobs.

**UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO APPROVE THE FLYING J TRAVEL PLAZA SUBJECT TO THE SPECIAL CONDITIONS AS LISTED IN THE ATTACHED MEMO.**

**Nuisance Complaints** Tape # 1; 765

Mr. Sherman reported two complaints received by his office. One dealing with dogs barking and the other a junk nuisance. He did not ask for board action.

**Land Development Code Workshop Schedule** Tape # 1; 801

The following schedule was presented for approval by the board. The workshops will be held jointly with the Affordable Housing Advisory Committee.

Tuesday, July 26 - 6 p.m.  
Tuesday, August 9 - 6 p.m.  
Wednesday, August 17 - 6 p.m.  
Wednesday, August 24 - 6 p.m.

It was the consensus of the board that the schedule was fine subject to the individual schedules of the commissioners.

**Sunshine Pipeline**

Mr. Sherman reported that he had attended a Pre-Conference hearing in Tallahassee at the Division of Administrative Hearings (DOAH). At that meeting, the Sunshine Pipeline Company indicated that they are considering amending their application and submitting an alternative corridor.

Mr. Sherman asked the board to give him some directions in which to proceed.

The board's position still does not change. The county will continue to oppose placement of the pipeline anywhere in Gadsden County but will not defend that position.

The board did authorize Mr. Sherman to obtain maps showing the alternative corridor being submitted by Sunshine.

**JAMES CULLITON - PLANNED PURCHASE OF FLORIDIN COMPANY BY ENGELHARD**

Mr. James Culliton introduced himself to the board as the General Manager of Engelhard. He told the board of the plans for Engelhard to purchase the Floridin Company in Quincy.

Mr. Culliton stated that he expects the transition to provide an additional 40 - 50 jobs. Labor contract negotiations have begun and expected to be completed by the time the sale is complete.

**CONSENT AGENDA**

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO APPROVE THE CONSENT AGENDA TO WIT:

- 1) First Florida Promissory Note Paid in Full (Attached)
- 2) Minutes of SHIP Partnership and Advisory Committee meetings (attached)
- 3) Letter to U.S.D.A. Soil Conservation Service (attached)
- 4) FY 94/95 Proposed Budget and schedule for budget workshops (budget on file with Clerk; schedule attached)
- 5) Letter of support for Gadsden Medical Center, Inc.

CLERK OF COURT

Clerk Thomas presented eight (8) budget amendments for approval stating his finance department found all of them to be in order.

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO APPROVE THE BUDGET AMENDMENTS TO WIT:

- 1) General Fund (016) - Department of Management Services - Line item changes
- 2) General Fund (0118) - County Probation - line item changes
- 3) Library - showing revenue from Friends of the Library amounting \$143.40.
- 4) Library (118-0123) - line item changes to add money to equipment to purchase a computer and a vacuum cleaner from the State Aid portion.
- 5) Transportation # 1 - 112-383 - to show increased revenue - other financing sources for the 3 new mowers and tractors.
- 6) Grants - 164 - to set up child care grant
- 7) SHIP (156-1410) Setting up new 94/95 SHIP Grant
- 8) SHIP (156-1408) - line item changes

APPROVAL OF PAYMENT OF COUNTY BILLS

UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO APPROVE THE PAYMENT OF THE COUNTY BILLS.

**DISTRICT 1 REPORT**

Commissioner McGill encouraged the board to look into the possibility of use CDBG money to install central water in the rural areas.

**DISTRICT 2 REPORT**

There was no report.

**DISTRICT 3 REPORT**

There was no report.

**DISTRICT 4 REPORT**

There was no report.

**DISTRICT 5 REPORT**

There was no report.

**PUBLIC INPUT**

The chair recognized Ms. Archie Mae Carter for questions and remarks to the board concerning the placement of fire hydrants in Gretna.

There being no other business before the board, the chairman declared the meeting adjourned.

Edward J. Dixon, Chairman

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ATTEST:

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Nicholas Thomas, Clerk

AT A BUDGET WORKSHOP HELD IN  
AND FOR GADSDEN COUNTY,  
FLORIDA, ON JULY 21, 1994, THE  
FOLLOWING PROCEEDINGS WERE HAD,  
VIZ.

PRESENT: EDWARD J. DIXON, CHAIRMAN  
FORREST DAVIS, VICE-CHAIRMAN  
BILL MCGILL  
JAMES PEACOCK  
ANTHONY POWELL  
NICHOLAS THOMAS, CLERK  
JAMES CARTER, COUNTY MANAGER

Tape # 1: 004

The meeting was called to order by Chairman Dixon. He then turned the meeting over to Mr. James Carter, County Manager.

Mr. Carter introduced the proposed budget saying it is only a working document at the present time. It could be changed as many times as necessary until it is formally approved and adopted.

Mr. Carter reported the proposed budget calls for no tax increases and the roll back rate on the millage would be 9.65 mills. He later corrected that figure to be 9.538. He again noted that the budget had been balanced without an increase in taxes. He stated that he must present the certified millage rate to the Department of Revenue on July 29, 1994 and he hoped to leave this workshop with the millage rate set.

REVENUE OVERVIEW Tape # 1; 17; Proposed 94/95 Budget p. A-6

Mr. Carter reported that the revenue projections are mid-line conservative. He had been in contact with the Department of Revenue to compare Gadsden's projections with those issued by the state. He noted that the projection information issued by the state is not always accurate, so he had based his projections of revenue primarily on source documents received from the Clerk's Office.

**REVENUES BY MAJOR CATEGORY**

**TAXES**

Property Taxes	5,838,695.00
One Cent Local	800,000.00
Option Sales Tax	

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Franchise Fees	100,000.00	
Six Cent Local Option Gas Tax	6,738,695.00	
Subtotal Taxes	13,477,390.00	13,477,390.00

**SPECIAL ASSESSMENTS**

Fire Assessment	631,602.00	631,602.00
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**LICENSE AND PERMITS**

Building Permit Fees	204,000.00	
Other Permit Fees	12,000.00	
Subtotal: Licenses and Permits	216,000.00	216,000.00

**CHARGES FOR SERVICES**

Ambulance Fees	662,970.00	
Other Charges for Services	85,550.00	
	748,520.00	748,520.00

This is to reflect the implementation of the new Medicare/Medicaid electronic billing system. This is budgeted at a 60% collection rate.

**INTERGOVERNMENTAL**

Gas taxes	896,000.00	
1/2 cent sales tax	1,405,000.00	
State Revenue Sharing	675,000.00	
Racing Tax (Parimutuel)	223,250.00	
Federal & State Grants	744,594.00	
State Library Aid	196,895.00	
Other	154,452.00	

(combined smaller  
revenues)

Subtotal	4,295,191.00	4,295,191.00
Intergovernmental		

**FINE AND FORFEITURE**

Court Fines	300,000.00	
Probation Fees	116,000.00	
Other (combined smaller fines)	57,727.00	
Subtotal Fine & Forfeiture	473,727.00	473,727.00

**MISCELLANEOUS**

Interest Earnings	133,000.00	
Other	558,548.00	
Subtotal Miscellaneous	691,548.00	691,548.00

<b>TOTAL CURRENT INCOME</b>	14,705,283.00	14,705,283.00
Less 5%	(697,284.00)	
	14,007,999.00	14,007,999.00

**NON REVENUES**

Interfund Transfer	1,848,391.00	
Appropriated Fund Balance	1,611,505.00	
Cash Match for Grants	.00	
Subtotal for Non Revenues	3,459,896.00	
<b>TOTAL REVENUES ALL FUNDS</b>	17,467,895.00	17,467,895.00

Mr. Carter stated that he had identified all the revenue sources he could given the source data made available to him. He then entertained questions from the board.

**EXPENDITURE OVERVIEW** Tape # 1; 120 (Page A-8 in attached document)

Mr. Carter outlined the expenditure summary by major category  
- all funds.

**EXPENDITURE SUMMARY BY MAJOR CATEGORY - ALL FUNDS**

**EXPENDITURES**

County Commission Agencies	4,190,336.00
Constitutional Officers	4,865,921.00
Judicial Costs	298,345.00
Human and Service Payments	846,299.00
Contracts & Other Obligations	625,201.00
State and Federal Grants	837,049.00
<b>Subtotal: Operating Expenses</b>	<b>11,663,151.00</b>
Debt Service	2,110,163.00
Capital Improvements	937,054.00
<b><u>Non-Expenditures</u></b>	
Reserves for Contingency	909,136.00
Depreciation Expense	.00
Intrafund Transfers	1,848,391.00
<b>Sub-Total: Non-Expenditures</b>	<b>2,757,527.00</b>
 <b>TOTAL EXPENDITURES: ALL FUNDS</b>	 <b>17,467,895.00</b>

Mr. Carter then gave the board more detail of the expenditures and pointed them to pages A13 - A17 in the proposed budget document.

**SPECIAL REVENUE FUNDS**

**Mosquito Control  
Transportation # 1  
Fine and Forfeiture**

**Grants**

**Emergency Rescue**  
**Law Library**  
**Hospital Revenue**  
**Hospital Renewal and Replacement**  
**Fire Control**  
**Waste Services**  
**Other Court Costs**  
**Drug Abuse**

The funds listed above are detailed in pages A-18 through A-36

**TRUST FUNDS**

Pages A-37 - A-38 gives some detail about the hospital endowment trust fund.

**CAPITAL PROJECT FUNDS**

The capital projects are primarily made up of Transportation # 2 and the jail construction. Pages A-39 - A-40.

Question: Commissioner Davis asked if the county can legally take money from Transportation # 2 and purchase equipment?

Mr. Carter answered by saying that based upon submission of a lot of detailed information obtained from Purvis, Gray & Company (auditors), an Attorney General's Opinion AGO 82-55 and AGO 83-26 states: "The county may, with those exceptions noted, use the surplus of constitutional gas tax to lease or purchase road equipment necessary for or directly connected with and necessarily incidental to carrying out its responsibility in construction and maintenance of roads."

Mr. Carter assured the board he would get into significant detail once he completed the summary of the budget.

**DEBT SERVICE FUNDS** Page A-42

Hospital Interest and Sinking Fund  
Correctional Facility Debt Service  
Primary Health Care Debt Service

**OPERATING BUDGET BY DEPARTMENT AND PROGRAM FOR THE  
BOARD OF COUNTY COMMISSIONERS**

**Growth Management** B36 - B40 Tape # 1: 2475

Planning and Zoning  
Building Inspections

Mr. Carter told the board that base-line performance objectives have been identified for this department. Next year, he will include some service level indicators which will actually monitor how well they progress through out the year. The board will be given a mid-year report and a year-end report.

Mr. Carter reviewed the Performance Objectives for the Planning and Zoning Department very briefly. (Page B-37) He then reviewed the proposed budget.

The personal services line item for the planning staff is increased due to re-classification of all planning staff so as to be competitive with surrounding jurisdictions.

The budget does not reflect \$27,000 requested by Mr. Sherman for a Geographic Information System Software. It will allow for conversion of maps to digitized format to be used for site analysis. It is a capital expense and if the board approves it, it will have to be added to the budget as a capital expense.

Michael Sherman, Growth Management Director, explained to the board some of the benefits of having the system.

The manager was instructed to put the purchase of the GIS software on a list for further consideration during the budget process.

**Building Inspections**

Mr. Carter read the performance objectives from page B-39.

Mr. Frank Ritter explained how the department worked in relationship to building inspections.

Mr. Carter interjected that the department needs additional staff members.

**MANAGEMENT SERVICES** Tape # 2;40; page B-45

The budget reflects consolidation of various activities. The increase reflects the addition of a building maintenance supervisor. The operating expense increase is due to the addition of Annex # 3 and the cost of meeting minimal ADA requirements.

Mr. Lawson spoke briefly as to facilities staffing and custodial schedules.

**COMMUNITY SERVICES** Page B-48

**Community Development Administration** Tape # 2; 600

This program administers the SHIP program and other additional housing programs as they come on-line (HOMES and CDBG). This program aggressively seeks additional housing and community development.

Mr. Carter explained that this program was once called Grants Administration and directed by Mr. Ed Butler. Mr. Butler has announced his plans to retire at the end of this year, and Mr. Carter has given Mrs. Rosemary Banks the opportunity to direct the activities previously performed by Mr. Butler.

Mrs. Banks presented the board with an additional request for funds. She requested a new position - Rehab Specialist, a truck and a computer an addition of \$42,559. She went into some detail about what services would be provided with the additional staff person and equipment.

It was consensus of the board not to act on this request at this meeting but agreed to seriously consider it further during the budget process.

Mr. Carter reviewed each of the following budgets:

**Agricultural Extension** Pages B-54 - B-55  
**Veteran Services** Pages B-49 - B-50  
**Probation** Pages B-51 - B-52  
**Library Services** Pages B-55 - B-58  
**Human Service Administration** Pages B-59 - B-60

**CONSTITUTIONAL OFFICERS**

**Property Appraiser** - Tape # 3; 38

Property Appraiser George Hamilton and his Chief Deputy Appraiser, Marsha King were present to answer questions relating to the budget of his office.

County Manager Carter apologized for the oversights made in their budget. (Deputy Property Appraiser's position was not shown in the budget - it didn't affect the funding; capital outlay - \$13,590 was requested for EDP and \$2,000 for capital outlay was left out of this budget; and the schedule for the vehicles were left out) Page C-5: \$2,000 should be added to capitol outlay. The EDP Computer service and the vehicle service will be reflected in debt service. This will increase the budget expenditures by that amount. (\$15,000 Rental of vehicles; \$2,000 office equipment; \$13,590 to EDP Computer

**Clerk of Circuit Court** Tape # 3 ; pages C-9 - C-10

The Clerk's budget was reviewed. The only increase to the Clerk's proposed budget is a four per cent increase in salaries.

**Supervisor of Elections** Tape # 3; Pages C-12 - C14

The Supervisor of Elections requested a new position for his office. The proposed budget does not reflect that position. The increase this budget is primarily due to the National Voter Registration Act. If the board chooses to fund the requested position, it must added to this proposed budget.

After discussion, the consensus of the board was to add the clerical position to the Supervisor of Elections budget. The board will look at this position closely next year before funding it again.

**Sheriff** Pages C-15 - C-17

The Sheriff's proposed budget increases are due primarily to a 4% cost-of-living adjustment for all corrections staff plus a pay plan reserve for correctional officers and deputies.

The pay plan reserve reflects 5% of gross salaries already paid. Some discussion followed.

#### **JUDICIAL COSTS**

**Circuit Court  
County Court  
State Attorney  
Public Defender  
Court Reporting  
Medical Examiner  
Law Library**

The manager went through the proposed budgets of the above listed departments.

The Public Defender has supplied the county with a copy of their lease. He voiced some concerns about the new lease agreement. Even though the FL Statutes say the county must furnish space for them, Mr. Carter is of the opinion that the county can establish a threshold amount it will pay. Nothing was resolved with respect to space.

#### **NON DEPARTMENTAL EXPENSES**

**Contracts and Other Obligations  
Health and Human Service Payments  
Liability Insurance Premiums  
Debt Service  
State and Federal**

Mr. Carter quickly reviewed the above expenses.

#### **Chamber of Commerce**

Lengthy discussion followed among the commissioners about the service which the Chamber of Commerce provides for the county.

It was suggested that the county enter into a contract with the Chamber which states the county's goals and objectives which are attainable and measurable.

### **Airport Authority**

The Airport Authority has once again requested \$10,000 to match the City of Quincy's funding. The proposed budget has allowed for only \$5,000.

Some discussion followed as to how the funding should be established. It was the consensus of the board to have the county manager and/or the chairman meet with the city and discuss the matter and reach some kind of conclusion.

### **Fire Control**

The manager briefly discussed the various interlocal agreements for the fire protection.

Mr. Tommy Baker discussed briefly the possibility of a new volunteer unit in Sycamore. If they should become organized, the funding would come from the fire budget's contingency and capital outlay funds.

Chairman Dixon requested that the Fire Departments work toward some basic uniform standards, policies etc. to follow in implementing the five-year and long-range plans and in setting up new volunteer fire departments. The manager and Mr. Baker assured the commission that the policies, standards and procedures would be developed and included in the five-year and long-range plans.

The meeting adjourned for a lunch break.

The meeting reconvened.

### **Public Safety** Tape # 4; Pages B-26 - B27

Mr. Tommy Baker was present and explained his budget. The increase in his budget is primarily due to re-classification pay plan and billing administration.

### **Emergency Medical Services (EMS)**

Mr. Carter reviewed briefly the program highlights and goals and objectives and budget figures.

The EMS budget increase reflected the addition of three paramedics.

Mr. Baker noted that there are only 11 staff at the present time. The turnover rate has been very high. Additional funding is critical to maintain the staff at an appropriate number.

Fees were discussed briefly.

#### **Fire Service Administration**

The budget reflects the addition of a full time Fire Service Co-ordinator. It also provides fire protection through interlocal agreements with volunteer and municipal fire departments through and organized system.

Mr. Carter was asked to add Sycamore on the list of volunteer fire departments.

#### **Emergency Management**

Emergency Management provides for costs relating to emergency communication equipment and 911 telephone line charge.

#### **Enhanced 911: Mapping and Addressing**

The county should receive a grant for the first year of implementation of Enhanced 911. That grant should provide for a person to do the mapping and addressing necessary in preparation of implementing the enhanced system. The grant requires a \$30,000 match. That match is shown in the 94/95 proposed budget.

Thereafter, the board can levy a \$.50 per line surcharge to provide for the equipment and operations. Mr. Baker is in the process of developing the revenue possibilities at the present time.

#### **Public Works**    Page B-9 - B-24

- Operations**
- Parks**
- Mosquito Control**

Mr. Carter went through the structure of the newly organized public works department explaining each program.

There was lengthy discussion about culverts and road maintenance.

The county manager was instructed to investigate the costs of culverts for the purpose of selling and installing them to the public.

### **Parks and Recreation**

There was discussion about the lack of recreation and upkeep of the county's parks. The manager was directed to survey the parks and return to the board with information and funding possibilities in the 94/95 budget.

### **Mosquito Control**

Mr. Carter explained how the mosquito control program has been developed for the coming year. State mandates now require a certified person to oversee the program.

Education will be a key component of the new program in determining which method is most effective in abating the mosquito population.

Recess

### **Airport Authority** Tape # 6; Page B-3

Mr. Carter introduced two members of the Airport Authority, Bo Beane and Jerry Owens who defended their request for funding.

Mr. Owens went through the Airport Authority's budget. He was of the opinion that the county still owes the authority \$19,000 as a result of underfunding for previous years. He then went through their capital improvement plan for the next few years which should leave them in a self-supporting position within a few years.

Chairman Dixon explained that the county would co-ordinate with the City of Quincy to establish the level of funding for the new budget. He went on to say he did not agree that the county owed them money from previous years.

Commissioners Powell, Peacock and Davis stated they could support the \$10,000 contribution from the county.

The county manager was instructed to include the airport authority's request on the "wish list" for further consideration during the budget process.

**Legislation and Administration** Tape # 7; Page B-3 - B-4

### **County Commission**

The proposed budget reflects removal of the audit fees which are shown in "contracts and other obligations". The operating expenses and general liability insurance costs reflect shifting of expenses to be shared with benefiting programs.

The manager cited occasions when county employees would have benefited from the use of a county corporate credit card. He suggested that the county establish an account with a local bank so that an account can be verified and qualified for a corporate card.

Based upon the financial policies adopted by the board in April, the board has control of its investments, Mr. Carter recommended that the board establish an account with a local bank (with enough money on deposit to qualify as a small business) so that the county can obtain one credit card to be handled by the Department of Management Services.

Clerk Thomas said it is not necessary to establish another account at some other bank. This could be accomplished with the current bank.

It remained Mr. Carter's recommendation to move expeditiously to obtain a corporate credit card in the manner he described.

### **County Management**

The manager pointed out that the budgeted figure in the county manager's salary has not been increased. He asked the board to look at a salary package for him.

The chairman suggested that the manager include a 4% plus the percentage of fringe benefits that he does not receive.

Mr. Carter stated that the even though the manager is an employee of the board, the manager's circumstances are not the same as that of a regular employee. So, therefore, if the board truly respects the role of the manager, they should look at him

differently than the regular employee. Meaning that there are some special enhancements they can do for the manager that a regular employee does not get.

### **Management and Budget**

The office of Management and Budget's proposed budget includes a budget co-ordinator and a staff assistant. The co-ordinator will need clerical support.

The board directed the manager to work up the figures for the positions requested.

### **County Attorney**

The attorney's budget is to be increased by 4%.

Mr. Carter review each budget for the following:

### **Contracts and Other Obligations Health and Human Service Payments**

Commissioner Powell asked the board to consider appropriating some money for Gadsden County for Healthy Babies.

Commissioner McGill asked for consideration of Retarded Citizens.

### **Capital Improvements**

Mr. Carter went through the capital improvement projects budget.

Commissioner Davis questioned the cost of stripping costs in the budget. Discussion followed.

Commissioner then again questioned the legality of spending transportation # 2 money for equipment.

Mr. Carter read a letter obtained from the auditors which refer to FL Statute 336.41 and to an attorney general's opinion which will specifies use of the constitutional gas tax funds. The auditors recommended the board seek legal advice based on the

opinions. Mr. Carter believes that the money can be used as he proposes.

Mr. Carter asked the board to give him directions in relationship to things to include as additions to the budget.

The chairman instructed him to include the following:

**GIS for Growth Management**  
**Position in Community Development**  
**Truck & Computer**  
**Property Appraiser - \$2,000 capital improvement; \$15,000 lease;**  
**\$13,500 EDP Computer**  
**Parks & Recreation**  
**Add Sycamore to volunteer fire department**  
**Airport Authority**  
**Supervisor of Election - Position**  
**Staff Positions for Managers Office**  
**Salary Package for Manager**  
**Roll back rate (No tax increase)**

Mr. Carter stated that he would come back with adjustments to support no tax increase.

The reserves for contingency in the board's financial policy requires 5% of the budget. The proposed budget has 6.5 % so he believes that he can be consistent with the policy and still fulfill the additions to the budget.

The meeting was adjourned.

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Edward J. Dixon, Chairman

ATTEST:

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Nicholas Thomas, Clerk

Gadsden County Board of Commissioners  
Budget Workshop - July 21, 1994  
Page 16 of 15

AT A BUDGET WORKSHOP HELD IN  
AND FOR GADSDEN COUNTY,  
FLORIDA, ON JULY 21, 1994, THE  
FOLLOWING PROCEEDINGS WERE  
HAD, VIZ.

PRESENT: EDWARD J. DIXON, CHAIRMAN  
FORREST DAVIS, VICE-CHAIRMAN  
BILL MCGILL  
JAMES PEACOCK  
ANTHONY POWELL  
NICHOLAS THOMAS, CLERK  
JAMES CARTER, COUNTY MANAGER

Tape # 1: 004

The meeting was called to order by Chairman Dixon. He then turned the meeting over to Mr. James Carter, County Manager.

Mr. Carter introduced the proposed budget saying it is only a working document at the present time. It could be changed as many times as necessary until it is formally approved and adopted.

Mr. Carter reported the proposed budget calls for no tax increases and the roll back rate on the millage would be 9.65 mills. He later corrected that figure to be 9.538. He again noted that the budget had been balanced without an increase in taxes. He stated that he must present the certified millage rate to the Department of Revenue on July 29, 1994 and he hoped to leave this workshop with the millage rate set.

REVENUE OVERVIEW Tape # 1; 17; Proposed 94/95 Budget p. A-6

Mr. Carter reported that the revenue projections are mid-line conservative. He had been in contact with the Department of Revenue to compare Gadsden's projections with those issued by the state. He noted that the projection information issued by the state is not always accurate, so he had based his projections of revenue primarily on source documents received from the Clerk's Office.

**REVENUES BY MAJOR CATEGORY**

<b>TAXES</b>	
Property Taxes	5,838,695.00
One Cent Local Option Sales Tax	800,000.00
Franchise Fees	100,000.00

Gadsden County Board of Commissioners  
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Six Cent Local Option Gas Tax	6,738,695.00	
Subtotal Taxes	13,477,390.00	13,477,390.00

**SPECIAL ASSESSMENTS**

Fire Assessment	631,602.00	631,602.00
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**LICENSE AND PERMITS**

Building Permit Fees	204,000.00	
Other Permit Fees	12,000.00	
Subtotal: Licenses and Permits	216,000.00	216,000.00

**CHARGES FOR SERVICES**

Ambulance Fees	662,970.00	
Other Charges for Services	85,550.00	
	748,520.00	748,520.00

This is to reflect the implementation of the new Medicare/Medicaid electronic billing system. This is budgeted at a 60% collection rate.

**INTERGOVERNMENTAL**

Gas taxes	896,000.00	
1/2 cent sales tax	1,405,000.00	
State Revenue Sharing	675,000.00	
Racing Tax (Parimutuel)	223,250.00	
Federal & State Grants	744,594.00	
State Library Aid	196,895.00	
Other	154,452.00	

Gadsden County Board of Commissioners  
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(combined smaller  
 revenues)

Subtotal	4,295,191.00	4,295,191.00
Intergovernmental		

**FINE AND FORFEITURE**

Court Fines	300,000.00	
Probation Fees	116,000.00	
Other (combined smaller fines)	57,727.00	
Subtotal Fine & Forfeiture	473,727.00	473,727.00

**MISCELLANEOUS**

Interest Earnings	133,000.00	
Other	558,548.00	
Subtotal Miscellaneous	691,548.00	691,548.00

<b>TOTAL CURRENT INCOME</b>	14,705,283.00	14,705,283.00
Less 5%	(697,284.00)	
	14,007,999.00	14,007,999.00

**NON REVENUES**

Interfund Transfer	1,848,391.00	
Appropriated Fund Balance	1,611,505.00	
Cash Match for Grants	.00	
Subtotal for Non Revenues	3,459,896.00	
<b>TOTAL REVENUES ALL FUNDS</b>	17,467,895.00	17,467,895.00

Mr. Carter stated that he had identified all the revenue sources he could given the source data made available to him.

He then entertained questions from the board.

**EXPENDITURE OVERVIEW** Tape # 1; 120 (Page A-8 in attached document)

Mr. Carter outlined the expenditure summary by major category - all funds.

**EXPENDITURE SUMMARY BY MAJOR CATEGORY - ALL FUNDS**

**EXPENDITURES**

County Commission Agencies	4,190,336.00
Constitutional Officers	4,865,921.00
Judicial Costs	298,345.00
Human and Service Payments	846,299.00
Contracts & Other Obligations	625,201.00
State and Federal Grants	837,049.00
<b>Subtotal: Operating Expenses</b>	<b>11,663,151.00</b>
Debt Service	2,110,163.00
Capital Improvements	937,054.00
<b><u>Non-Expenditures</u></b>	
Reserves for Contingency	909,136.00
Depreciation Expense	.00
Intrafund Transfers	1,848,391.00
<b>Sub-Total: Non-Expenditures</b>	<b>2,757,527.00</b>
<b>TOTAL EXPENDITURES: ALL FUNDS</b>	<b>17,467,895.00</b>

Mr. Carter then gave the board more detail of the expenditures and pointed them to pages A13 - A17 in the proposed budget document.

**SPECIAL REVENUE FUNDS**

**Mosquito Control  
Transportation # 1**

**Fine and Forfeiture**  
**Grants**  
**Emergency Rescue**  
**Law Library**  
**Hospital Revenue**  
**Hospital Renewal and Replacement**  
**Fire Control**  
**Waste Services**  
**Other Court Costs**  
**Drug Abuse**

The funds listed above are detailed in pages A-18 through A-36

**TRUST FUNDS**

Pages A-37 - A-38 gives some detail about the hospital endowment trust fund.

**CAPITAL PROJECT FUNDS**

The capital projects are primarily made up of Transportation # 2 and the jail construction. Pages A-39 - A-40.

Question: Commissioner Davis asked if the county can legally take money from Transportation # 2 and purchase equipment?

Mr. Carter answered by saying that based upon submission of a lot of detailed information obtained from Purvis, Gray & Company (auditors), an Attorney General's Opinion AGO 82-55 and AGO 83-26 states: "The county may, with those exceptions noted, use the surplus of constitutional gas tax to lease or purchase road equipment necessary for or directly connected with and necessarily incidental to carrying out its responsibility in construction and maintenance of roads."

Mr. Carter assured the board he would get into significant detail once he completed the summary of the budget.

**DEBT SERVICE FUNDS** Page A-42

Hospital Interest and Sinking Fund

Correctional Facility Debt Service

Primary Health Care Debt Service

**OPERATING BUDGET BY DEPARTMENT AND PROGRAM FOR THE  
BOARD OF COUNTY COMMISSIONERS**

**Growth Management** B36 - B40 Tape # 1: 2475

Planning and Zoning  
Building Inspections

Mr. Carter told the board that base-line performance objectives have been identified for this department. Next year, he will include some service level indicators which will actually monitor how well they progress through out the year. The board will be given a mid-year report and a year-end report.

Mr. Carter reviewed the Performance Objectives for the Planning and Zoning Department very briefly. (Page B-37) He then reviewed the proposed budget.

The personal services line item for the planning staff is increased due to re-classification of all planning staff so as to be competitive with surrounding jurisdictions.

The budget does not reflect \$27,000 requested by Mr. Sherman for a Geographic Information System Software. It will allow for conversion of maps to digitized format to be used for site analysis. It is a capital expense and if the board approves it, it will have to be added to the budget as a capital expense.

Michael Sherman, Growth Management Director, explained to the board some of the benefits of having the system.

The manager was instructed to put the purchase of the GIS software on a list for further consideration during the budget process.

**Building Inspections**

Mr. Carter read the performance objectives from page B-39.

Mr. Frank Ritter explained how the department worked in relationship to building inspections.

Mr. Carter interjected that the department needs additional staff members.

**MANAGEMENT SERVICES** Tape # 2;40; page B-45

The budget reflects consolidation of various activities. The increase reflects the addition of a building maintenance supervisor. The operating expense increase is due to the addition of Annex # 3 and the cost of meeting minimal ADA requirements.

Mr. Lawson spoke briefly as to facilities staffing and custodial schedules.

**COMMUNITY SERVICES** Page B-48

**Community Development Administration** Tape # 2; 600

This program administers the SHIP program and other additional housing programs as they come on-line (HOMES and CDBG). This program aggressively seeks additional housing and community development.

Mr. Carter explained that this program was once called Grants Administration and directed by Mr. Ed Butler. Mr. Butler has announced his plans to retire at the end of this year, and Mr. Carter has given Mrs. Rosemary Banks the opportunity to direct the activities previously performed by Mr. Butler.

Mrs. Banks presented the board with an additional request for funds. She requested a new position - Rehab Specialist, a truck and a computer an addition of \$42,559. She went into some detail about what services would be provided with the additional staff person and equipment.

It was consensus of the board not to act on this request at this meeting but agreed to seriously consider it further during the budget process.

Mr. Carter reviewed each of the following budgets:

**Agricultural Extension** Pages B-54 - B-55  
**Veteran Services** Pages B-49 - B-50  
**Probation** Pages B-51 - B-52

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**Library Services** Pages B-55 - B-58  
**Human Service Administration** Pages B-59 - B-60

### CONSTITUTIONAL OFFICERS

Property Appraiser - Tape # 3; 38

Property Appraiser George Hamilton and his Chief Deputy Appraiser, Marsha King were present to answer questions relating to the budget of his office.

County Manager Carter apologized for the oversights made in their budget. (Deputy Property Appraiser's position was not shown in the budget - it didn't affect the funding; capital outlay - \$13,590 was requested for EDP and \$2,000 for capital outlay was left out of this budget; and the schedule for the vehicles were left out) Page C-5: \$2,000 should be added to capitol outlay. The EDP Computer service and the vehicle service will be reflected in debt service. This will increase the budget expenditures by that amount. (\$15,000 Rental of vehicles; \$2,000 office equipment; \$13,590 to EDP Computer

Clerk of Circuit Court Tape # 3 ; pages C-9 - C-10

The Clerk's budget was reviewed. The only increase to the Clerk's proposed budget is a four per cent increase in salaries.

Supervisor of Elections Tape # 3; Pages C-12 - C14

The Supervisor of Elections requested a new position for his office. The proposed budget does not reflect that position. The increase this budget is primarily due to the National Voter Registration Act. If the board chooses to fund the requested position, it must added to this proposed budget.

After discussion, the consensus of the board was to add the clerical position to the Supervisor of Elections budget. The board will look at this position closely next year before funding it again.

Sheriff Pages C-15 - C-17

The Sheriff's proposed budget increases are due primarily to a 4% cost-of-living adjustment for all corrections staff plus a pay plan reserve for correctional officers and deputies.

The pay plan reserve reflects 5% of gross salaries already paid. Some discussion followed.

#### **JUDICIAL COSTS**

**Circuit Court  
County Court  
State Attorney  
Public Defender  
Court Reporting  
Medical Examiner  
Law Library**

The manager went through the proposed budgets of the above listed departments.

The Public Defender has supplied the county with a copy of their lease. He voiced some concerns about the new lease agreement. Even though the FL Statutes say the county must furnish space for them, Mr. Carter is of the opinion that the county can establish a threshold amount it will pay. Nothing was resolved with respect to space.

#### **NON DEPARTMENTAL EXPENSES**

**Contracts and Other Obligations  
Health and Human Service Payments  
Liability Insurance Premiums  
Debt Service  
State and Federal**

Mr. Carter quickly reviewed the above expenses.

#### **Chamber of Commerce**

Lengthy discussion followed among the commissioners about the service which the Chamber of Commerce provides for the county.

It was suggested that the county enter into a contract with the Chamber which states the county's goals and objectives which are attainable and measurable.

**Airport Authority**

The Airport Authority has once again requested \$10,000 to match the City of Quincy's funding. The proposed budget has allowed for only \$5,000.

Some discussion followed as to how the funding should be established. It was the consensus of the board to have the county manager and/or the chairman meet with the city and discuss the matter and reach some kind of conclusion.

**Fire Control**

The manager briefly discussed the various interlocal agreements for the fire protection.

Mr. Tommy Baker discussed briefly the possibility of a new volunteer unit in Sycamore. If they should become organized, the funding would come from the fire budget's contingency and capital outlay funds.

Chairman Dixon requested that the Fire Departments work toward some basic uniform standards, policies etc. to follow in implementing the five-year and long-range plans and in setting up new volunteer fire departments. The manager and Mr. Baker assured the commission that the policies, standards and procedures would be developed and included in the five-year and long-range plans.

The meeting adjourned for a lunch break.

The meeting reconvened.

**Public Safety** Tape # 4; Pages B-26 - B27

Mr. Tommy Baker was present and explained his budget. The increase in his budget is primarily due to re-classification pay plan and billing administration.

**Emergency Medical Services (EMS)**

Mr. Carter reviewed briefly the program highlights and goals and objectives and budget figures.

The EMS budget increase reflected the addition of three paramedics.

Mr. Baker noted that there are only 11 staff at the present time. The turnover rate has been very high. Additional funding is critical to maintain the staff at an appropriate number.

Fees were discussed briefly.

### **Fire Service Administration**

The budget reflects the addition of a full time Fire Service Co-ordinator. It also provides fire protection through interlocal agreements with volunteer and municipal fire departments through and organized system.

Mr. Carter was asked to add Sycamore on the list of volunteer fire departments.

### **Emergency Management**

Emergency Management provides for costs relating to emergency communication equipment and 911 telephone line charge.

### **Enhanced 911: Mapping and Addressing**

The county should receive a grant for the first year of implementation of Enhanced 911. That grant should provide for a person to do the mapping and addressing necessary in preparation of implementing the enhanced system. The grant requires a \$30,000 match. That match is shown in the 94/95 proposed budget.

Thereafter, the board can levy a \$.50 per line surcharge to provide for the equipment and operations. Mr. Baker is in the process of developing the revenue possibilities at the present time.

### **Public Works**    Page B-9 - B-24

**Operations**  
**Parks**  
**Mosquito Control**

Mr. Carter went through the structure of the newly organized public works department explaining each program.

There was lengthy discussion about culverts and road maintenance.

The county manager was instructed to investigate the costs of culverts for the purpose of selling and installing them to the public.

### **Parks and Recreation**

There was discussion about the lack of recreation and upkeep of the county's parks. The manager was directed to survey the parks and return to the board with information and funding possibilities in the 94/95 budget.

### **Mosquito Control**

Mr. Carter explained how the mosquito control program has been developed for the coming year. State mandates now require a certified person to oversee the program.

Education will be a key component of the new program in determining which method is most effective in abating the mosquito population.

Recess

### **Airport Authority** Tape # 6; Page B-3

Mr. Carter introduced two members of the Airport Authority, Bo Beane and Jerry Owens who defended their request for funding.

Mr. Owens went through the Airport Authority's budget. He was of the opinion that the county still owes the authority \$19,000 as a result of underfunding for previous years. He then went through their capital improvement plan for the next few years which should leave them in a self-supporting position within a few years.

Chairman Dixon explained that the county would co-ordinate with the City of Quincy to establish the level of funding for the new budget. He went on to say he did not agree that the county owed them money from previous years.

Commissioners Powell, Peacock and Davis stated they could support the \$10,000 contribution from the county.

The county manager was instructed to include the airport authority's request on the "wish list" for further consideration during the budget process.

**Legislation and Administration** Tape # 7; Page B-3 - B-4

### **County Commission**

The proposed budget reflects removal of the audit fees which are shown in "contracts and other obligations". The operating expenses and general liability insurance costs reflect shifting of expenses to be shared with benefiting programs.

The manager cited occasions when county employees would have benefited from the use of a county corporate credit card. He suggested that the county establish an account with a local bank so that an account can be verified and qualified for a corporate card.

Based upon the financial policies adopted by the board in April, the board has control of its investments, Mr. Carter recommended that the board establish an account with a local bank (with enough money on deposit to qualify as a small business) so that the county can obtain one credit card to be handled by the Department of Management Services.

Clerk Thomas said it is not necessary to establish another account at some other bank. This could be accomplished with the current bank.

It remained Mr. Carter's recommendation to move expeditiously to obtain a corporate credit card in the manner he described.

### **County Management**

The manager pointed out that the budgeted figure in the county manager's salary has not been increased. He asked the board to look at a salary package for him.

The chairman suggested that the manager include a 4% plus the percentage of fringe benefits that he does not receive.

Mr. Carter stated that the even though the manager is an employee of the board, the manager's circumstances are not the same as that of a regular employee. So, therefore, if the board truly respects the role of the manager, they should look at him differently than the regular employee. Meaning that there are some special enhancements they can do for the manager that a regular employee does not get.

### **Management and Budget**

The office of Management and Budget's proposed budget includes a budget co-ordinator and a staff assistant. The co-ordinator will need clerical support.

The board directed the manager to work up the figures for the positions requested.

### **County Attorney**

The attorney's budget is to be increased by 4%.

Mr. Carter review each budget for the following:

### **Contracts and Other Obligations Health and Human Service Payments**

Commissioner Powell asked the board to consider appropriating some money for Gadsden County for Healthy Babies.

Commissioner McGill asked for consideration of Retarded Citizens.

### **Capital Improvements**

Mr. Carter went through the capital improvement projects budget.

Commissioner Davis questioned the cost of stripping costs in the budget. Discussion followed.

Commissioner then again questioned the legality of spending transportation # 2 money for equipment.

Mr. Carter read a letter obtained from the auditors which refer to FL Statute 336.41 and to an attorney general's opinion which will specifies use of the constitutional gas tax funds. The auditors recommended the board seek legal advice based on the opinions. Mr. Carter believes that the money can be used as he proposes.

Mr. Carter asked the board to give him directions in relationship to things to include as additions to the budget.

The chairman instructed him to include the following:

**GIS for Growth Management**  
**Position in Community Development**  
**Truck & Computer**  
**Property Appraiser - \$2,000 capital improvement; \$15,000 lease;**  
**\$13,500 EDP Computer**  
**Parks & Recreation**  
**Add Sycamore to volunteer fire department**  
**Airport Authority**  
**Supervisor of Election - Position**  
**Staff Positions for Managers Office**  
**Salary Package for Manager**  
**Roll back rate (No tax increase)**

Mr. Carter stated that he would come back with adjustments to support no tax increase.

The reserves for contingency in the board's financial policy requires 5% of the budget. The proposed budget has 6.5 % so he believes that he can be consistent with the policy and still fulfull the additions to the budget.

The meeting was adjourned.

Edward J. Dixon, Chairman

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ATTEST:

Gadsden County Board of Commissioners  
Budget Workshop - July 21, 1994  
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Nicholas Thomas, Clerk

AT A JOINT MEETING OF THE GADSDEN COUNTY BOARD OF COMMISSIONERS AND THE AFFORDABLE HOUSING ADVISORY COMMITTEE HELD IN AND FOR GADSDEN COUNTY, FLORIDA, ON JULY 26, 1994, THE FOLLOWING PROCEEDINGS WERE HAD, VIZ.

PRESENT: ANTHONY POWELL, BCC  
JAMES CARTER, COUNTY MANAGER  
JIM RICHMOND, COUNTY ATTORNEY  
MURIEL STRAUGHN, DEPUTY CLERK  
ED BUTLER, GRANTS ADMINISTRATOR  
ROSEMARY BANKS, SHIP COORDINATOR  
MIKE SHERMAN, P & Z DIRECTOR  
STEVE SPARKS, PLANNER  
MILLIE FOREHAND, AHAC CHAIRPERSON  
WILLIAM CARR, AHAC  
JAMES ROGERS, AHAC  
PATRICK BROWN, AHAC  
RICK MCCASKILL, CHAMBER OF COMMERCE

CALL TO ORDER

Mr. Mike Sherman, Planning and Zoning Director for Gadsden County opened the meeting and welcomed all those in attendance.

OVERVIEW OF PROPOSED LAND DEVELOPMENT REGULATIONS

Mr. Sherman gave a general overview of the comprehensive plan and how the land development regulations actually will become the implementing document that will make it work. He also explained why the county must

The joint committees were asked to make a list the unique qualities of Gadsden County which they would like to see protected by the land development regulations.

That list included the following:

Visual Qualities  
Privacy  
Open Areas  
Hunting Preserves  
Water Recreation  
Historical

**Gadsden County Board of Commissioners  
and the Affordable Housing Advisory Committee  
July 26, 1994 Meeting  
Page 2 of 3**

Environmental Features

Wetlands

Creeks - Telogia Creek was the only creek mentioned by name.

Clean air

Level of service on county roads

Slopped Forests

Diverse Flora and Plant Forms -unique to the county

Keeping these qualities in mind, Mr. Sherman then explained how the land development regulations can be written in such a way as to protect them.

Mr. Sherman then explained how the "first-draft" regulations were written. He named each section pointing out how they relate to each other. He cited several state mandated minimum requirements of a land development code.

A lengthy question and answer session followed regarding what is expected of the joint committee and its task in assisting in the final adoption of the regulations.

Mrs. Banks reminded Mr. Sherman that Gadsden County Commission has adopted the SHIP Ordinance, a mission statement and an incentive plan which calls for the protection of affordable housing in Gadsden County. She encouraged him to be mindful of the county's commitment to affordable housing as he plans for the future growth.

Mr. Sherman assured everyone that the Affordable Housing Advisory Committee would be involved in the development of the regulations in addition to being asked to review the regulations before they would be submitted for final adoption by the county commission.

Mr. Sherman then explained how he planned to evaluate each section with their assistance. The tentative schedule for meeting dates are as follows:

Chapters 1 - 4 August 9, 1994  
Chapter 5 August 17, 1994  
Chapter 6 August 24, 1994  
Chapter 7, 8, 9 September 13, 1994

**Gadsden County Board of Commissioners  
and the Affordable Housing Advisory Committee  
July 26, 1994 Meeting  
Page 3 of 3**

The meeting adjourned at 7:20 p.m.

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Millie Forehand, Chairperson  
Affordable Housing Advisory Committee

AT A SPECIAL MEETING OF THE BOARD  
OF COUNTY COMMISSIONERS, HELD IN AND  
FOR GADSDEN COUNTY, FLORIDA ON JULY  
28, 1994, THE FOLLOWING PROCEEDINGS  
WERE HAD, VIZ.

PRESENT: FORREST DAVIS, VICE-CHAIRMAN  
BILL MCGILL  
JAMES PEACOCK  
ANTHONY POWELL  
HAL RICHMOND, COUNTY ATTORNEY  
JAMES CARTER, COUNTY MANAGER  
NICHOLAS THOMAS, CLERK

ABSENT: ED DIXON, CHAIRMAN

**CALL TO ORDER**

The meeting was called to order by Vice-chairman Davis in the absence of the chairman.

Commissioner Peacock led the audience in pledging allegiance to the U. S. Flag. Commissioner Powell opened the meeting with prayer.

**FIRE PROTECTION SERVICES UPDATE**

Vice-chairman Davis turned the meeting over to County Manager James Carter.

Mr. Carter referenced a memo dated July 28, 1994 outlining the five year fire service plan.

It was the consensus of the board to postpone action on the five year plan.

Commissioner Peacock asked the county manager to look closely at the volunteer fire department plan and expedite the establishment of the volunteer unit in the Sycamore area.

Commissioner McGill asked the commissioners to take a serious look at using community development block grant funds in relationship with the five - year fire protection plan.

**PRESENTATION OF THE PROPOSED FIRE PROTECTION ASSESSMENT ANNUAL RATE RESOLUTION FOR 1994-1995**

Vice-chairman Davis turned the meeting over to Sara Bleakley of Nabors, Giblin & Nickerson, P. A.

Ms. Bleakley stated that the annual rate resolution for the 94-95 fiscal year is the topic of discussion set for this meeting. The primary purpose of the document is three-fold: 1) approve the rate and the assessment for the upcoming fiscal year; 2) adopt the assessment roll for the upcoming fiscal year; 3) confirm that notice has been provided as required by the ordinance and law to those people who will experience a rate increase from last year.

Vice-chairman Davis called for questions from the board.

Commissioner McGill questioned why churches could not have been excluded from this assessment.

Ms. Bleakley detailed the justification of assessing churches.

Lengthy discussion followed.

Ms. Bleakley encouraged the board not to exempt or reduce the assessment on churches.

Vice-chairman Davis asked for public remarks.

Speaking in opposition to the assessment on churches were the following:

**Preston Scott**, Pastor of Tallavana Community Church and Administrator of Gadsden Christian Academy.

**Suzanne F. Hood**, attorney for Mr. and Mrs. H. A. Parramore and Hillandale Partners, Inc. - spoke on behalf of her clients and filed written objections to be made a part of the record of this meeting. (Attached)

**Nolen Hancock**, citizen opposing assessment against churches.

The audience applauded.

**Sealy Brown**, citizen opposing assessment against churches.

The audience applauded.

**Tommy Howell**, chairman of the Common Cents for Gadsden County opposing the assessment.

The vice-chairman called for board action.

**Preston Scott** spoke again.

**UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 3 - 1 TO ADOPT THE ASSESSMENT ANNUAL RATE**

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RESOLUTION FOR THE 1994-95 FISCAL YEAR BUT TO DO WHATEVER IS POSSIBLE TO OFFER CHURCHES RELIEF FROM THE FIRE ASSESSMENT. COMMISSIONERS MCGILL, POWELL AND PEACOCK VOTED IN FAVOR. VICE-CHAIRMAN DAVIS OPPOSED.

UPON MOTION OF COMMISSIONER PEACOCK, VICE-CHAIRMAN DAVIS ADJOURNED THE MEETING.

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Forrest Davis, Vice Chairman

ATTEST:

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Nicholas Thomas, Clerk

Memo dated July 28, 1994 outlining the five year fire service plan.

FIRE PROTECTION ASSESSMENT ANNUAL RATE RESOLUTION FOR 1994-1995

Written objections filed by Suzanne Hood :  
Hillandale Property, Inc.  
Mr. & Mrs. Parramore

AT A SPECIAL MEETING OF THE BOARD  
OF COUNTY COMMISSIONERS, HELD IN  
AND FOR GADSDEN COUNTY, FLORIDA ON  
JULY 28, 1994, THE FOLLOWING  
PROCEEDINGS WERE HAD, VIZ.

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BILL MCGILL  
JAMES PEACOCK  
ANTHONY POWELL  
HAL RICHMOND, COUNTY ATTORNEY  
JAMES CARTER, COUNTY MANAGER  
NICHOLAS THOMAS, CLERK

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Ms. Bleakley encouraged the board not to exempt or reduce the assessment on churches.

Vice-chairman Davis asked for public remarks.

Speaking in opposition to the assessment on churches were the following:

**Preston Scott**, Pastor of Tallavana Community Church and Administrator of Gadsden Christian Academy.

**Suzanne F. Hood**, attorney for Mr. and Mrs. H. A. Parramore and Hillandale Partners, Inc. - spoke on behalf of her clients and filed written objections to be made a part of the record of this meeting. (Attached)

**Nolen Hancock**, citizen opposing assessment against churches.

The audience applauded.

**Sealy Brown**, citizen opposing assessment against churches.

The audience applauded.

**Tommy Howell**, chairman of the Common Cents for Gadsden County opposing the assessment.

The vice-chairman called for board action.

Gadsden County Board of Commissioners  
July 28, 1994, Special Meeting  
Page 3 of 3

**Preston Scott** spoke again.

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 3 - 1 TO ADOPT THE ASSESSMENT ANNUAL RATE RESOLUTION FOR THE 1994-95 FISCAL YEAR BUT TO DO WHATEVER IS POSSIBLE TO OFFER CHURCHES RELIEF FROM THE FIRE ASSESSMENT. COMMISSIONERS MCGILL, POWELL AND PEACOCK VOTED IN FAVOR. VICE-CHAIRMAN DAVIS OPPOSED.

UPON MOTION OF COMMISSIONER PEACOCK, VICE-CHAIRMAN DAVIS ADJOURNED THE MEETING.

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Forrest Davis, Vice Chairman

ATTEST:

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Nicholas Thomas, Clerk

Memo dated July 28, 1994 outlining the five year fire service plan.

FIRE PROTECTION ASSESSMENT ANNUAL RATE RESOLUTION FOR 1994-1995

Written objections filed by Suzanne Hood :  
Hillandale Property, Inc.  
Mr. & Mrs. Parramore

AT A REGULAR MEETING OF THE BOARD  
OF COUNTY COMMISSIONERS, HELD IN  
AND FOR GADSDEN COUNTY, FLORIDA ON  
AUGUST 2, 1994, THE FOLLOWING  
PROCEEDINGS WERE HAD, VIZ.

PRESENT: ED DIXON, CHAIRMAN  
FORREST DAVIS, VICE-CHAIRMAN  
BILL MCGILL  
JAMES PEACOCK  
ANTHONY POWELL  
NICHOLAS THOMAS, CLERK  
HAL RICHMOND, COUNTY ATTORNEY  
JAMES CARTER, COUNTY MANAGER

CALL TO ORDER

The meeting was called to order by Vice-chairman Forrest Davis as the chairman arrived late for the meeting. Commissioner Peacock led in pledging allegiance to the U. S. Flag and Commissioner McGill then opened the meeting with prayer.

ADOPTION OF THE AGENDA

Commissioner McGill asked that the Road Paving Project Change Order for Atwater Road be removed from the consent agenda and tabled until August 16th meeting. He asked that the project engineer and the road superintendent be present at that meeting to answer questions regarding the change-order.

Commissioner McGill also asked that the SHIP Committee Meeting Minutes also be removed from the consent agenda. There is a spelling error under staff report which needs to be corrected before they are approved.

UPON MOTION BY COMMISSIONER POWELL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO AMEND THE AGENDA (BY REMOVING THE ATWATER ROAD PAVING CHANGE ORDER AND THE SHIP COMMITTEE MINUTES FROM CONSIDERATION) THEN ADOPT IT AS AMENDED.

APPROVAL OF MINUTES - JUNE 20, 1994 MEETING

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO APPROVE THE MINUTES OF THE BUDGET WORKSHOP MEETING OF JUNE 20, 1994.

**APPROVAL OF MINUTES - JULY 19, 1994 REGULAR MEETING**

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO APPROVE THE MINUTES OF REGULAR MEETING OF JULY 19, 1994.

**APPROVAL OF MINUTES - JULY 21, 1994 BUDGE WORKSHOP**

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO APPROVE THE MINUTES OF THE BUDGET WORKSHOP OF JULY 21, 1994.

**ROAD NAMING REQUEST**

Adolphus & Brenda Banks, Rt. 6 Box 328-A, Quincy, FL 32351 are requesting the naming of an unnamed county-maintained road, situated on the east side of St. Hebron Road and .4 miles north of Jackson St. (approximately 800 feet in length), to be named Adolphus Banks Road. A signed petition was submitted by them to the Planning and Zoning Department. The adjacent property owners were notified and the Road Naming Committee has recommended approval.

The chairman called for any opposition. There was none.

UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO ACCEPT THE RECOMMENDATIONS OF THE PLANNING AND ZONING DEPARTMENT AND THE ROAD NAMING COMMITTEE TO NAME THE UNNAMED ROAD ADOLPHUS BANKS ROAD.

**COURTHOUSE RENOVATION GRANT \* Non Agenda Item (Attached)**

Mr. Sherman, Growth Management Director, told the commissioners he had received a letter from the Florida Department of State indicating that the legislature had given Gadsden County a \$500,000 grant to be used for rehabilitation of the Gadsden County Courthouse. The State Department has included an agreement between Gadsden County and the Department of State specifying the scope of services for which the grant can be used.

A copy of the agreement will be furnished to each commissioner and authorizaiton to execute the agreement will be requested at the August 16th meeting.

**COUNTY MANAGER**

Mr. Carter asked that Availability of Title III Funds be removed from his agenda.

**Contingency Fund Request - Veteran Service Training** (Attached)

**The board approved \$600 contingency request for travel in the Veterans Services Budget.**

The Veteran Service budget does not have sufficient funds to cover the costs for state mandated training for the new Veteran's Service Officer, Chester Brown. He asked for a \$600 contingency fund transfer to cover the travel and related costs.

Questions followed.

**UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO APPROVE THE CONTINGENCY REQUEST TO TRANSFER \$600 INTO TRAVEL IN THE VETERANS SERVICE DEPARTMENT.**

**Request for Extension of the Recycling Grant Interlocal Agreements with Municipalities** (Attached)

**Extension of interlocal agreements for recycling grants was approved.**

The interlocal agreements (for recycling grants) between Gadsden County and six municipalities will expire September 30, 1994. Mr. Herb Chancey requested the agreements be extended for the duration of the grant funding.

The Chairman asked Mr. Carter to check with each of the municipalities to be certain this action is agreeable with them.

**UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO APPROVE THE EXTENSION OF THE INTERLOCAL AGREEMENTS FOR THE RECYCLING GRANTS.**

**CONSENT AGENDA**

**UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 5 - 0 TO APPROVE THE CONSENT AGENDA AS AMENDED TO WIT:**

- 1) FY 1994-1995 budget calendar (Attached)
- 2) Interlocal agreement (to provide building inspections) with City of Midway (attached)
- 3) Appointment of Mark Dickeson as Emergency Management Director (Attached)
- 4) Selection of C & D Landfill in Chattahoochee as Solid Waste Management Facility for second quarter of 1994 (attached)
- 5) Gadsden Memorial Hospital Revenue and Expense Report for Period Ending May 31, 1994 (Attached)
- 6) Library Grant Award Notification (Attached)
- 7) Contract for custodial services - Library (Attached)

CLERK OF COURT

Request for Contingency (Attached)

Clerk Thomas requested \$18,500 be moved from contingency into court appointed attorneys (\$15,000) and court reporter (\$3,500). The contingency fund balance prior to granting this request was \$43,661.00.

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO APPROVE THE TRANSFER OF \$18,500 FROM CONTINGENCY TO COURT APPOINTED ATTORNEYS AND COURT REPORTER LINE ITEMS.

After the request was granted, the balance will be \$25,161.00 less the \$600 contingency request approved earlier in the meeting.

Budget Amendments (13 attachments)

Clerk Thomas presented the following budget amendments:

1. General Fund - amendments to support the contingency request approved.
2. General Fund - "house-keeping" type amendments for several line items.
3. General Fund - Reducing regular salaries and FICA to put money into retirement contributions, professional services and printing and binding in the county manager's budget.
4. County Transportation # 1 - cover Otha White's retirement from County,

repair of  
striping  
machine,  
and  
interest  
on loan  
for mowers  
for July,  
Aug, Sept,  
1994.

5. Mosquito Control/Landfill - line item changes
6. Planning Department - line item changes
7. Grant - Rural Planning - line item changes
8. Grant- Comprehensive Planning - line item changes
9. Fire Control - Mt. Pleasant was budgeted too much money in the budget - this amendment is to correct that mistake
10. Library - line item changes
11. Library - line item changes
12. Library - line item changes
13. library - line item changes
14. Emergency Management - Clerk Thomas asked that it be removed from consideration until it can be verified and corrected by the finance director.

**UPON MOTION BY COMMISSIONER DAVIS AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 5 - 0 TO APPROVE THE AMENDMENTS AS PRESENTED BY CLERK THOMAS EXCLUDING THE AMENDMENT PRESENTED BY EMERGENCY MANAGEMENT. IT IS TO BE REVIEWED BY THE FINANCE DIRECTOR AND RESUBMITTED AT A LATER MEETING.**

**COMBINED FINANCIAL REPORT (Attached)**

Clerk Thomas called attention to the combined financial report placed in the board packets for information purposes.

**APPROVAL OF PAYMENT OF COUNTY BILLS**

**UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO APPROVE THE PAYMENT OF THE COUNTY BILLS.**

**DISTRICT 1 REPORT**

Commissioner McGill announced he will be conducting a public question and answer session concerning the new budget in Midway and in Havana on Saturday, August 13. He invited the commissioners and other constitutional officers and staff to attend.

County Attorney Richmond interjected that if more than one commissioner should attend, the meeting must be duly advertised and properly recorded.

With that comment, Commissioner McGill suggested that no other commissioner attend.

**DISTRICT 2 REPORT**

Commissioner Powell stated that he had submitted a written report to the county manager earlier. He had no public statements to make at this meeting.

**DISTRICT 3 REPORT**

There was no report.

**DISTRICT 4 REPORT**

There was no report.

**DISTRICT 5 REPORT**

Chairman Dixon announced that the appointments for the Value Adjustment Board are Commissioner McGill, Peacock, and himself. It is to be held on September 29, 1994.

**UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER PEACOCK, THE CHAIRMAN DECLARED THE MEETING ADJOURNED.**

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**Edward J. Dixon, Chairman**

**ATTEST:**

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**Nicholas Thomas, Clerk**

**GADSDEN COUNTY INDUSTRY LICENSING BOARD**

The meeting was convened by Chairman Dixon.

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO APPROVE THE APPLICATIONS FOR LICENSES FOR JAMES WALTER WILLIAMS AS MASTER ELECTRICIAN; ROGER W. DUFFIELD AS MASTER ELECTRICIAN; AND HAROLD RICHARD DOWDY AS MASTER PLUMBER.

UPON MOTION BY COMMISSIONER PEACOCK, THE MEETING WAS ADJOURNED BY THE CHAIRMAN.

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Edward J. Dixon, Chairman

ATTEST:

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Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE GADSDEN  
COUNTY BOARD OF COMMISSIONERS ON  
AUGUST 16, 1994, THE FOLLOWING  
PROCEEDINGS WERE HAD, VIZ.

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

CALL TO ORDER Tape # 1; 95

The meeting was called to order by Chairman Dixon. Commissioner Davis led in the pledge of allegiance to the U. S. Flag. Commissioner Powell then opened the meeting with a prayer.

ADOPTION OF THE AGENDA (Attached) Tape # 1;

The agenda was amended and adopted.

The agenda was amended to include the approval of new polling places at the request of the supervisor of elections. (To be added to the consent agenda.) The Chairman noted he would address a memorandum from the Airport Authority during the District 5 Report.

Commissioner McGill questioned why the supervisor could not have submitted his request for approval of the polling places more timely so that it could appear on the written agenda. Chairman Dixon assured Commissioner McGill he would most certainly inquire as to why.

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO APPROVE THE AGENDA AS AMENDED TO INCLUDE THE FOLLOWING:

CONSENT AGENDA ADDITION:

Approval of new polling places (agreements attached)

DISTRICT 5 REPORT

Airport Authority Memorandum (Attached)

**APPROVAL OF MINUTES - August 2, 1994 Meeting**

The minutes of August 2, 1994 meeting were approved.

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO APPROVE THE MINUTES OF THE AUGUST 2, 1994 MEETING.

**COUNTY ATTORNEY**

**Byrd Landfill Interlocal Agreement**

The interlocal agreement with the City of Quincy concerning Byrd Landfill was approved with the proviso that Waste Management agrees to it in writing.

Mr. Hal Richmond, county attorney, presented the Byrd landfill agreement explaining that it was a continuation of an agreement held with the City of Quincy for a number of years. (Providing for tipping fee and the use of the Byrd Landfill) In that agreement, the county agreed to be responsible for the closing costs etc. Since the last interlocal agreement was signed, a number of changes have taken place.

The City of Quincy closed Byrd Landfill. (Waste Management has placed a transfer station on the site and they are still disposing of Gadsden County waste through Byrd Landfill.) Gadsden County's contract with Waste Management is tied to the Byrd Landfill agreement at \$44.00 per ton. The City of Quincy in their agreement with Waste Management has provided for some marginal increases in cost over the next five years (through 1999 - and the county's contract with Waste Management expires.)

Mr. Richmond stated there was no need for an agreement with the City of Quincy without an agreement with Waste Management. The county does not need to violate the spirit of either of the agreements. Therefore, the interlocal agreement with the City of Quincy needs to be modified to provide for Waste Management's agreement. But, the board can enter into the agreement under the terms of the agreement with Waste Management. He recommended that the interlocal agreement with the City of Quincy be adopted with the proviso that Waste Management approve it in writing and sign off on it.

Questions followed.

**UPON MOTION BY COMMISSIONER DAVIS AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO ADOPT THE INTERLOCAL AGREEMENT WITH THE CITY OF QUINCY FOR BYRD LANDFILL WITH THE PROVISIO THAT WASTE MANAGEMENT APPROVE IT IN WRITING AND SIGN OFF ON IT.**

### **Chattahoochee Library**

**The Chattahoochee Library air conditioning issue was passed for two weeks.**

Mr. Richmond reported that Jim Richmond has met with the City of Chattahoochee's attorney concerning the air-conditioning problems and was prepared to bring the matter to the board. He became ill earlier in the day and was unable to attend this meeting. It was passed for two weeks.

### **MIKE MURPHY of BISHOP ENGINEERING**

#### **Landfills - Recommendation of Award for Landfill Groundwater Monitoring to Harbor Branch Environmental Laboratory**

**Bid for monitoring of ground water monitoring wells at Chattahoochee Landfill and Gadsden East Landfill was awarded to Harbor Branch Environmental Laboratory.**

Mr. Mike Murphy reminded the board they had authorized the completion of a ground water monitoring plan for the Chattahoochee Landfill so that a closure permit could be renewed. That authorized work has been completed and on June 24, 1994, the Department of Environmental Protection (DEP) did issue closure renewal permits for the Chattahoochee Landfill and the Gadsden East Landfill. In those permits, special conditions were listed to which the county must comply - the ground water monitoring wells (which were responsible for some of the problems that occurred in the landfills) must be routinely sampled, analyzed and resulting reports made to DEP.

With the County Manager's approval, Mr. Murphy prepared a list of specifications for companies to use for submitting bids for monitoring of those wells. Five bids were received. After reviewing the bids, Mr. Murphy asked the board to award the bid to

Harbor Branch Environmental Laboratory in the amount of \$8,094.00.

**UPON MOTION BY COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO AWARDED THE CONTRACT FOR SAMPLING AND ANALYSIS OF THE GROUNDWATER MONITORING WELLS AT THE GADSDEN EAST AND CHATTAHOOCHEE LANDFILLS TO HARBOR BRANCH ENVIRONMENTAL LABORATORY.**

**Proposal from Ardaman & Associates to Drill 6 Wells at the Chattahoochee Landfill**

**The proposal was passed for two weeks.**

Mr. Murphy referred to a proposal from Ardaman Associates to drill six new ground water monitoring wells at the Chattahoochee Landfill. After a brief discussion, it was determined that the board had not been furnished a copy of the proposal, therefore the issue was passed for two weeks.

**RICK MCCASKILL - ECONOMIC DEVELOPMENT ACTIVITIES UPDATE**

Mr. Rick McCaskill reported that the Holiday Inn Express finally opened at 267 and I-10. He is continuing efforts to entice various restaurants to locate near the motel. He then outlined other economic development activities taking place throughout the county. (Memo attached)

**PLANNING AND ZONING RECOMMENDATIONS** Tape # 1; 774

**Coonbottom Volunteer Fire Department Project # 94PZ-15-201-1-8**

Tape # 1;789

**The board approved the construction of a fire station in Coonbottom.**

Coonbottom Volunteer Fire Department proposed to construct a fire station on a one acre site on the south side of CR 12, .5 miles east of CR 157. The applicant is Mr. David Houston, Fire Chief, Coonbottom Volunteer Fire Department, P. O. Box 1125, Havana, FL 32333. The property owner is the Coonbotton Volunteer Fire Department.

The Planning and Zoning Commission recommended approval.

The Planning and Zoning staff recommended approval subject to conditions outlined in the attached memo.

**UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO APPROVE THE COONBOTTOM VOLUNTEER FIRE DEPARTMENT SUBJECT TO THE SPECIAL CONDITIONS AS LISTED BY THE P & Z STAFF.**

**Burger King Express - 94PZ-16-208-4-8** Tape # 1; 836

**The board approved the expansion of the Exxon Station to locate a Burger King Express at I-10 and SR 12.**

A Burger King Express proposes to locate in the existing Exxon Gas Station/Convenience Store on the north side of I-10 and the east side of SR12. The property consists of one acre. The applicant and property owner is Johnson & Johnson, Inc., P.O. Box 157, Madison, FL 32340.

The Planning and Zoning Commission recommended approval.

The Planning and Zoning Staff recommended approval subject to the conditions listed in the attached memo and with the added special condition that they add a handicapped parking space consistent with the requirements of the standard building code in the Florida Statutes.

The owners were present in the audience but did not address the board.

**UPON MOTION OF COMMISSIONER DAVIS AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO APPROVE THE EXPANSION OF BURGER KING EXPRESS SUBJECT TO THE CONDITIONS RECOMMENDED IN THE ATTACHED MEMO PLUS THE ADDED CONDITION TO PROVIDE HANDICAPPED PARKING SPACE THAT IS CONSISTENT WITH THE STANDARD BUILDING CODE IN THE FL STATUTES.**

**CODE ENFORCEMENT**

**Isaac Bryant Property** - on 267 .2 miles north of CR 272

**The board authorized Mr. Sherman to proceed with code enforcement procedures after 30 days against Isaac Bryant.**

Mr. Sherman explained that Mr. Isaac Bryant is in violation

of the county nuisance ordinance. The staff has worked with Mr. Bryant and given him ample time to abate the nuisance. (Debris and old appliance in yard)

Staff's recommendation that the board notify Mr. Bryant that he has 30 days to abate the nuisance and if he does not comply, he was instructed to continue with the enforcement process.

**UPON MOTION OF COMMISSIONER DAVIS AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 5 - 0 TO AUTHORIZE MIKE SHERMAN TO NOTIFY MR. BRYANT THAT HE HAS 30 DAYS TO ABATE THE NUISANCE. IF THE NUISANCE IS NOT ABATED IN THE 30 DAYS, MR. SHERMAN SHOULD PROCEED WITH THE FINE PROCESS AS SPECIFIED IN THE ORDINANCE.**

**ARTHUR LAWSON - FY 1994-95 GROUP INSURANCE** Tape #1; 985

**Capital Health Plan was awarded the bid for health care services for county employees for 94/95.**

Mr. Lawson presented the insurance committee's recommendation for Capital Health Plan (CHP) to be the new health care provider for the county employees. CHP was the most responsive and low bidder. (analysis attached)

**MOTION WAS MADE BY COMMISSIONER DAVIS AND SECONDED BY COMMISSIONER MCGILL TO AWARD THE COUNTY'S HEALTH CARE TO CAPITAL HEALTH PLAN.**

Discussion followed.

**Mr. Arnold Rogers, Director of Sales for Health Plan Southeast**, was in the audience and asked to address the board. He asked the board to reconsider the award of health care services to CHP. He made an alternative offer to the county for their consideration.

Discussion followed between Mr. Rogers and the board.

Mr. Lawson asked to make several statements for the record relating to the latest proposal submitted by HPSE.

- 1) When the board instructed him to go out for bid for health care services, he informed the Health Plan Southeast representative.

- 2) Ms. Boyd of Healthplan Southeast presented the county with a renewal proposal.
- 3) Mr. Lawson asked Ms. Boyd at that time if that proposal was their final proposal (prior to any bids being accepted). Ms. Boyd indicated that it was their final proposal.
- 4) That is the proposal the bid committee used in its analysis against the other bids at the bid opening.
- 5) After the bid committee reviewed all the bids and made a recommendation, Mr. Lawson called Ms. Boyd to inform her of the bid committee's recommendation.
- 6) At that point in time, Healthplan Southeast came back with a counter proposal.

Mr. Lawson did not believe it was appropriate for him to accept their counter proposal because it was not submitted at the time all other proposals were opened.

The chairman recognized **Ms. Sue Conte** for remarks.

Ms. Sue Conte, marketing director for Capitol Health Plan responded briefly to a couple of issues raised by HPSE regarding their benefit package. She then entertained questions from the board members.

**QUESTIONS WERE CALLED BY COMMISSIONER POWELL. CHAIRMAN DIXON THEN CALLED FOR A VOTE.**

**THE BOARD VOTED 5 - 0 TO AWARD THE BID FOR HEALTH CARE SERVICES FOR GADSDEN COUNTY EMPLOYEES TO CAPITAL HEALTH PLAN.**

**CONSENT AGENDA** Tape # 1;1585

The amended consent agenda was approved.

**UPON MOTION BY COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO APPROVE THE AMENDED CONSENT AGENDA TO WIT:**

- 1) Change Order No. 4 - 1993 Road Paving Project # 4126.2 (Atwater Road) with William M. Bishop Consulting Engineers, Inc. (attached) (correct quantities to actual quantities used)
- 2) Application for certification in the Keep America Beautiful System - (develop a community volunteer program to address roadside litter prevention. Funding will

- come from the Litter Grant from DEP.)
- 3) Closing Order OGC - #92-1495 - Chattahoochee Landfill
  - 4) Closing order OGC - #86-0201 - Gadsden East Landfill
  - 5) Waste Management of Leon County, Inc. - Monthly rate increase.
  - 6) Agreement between Gadsden County and Riverside Baptist Church in Havana for the use of their building for the purpose of holding and conducting elections. (Precinct 14)
  - 7) Agreement between Gadsden County and St. James P.B. Church for the use of their building for the purpose of holding and conducting elections. (Precinct 15)
  - 8) Agreement between Gadsden County and St. John AME Church for the use of their building for the purpose of holding and conducting elections. (Precinct 13)

#### CLERK OF COURT

##### Hospital Concerns

Clerk Thomas told the board that his staff has conducted three financial inspections of Healthmark over the last year. He expressed on-going concerns about matters at the hospital which his staff does not have adequate time or resources to investigate further. He then asked the board to hire an independent firm to conduct an audit on the county's behalf.

County Attorney Hal Richmond stated that he has discussed the matter with the clerk and concurs with the recommendation to hire an independent auditing firm to do a more comprehensive evaluation of the hospital. He discouraged the commissioners from any negative discussions at this point because there could be no cause for alarm. He told them he would meet with each of them individually to apprise them of the situation if they have questions. He reminded them of the going concerns made in Healthmark's last independent audit report. Given the difficulties, he advised the commissioners to proceed with an independent audit.

Discussion followed.

**A MOTION WAS MADE BY COMMISSIONER PEACOCK AND SECONDED BY COMMISSIONER DAVIS TO HIRE AN INDEPENDENT ACCOUNTING FIRM (GO OUT FOR BID IF NECESSARY) TO CONDUCT AN AUDIT OF THE GADSDEN MEMORIAL HOSPITAL/HEALTHMARK - AND FOR THE COUNTY MANAGER TO FIND THE MONEY IN THE BUDGET TO PAY FOR THE SERVICES.**

The chairman called for discussion.

**QUESTIONS WERE CALLED BY COMMISSIONER PEACOCK.**

**UPON MOTION BY COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 IN FAVOR OF THE MOTION STATED ABOVE.**

**Duplicate Tax Sale Certificate for Charles E. Faircloth -Tape # 1:1702 - Certificate attached.**

**Board approved issuance of a duplicate tax sale certificate for Charles E. Faircloth.**

**UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO APPROVE THE ISSUANCE OF A DUPLICATE TAX SALE CERTIFICATE TO CHARLES E. FAIRCLOTH.**

**Contingency Request - Tax Collectors fees & commissions \$9,098.00**

**Tax Collector's request for \$9,098.00 in contingency funds approved.**

The clerk presented the tax collectors request for the additional fees and commissions he has collected. (\$9,098.00) He asked for board action stating that if the request is granted, the contingency balance will be \$15,463.00.

**UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO APPROVE THE CONTINGENCY REQUEST BY THE TAX COLLECTOR FOR \$9,098 FOR FEES AND COMMISSIONS TO WHICH HE IS ENTITLED.**

**Budget Amendments - 7 Tape #1; 1740 (Attachments - 7)**

Clerk Thomas described the budget amendment requests to the commissioners, then requested approval.

**UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 5 - 0 TO APPROVE THE FOLLOWING AMENDMENTS:**

- 1) General Fund - "Housekeeping" line-item changes made by the finance director
- 2) General Fund - budget amendment for the contingency request from

- the tax collector.
- 3) General Fund - Supervisor of Elections - line item changes
  - 4) General Fund - Budget amendment for the \$600 contingency request approved at August 2, 1994 meeting (Travel money for Veteran's Services)
  - 5) County Transportation # 1 - line item changes to provide money for small tools
  - 6) Grants - Emergency Management - line item changes.
  - 7) Grants - SHIP - to correct a previous budget amendment approved by the board on 7-19-94.

Approval of the Payment of County Bills Tape # 1;

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO APPROVE THE PAYMENT OF COUNTY BILLS.

DISTRICT 1 REPORT

Commissioner McGill reported he would be meeting with Rich Bay Road residents at the Midway Road AME Church on August 27, 1994 at 9:00 a.m. to finalize right-of-way issues. He asked that the county attorney, the county manager and road and bridge superintendent be present for the meeting.

DISTRICT 2 REPORT

Road Name Signs

Commissioner Powell addressed his concern for lack of road signs on those named roads throughout the county which appear on the county map. He asked that a automatic procedure be put into place so that signs would be erected without directions coming from the board. He asked the manager why this task can not be accomplished.

County Manger James Carter responded by saying the only action necessary is for such a request be made known to Public Works Department. He went on to say issues such as this one will be resolved once a full time director is hired and initiates a pro-active management of the public works department.

Dissolution of Gadsden Housing Authority

Gadsden Housing Authority is no longer an active organization

and has become burdensome to those appointed to it. He asked that the authority be dissolved.

Mr. Richmond stated it could be done by resolution of the Board of County Commissioners. He asked that it be passed for further research.

### **DISTRICT 3 REPORT**

Commissioner Peacock jokingly remarked that "Everything is wet in District 3".

### **DISTRICT 4 REPORT**

Commissioner Davis added that "Everything is wetter in District 4."

### **DISTRICT 5 REPORT**

Chairman Dixon stated "It is flooding in District 5."

### **Airport Authority Meeting**

Chairman Dixon read a memo from the Airport Authority to the effect that the joint meeting of the City of Quincy and Gadsden County Commissioners will be held on Tuesday, August 23, 1994 at 5:30 p.m. at the City Hall.

Mr. Richmond told the board he would not be available for that meeting.

### **CITIZENS REQUESTING TO BE HEARD**

#### **Robert Love - Grandfathering in of Night Club**

Mr. Richmond told the board he has represented Mr. Love on this issue in litigation and wished for the board to understand that he has a conflict of interest in this matter about to be discussed. It was duly noted for the record.

Mr. Love described the situation that led up to this meeting.

Mr. Mike Sherman was asked to describe the county's position and state the staff's opposition to the re-opening of the club.

Mr. Sherman addressed the board by stating that the county's comprehensive plan defines abandoned property as: "any property

that is vacant for more than one year or approved development where no developing has begun within one year, loses its classification."

Mr. Love's club has been closed for two years. The property is in an agriculture land use district and while certain types of land use are permissible (club use is allowable), the club still does not meet the locational criteria.

Mr. Richmond stated that Mr. Love had operated this club for more than 25 years. He had to close it temporarily until he could get water to the premises. He made several attempts to install a well. He had two wells to go bad. Finally, the well drilling company was determined to be at fault, and it ended in litigation.

Mr. Love can now get water by running water lines across his neighbor's yard. He wants to re-open his club without having to go through the process of making an application for land use change. The club was closed through no fault of Mr. Love. He has made good faith effort to remedy the problems that caused him to close initially. It was always his intention to re-open as soon as he could get running water. This process has evolved into two years.

Now, Mr. Love has the water problem remedied yet he has been denied a permit to re-open by the county staff saying that he abandoned the property and it would now require a land use change. Mr. Love denies having abandoned his property.

Discussion followed.

**UPON MOTION BY COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO GRANDFATHER MR. LOVE'S CLUB AND ALLOW HIM TO USE THE LAND TO RE-ESTABLISH HIS NIGHT CLUB. (HE MUST STILL GO THROUGH THE BUILDING INSPECTION PROCESS FOR PERMITS.)**

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**Edward J. Dixon, Chairman**

**ATTEST:**

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**Nicholas Thomas, Clerk**

**CONSTRUCTION INDUSTRY LICENSING BOARD**

The meeting was called to order by Chairman Dixon.

**UPON MOTION OF COMMISSIONER AND SECOND BY COMMISSIONER TO APPROVE  
THE LICENSING OF TERRY E. DARRELL AS A RESIDENTIAL  
CONTRACTOR.**

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**Edward J. Dixon, Chairman**

**ATTEST:**

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**Nicholas Thomas, Clerk**

Byrd Landfill Interlocal Agreement	2
Bid for monitoring of ground water monitoring wells at Chattahoochee Landfill and Gadsden East Landfill was awarded to Harbor Branch Environmental Laboratory.	3
Rick McCaskill - ECONOMIC DEVELOPMENT ACTIVITIES UPDATE	4
Capital Health Plan was awarded the bid for health care services for county employees for 94/95.	6
Change Order No. 4 - 1993 Road Paving Project # 4126.2 (Atwater Road) with William M. Bishop Consulting Engineers, Inc. (attached) (correct quantities to actual quantities used)	6
Application for certification in the Keep America Beautiful System - (develop a community volunteer program to address roadside litter prevention. Funding will come from the Litter Grant from DEP.)	
Closing Order OGC - #92-1495 - Chattahoochee Landfill	
Closing order OGC - #86-0201 - Gadsden East Landfill	
Waste Management of Leon County, Inc. - Monthly rate increase.	
Agreement between Gadsden County and Riverside Baptist Church in Havana for the use of their building for the purpose of holding and conducting elections. (Precinct 14)	
Agreement between Gadsden County and St. James P.B. Church for the use of their building for the purpose of holding and conducting elections. (Precinct 15)	
Agreement between Gadsden County and St. John AME Church for the use of their building for the purpose of holding and conducting elections. (Precinct 13)	8
Hospital Concerns Memo From Clerk	8
Duplicate Tax Sale Certificate for Charles E. Faircloth	9
Contingency Request - Tax Collectors fees & commissions \$9,098.00	9
AMENDMENTS	
(1)General Fund - "Housekeeping" line-item changes made by the finance director	

- 2) General Fund - budget amendment for the contingency request from the tax collector.
- 3) General Fund - Supervisor of Elections - line item changes
- 4) General Fund - Budget amendment for the \$600 contingency request approved at August 2, 1994 meeting (Travel money for Veteran's Services)
- 5) County Transportation # 1 - line item changes to provide money for small tools
- 6) Grants - Emergency Management - line item changes.
- 7) Grants - SHIP - to correct a previous budget amendment approved by the board on 7-19-94.

Licensing application of Terry E. Darrell as a residential contractor

10

13

AT A SPECIAL MEETING OF THE BOARD  
OF COUNTY COMMISSIONERS, CITY  
COMMISSIONERS AND THE AIRPORT  
AUTHORITY, HELD IN AND FOR GADSDEN  
COUNTY, FLORIDA ON AUGUST 23,  
1994, THE FOLLOWING PROCEEDINGS WERE  
HAD, VIZ.

COUNTY COMMISSIONERS PRESENT: ED DIXON, CHAIRMAN  
FORREST DAVIS, VICE-CHAIRMAN  
JAMES PEACOCK  
ANTHONY POWELL  
JAMES CARTER, COUNTY MANAGER  
MURIEL STRAUGHN, DEPUTY CLERK

COUNTY COMMISSIONERS ABSENT: BILL MCGILL

AIRPORT AUTHORITY MEMBERS PRESENT: JERRY OWENS, CHAIRMAN  
BO BEANE  
MAX KONKE

AIRPORT AUTHORITY MEMBERS ABSENT: JEFF DAVIS  
CHUCK LASLIE

CITY COMMISSIONERS PRESENT: STERLING WATSON, MAYOR  
WILSON HINSON  
BELINDA ROWAN  
ANTHONY BLAIR JR.  
KEN COWEN, CITY MANAGER  
ALEX HINSON, CITY ATTORNEY

**CALL TO ORDER**

City Manager Ken Cowen called the meeting to order and welcomed everyone to City Hall for the joint meeting of the Quincy City Commission, Gadsden County Commission and Quincy Gadsden Airport Authority. He stated the purpose of the meeting was to approve the level of funding by the city and county and to approve the budget of the Quincy Gadsden Airport Authority. Mr. Cowen then introduced Mr. Jerry Owens as Chairman of the Airport Authority and turned the meeting over to him.

**AIRPORT AUTHORITY PRESENTATION**

Mr. Owens introduced the airport authority members who were present, Max Konke and Bo Beane. Two members were not present - Jeff Davis and Chuck Laslie.

Mr. Owens stated that the subject of the meeting was to reach an agreement between the city and the county on the authority's budget for 94/95.

Mr. Owens made a presentation of the Quincy Gadsden Airport Authority which included a statement of purpose, objectives and goals. He then discussed the authority's five-year capital improvement plan. He followed it with details of the proposed budget for the 94/95 fiscal year.

Various members of the audience spoke in support of the airport and of the numerous business possibilities that are pending with the airport at the present time.

Mr. Owens opened the floor for questions.

Discussion followed.

Mr. Owens called for a vote.

**CITY COMMISSION**

Mayor Watson reported that the city commission had already held hearings on their budget which reflected the airport funding at \$10,000. No objections have been voiced and he could not foresee any. He called for comments from the city commissioners who were present. There were none.

City Commissioner Belinda Rowan asked the county to state its position as to funding of the airport authority.

**COUNTY COMMISSISON**

County Commission Chairman Ed Dixon explained that the county commission has taken the position that they do not owe the airport authority any money from past budget years as they claim. The county gave them what they could afford even though it was less

than the city funded. He went on to say that the board is currently in the middle of the budget season and he was not prepared to tell the authority at this meeting that the request for \$10,000 will definitely be forthcoming.

County Commissioner Peacock stated that when they (county commissioners) met in a workshop on July 21, 1994, it was the consensus of the majority of the board to grant the airport authority the \$10,000. He added that he did not feel they could reach back and match the city's contribution for the last few years. He told the airport authority members that he still supports that position.

Chairman Dixon interjected that it was the consensus of the board to do that if the county manager could find the \$10,000 during the budget process. The original 94/95 budget as first proposed by the county manager had the authority funded at only \$5,000. He reiterated that the board would be going through budget negotiations again in September and the matter will be re-addressed at those meetings.

Mr. Owens stated he met with Mr. Carter during the early stages of the county's budget preparations. He left his first meeting with the impression that Mr. Carter would include their request for \$10,000 in the proposed budget. On that same day, Mr. Owens asked to be advised of any budget hearings where the airport authority would be discussed. He was later advised to appear at 3:00 p.m. on July 21 to discuss his concerns with the board. When he arrived at 3:00 p.m. he found that their budget request had already been discussed. After their arrival, the board reopened discussions concerning the \$10,000 request. At the end of that meeting, three commissioners stated they would support the request for \$10,000.

Commissioner Peacock once again stated it was his impression at the end of that budget workshop, that the county manager would come up with the additional money for the airport authority. Since he has heard nothing to the contrary, he continues to believe that the county manager can find the money if a majority of the board supports the \$10,000 request.

Mr. Owens asked for a vote.

Special Joint Meeting of  
Quincy Gadsden Airport Authority  
Quincy City Commission  
Gadsden County Commission  
August 23, 1994  
Page 4 of 4

Chairman Dixon stated that each commission must go back to their individual meetings in order to vote on the issue. He questioned if the county commission was in proper session to vote on anything.

Mr. Beane reminded the commissioners that the purpose of this meeting was for the boards to have their figures prepared and approved by the time this meeting occurred so that they could approve the airport authority's budget.

Mr. Beane took the opportunity to speak of the improvements and accomplishments of the airport authority during the years since it was established by the Legislature.

Chairman Dixon interrupted Mr. Beane to say that the Board of County Commissioners was in fact in proper session to call for a vote.

**UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DAVIS, THE BOARD OF COUNTY COMMISSIONERS VOTED 4 - 0 TO APPROVE THE AIRPORT AUTHORITY'S FUNDING REQUEST OF \$10,000 AND TO APPROVE THEIR 94/95 FISCAL BUDGET.**

**UPON MOTION OF MAX KONKE AND SECOND BY BO BEANE, THE MEETING WAS ADJOURNED BY CHAIRMAN JERRY OWENS.**

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**Edward J. Dixon, BOCC Chairman**

**ATTEST:**

Special Joint Meeting of  
Quincy Gadsden Airport Authority  
Quincy City Commission  
Gadsden County Commission  
August 23, 1994  
Page 5 of 4

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**Nicholas Thomas, Clerk**

AT A SPECIAL MEETING OF THE BOARD  
OF COUNTY COMMISSIONERS, HELD IN  
AND FOR GADSDEN COUNTY, FLORIDA ON  
AUGUST 25, 1994, THE FOLLOWING  
PROCEEDINGS WERE HAD, VIZ.

PRESENT: ED DIXON, CHAIRMAN  
FORREST DAVIS, VICE-CHAIRMAN  
BILL MCGILL  
JAMES PEACOCK  
ANTHONY POWELL  
HAL RICHMOND, COUNTY ATTORNEY  
JAMES CARTER, COUNTY MANAGER  
MURIEL STRAUGHN, DEPUTY CLERK

CALL TO ORDER

Chairman Dixon called the meeting to order. He announced the purpose of the meeting to be two-fold:

- 1) Take necessary actions to allow for the use of federal emergency funds to repair roads damaged by Tropical Storm Alberto and Tropical Storm Beryl.
- 2) Authorize a letter of support for Gadsden Arts' to be used in seeking state funds with which to purchase the former Catholic Church at 407 N. Adams Street.

Chairman Dixon then turned the meeting over to County Manager Carter.

Listed below are county roads which suffered considerable damage due to floods resulting from recent tropical storms.

Peck Betts Road  
Potter Road  
Billy Branch Road  
Highbridge Road  
Scottstown & 65  
CR 61  
Double Branch  
Sutter's Creek - Easternway Street

The above project are eligible for U. S. Department of Agriculture Soil Conservation Service monies. The application process requires the county to make certain certifications as to

ownership of the road and that the money will only be used for those particular roads.

Mr. Richmond prepared statements to the effect that he has examined the property instruments as to title, rights, permission and authority to make improvements and found everything to be in order for each of the roads.

The purpose of the special called meeting is for the board to authorize the chairman's signature on the Certificate of Assurances Relating to Real Property Acquisition of each of the roads listed so that grant application can be expedited.

County Manager Carter told the commissioners that the grant totals \$321,000. He had asked Clerk Thomas to prepare a "declaration of hardship" to accompany the application in an effort to obtain 100% of the total cost of repairs rather than 75%. (Without a declaration of hardship, the county must match the grant with 25% of the repair costs.) Given the financial status of the county at the present time, the clerk was unable to demonstrate hardship.

**UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO ACCEPT THE GRANT FROM US DEPT OF AGRICULTURE AND SOIL CONSERVATION AND TO AUTHORIZE THE CHAIRMAN'S SIGNATURE OF THE ASSURANCES RELATING TO REAL PROPERTY ACQUISITION OF: PECK BETTS ROAD, POTTER ROAD, LEWIS LANE, SUTTER CREEK, DOUBLE BRANCH, COUNTY ROAD 161, 65 NORTH IN SCOTTSTOWN, BILLY BRANCH, 65 NORTH IN SCOTTSTOWN, FRIDAY ROAD, ATWATER ROAD, HIGHBRIDGE ROAD, TYLER SANDERS ROAD.**

**GADSDEN ARTS LETTER OF SUPPORT**

Mr. Carter told the board of the Gadsden Arts efforts to purchase and restore the old Catholic Church on N. Adams St. He received a request from them to get a letter of support from the county commission as it relates to the project.

Mr. Dixon stated he did not take exception with the cause or the request, but he did object to it appearing on the agenda of this special meeting without his prior knowledge. He did not feel proper procedure had been followed.

**UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO APPROVE THE LETTER OF SUPPORT**

Gadsden County Board of Commissioners  
August 25, 1994 Special Meeting  
Page 3 of 3

**FOR GADSDEN ARTS IN ITS PURCHASE AND RESTORATION OF THE OLD  
CATHOLIC CHURCH AS AN ART CENTER.**

There being no other business before the board, the meeting was adjourned.

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Edward J. Dixon, Chairman

ATTEST:

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Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE BOARD  
OF COUNTY COMMISSIONERS, HELD IN  
AND FOR GADSDEN COUNTY, FLORIDA ON  
SEPTEMBER 6, 1994, THE FOLLOWING  
PROCEEDINGS WERE HAD, VIZ.

PRESENT: ED DIXON, CHAIRMAN  
FORREST DAVIS, VICE-CHAIRMAN  
BILL MCGILL  
JAMES PEACOCK  
ANTHONY POWELL  
HAL RICHMOND, COUNTY ATTORNEY  
JAMES CARTER, COUNTY MANAGER  
NICHOLAS THOMAS, CLERK

CALL TO ORDER

The meeting was called to order by Chairman Edward Dixon. Commissioner Powell led the audience in pledging allegiance to the U. S. Flag. Chairman Dixon then opened the meeting with prayer.

ADOPTION OF THE AGENDA (Attached)

The agenda for September 6, 1994 was approved as written.

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO ADOPT THE AGENDA AS WRITTEN.

APPROVAL OF MINUTES - July 28, 1994 Special Meeting  
August 16, 1994 Regular Meeting  
August 23, 1994 Special Meeting

The minutes of July 28, 1994 Special meeting were approved.

The minutes of the August 16, 1994 Regular meeting were approved.

The minutes of the August 23, 1994 Special meeting were approved.

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO APPROVE THE MINUTES OF THE JULY 28, 1994 SPECIAL MEETING.

UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO APPROVE THE MINUTES OF THE AUGUST 16, 1994 REGULAR MEETING.

**UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO APPROVE THE MINUTES OF THE AUGUST 23, 1994 SPECIAL MEETING.**

**SHERIFF WOODHAM - COUNTY HEALTH INSURANCE**

**It was the consensus of the board to implement procedural changes with regard to awarding insurance contracts in the future.**

Sheriff W. A. Woodham appeared before the board to ask the board to reconsider award of the health care contract to Capital Health Plan. He encouraged them to give the employees a choice of carriers. He indicated that his personnel and some from other constitutional officers' staff were unhappy with the change. He cited several services provided by Healthplan Southeast which are not available by Capital Healthplan.

Mr. Arthur Lawson, Purchasing & Personnel Director, was asked to respond. He stated that his position remains unchanged. The bids were let properly, analyzed in detail, and the Insurance Committee recommended Capital Healthplan. There is considerable savings to the county with that decision. He went on to say that the bid has been awarded but the contract has not been signed. There could be some penalties if the commission should reverse itself on this matter. As to giving the employees a choice, Mr. Lawson indicated that the quotes submitted were for full participation of the county employees. If the participation is not 100%, then the cost could likely change.

Sheriff Woodham suggested that the insurance committee meetings should have occurred prior to the bids being let and accepted. And the employees should have been given more opportunity to participate in reaching the decision.

Mr. Richmond, county attorney, was asked for comment.

Mr. Richmond advised that if there was a valid meeting of the Insurance Committee (and there was), and if the action was brought to a public hearing and ratified by the commission at the public hearing (which it was), there is little reason to initiate litigation. His basic concern was on behalf of the employees in that they were not aware of changes that resulted and were not given the opportunity to express themselves prior to the decision. He recommended that it be handled differently in the future but to live with the decision already made.

Sheriff Woodham suggested that the Insurance Committee should meet prior to accepting bids so that the employees can speak to potential changes.

County Manager Carter was instructed to implement procedural changes with regard to awarding insurance contracts in the future.

Chairman Dixon recognized those county employees who objected to the change - Robert Renfroe, Donald Hamm. Chairman Dixon apologized to the employees who were present for not allowing more opportunity for their involvement in the process of the selection. He promised to make adjustments in that process before another change is made.

COUNTY ATTORNEY Tape 1; 399

Chattahoochee Library

Mr. Richmond was instructed to send a "demand for payment" letter to the City of Chattahoochee for the reimbursement for the air conditioning unit installed by the county. If they do not pay within 30 days, Mr. Richmond should file necessary papers to get a judicial interpretation of the lease agreement.

County Attorney Richmond asked the board for authorization to send a "demand for payment" letter to the City of Chattahoochee for costs of installation of air conditioning of the Public Library in Chattahoochee. The letter should include language to the effect that if it is not resolved in 30 days, the attorney has the authority to file necessary papers to get a judicial interpretation of the lease to determine who should pay for the replacement of the air conditioner.

Commissioner Peacock advised that if the board should continue to pursue this matter, it should also look at all other leases and interlocal agreements with all municipalities within the county. The City of Chattahoochee is presently repairing the roof on the library, repainting it and has replaced another air conditioner since the time the one in question was replaced. If the county enters suit against Chattahoochee, he would insist on similar treatments of all other cities. He encouraged the board to drop the matter.

Chairman Dixon called for discussion. He interjected that the City of Chattahoochee replaced the second air-conditioner

because it was their obligation to replace it. He was not in favor of dropping the matter.

Commissioner Powell asked for clarification of the circumstances.

County Attorney Richmond gave a brief synopsis:

- 1)The city owns the building.
- 2)The contract states that inside repairs are the responsibility of the city and the outside repairs by the county. The language of the lease is vague.
- 3)Historical precedence showed there have been other air conditioning problems which the city had paid.
- 4)When this bill came up, the city took the position that they were not obligated to pay.
- 5)Library grant monies were used (\$2,000) to purchase a new unit.

UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 3 - 2 TO AUTHORIZE THE COUNTY ATTORNEY TO SEND A LETTER DEMANDING REIMBURSEMENT FOR INSTALLATION OF AN AIR CONDITIONING UNIT AT THE CHATTAHOOCHEE BRANCH LIBRARY. IF NO PAYMENT IS FORTHCOMING TO FURTHER AUTHORIZE THE ATTORNEY TO PROCEED WITH NECESSARY ACTIONS TO GET A JUDICIAL INTERPRETATION OF THE LEASE. COMMISSIONERS POWELL, MCGILL AND DIXON VOTING IN FAVOR. COMMISSIONERS PEACOCK AND DAVIS OPPOSED THE MOTION. MOTION CARRIED.

PLANNING AND ZONING Tape # 1; 646

Update on Code Enforcement Issues

Civil court enforcement proceedings were authorized by the board for: Nesbitt Bus Nuisance Complaint and D & M Auto Repair Complaint.

Staff was instructed to send notice of compliance letters to the parties involved with the following complaints: Sadler sawmill, Watson Nuisance and Castillo Garage.

**Nesbitt Bus** - The requirements of the Code Enforcement Board have not been met. Staff recommended that the case be turned over to the county attorney for civil court enforcement.

**Sadler Sawmill** - The board had previously ordered the operation of the sawmill to cease. Site inspection of the premises revealed no evidence of continued operation. The staff

believes the intent of the ordinance has been fulfilled. Staff recommended that the Board advise the Code Enforcement division to notify the property owner of compliance with the order.

**Watson Nuisance** - The board previously ordered that the trash and debris on the property be cleaned up and removed. The property owner has complied with the order. The staff recommended that the board advise the enforcement division to notify the property owner of the compliance with the order.

**Castillo Garage** - The board previously ordered that the owner comply with the development order conditions. The staff conducted a site visit and coordinated with the Department of Environmental Protection (DEP) and concluded all violations have been abated. The staff recommended that the board advise the code enforcement division to notify the property owner of compliance with the order.

**D & M Auto Repair** - The board previously ordered that the property owner comply with the requirements of the fence ordinance. Upon a site inspection of the property, it was determined that approximately 90% opaqueness has been achieved. As the ordinance requires 100% opaque coverage, the staff recommended that the board turn the case over to the county attorney for enforcement action.

**UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO ACCEPT, APPROVE AND AUTHORIZE ACTIONS AS RECOMMENCED BY CODE ENFORCEMENT DIVISION AS LISTED ABOVE.**

#### **Historic Preservation Award Grant and Restrictive Covenants**

**\$500,000 Historic Preservation Award Grant was accepted and Restrictive Covenants for the grant were approved.**

The Florida Legislature has awarded Gadsden County \$500,000 for the purpose of historic preservation of the courthouse. In the agreement is a scope of services. The agreement had been reviewed by the attorney and approved by him.

Mr. Sherman investigated the possible use of some of the money in renovating the county-owned buildings facing Jefferson St. on the south side of the courthouse square. He made a request in writing but was not encouraged that the money could be used for any other structure.

If the county accepts the money, it would require accounting of the grant through the clerk's office for which the clerk could receive a fee.

Mr. Thomas informed the board that this grant would not be any different than all others being handled by his office. He stated he was not interested in collecting any fees for administering the grant.

**UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO ACCEPT THE AWARD AND THE APPROVE THE AGREEMENT.**

**Schedule for Land Development Code**

**September 14, 1994 workshop scheduled for land development code.**

The board agreed to meet on September 14 to work on the land development code. Other dates may be scheduled at the next board meeting.

**MIKE MURPHY - BISHOP ENGINEERS, INC.**

**Gadsden East Landfill**

**Proposal for \$10,491.50 to effect closure of Gadsden East Landfill approved.**

Mr. Murphy informed the board of the proposal for engineering services involved with the closure of the Gadsden East Landfill. WMBCE No. 4133. The total amount of the proposal was \$10,491.50.

**UPON MOTION OF COMMISSIONER DAVIS AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO APPROVE THE PROPOSAL FOR THE CLOSURE OF GADSDEN EAST LANDFILL AS DESCRIBED BY MR. MURPHY AND IN THE ATTACHED LETTER FROM WILLIAM M. BISHOP ENGINEERING CONSULTING ENGINEERS, INC.**

**Chattahoochee Landfill**

**Proposal from William M. Bishop Consulting Engineers, Inc. for \$11,241.80 to effect closure of Chattahoochee Landfill approved.**

The second proposal presented by Mr. Murphy was for engineering services involved with the closure of the Chattahoochee Landfill amounting to \$11,241.80.

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO APPROVE THE PROPOSAL (\$11,241.80) FOR THE CLOSURE OF THE CHATTAHOOCHEE LANDFILL AS DESCRIBED BY MR. MURPHY AND IN THE ATTACHED LETTER FROM WILLIAM M. BISHOP ENGINEERING CONSULTING ENGINEERS, INC.

COUNTY MANAGER Tape # 1; 1192

### Fire Services

The Five-Year Plan for fire services was approved.

The priority for completion of capital improvement projects was approved.

Mr. James Carter presented the board with the Five Year Plan for Fire Services. He asked the board to adopt the five year plan and approve the priority order for completion of the projects as listed in the plan.

UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO APPROVE THE FIVE YEAR PLAN AND THE PRIORITY ORDER OF THE CAPITAL IMPROVEMENT PROJECTS AS DESCRIBED IN THE ATTACHED MEMO.

The Chairman recognized Ms. Archie Mae Carter for comments and questions.

### Capitol City Youth Productions

Board approved filming of live video at the old county jail by Capitol City Youth Productions provided they agree to special conditions to be listed by the county attorney to hold the county harmless.

Capitol City Youth Productions will be filming a live video during the month of September entitled "Do Something Now". They have requested to use the old county jail to create a scene in the film.

UPON MOTION BY COMMISSIONER POWELL AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO APPROVE THE USE OF THE OLD COUNTY JAIL TO THE CAPITOL CITY YOUTH PRODUCTIONS FOR FILMING A VIDEO PROVIDED THAT THEY AGREE TO THE SPECIAL CONDITIONS TO BE LISTED BY THE COUNTY ATTORNEY WHICH WILL HOLD THE COUNTY HARMLESS.

CONSENT AGENDA Tape # 1; 1437

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO APPROVE THE CONSENT AGENDA TO WIT:

- 1) Hazardous Materials Hazards analysis Grant Agreement 95EP-3V-02-30-22-013 (\$9,565)
  - 2) Solid Waste Grant Agreement SC95-09 \$50,000.
  - 3) Waste Tire Grant Agreement WT95-18 (\$32,844)
  - 4) Annual Certified Budget - Mosquito control
  - 5) Maintenance agreement between the State of Florida Department of Transportation (DOT) and Gadsden County State Project no. 5006-3601; WPI 3123086 - Willachochee Creek Bridge on County Road 65.
  - 6) FEMA funds for Damage Resulting from Hurricane Alberto - \$18,037
  - 7) Cooperative Agreement- U. S. Department of Agriculture Soil Conservation Service 68-4209-4-225
  - 8) Resolution for EMS to apply for HRS grant money to improve and expand Gadsden County's pre-hospital emergency medical services.
  - 9) Mutual Aid Agreement with Tallahassee Memorial Hospital
  - 10) Interlocal Agreement with City of Chattahoochee for Ambulance Services
  - 11) Adoption of Library Bill of Rights
  - 12) Adoption of the Freedom to Read - Library
- CLERK OF COURT

**Contingency Request - \$8,000.00**

**Contingency Request for \$8,000 approved.**

Clerk Thomas asked the board to approve a contingency request for \$8,000 for conflict and court appointed attorney fees and psychological evaluations.

**UPON MOTION BY COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL, THE BOARD APPROVED 5 - 0 TO APPROVE THE CONTINGENCY REQUEST OF \$8,000 FOR COURT APPOINTED ATTORNEYS AND CONFLICT ATTORNEYS AND PSYCHOLOGICAL EVALUATIONS.**

**Budget Amendments**

**UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER PEACOCK THE BOARD VOTED 5 - 0 TO APPROVE THE BUDGET AMENDMENTS ATTACHED TO WIT:**

- 1) General Fund - line item changes ( 0235, 0030, 0005, 0007)  
\$104,433.00
- 2) General Fund - line item changes (0011, 0014, 0010) \$26,712.00
- 3) General Fund - contingency request approved above
- 4) General Fund - line item changes (0118) \$76,077.00
- 5) General Fund - line item changes (061) \$8,600.00
- 6) General Fund - line item changes (0009, 0017, 0008, 0101)  
32,872.00
- 7) General Fund - line item changes (0049) \$98,561.00
- 8) General Fund - line item changes (0016) \$6,134.00
- 9) General Fund - line item changes (0098) \$59,380.00
- 10) General Fund - line item changes (0059) \$10,452.00
- 11) Fine and Forfeiture - line item changes (115-0115, 115-045, 115-0116) \$1,240,421.00
- 12) Grants - Solid Waste - line item changes (145-1150)  
\$42,592.00
- 13) Grants - Waste Tire - line item changes (146-1160)  
\$28,262.00
- 14) Grants - Recycling - line item changes (147-1170) \$36,075.00
- 15) Grants - Litter - line item changes (159-1151) \$5,000.00
- 16) Other court costs - line item changes (610-0610)  
\$34,400.00
- 17) Grants - EMA Local - line item changes (0051) \$14,577.00
- 18) Grants - EMA Federal - line item changes (149-1121) \$13,070.00
- 19) Grants - EMPA - line item changes (150-1120) \$64,644.00
- 20) Grants EMS - set up dispatch grant (163-1163)
- 21) EMS - line item changes (142-0145) \$29,021.00
- 22) Library - line item changes (1125) \$23,754.00
- 23) Library - line item changes (118-0123) \$11,400

- 24) Grant - line item changes (1554-1123) \$32,000.00
- 25) Library - show Friends of Library revenue

### Financial Report

Clerk Thomas called attention to the financial fund summary report provided as information to the board.

### Payment of County Bills

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL THE BOARD VOTED 5 - 0 TO APPROVE THE PAYMENT OF THE COUNTY BILLS.

### DISTRICT 1 REPORT

County Attorney Richmond was asked to determine if the tax amount to appear on the gas tax referendum could be changed to a lesser amount.

Commissioner McGill addressed the issue of the referendum for imposition of additional gas tax in Gadsden County. He asked Mr. Richmond if the referendum had already been filed with the Supervisor of Elections. He then asked if the referendum can be changed to \$.02 per gallon rather than \$.05. Mr. Richmond was asked to determine whether it could be done at this late date.

Beyond the issue of the referendum itself, Mr. McGill stated it was incumbent upon the board to educate the public as to the benefits that can be derived from the additional gas tax money if the voters will approve it. Additionally, the Road & Bridge Department must make more effort to maintain the roads.

### DISTRICT 2 REPORT

Commissioner Powell reported that Mrs. Patsy Bates has resigned from the Library Commission. He nominated Mrs. Jean Fletcher to replace her.

UPON MOTION OF COMMISSIONER POWELL AND SECOND OF COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO APPOINT MRS. JEAN FLETCHER TO SERVE ON THE LIBRARY COMMISSION.

### DISTRICT 3 REPORT

There was no report.

#### DISTRICT 4 REPORT

There was no report.

#### DISTRICT 5 REPORT

Commissioner Dixon recommended that the board re-appointed Mr. Jerry Wynn to Northwest Florida Big Ben Health Council and appointed Ms. Susan Fite to that same council.

**UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO RE-APPOINT JERRY WYNN AND APPOINT MS. SUSAN FITE TO THE NORTHWEST FLORIDA BIG BEN HEALTH COUNCIL.**

#### PUBLIC INPUT

**Mrs. Willie Lou Francis** introduced herself as a resident of Gadsden County for 61 years. She explained that she has been a recent patient of the Gadsden Memorial Hospital. She complained of the sanitary conditions of the hospital itself and the quality of care she received. She urged the board members to visit and inspect the facility and then take appropriate actions.

**Mr. Francis** also spoke to the board about the same issues.

The chairman directed the remarks to the county manager and asked him to make appropriate notations of the complaints.

County Manager Carter advised the board of the steps already taken with regard to the board's instructions to conduct an independent financial audit of the hospital. The only issues that can be enforced are those provisions in the current agreement with Healthmark. There are about 12 points raised by the county that are in the provisions of the agreement. He has requested certain information relating to those points in an effort to go forward with the board's instructions to perform the audit.

Commissioner McGill made a committment to visit the hospital during the following week.

**ADJOURNMENT**

**UPON MOTION BY COMMISSIONER POWELL, THE CHAIRMAN DECLARED THE MEETING ADJOURNED.**

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**Edward J. Dixon, Chairman**

**ATTEST:**

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**Nicholas Thomas, Clerk**

**CONSTRUCTION INDUSTRY LICENSING BOARD**

**RECIPROCAL AGREEMENT WITH CITY OF TALLAHASSEE**

Noted for the board's information only was a copy of the reciprocal agreement with the City of Tallahassee to accept Gadsden County contractors who have taken and passed the proctored and graded Block and Associates exam.

**LICENSES APPROVED.**

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO APPROVE THE LICENSING OF JACKIE LEON MITCHEM AS A ROOFING CONTRACTOR AND RICHARD SHIELDS OF A MASTER ELECTRICIAN.

**ADJOURNMENT**

UPON MOTION OF COMMISSIONER POWELL, THE CHAIRMAN DECLARED THE MEETING ADJOURNED.

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Edward J. Dixon, Chairman

ATTEST:

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Nicholas Thomas, Clerk

AT A PUBLIC HEARING OF THE BOARD OF  
COUNTY COMMISSIONERS, HELD IN AND  
FOR GADSDEN COUNTY, FLORIDA ON  
SEPTEMBER 7, 1994, THE FOLLOWING  
PROCEEDINGS WERE HAD, VIZ.

PRESENT: ED DIXON, CHAIRMAN  
FORREST DAVIS, VICE-CHAIRMAN  
JAMES PEACOCK  
HAL RICHMOND, COUNTY ATTORNEY  
JAMES CARTER, COUNTY MANAGER  
NICHOLAS THOMAS, CLERK

ABSENT: BILL MCGILL  
ANTHONY POWELL

CALL TO ORDER

Chairman Dixon called the meeting to order. Commissioner Peacock led in pledging allegiance to the U. S. Flag and Chairman Dixon then opened the meeting with a prayer.

The chairman turned the meeting over to the county manager.

County Manager Carter explained that the millage rate to support the proposed budget is set at 9.538 mills. He further explained that it was at the full roll back rate as agreed upon at the budget workshop.

The chairman recognized Ms. George Ruple from the audience. She complained about the problems with the road and ditches in front of her property. (1213 S. Blvd North Charleston, SC 29405 803-744-5681)

An audience member asked why the assessed values had gone up. He was instructed to speak to the property appraiser - assessments are strictly within his responsibility - not the Board of County Commissioners.

Another audience member (brother of Mrs. Ruple) was recognized for comment. His questions did not relate to the County Commission and he was directed to pursue them with the school board. He reiterated his sister's complaint about the drainage ditches next to his property. He stated that he had made other complaints to the county in the past to no avail.

Chairman Dixon assured him that their complaint would be

resolved and in turn he instructed the county manager to remedy their situation then notify them at their Charleston address once the work is completed.

The chairman turned attention back to the purpose of the public hearing.

**1994/95 OPERATING BUDGET MILLAGE RATE**

UPON MOTION BY COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 3 - 0 TO ADOPT THE OPERATING MILLAGE RATE OF 9.5383 FOR FISCAL YEAR 1994/95.

**1994/95 DEBT SERVICE MILLAGE RATE**

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 3 - 0 TO APPROVE THE DEBT SERVICE MILLAGE RATE OF 1.5411 FOR THE HOSPITAL DEBT SERVICE FOR THE FISCAL YEAR 1994/95.

**TENTATIVE OPERATING BUDGET FOR 1994/95**

UPON MOTION OF COMMISSIONER DAVIS AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 3 - 0 TO ADOPT THE TENTATIVE OPERATING BUDGET OF 17,367,311 FOR FISCAL YEAR 1994/95. (SUMMARY ATTACHED)

**DATE FOR FINAL BUDGET HEARING**

The date of the final budget hearing was tentatively set for September 19, 1994. Attorney Richmond was asked to prepare the resolution needed for adoption of the budget.

Mr. Richmond explained to the board he would not be able to be present for that hearing. He would have the resolution prepared in advance and have an associate present in his absence.

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 3 - 0 TO SET THE DATE FOR THE FINAL PUBLIC HEARING ON THE PROPOSED BUDGET FOR 1994/95 FOR SEPTEMBER 19, 1994 AT 6:00 P.M. AND TO AUTHORIZE THE RESOLUTION (ADOPTING THE BUDGET) TO BE PREPARED BY ATTORNEY RICHMOND.

**ADJOURNMENT**

There being no other business, the chairman declared the meeting adjourned.

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Edward J. Dixon, Chairman

ATTEST:

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Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE BOARD  
OF COUNTY COMMISSIONERS, HELD IN  
AND FOR GADSDEN COUNTY, FLORIDA ON  
SEPTEMBER 20, 1994, THE FOLLOWING  
PROCEEDINGS WERE HAD, VIZ.

PRESENT: ED DIXON, CHAIRMAN  
FORREST DAVIS, VICE-CHAIRMAN  
BILL MCGILL  
JAMES PEACOCK  
ANTHONY POWELL  
NICHOLAS THOMAS, CLERK  
HAL RICHMOND, COUNTY ATTORNEY  
JAMES CARTER, COUNTY MANAGER

CALL TO ORDER

Chairman Dixon called the meeting to order. Commissioner Davis led in pledging allegiance to the U.S. Flag and Commissioner Powell led as everyone prayed the Lord's Prayer together.

ADOPTION OF THE AGENDA Tape # 1; 79

Commissioner McGill asked that the minutes of the September 6, 1994 Regular meeting be removed from the agenda for correction of a technical error on page 2.

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 5 - 0 TO APPROVED THE AGENDA AS AMENDED ABOVE.

APPROVAL OF MINUTES - September 7, 1994 Budget Meeting Tape # 1; 118

UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO APPROVE THE MINUTES OF THE BUDGET HEARING OF SEPTEMBER 7, 1994.

LEON IRVING - WOODEN BRIDGES Tape # 1; 120

Mr. Leon Irving appeared before the board at the request of Commissioner Powell. He gave a brief presentation of timber bridges stating some of the advantages in rural communities. He left literature with the Planning and Zoning Director, Mike Sherman.

**ECONOMIC DEVELOPMENT UPDATE** Tape # 1; 355

Mr. Rick McCaskill gave a brief overview of the current economic development in Gadsden County. (Memo attached)

Commissioner McGill asked for an update on the Flying J Truck Stop.

Mr. McCaskill reported that they were presently going through the regulatory process to begin construction.

**PLANNING AND ZONING ITEMS (P & Z)**

**Code Enforcement - Jackson Nuisance** Tape # 1; 435

Mr. Sherman conveyed to the board a number of complaints received by the department dealing with inoperative vehicles, junk, debris, tires and a hog pen on the homesite of Mr. Willie Jackson, Rt. 4 Box 379-P, Quincy, Fl. Mr. Jackson was notified of the complaints but has done nothing to abate the nuisance. Mr. Sherman asked for directions from the board.

**UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO INSTRUCT MR. SHERMAN TO NOTIFY MR. JACKSON TO APPEAR BEFORE THE CODE ENFORCEMENT BOARD IN OCTOBER TO ANSWER TO THE COMPLAINTS FILED AGAINST HIM.**

**Select Hayes & Feed - Project #94PZ-17-201-1-9** Tape # 1; 620

Select Hays & Feed is a retail/wholesale hay and feed operation that proposes to locate in an existing building on the west side of US 27, just north of the Bread & Life Bakeries, approximately .4 miles south of Havana Town Limits. The property consists of 3.5 acres. The applicant is Mr. Mitch Smith, Rt. 4 Box 776-A, Havana, FL 32333. The property owner is mr. Jimmy Creamer, P.O. Box 3765, Tallahassee, FL 32315.

P & Z Commission voted 7 - 0 for approval.

P & Z Staff recommended approval.

Chairman Dixon called for public input. There was none.

**UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO APPROVE THE SELECT HAYS & FEED PROJECT SUBJECT TO SPECIAL CONDITIONS AS OUTLINED IN THE ATTACHED MEMO.**

**Bay Area Cycle Center - #94PZ-18-201-2-9 Tape # 1; 6712**

Bay Area Cycle Center proposes to locate a motorcycle service and sales business in an existing building (and add an additional 4873 square feet) on approximately two acres on the west side of US 27, just south of Peavy Farms Road and .1 mile north of Wayside Farms Road. The property consists of 7.86 acres. The applicants are Ray and Selma Massey, 1998 Cove Dr., Largo, FL 34643. The property owner is Mr. Evertt Watkins, 2301 Vincent Dr., Tallahassee, FL 32303

The P & Z Commission recommended approval subject to the conditions in the attached memo.

P & Z staff recommended approval subject to the special conditions as listed in the attached memo.

**UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 5 - 0 TO APPROVE BAY AREA CYCLE CENTER SUBJECT TO THE CONDITIONS AS LISTED BY THE P&Z STAFF AND COMMISSION.**

**Thomas Motor Cars Variance - Project No. 94PZ-13-201-1-6 Tape 1;711**

Thomas Motor Cars is seeking a variance to use an existing access onto US 27 in lieu of the approved access off of Choctaw Drive. The site consists of two (2) acres. The applicant is Mr. Bruce H. Thomas, P.O.Box 350, Quincy, FL 32353. The property owners are Mr. Donal Jones, P.O. Box 544, Havana, FL 32333 and Riverside Baptist Church, Rt. 4 Box 440, Havana, FL 32333.

DOT certified that they would approve the permit.

P & Z Commission recommended approval with the stipulation that if a long term lease is executed, the applicant must seek approval from the county within 12 months so that the US 27 access can be reassessed.

P & Z staff recommended approval subject to the condition as recommended by the commission.

Discussion followed.

The chairman called for public input. There were no comments.

**UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 5 - 0 TO APPROVE THE THOMAS MOTOR CARS VARIANCE SUBJECT TO THE SPECIAL CONDITION THAT THOMAS MOTOR CARS SEEK APPROVAL FROM THE COUNTY WITHIN 12 MONTHS IF THEY ENTER INTO A LONG TERM LEASE ON THE PROPERTY SO THAT THE COUNTY CAN RE-ASSESS THE US 27 ACCESS.**

**Post Plant Road Subdivision Variance #92PZ-17-205-2-8**

Tape #1; 840

Mr. Don Vickers was seeking a variance for the Post Plant Road Subdivision to have seven driveways instead of the approved four driveways for the seven lots. This development consists of seven acres and is situated on the north side of Post Plant Road, .3 miles east of CR 161. The applicant and property owners are Mr. Don Vickers & Mr. Myron Jones, P.O. Box 1027, Havana, FL 32333.

Farmers Home Administration will not finance any homes in that subdivision which have shared drive-ways.

The P & Z Commission recommended denial (4-3) of the variance so as to remain consistent with the 1992 development order of limiting driveways to facilitate greater internal capture of traffic along a minor collector roadway.

The staff initially recommended denial but after discussions with Mr. Vickers, site inspections and further research, the staff offered recommended approval of the variance.

**THERE WAS A MOTION BY COMMISSIONER POWELL AND SECOND BY COMMISSIONER PEACOCK TO APPROVE THE VARIANCE AND ALLOW EACH HOME TO HAVE A SEPARATE DRIVEWAY SUBJECT TO CONDITIONS AS LISTED BY THE P & Z DEPARTMENT.**

Discussion followed.

Questions were called by Commissioner McGill.

Chairman Dixon called for public input.

Mr. Richard White offered to answer any questions from the board or the citizens. He stated that the developer had agreed to joint driveways when the subdivision was originally submitted for approval. Based on the Farmer's Home Administration requirements coupled with the county's commitment to promote affordable housing, the developer has been placed in a position to ask for this variance.

Speaking in opposition to the variance was **Johnny Ells**.

Chairman Dixon apologized to the board saying he realized that was procedurally incorrect in entertaining public comments after questions were called.

**THE BOARD VOTED 5 - 0 TO APPROVE THE POST PLANT SUBDIVISION VARIANCE SUBJECT TO SPECIAL SPECIAL SPEED CONDITIONS AS OUTLINED THE P & Z STAFF IN THE ATTACHED MEMO.**

**Dogwood Farms Airport - #94PZ-20-206-1-9** Tape #1; page 1075

Mr. Guy Valdene is proposing to construct a private airstrip (approximately .5 miles in length) one mile west of CR 159, approximately one mile north of Dupont Road and 1.5 miles east of Lanier Road. The property consists of 788 acres. The applicant and property owner is Mr. Guy Valdene, Rt. 1 Box 2770, Havana, FL 32333.

The P & Z Commission recommended approval.

The P & Z Staff recommended approval subject to securing the necessary DOT and FAA Permits and the special conditions as outlined in the attached memo.

Discussion followed.

Mr. John Booth, a Sawdust resident, cautioned the board that if they approve this airstrip, they could be setting a precedent.

Dr. Cooksey was recognized for comments.

Mrs. Sherry Tucker spoke for Mr. Valdene who was unable to attend this meeting because he is in France for his mother's funeral. She assured the board of the applicants intentions to use the airstrip for personal use. Mr. Valdene is an author and

conducts business in other states. He also has family in France. He flies frequently for business reasons and does not intend to use the airstrip for pleasure.

Mr. Cal Cooksey was recognized for comments.

**UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 5 - 0 TO APPROVE THE DOGWOOD FARMS AIRSTRIP SUBJECT TO THE CONDITIONS LISTED IN THE ATTACHED MEMO.**

**North Florida Material Handling, Inc. Project # 94PZ-19-201-1-9**  
Tape # 1; 1262

North Florida Material Handling, Inc. proposes to operate a material handling/supply business (tools, Parts, shelves, racks, forklifts, forklift parts, etc.) on the east side of US 27, approximately .25 miles north of the northern entrance to Sandy Creek Subdivision and .6 miles south of Rich Bay Road. The property consists of one acre. The applicant is Mr. Fletcher Christian, Rt. 4 Box 380, Havana, FL 32333. The property owner is Mr. Michael McCoy, 5403 Mossgrey Spring, TX 77373.

P & Z Commission recommended denial of the project because the project does not constitute commercial infill at this location.

P & Z Staff recommended denial.

Discussion followed.

Mr. Dan Winchester gave a presentation to the board and argued that the project should be denied.

Mr. Fletcher Christian argued that the property is an appropriate infield commercial site because the property on either side of the lot was zoned commercial.

Commissioner Peacock recalled that the board had previously approved the adjacent properties for commercial use.

Speaking in favor of the project were Bill Hubert, unidentified audience member who lives directly across the road from the property.

Speaking in opposition of the project were Mr. John Esposito, an unidentified audience member, Dian Sheffield and the Pastor of the Community Bible Church adjacent to the property in question.

**UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 3 - 2 TO DENY THE PROJECT. COMMISSIONERS MCGILL, POWELL, & DIXON VOTING FOR THE DENIAL; COMMISSIONERS PEACOCK AND DAVIS OPPOSING THE DENIAL.**

**Gretna Water Improvement - Project #94PZ-21-203-4-9** Tape #1; 2100

The City of Gretna is proposing to upgrade their potable water system by establishing a new well at an existing wellsite in the Mr. Pleasant area, and extending an 8" PVC line to the wellsite. The new water line will tie in with an existing 6" line at the northwestern edge of the city. The line will extend up US 90 for approximately four miles to a point that is approximately 1.5 miles north of CR 379 and .6 miles northeast of US 90. The wellsite is situated on St. Joe Paper Company property. The applicant is Mr. Charles Hayes, City Manager, PO Drawer A, Gretna, FL eweew. The applicant's engineering firm is Bishop Engineers, Inc., PO Box 3407, Tallahassee, FL 32315-3407

Questions were entertained by the chair regarding the relationship of the water improvement project to the effluent disposal project which appears next on the agenda.

Mr. Sherman stated that the water is necessary for operation of the new prison facility scheduled to open in March of 1995. The disposal project is necessary regardless of the prison opening. The City of Gretna must implement a new disposal system. They are currently in violation of DEP requirements.

The P & Z Commission voted to approve the project.

The P & Z Staff recommended approval.

Mr. Mike Murphy from Bishop Engineering Company was asked to respond to questions of the audience. He explained that the water is necessary for the anticipated population growth in Gretna. He went on to say that the City of Gretna is currently in violation of the Northwest Florida Water Management District's consumptive use guidelines. They have had one well to go bad and it must taken off line. They have two other other wells which are presently exceeding their draw-down. That is causing quality problems and draw-down on the aquifer in that area. The City of

Gretna has been through exhaustive efforts to find another well. The city is urgent need of the new water supply.

Public input was called for by the chairman.

Jeff Hires and Alney Parramore were recognized for questions and remarks.

**UPON MOTION OF COMMISSIONER DAVIS AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO APPROVE THE GRETNA WATER IMPROVEMENT PROJECT CONTINGENT UPON RECEIVING THE NECESSARY DEP AND DOT PERMITS, SATISFYING THE COUNTY ENGINEER AND THE COUNTY PUBLIC WORKS DIRECTOR. THE JACK-AND-BORE METHOD WILL BE USED ON ALL COUNTY ROADWAYS, UNLESS OTHERWISE PERMITTED BY THE PUBLIC WORKS DIRECTOR.**

**Gretna Effluent Disposal Project #94PZ-22-208-4-9** Tape #1;2351

The City of Gretna proposes to extend a ten (10) inch sewage effluent line approximately 8.5 miles south-southwest of the city to property owned by St. Joe Paper Company, approximately one mile south of CR 65A down Presha Road. The effluent will be transported to a 10 acre distribution box site and a 366 acre effluent disposal trench (three miles long and 1000 feet wide). The line will traverse southward on Dewey Johnson Road, west on SR12, south on SR65, south-southwest on 65A and south on Presha Road to its destination. The advanced secondary treatment will alleviate Gretna's sewage disposal deficiencies, relieve the problems with Telogia Creek and provide the necessary capacity to seve the new prison.

The City of Gretna is requesting the county to allow them to use the county's right-of-way for the pipe and approve the location for the disposal.

P & Z Commission recommended approval subject to special conditions.

P & Z staff recommended approval subject to receiving the necessary DEP and DOT permits, satisfying the County Engineer and the County Public Works Director.

Mr. Mike Murphy from Bishop Engineers was asked to approach the microphone for questions from the board and the audience.

The chairman called for comments from the public.

Chairman Dixon recognized a lady (name was inaudible) who lives directly across from the disposal site on Robert Brent. She voiced concerns that the effluent would be toxic to plants, wildlife and human beings. She urged the commissioners to deny the project.

James Rogers represented the residents of the Providence Community who oppose the disposal site. He brought attention to some historical facts regarding the City of Gretna's non-compliance with standards dealing with sewage. Regardless of what Gretna claims to be doing toward correction of the sewage problems, he contends that there is no assurance that Gretna can do what is being presented in this proposal. Once the pipe is laid, there is no way to stop its use. Their past performances do not indicate that their future performance will be any different. He suggested that if the board does approve this project, that they do so with the stipulation that the City post a \$50,000,000 performance bond to insure payment for any environmental cleanup in the event that an accident occurs.

He reminded them that the roadways involved with this project belong to the residents of Providence and not the City of Gretna. If the use of the roadway infrastructure in Providence community is jeopardized by its use by an adjoining community, it presents an unjust situation.

Mr. Rogers went on to point out there are a number of infrastructures which are in conflict with the effluent pipe such as the fiber-optic cable that parrallels I-10, numerous Talquin Electric water lines, and the Quincy Telephone lines. He asked the board to obtain more information on those matters since he has seen nothing in writing where these have areas been addressed.

He continued to point out the number of agriculture specialists who cross drain 65A with their irrigation lines. If anything should happen to impede the agricultural use of the irrigation lines or the water supply, it could have serious economic impact on that area.

The sewage treatment plant will also be used by the Gretna Industrial Park. The citizens of Providence will have no control over the possible usage of the Industrial Park. Any number of contaminants could be accidently deposited into the sewage treatment plant and ultimately wind up in the Providence community.

While sympathetic to the problems of Gretna, Mr. Rogers urged the commission to deny the effluent disposal system as proposed.

Mr. Murphy responded to Mr. Rogers by saying:

- 1)the likelihood of any such accident occurring is extremely low;
- 2)the sewage treatment would not be generating raw sewage;
- 3)all utility companies will be asked to locate their lines before construction begins;
- 4)the cross drains for irrigation lines would not be disturbed - farming will not be interrupted by placement of the pipe line;
- 5)any leak would be detected by a pressure reading at the sewage treatment plant. Such occurrences are rare, but it can happen, but corrective actions can be taken very quickly;
- 6)the treated sewage will not get into the aquifer between the sewage treatment plant and the disposal site. Once it gets to the disposal site, it is the intent for the treated water to get into the aquifer;
- 7)an ordinance calls for pre-treatment of any waste at the industrial park before it can be discharged into the sewers. Any hazardous waste must be removed before it can be discharged into the sewer system.

Mr. Pat Spencer was recognized for questions regarding the placement of the percolation pond.

Mr. Murphy described the property as follows:

The property needed by Gretna is approximately 15,000 feet long and 200 feet wide. The boundary of the property is the northern boundary of the Florida Gas Transmission right-of-way. 100 feet of the 200 ft. width will be cleared of trees. The pond itself is 20 feet wide.

Mrs. Ann Soffes presented the board with a petition which stated the disapproval of the the project by the Providence residents - 127 signatures. She read the petition into the record.

(Attached) She closed her remarks by asking the board to consider another alternative. She also requested public notification to all the petitioners of any further developments on the effluent disposal activity. She further stated that all of the petitioners shared the opinion that inadequate notice was given of this proposed project.

Dr. Harry McClaren of Providence re-enforced some of the same comments as previous speakers. He urged them to give this matter more consideration.

The chair recognized a lady (inaudible) who asked what kind of precautions would be taken in the event of accident. In addition she had questions regarding odors that might emanate from the percolation pond. Lastly, she asked if another alternative had been considered.

Mr. Murphy responded by saying other alternatives had been considered - this one appears to be the proposal of choice. He briefly described the other methods of waste water treatment. He expounded on the the viability of each alternative as well as the advantages and disadvantages. He maintained that there would be no odor because the pond will be holding treated water.

Mr. Murphy then answered the questions of the board.

Glen Wood, an area resident questioned Mr. Murphy about how this would affect the quality of his well water.

Mr. Murphy explained that a detailed study had been done on the site. The results of the study indicate the ground water movement is to the south. The waste water itself is treated to the point that when it reaches the pond, it is practically drinkable.

To insure the water quality, ground water 5 monitoring wells will be constructed along the boundaries to measure the background conditions of the pond.

Shirley Hastings voiced concern about long term contamination problems and increased insect population resulting from the pond. She opposed the placement of the proposed disposal site.

Mr. Brown, businessman near the site, feared that his business could be put in jeopardy if water contamination should occur as a result of this pipe line and/or percolation pond. He urged the commissioners to deny the project.

Commissioner Powell expressed to the other commissioners that he did not feel as though he was informed enough on the issue to support approval of the project at this meeting. He asked for more time and information.

**MOTION WAS MADE BY COMMISSIONER DAVIS SECONDED BY COMMISSIONER PEACOCK TO DENY GRETNA EFFLUENT WATER PROJECT.**

Discussion followed and Mr. Murphy once again tried to outline the facts that support this proposal to be the most viable solution for waste water disposal in Gretna.

Those factors involved are:

If the board denies the waste water disposal plan, the Gretna Prison project will be delayed. There will be a prison without a sewer service. That creates a real economic situation.

Bishop Engineering Inc. has explored the alternatives. The alternatives are limited because of the soil types in the area.

In the near future, DEP is expected to issue a statment that it will not allow surface water discharge into Telogia Creek. In that event, there is only one place to look - to the land.

The level of waste water treatment has to be based on the types of soil encourtered. Sandy soil is the best. Sandy soil is what was found at this location. The predominant location of this site is one mile into the St. Joe Paper Company property.

The only alternative to this proposal is to go back to a low-rate land application system. (Dispsosing of 1/2 inch per week over 300 acres with a number of large holding ponds) That alternative would be like starting over time-wise.

Mr. Murphy cautioned that other options to this proposal are very, very limited.

Questions were called.

**THE BOARD VOTED 3 - 2 TO DENY THE PROJECT. COMMISSIONERS DAVIS, PEACOCK & MCGILL VOTING TO DENY THE PROJECT. COMMISSIONERS POWELL AND DIXON OPPOSED THE VOTE TO DENY THE PROJECT.**

### Comprehensive Plan Amendments

The P & Z Commission tabled the comprehensive plan amendments until the November meeting. Mr. Sherman stated they would be brought to the Board of County Commission in November complete with the P & Z recommendations.

Attorney Jim Richmond reminded the chairman that this meeting had been advertised as a public hearing on the matter of plan amendments. He advised the chair to at least call for public input regarding the issue.

Chairman Dixon called for public comments in reference to Comprehensive Plan Amendments. There was none.

**COUNTY ATTORNEY** Tape #1; 4391

**NON AGENDAED ITEMS**

**SHIP Contracts**

Mr. Richmond presented the board with an agreement with the City of Quincy for the use of two homes which the city owns. The agreement has been sent to Mr. Alex Hinson who will present it to the city commission.

The agreement calls for the homes to be used for relocation homes. It requires the county to insure the homes. It does not call for rental payments. He asked for board action.

The contracts were only presented to the board at this meeting. It was to consensus of the board to table the contract for action until October 4, 1994.

**SHIP News**

Chairman Dixon told the board that he had learned that the Gadsden County SHIP Program has either built or found contracts to build 23 new homes in this fiscal year. They have also made repairs to another 17 homes. He praised Mr. Edward Butler and Mrs. Rosemary Banks for their efforts.

**COUNTY MANAGER** Tape 1; 4496

**Resolution Honoring Edward J. Butler**

Mr. Carter presented the board with a resolution honoring Mr. Edward J. Butler upon his retirement. The resolution is in appreciation for his dedication and 23 years of service to Gadsden

County. He read excerpts from the resolution then asked for its adoption.

**UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 5 - 0 TO ADOPT THE RESOLUTION HONORING EDWARD J. BUTLER FOR 23 YEARS OF SERVICE AND DEDICATION TO GADSDEN COUNTY.**

The resolution will be presented formally in a retirement banquet in his honor.

**Amendment to the Juvenile Justice Grant** Tape #1;4583

Mr. Carter presented Amendment # 1 to the Juvenile Justice grant HRS MT611. The amendment adds a clause to the "Special Provisions" section of Attachment I of the contract. This clause has been required by law to be included in all HRS contracts which begin July 1, 1994 or later. No invoices can be paid for any HRS contract without this provision in place.

**UPON MOTION BY COMMISSIONER POWELL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO APPROVE THE AMENDMENT TO HRS JUVENILE JUSTICE CONTRACT # MT611. AMENDMENT ATTACHED.**

**Amendment to Department of Revenue Contract for Sheriff's Services**

Mr. Carter presented an amendment to the contract with Department of Revenue 0 BZE - 17. The amendment is made necessary due to the 93/94 legislative changes which calls for an increase in Sheriff's services and process fee from \$12.00 to \$20.00. In order to reimburse the Sheriff at the new rate, the contract must be amended. He asked the board to approve the amendment.

**UPON MOTION BY COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO APPROVE THE AMENDMENT WHICH ALLOWS THE INCREASE OF FEES PAID TO THE SHERIFF FOR SERVICES AND PROCESS FEES RELATING TO THE CONTRACT # BZE-17.**

**HRS - WIC Program Contract Amendment** Tape #1; 4668

Mr. Carter had received notice from Jerry Wynn of HRS that the Gadsden WIC program has received an additional \$35,000 in funding from State WIC and the USDA to be used for renovations to the WIC area of the Gadsden County Health Department. He asked the board to adopt the amendment.

**UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO APPROVE THE \$35,000 AMENDMENT TO THE HRS-WIC CONTRACT.**

**Resolution - Small County Coalition** Tape 1; 4708

Mr. Carter presented the resolution in support of the Small County Coalition of which Gadsden is a member. The resolution calls for payment of \$2,000 to the Coalition.

**UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 5 - 0 TO APPROVE THE RESOLUTION SUPPORTING THE SMALL COUNTY COALITION AND TO PAY THE \$2,000 FEES.**

**Havana Library Lease Rate Adjustment** Tape # 1; 4790

The current rent rate on the Havana Library is \$1,975.56 per month. The lease agreement with Olson Insurance & Financial Services provides for an increase to that amount based on the increase in property taxes, insurance cost and the annual CPI-U index. These increases causes the new rent rate to be \$2,108.28 per month.

The contract expires in the year 2000 but it does have a clause saying that the tennant may terminate at the end of five years (April, 1995) by notification to the landlord.

**UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER POWELL, THE HAVANA LIBRARY LEASE WAS TABLED FOR FURTHER NEGOTIATIONS.**

**County Manager's Contract** Tape # 1; 5036

Mr. Carter had provided copies of the proposed employment agreement between himself and the county commission prior to this meeting.

Chairman Dixon called for questions and comments from the board.

Commissioner Peacock pointed out the following:

1. The raise the manager is seeking is \$10,000 which would place him at \$55,000.

2. In addition, he is requesting health insurance coverage for himself and his dependents. (The county does not pay for any other employees dependent's coverage. This amounts to an additional \$4,786.80 per year.) Commissioner Peacock disapproved of paying the dependents health insurance coverage.
3. The manager is also asking that termination/severance clause be changed from 60 days severance pay to 180 days severance pay. Mr. Peacock disapproved of this.
4. The agreement called for the county to pay his disability insurance during his employment. The cost could not be determined. Commissioner Peacock was opposed to this clause.

In view of the fact that the county could only offer all other employees a 3% to 4% raise, he was opposed to the new contract for the county manager.

Chairman Dixon told the commissioners that the board does not have to agree to everything in the contract. The purpose of this discussion was to determine what is just and fair.

Commissioner Davis stated that he thought the manager should receive the same raise that all other county employees were receiving.

Commissioner Powell took exception to the statements made by Commissioners Peacock and Davis. Because the manager serves at the will of the board, he is entitled to special benefits. The new salary package is in line with other managers in the area.

Commissioner McGill reported the salaries paid to Major Pickles, Property Appraiser, Tax Collector, Clerk of Court and the Supervisor of Elections. In view of the accomplishments of the manager over the period of his employment, he feels that some amount of increase is justified. He supported the agreement.

Chairman Dixon called attention to the accomplishments of the manager and he supported the agreement.

After a lengthy discussion among the board members, questions and remarks from the public were entertained. There were as follows: James Rogers, Nolen Hancock, Dan Russ, unidentified lady, Bill Balcom, Kathy Rogers and Byron Rudd.

**MOTION WAS MADE BY COMMISSIONER PEACOCK TO TABLE ANY ACTION ON THE MANAGER'S CONTRACT UNTIL THE NEXT BOARD MEETING ON OCTOBER 4, 1994 AND IN THE MEANTIME EACH COMMISSIONER SHOULD PREPARE A PROPOSAL FOR THE COUNTY MANAGER IN WRITING.**

Some discussion followed between Commissioner Peacock and Chairman Dixon regarding the motion to table.

**CHAIRMAN DIXON DENIED THE MOTION TO TABLE STATING THAT COMMISSIONER PEACOCK'S MOTION WAS FRIVOLOUS AND HE DEEMED IT TO BE A DELAYING TACTIC.**

Commissioner Peacock asked for the county attorney to intervene and give the chair instructions relative to the parliamentary procedures surrounding a motion to table.

Attorney Jim Richmond responded by saying that this board has operated on the basis that a motion to table was a matter of personal privilege.

Chairman Dixon concluded that it has always been and will continue to be a matter of personal privilege but not when the chair deems it to be frivolous.

Commissioner Peacock insisted that it has always been procedure of this board to honor a motion to table.

The chairman called for order. He asked the bailiff to remove one gentleman in the audience if he did not remain quiet.

Chairman Dixon agreed to respect the motion to table and removed the issue from any further discussion.

It was the consensus of the board to hold a special meeting to discuss the county manager's employment agreement on Tuesday, September 27, 1994 at 6:00 p.m. in the courtroom.

**CONSENT AGENDA** Tape # 1; 6452

**UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 5 - 0 TO APPROVE THE CONSENT AGENDA TO WIT:**

**1) Standard contract between Gadsden County and HRS to operate the County Health Unit.**

- 2) Fire service Contracts with: Wetumpka Volunteer Fire Department; Robertsville Volunteer Fire Department; Mt. Pleasant Volunteer Fire Department; City of Midway; Town of Havana; City of Gretna; city of Greensboro; Coonbottom Volunteer Fire Department; City of Chattahoochee
- 3) Library State Aid Application
- 4) Business Records Corporation Contract
- 5) Recycling/Education Grant Agreement
- 6) EMPA FY 1994/95 Grant Funding

PUBLIC INPUT

Mr. Harvey Sweeney requested the minutes of this meeting reflect his opposition to the consent agenda.

Chairman Dixon told Mr. Sweeney he could ask the board to remove any issue from the consent agenda and place it for discussion. He was directed to make his wishes known in the future.

CLERK OF COURT Tape # 1 6673

Budget Amendments

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO APPROVE THE BUDGET AMENDMENTS TO WIT:

- 1) General Fund - line item changes \$536,349.00
- 2) General Fund - line item changes 40,920.00
- 3) General Fund - line item changes 950.00
- 4) General Fund - line item changes 1,093.00
- 5) General Fund - line item changes 42,769.00
- 6) General Fund - line item changes 74,925.00
- 7) General Fund - line item changes 2,856.00
- 8) General Fund - line item changes 61,994.00
- 9) General Fund - line item changes 2,758.00
- 10) General Fund - line item changes 140,270.00
- 11) General Fund - line item changes 75,875.23
- 12) General Fund - line item changes 257,011.00
- 13) Mos/Control - line item changes 11,892.00
- 14) Library - line item changes 199,573.00
- 15) Library - line item changes 152,798.14
- 16) EMS line item changes 50,138.00
- 17) Waste Services line item changes 3,200.00

18) Grant - 145line item changes	13,404.00
19) Grant - 146line item changes	1,987.00
20) Grant - 147line item changes	52,272.00
21) Grant - 148line item changes	36,710.00
22) Grant - 150line item changes	7,640.03
23) Grant - 155line item changes	10,995.06
24) Grant - 158line item changes	19,032.14
25) Library Friends show revenue received	219.77

### Financial Statement

Clerk Thomas called attention to the financial report provided for information purposes only. (attached)

### Physical Inventory

Clerk Thomas reminded the board of the physical inventory which is due by September 30, 1994.

### Payment of County Bills Tape # 2; 4

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO APPROVE THE PAYMENT OF THE COUNTY BILLS.

### DISTRICT 2 REPORT

Commissioner Powell spoke briefly to the issue of the county manager's employment agreement. He asked to go on record as saying that he believed the board had done a real injustice to the county manager.

### DISTRICT 3 REPORT

There was no report.

### DISTRICT 4 REPORT

There was no report.

### DISTRICT 5 REPORT

Chairman Dixon asked Clerk Thomas if the county manager had been given inquiry access to the clerk's computer for budgeting purposes. The clerk responded by saying it would not be on line

by October 1 but he would advise them of any progress as it happens.

**DISTRICT 1 REPORT**

There was no report.

**UPON MOTION OF COMMISSIONER PEACOCK, THE CHAIRMAN DECLARED THE MEETING ADJOURNED.**

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**Edward J. Dixon, Chairman**

**ATTEST:**

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**Nicholas Thomas, Clerk**

**GADSDEN COUNTY INDUSTRY LICENSING BOARD**

Chairman Dixon called the meeting to order.

**UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO APPROVE THE LICENSING OF CURTIS LEWIS GRAHAM AS A MASTER PLUMBER.**

The meeting was adjourned by Chairman Dixon.

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Edward J. Dixon, Chairman

ATTEST:

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Nicholas Thomas, Clerk

AT A SPECIAL MEETING OF THE  
BOARD OF COUNTY COMMISSIONERS,  
IN AND FOR GADSDEN COUNTY,  
FLORIDA ON SEPTEMBER 27, 1994,  
THE FOLLOWING PROCEEDINGS WERE  
HAD, VIZ.

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

The meeting was called to order by Vice-Chairman Forrest Davis in the absence of the chairman who arrived late. He stated the purpose of the meeting was to discuss the employment agreement with the county manager. He opened the floor for discussion.

Commissioner Peacock asked to make a presentation to the board. He passed out a copy of FL Statute, then questioned the legality of the meeting. He contended that the public had not been duly noticed.

He read from the statute: "Upon giving of due public notice, special meetings of the board of county commissioners may be held." Mr. Peacock contended that the meeting has not been duly noticed. Although a story appeared on the front page of the newspaper reporting there would be a meeting on this date, it was not a legal advertisement. In the past, the board has routinely posted notice of special meetings in each door of the courthouse. Such a notice was not posted for this meeting. He read FL Statute 286.411 3(d) and concluded once again that the meeting was illegal.

Hal Richmond, county attorney, was asked to respond.

The following is a verbatim account of the remainder of the meeting.

Richmond: Let me ask a question. You say, there are no signs up?

Peacock: No, sir. There has not been.

Richmond: Normally there are signs up. I don't know that... I was not here last week. Was there notice given. Were there signs put up?

Peacock:There have been no public, there have been no public advertisement what-so-ever of this meeting.

Powell:Was it advertised in the paper?

Peacock:No, sir.

Powell:A special meeting?

Peacock:No, sir. Here is a copy of the paper.

Chairman:Mr. Attorney, when a meeting is called in a public forum, before the press, does that pass as notice of a public hearing?

Powell:Special meeting.

Chairman:Special meeting, I'm sorry?

Richmond:Notice must be given of a special meeting. Notice has been given in the past in two ways. Either in the newspaper or by signs on the doors at the courthouse. If it is an emergency, notice requirements are different. Is anyone contending that this is an emergency?

Peacock:I can hardly, I can hardly see where it could be an emergency meeting.

McGill:Mr. Attorney, in the past when we have been at a regular meeting and we scheduled another meeting to take up issues. Does that not constitute public notice?

Peacock:It has been treated that way by this board in the past.

McGill:And we have done this on several occasions in the past, right?

Richmond:It has been done. It was my understanding when that was done, that signs were still put up on the doors of the courthouse.

Peacock:Right. There was still signs published on the doors of the courthouse two days before the meeting and not more than five days - its in the statutes here someplace, let's see.

Chairman:Mr. Attorney, if there is some questions as to whether we are in a public meeting, I was told that it is not necessary since it was announced in a public forum. Ah, well, anyway, let us not dicker. Let us move on to the point. If we are, then you need to say we are - If we aren't then please say so, so we may schedule.

Richmond:Let me suggest this. If you take action, any citizen in Gadsden County who felt it was not publicly advertised or noticed...

Chairman:That's fine. That's fine. Yes or No?

Richmond:Yes or no, if you want a legal

Chairman:Are we in a gray area?

Richmond:There is a gray area.

Chairman:Then let us - Mr. Carter, please advertise as soon as - what is good for everybody? Let us advertise a meeting of the board for Thursday, Mr. Carter. And please take all actions as has been taken by the board before in advertising a special meeting of the board.

Peacock:Are you call... Ah, Mr. Chairman, are you talking about this coming Thursday?

Chairman:Yes, sir.

Peacock:How are you going to get it into the newspaper between now and Thursday?

Chairman:I don't think it has to be advertised in the newspaper.

Peacock:You do, Mr. Chairman.

Chairman:Is that true, Mr. Attorney?

Richmond:It has to be noticed.

Chairman:It has to be noticed.

Richmond:I have not come prepared for this issue tonight, so I can't tell you that right now. In the past, two days notice with signs on the doors of the courthouse has

been sufficient with no prior notification of the press to hold meetings. That was my understanding.

Peacock:Mr. Chairman.

Powell:Mr. Chairman.

Chairman:Let me recognize Mr. Powell.

Powell:Mr. Chairman, I would like to ask a question now, to the attorney. If we have this meeting on - ah - we meet next Tuesday, we don't have to hold a special meeting - is that correct?

Chairman:No.

Powell:To transact this business?

Chairman:No. You want to move it to Tuesday then Mr. Powell?

Powell:I think with the way the statutes read we don't have any kind of justification here to have a meeting. Or at least that is my understanding, Mr. Chairman. Now you may see it different. Personally, I don't have any problems dealing with it now, personally. But ah, if it is your wishes and the board's wishes, we'll do it on Tuesday and don't worry about a special meeting.

Chairman:It's fine with me. Mr. McGill, questions?

Powell:Or we can do it tonight.

McGill:I was thinking about possibly, Friday, that would give us two days notice and legally meet the requirements. Again, but since we are going to have a regular meeting on Tuesday anyway, we can have the item agendaed for the Tuesday meeting, then we will definitely meet all the legal requirements by having it a regular meeting.

Peacock:It was suggested

Chairman:Just one second commissioner.

Peacock:Excuse me.

Chairman:Commissioner Davis?

Davis: Well, I think to have it next Tuesday would be o.k.

Chairman: Commissioner Peacock.

Peacock: It was my understanding that the motion was to be tabled until next Tuesday, but I was overridden and this meeting was called.

Powell: Mr. Chairman, the attorney said to give him about five minutes and he would check the statutes.

Chairman: Let us recess for five minutes.

Richmond: Mr. Chairman, I thought I could get to the statutes, but I can't.

Chairman: Just one thing before we adjourn. I really wish commissioner, that if you had any problems with this special meeting, that it would be brought up. Just a minute.

Richmond to baliff: Do you have a key to the statutes?

Chairman: If you had problems, it could have been brought to the board for that simple reason. If we were out of order we did not need to waste members of the board nor the public's time in coming here. If we were out of order. If there was some question as to whether we were out of order. Ah, you know, we are a board. Whether we like each other or not, we still must maintain a certain degree of respect for each other. Please let us confer or pass to the county manager that there is some question in a board member's mind as to what we are doing and why we are doing it. If there is some question as to this meeting, there was no problem in not having this meeting tonight. Ah. This has been a great waste of time. Members of the public, I apologize. Members of the board, this certainly was not necessary. We will adjourn for five minutes until we get an answer from the attorney.

Peacock: I would like to respond to that if I may. As you remember, at the last meeting I requested that we have ah table this matter until next Tuesday night which is the regular board meeting. At that time, it was my understanding that was the way it would be. Although it wasn't. Now, if the chairman has a problem with the way

I handled this tonight, the chairman should have searched the statutes out and seen what was right and what was wrong and what the statutes said about it before he called a special meeting. Thank you.

McGill:I believe he called the special meeting at the same time in that meeting.

Chairman:I am sure we are in order, but you know, it's not. There is no need to bicker about it.

Richmond:(inaudible)

Chairman:The attorney has said that we can not reach the statutes, therefore the chair will entertain a motion to adjourn.

McGill:I move.

Chairman:We stand adjourned.

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Edward J. Dixon, Chairman

ATTEST:

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Nicholas Thomas, Clerk

AT A SPECIAL MEETING OF THE BOARD  
OF COUNTY COMMISSIONERS AND GADSDEN  
SCHOOL BOARD ACTING AS THE PROPERTY  
VALUE ADJUSTMENT BOARD IN AND FOR  
GADSDEN COUNTY, FLORIDA ON  
SEPTEMBER 29, 1994, THE FOLLOWING  
PROCEEDINGS WERE HAD, VIZ.

PRESENT: ED DIXON, CHAIRMAN BOARD OF COUNTY COMMISSION  
JAMES PEACOCK, DISTRICT 3 - COUNTY COMMISSION  
WITT CAMPBELL - SCHOOL BOARD  
GEORGE HAMILTON, PROPERTY APPRAISER  
MARSHA KING, DEPUTY PROPERTY APPRAISER  
HAL RICHMOND, COUNTY ATTORNEY  
ALEX HINSON, ATTORNEY FOR PROPERTY APPRAISER  
MURIEL STRAUGHN, DEPUTY CLERK

CALL TO ORDER

Chairman Dixon called the meeting to order and turned the meeting over to Mr. George Hamilton.

Mr. Hamilton explained that the board was convened to hear the arguments from those citizens who have filed petitions requesting consideration from this board as to the assessed values of their property.

It was a consensus of the board to hear the arguments from the petitioners who were present at the hearing first, then review each of the other petitions individually.

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**1. Clyde and Francis Maples**

Rt. 1 Box 990  
Whigham, Ga. 31797

**Parcel number 3 - 07-2N-3W-0700-00002-0050; located east of Quincy on U.S. 90 (just east of Murray's Bar-b-que)**

PETITION SEEKING REVIEW AND ADJUSTMENT OF THE ASSESSED VALUE OF REAL PROPERTY

Mr. Hamilton explained that the value of this vacant lot is exactly the same as it was last year - \$3,656.00. All adjoining properties are valued equally.

Mr. Maples stated that the value placed on the property is excessive. He has the property advertised for sale at \$1,500. The configuration of the lot is such that no building can be erected on the property. It has a extremely steep drop-off making it unsuitable for anything. He has been unsuccessful in selling the property even at the \$1,500.00 price.

**FINDING OF FACT:**

The value of the lot is excessive considering the configuration of the lot and the willingness of the petitioner to sell the property at a lower price. The property is advertised for sale in the Gadsden County Times for \$1,500.

**CONCLUSION OF LAW:**

The property was improperly assessed.

Commissioner Peacock made a motion to reduce the value of the property to \$2,500. School Board Member seconded the motion.

Discussion followed.

Commissioner Peacock withdrew the motion and School Board Member Campbell withdrew the second.

**UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY SCHOOL BOARD MEMBER CAMPBELL, THE BOARD VOTED 3 - 0 TO LOWER THE VALUE OF THE PROPERTY TO \$2,100.00.**

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**2. Jodee Maro**

Route 3 Box 723  
Havana, FL 32333

**Parcel Number: 2-32-3N-3W-0000-00323-2000**

PETITION FOR HOMESTEAD EXEMPTIONS

Mr. Hamilton explained that he has denied homestead exemption of Ms. Maro's home because as of January 1, 1994 she was not using the home as her permanent residence. Site inspections of the property by the property appraiser's office checked the property several times. Upon one inspection, the staff found that the electricity was turned off.

Ms. Maro explained she did have the mobile home rented out at one time. However, the renters were evicted by her in November, 1993. She verified she had the electricity turned off for a time but has since made repairs and now resides there herself. She offered evidence that she uses the home as her primary residence. (Child Support, Insurance, electric bills etc.) She stated that she does also rent another house in Wakulla County, but uses this property as much as the rented house.

Mr. Hamilton stated for the record that the property value was dropped from \$26,000 to \$15,000.

**FINDING OF FACT:**

The Property Appraiser does not believe that the petitioner was using the home as her home above all others as of January 1, 1994. Site inspection of the home on several occasions could not substantiate that the petitioner was residing there. As late as June of 1994, correspondence sent to Ms. Maro at that address was undeliverable.

Property values were lowered on the property from \$26,000 to \$15,000.00.

**CONCLUSIONS OF LAW:**

The petitioner did not make the property claimed as homestead as of January 1st and does meet the criteria for homestead exemption.

**UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY SCHOOL BOARD MEMBER CAMPBELL, THE BOARD VOTED 3 - 0 TO DENY HOMESTEAD EXEMPTION TO MS. MARO.**

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**3. Robert Sailor**

Route 1 Box 36  
Quincy, FL 32351

**Parcel number: 3-05-2N-4W-0000-00224-1000**

This homestead has been granted prior to this hearing.

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**4. Clara Bennett**

Rt. 1 Box 83-4  
Quincy, FL 32351

This homestead was granted by the property appraiser prior to this hearing.

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**5.F. Curtis Henderson, Jr.**

Rt. 3 Box 5275  
Havana, FL 32333

REQUEST FOR LATE FILED HOMESTEAD EXEMPTION

Mr. Henderson requested a late filed homestead exemption. He contends he was misinformed by personnel in the property appraiser's office.

Mr. Henderson was present and stated his argument to the board.

**FINDING OF FACTS:**

The board found there were special circumstances surrounding Mr. Henderson's filing for homestead exemption. The circumstances were sufficient to warrant special consideration of the Value Adjustment Board.

**CONCLUSION OF LAW:**

By statute, late-filed homestead exemption can be granted under some circumstances. The board found that special circumstances did exist in the case of Mr. Henderson and late-filed homestead exemption was granted.

**UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY SCHOOL BOARD MEMBER CAMPBELL, THE BOARD VOTED 3 - 0 TO GRANT HOMESTEAD EXEMPTION TO MR. HENDERSON.**

**Homestead Exemption granted.**

Gadsden County Value Adjustment Board  
September 29, 1994 Meeting  
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THE FOLLOWING PETITIONS WERE DENIED BY THE VALUE ADJUSTMENT BOARD  
AFTER REVIEW OF EACH PETITION.

**6. Billy Alls**

P. O. Box 105  
Gretna, FL 32332-0105

**Parcel No. 2-32-#n-4W-0420-00042-0041**

NOTICE OF DISAPPROVAL OF APPLICATION FOR HOMESTEAD EXEMPTION BY  
THE COUNTY PROPERTY APPRAISER

Petitioner was mailed notice of hearing. Certified Mail was  
returned marked unclaimed after two attempts to deliver.

**FINDING OF FACTS:**

Applicant did not, in good faith, make the property claimed as  
homestead his permanent residence as of January 1st, 1994.  
Site inspection by the property appraiser's office revealed  
no improvements on the property.

**CONCLUSION OF LAW:**

Applicant does not meet the statutory requirements as there are no  
improvements to the property and the applicant does not  
reside on the property.

**Petition Denied.**

---

**7. Timothy Ross Avitable**

Route 1 Box 1755  
Havana, FL 32333

**Parcel No. 3-14-2N-2W-0571-0000A-0120**

NOTICE OF DISAPPROVAL OF APPLICATION FOR HOMESTEAD EXEMPTION BY  
THE COUNTY PROPERTY APPRAISER

An attempt was made to notify the petitioner of this hearing by  
certified mail. The certified receipt was not returned to the  
clerk's office prior to this hearing.

**FINDINGS OF FACTS:**

Applicant did not, in good faith, make the property claimed as homestead his permanent residence as of January 1st. Site inspection by the property appraiser's office revealed that applicant does live on property.

**CONCLUSION OF LAW:**

Applicant does not meet the statutory requirements for homestead exemption in that he does not live on the property.

**Petition denied.**

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**8. William and Juanita Buckhalter**

Route 1 Box 2226  
Chattahoochee, FL 32324

**Parcel No. 1-33-4N-6W-0070-00005-0020**

NOTICE OF DISAPPROVAL OF APPLICATION FOR HOMESTEAD EXEMPTION BY  
THE COUNTY PROPERTY APPRAISER

Petitioner was notified by certified mail of this hearing. Petitioner did not appear.

**FINDINGS OF FACT:**

Mr. Buckhalter purchased this property from an individual who was claiming homestead exemption. Mr. Buckhalter is claiming homestead exemption on another piece of property. The law does not allow homestead exemption on more than one piece of property.

**CONCLUSION OF LAW:**

Applicant does not meet the statutory requirements for homestead exemption on this property in that this was not their permanent residence as of January 1st, 1994.

**Petition Denied**

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**9. Angela Burns**

Route 5 Box 143-A  
Quincy, FL 32351

**Parcel No. 2-03-3N-4W-0000-00241-0800**

NOTICE OF DISAPPROVAL OF APPLICATION FOR HOMESTEAD EXEMPTION BY  
THE COUNTY PROPERTY APPRAISER

Applicant was notified of this hearing by certified mail.  
Applicant was not present.

**FINDINGS OF FACT:**

Site inspection of the property revealed there are no improvements  
to the property and homestead exemption was removed.

**CONCLUSIONS OF LAW:**

Applicant does not meet statutory requirement that the applicant  
must make the property claimed as homestead her permanent  
residence as of January 1st. There were no improvements to  
the property.

**Petition denied.**

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**10. Janger Nell Owens Daniels**

P. O. Box 214  
Gretna, FL 32332 0214

**Parcel No. 2-30-3N-4W-0000-00443-0900**

NOTICE OF DISAPPROVAL OF APPLICATION FOR HOMESTEAD EXEMPTION BY  
THE COUNTY PROPERTY APPRAISER

Petitioner was notified by certified mail of this hearing.  
Petitioner did not appear.

**FINDINGS OF FACT:**

Gadsden County Value Adjustment Board  
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Site inspection of the property revealed that the house had burned. Homestead exemption was removed and the property owner was notified.

**CONCLUSION OF LAW:**

Applicant does not meet statutory requirements for homestead exemption in that there must be a dwelling and it must be utilized as a permanent residence.

**Petition denied.**

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**11. Steve Davis**

Box 391  
Havana, FL 32333

Request for Late-filed Homestead Exemption

Attempt to notify the applicant of this hearing by certified mail. As of the date of this hearing the return receipt had not been received by the clerk's office.

**FINDING OF FACT:**

Applicant stated on his application that he had misunderstood the filing date to qualify for homestead exemption.

**CONCLUSION OF LAW:**

Mr. Davis's circumstances does not meet the statutory requirements to warrant granting of his request for late filed homestead exemption.

In the absence of a personal appearance to appeal to this board, the **Petition was denied.**

**12. Deighan Appraisal Associates, Inc.**

Petition seeking adjustment of assessed Value of

**Parcel No. 3272NW0000003320000**

**Petition withdrawn.**

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**Deighan Appraisal Associates, Inc.**

Petition seeking adjustment of assessed Value of

**Parcel No. 00000000275500**

**Petition withdrawn.**

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**13. Flossie Doster and Icelean Crittenden**

104 Valley Crest Drive  
Dothan, Alabama 35301

**Parcel No. 3-07-2N-3W-0690-00001-0030**

NOTICE OF DISAPPROVAL OF APPLICATION FOR HOMESTEAD EXEMPTION BY  
THE COUNTY PROPERTY APPRAISER

**FINDING OF FACTS:**

Site inspection of the property revealed that the property is being rented. Applicant does not live on the property.

**CONCLUSION OF LAW:**

Renting of a homestead constitutes abandonment. Applicant must utilize the homestead as permanent residence. Applicant does not meet the statutory requirements to qualify for homestead exemption.

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**14. Tommy E. and Cynthia S. Earnest**

511 N. Stewart Street  
Quincy, Florida 32351

**Parcel No. 3-06-2N-3W-0650-0000A-0020**

NOTICE OF DISAPPROVAL OF APPLICATION FOR HOMESTEAD EXEMPTION BY  
THE COUNTY PROPERTY APPRAISER

Gadsden County Value Adjustment Board  
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An attempt was made to notify applicant of this hearing. The certified mail letter was returned undelivered because there was no mail receptacle at the house.

**FINDING OF FACT:**

Site inspection revealed that the applicant no longer lives on the property.

**CONCLUSION OF LAW:**

Applicant does not meet the statutory requirements for homestead exemption in that he did not, in good faith, make the property claimed as homestead his permanent residence as of January 1, 1994.

**Petition Denied.**

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**15. Easley, McCaleb & Assoc., Inc.**

P.O. Box 173058  
Tampa, FL 32672

**Parcel No. 3-17-2N-#w-0000-00420-0000**  
Greenwood Terrace Apt.

PETITION SEEKING REVIEW AND ADJUSTMENT OF THE ASSESSED PROPERTY

**Petition withdrawn.**

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**16. Gadsden Medical Center, Inc.**

P. O. Box 2009  
Quincy, FL 32353-2009

Personal Property for 1994

NOTICE OF DISAPPROVAL OF APPLICATION FOR PERSONAL PROPERTY TAX EXEMPTION BY THE COUNTY PROPERTY APPRAISER

**FINDING OF FACT:**

Petitioner did not make application for exemption timely. Petitioner had been informed by the property appraiser and

all necessary information for filing had been provided to applicant. Applicant filed 18 days late. In addition the Property Appraiser was uncertain that they are entitled to the exemption.

**CONCLUSIONS OF LAW:**

Petitioner did not meet the statutory filing date requirements.

**Petition Denied.**

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**17. Terri Haas**

Rt. 2 Box 62-JU  
Quincy, Florida 32351

REQUEST FOR LATE-FILED HOMESTEAD EXEMPTION.

Applicant was notified by certified mail of this hearing. He did not appear.

**FINDING OF FACT:**

Applicant stated on his petition that he misunderstood the filing date.

**CONCLUSION OF LAW:**

Applicant did not meet the statutory requirement for homestead exemption. Applicant was informed of this hearing to appeal to this board for consideration and did not appear.

**Petition denied.**

---

**18. Richard Harris**

Rt. 6, Box 1610  
Quincy, FL 32351

REQUEST FOR LATE FILED HOMESTEAD EXEMPTION.

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Attempt was made to notify the applicant of this hearing by certified mail. As of the date of this hearing, the receipt has not be returned by the post office to the clerk's office.

**FINDING OF FACTS:**

Applicant stated he was hospitalized at the time he was required by law to file for homestead exemption. He offered no evidence to support his claim.

**CONCLUSION OF LAW:**

Applicant's circumstances would permit late filed homestead exemption if he could substantiate his claim. The applicant did not appear before the board to make his appeal nor did he provide evidence to support his request.

**Petition Denied.**

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**19. Pamela Hicks**

831 Kimberlin Dr. N.  
Mobile Al 36695

Parcel No. 3-14-2N-2W-0565-0000B-0070

**NOTICE OF DISAPPROVAL OF HOMESTEAD EXEMPTION BY THE COUNTY PROPERTY APPRAISER.**

Attempt was made to notify applicant of this hearing by certified mail. As of the date of this hearing, the receipt has not been returned to the clerk's office.

The applicant did not appear.

**FINDING OF FACT:**

Site inspection of the property revealed that applicant does not live on the property.

**CONCLUSION OF LAW:**

Applicant does not meet statutory requirement of the law as the applicant does not live on the property.

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**Petition denied.**

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**20. Classie Hines**

Route 5 Box 250  
Quincy, FL 32351

Parcel no. 2-18-3N-4W-0000-00444-0300

NOTICE OF DISAPPROVAL OF HOMESTEAD EXEMPTION BY THE COUNTY  
PROPERTY APPRAISER

Applicant was notified of this hearing by certified mail.

Applicant did not appear.

**FINDING OF FACTS:**

Site inspection of the property revealed that the dwelling has  
burned.

**CONCLUSION OF LAW:**

Applicant does not meet statutory requirements of the law as there  
is no dwelling and applicant does not live on the property.

**Petition denied.**

---

**21. Wanda Horgan**

Rt. 1 Box 1640-P  
Havana, FL 32333

PETITION FOR LATE FILED HOMESTEAD EXEMPTION.

**Petition granted prior to this hearing.**

**22. Shirley McMillian James**

Box 1557  
Quincy, Fl 32353

Parcel No. 3-12-2N-4W-0980-0000K-0900

Gadsden County Value Adjustment Board  
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NOTICE OF DISAPPROVAL OF HOMESTEAD EXEMPTION BY THE COUNTY  
PROPERTY APPRAISER

Applicant was notified of this hearing by certified mail.

Applicant was not present.

**FINDING OF FACTS:**

Site inspection revealed that the house was being rented.

**CONCLUSION OF LAW:**

Renting of a homestead constitutes abandonment. Applicant must utilize the homestead as residence. Applicant does not meet statutory requirements as applicant does not live on the property.

**Petition denied.**

---

**23. Donald R. and Nancy M. Lasseter**

C/O Jewell Miller  
Route 1 Box 160-B  
Adrian, Ga. 31002

Parcel No. 3-28-2N-3W-0000-00344-0200

NOTICE OF DISAPPROVAL OF HOMESTEAD EXEMPTION BY THE COUNTY  
PROPERTY APPRAISER

Applicants were notified of this hearing by certified mail.

Applicants did not appear.

**FINDINGS OF FACT:**

Site inspection revealed no improvements to the property and no one living on the property.

**CONCLUSIONS OF LAW:**

Gadsden County Value Adjustment Board  
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Applicant does not meet the statutory requirements for a homestead as there is no dwelling on the property and it is not used as a residence.

**Petition Denied.**

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**24. Mary Love**

1511 Live Oak St.  
Quincy, FL 32351

**Parcel No. 3-12-2N-4W-0980-0000E-0050**

NOTICE OF DISAPPROVAL OF HOMESTEAD EXEMPTION BY THE COUNTY PROPERTY APPRAISER

**FINDINGS OF FACT:**

Site inspection of the property revealed that the property is being rented.

**CONCLUSION OF LAW:**

Applicant does not meet the requirement of the statutes for homestead exemption. Renting of a homestead constitutes abandonment. Applicant must utilize the homestead as a residence to meet requirements.

**Petition denied.**

---

**25. Rhonda McDowell**

P. O. Box 560  
Midway, FL 32343 - 0560

**Parcel No. 3-32-2N-2W-0000-00232-0200**

REQUEST FOR RECLASSIFICATION OF AGRICULTURAL LANDS

Applicant was notified of this hearing by certified mail.

Applicant did not appear.

**FINDING OF FACTS:**

Applicant does not own enough land to qualify it as being used for agricultural purposes. Site inspection revealed the land is not used for agricultural purposes. Attempts to locate the applicant revealed that she no longer resides on the property.

**CONCLUSION OF LAW:**

The size of the land is not sufficient to qualify the land for agricultural operations, therefore it does not meet the criteria for agriculture use.

**Petition denied.**

---

**26. Mary P. Mills and Ronald L. Mercer**

Route 3 box 537  
Havana, FL 32333

Parcel No. 2-17-3N-1W-0000-00422-0300

NOTICE OF DISAPPROVAL OF APPLICATION FOR HOMESTEAD EXEMPTION BY  
THE COUNTY PROPERTY APPRAISER

Applicant was notified of this hearing by certified mail.

Applicant did not appear.

**FINDING OF FACTS:**

Applicant receives homestead exemption on another house.

**CONCLUSION OF LAW:**

Statutes only allow for homestead exemption on one parcel of property.

**Petition denied.**

---

**27. Carlton Sheffield**

E. U.S. 90  
Quincy, FL 32351

Gadsden County Value Adjustment Board  
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REQUEST FOR LATE FILED HOMESTEAD EXEMPTION.

Applicant was notified of this hearing by certified mail.

Applicant did not appear.

**FINDINGS OF FACTS:**

Mr. Sheffield was 28 days late filing.

**CONCLUSION OF LAW:**

Mr. Sheffield does not meet the criteria for granting late filed homestead exemption nor did he appear after being given due notice of this hearing.

**Petition denied.**

---

**28. Bethalina M. Stillwell**

2018 Tobacco Road  
Havana, FL 32333

REQUEST FOR LATE FILED HOMESTEAD EXEMPTION.

Applicant was notified of the hearing by certified mail.

Applicant did not appear.

**FINDING OF FACTS:**

Applicant did not state her reason for filing the request and did not appear after due notice.

**CONCLUSION OF LAW:**

Applicant did not meet the criteria for granting late filed homestead exemption.

**Petition denied.**

---

**29. Evans A. and Victoria Tettey**

2624 Nez Perce Trail  
Tallahassee, FL 32303

Gadsden County Value Adjustment Board  
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Parcel No. 3-17-2N-2W-0578-00000-0260

REQUEST FOR RECLASSIFICATION OF AGRICULTURE LANDS.

**FINDINGS OF FACT:**

Applicant does not have sufficient acreage to qualify for agriculture lands. (Land consists of 5.19 acres and site inspection of the property revealed that part of that has been cleared for a mobile home.)

**CONCLUSION OF LAW:**

Land is not sufficient size to meet the criteria for classification of agriculture lands.

**Petition denied.**

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**30. Jorge L. Valdes**

Rt. 4 Box 2195-C  
Havana, Fl 32333

REQUEST FOR LATE-FILED HOMESTEAD EXEMPTION.

This petition was granted by the property appraiser prior to this meeting.

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**31. Minnie Lee Vickers**

P. O. Box 396  
Gretna, FL 32332-0396

Parcel No. 2-30-3N-4W-0425-00000-0090

NOTICE OF DISAPPROVAL OF HOMESTEAD EXEMPTION BY THE COUNTY PROPERTY APPRAISER

An attempt was made to notify the applicant of this hearing by certified mail. The letter was returned by the post office marked unclaimed after 2 attempts for delivery.

**FINDING OF FACTS:**

Site inspection of the property revealed that no one lives on the property.

**CONCLUSION OF LAW:**

Applicant does not meet the requirement for homestead exemption in that she does not live on the property.

**Petition denied.**

---

**32. Johann R. Wolmarans**

Rt. 4 Box 1598  
Havana, FL 32333

REQUEST FOR LATE FILED HOMESTEAD EXEMPTION.

Applicant was notified of this hearing by certified mail.

Applicant was not present.

**FINDING OF FACT:**

Site inspection of the property revealed that it is a commercial piece of property. The applicant contends that he lives in it yet he has a Virginia Driver's License.

**CONCLUSION OF LAW:**

The property does not meet the requirements for homestead exemption in that it is not a residence. The applicant was not present to offer evidence to the contrary.

**Petition denied.**

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UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY SCHOOL BOARD MEMBER CAMPBELL, THE BOARD VOTED 3 - 0 TO DENY PETITIONS NUMBER 6 THROUGH 32 AS LISTED ABOVE.

UPON MOTION BY COMMISSIONER PEACOCK, THE CHAIRMAN DECLARED THE MEETING RECESSED UNTIL OCTOBER 18, 1994 AT 5:45 P.M.

Gadsden County Value Adjustment Board  
September 29, 1994 Meeting  
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Edward J. Dixon, Chairman

ATTEST:

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Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE  
BOARD OF COUNTY COMMISSIONERS  
HELD IN AND FOR GADSDEN COUNTY  
ON OCTOBER 4, 1994, THE  
FOLLOWING PROCEEDINGS WERE  
HAD, VIZ.

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

CALL TO ORDER

The meeting was called to order by Chairman Dixon. Commissioner Davis led in pledging allegiance to the U.S. Flag and Commissioner McGill opened the meeting with a prayer.

ADOPTION OF THE AGENDA

Chairman Dixon recognized Gulf County Commissioner Nathan Peters who asked to be added to the agenda for this meeting.

UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTE 5 - 0 TO ADOPT THE AGENDA AS AMENDED TO INCLUDE REMARKS FROM COMMISSIONER NATHAN PETERS OF GULF COUNTY.

APPROVAL OF MINUTES

September 6, 1994 - Regular Meeting

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTE 5 - 0 TO APPROVE THE MINUTES OF THE SEPTEMBER 6, 1994 SUBJECT TO CORRECTION OF THE MOTION ON FIRE SERVICES. (Motion read "Motion by Commissioner Powell and second by Commissioner Powell" - it should read second by Commissioner Peacock.)

**September 27, 1994 - Special Meeting**

**UPON MOTION OF COMMISSIONER DAVIS AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO APPROVE THE MINUTES OF SEPTEMBER 27, 1994 SPECIAL MEETING.**

**COUNTY ATTORNEY** Tape # 1; 66

Mr. Hal Richmond called attention to items included last on his agenda - "Review of Parliamentary Procedure and Review of Statutory Notice Requirements". He told the board he had prepared a memorandum for the board members. He asked them to review that memorandum before addressing it in a board meeting. As to the matter of parliamentary procedure Mr. Richmond indicated that it is left to the sole discretion of the board. The matter of personal privilege is not truly within Robert's Rules of Orders but he offered to give a history of how it came to be utilized by this board. He asked for questions. There were none.

**County Manager's Employment Agreement** Tape # 1; 90

Mr. Richmond reported that he has reviewed the county manager's employment agreement for legal sufficiency. (Legal sufficiency meaning whether it is a legal contract.) It is a valid contract. The contents are solely left to the discretion of the board and offered no comments on its contents.

Chairman Dixon called for comments from the board.

Commissioner Peacock stated that he was still opposed to the contract.

Commissioner Davis stated that he too was opposed to the contract.

Commissioner Powell had no comments.

Commissioner McGill had no comments.

**MOTION WAS MADE BY COMMISSIONER POWELL AND SECONDED BY COMMISSIONER MCGILL TO APPROVE THE COUNTY MANAGER'S CONTRACT FOR THE YEAR 1994/95.**

Chairman Dixon called for discussion.

Commissioner Peacock asked to take the contract one item at a time and discuss it before a vote was taken.

Chairman Dixon yielded to Commissioner Powell who made the motion.

Commissioner Powell stated his motion was for the approval of the contract in its entirety. He went on to say there has been ample time for review and discussion prior to this meeting.

Commissioner Peacock voiced a concern specifically with the insurance coverage. He feared the board is setting a precedent. He felt it is unfair to the other employees in the county. His second concern was with the severance pay. He felt that 180 days is entirely too much and should be returned to 60 days.

Commissioner Davis asked for clarification of the long term disability insurance coverage. Mr. Carter explained that is only for the period of time that he is employed by the county. It is not something that is provided to any other employees of the county.

Questions were called by Commissioner Powell.

Mr. Nolen Hancock of the audience asked the chairman to allow for public input. The chairman declined stating that questions had been called by Commissioner Powell.

**THE BOARD VOTED 3 - 2 TO APPROVE THE CONTRACT. COMMISSIONERS POWELL, MCGILL AND DIXON VOTING IN FAVOR. COMMISSIONERS PEACOCK AND DAVIS OPPOSING.**

**Ship Agreements** Tape # 1; 560

City of Quincy - Use of Homes  
FHA - Assistance of Qualified Applicants  
Gadsden County Coop. Extension Service - Education Program for  
Home Buyers  
Home Program Agreement

Mr. Richmond reported that he has reviewed all of the agreements and they are all in proper form and meet legal sufficiency.

Mr. McGill asked that the use of homes contract with the City of Quincy be revised to include language that specifically states "there shall be no rent other than is provided herein".

**UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO APPROVE ALL OF THE SHIP AGREEMENTS SUBJECT TO THE AMENDED LANGUAGE IN THE USE OF HOMES CONTRACTS TO WIT:**

- 1) Use of Homes - amended language to include "there shall be no rent other than is provided herein."
- 2) FHA Assistance of Qualified Applicants
- 3) Gadsden County Coop. Extension Service - Education Program for Home buyers
- 4) Home Program Agreement

**CDBG Contract** Tape #; 727

Mr. Richmond asked that the board execute the Community Development Block Grant to provide for the funding of \$650,000 slated to be used in the Shiloh Area for home rehabilitation.

**UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO APPROVE THE CDBG CONTRACT AND EXECUTE THE AGREEMENT TO PROVIDE THE FUNDING FOR \$650,000 TO BE USED IN THE SHILOH COMMUNITY FOR HOME REHABILITATION.**

There was some discussion concerning the use of grant funds to install water hydrants into communities in the future. Chairman Dixon recognized several audience members for comments. (No names were provided.)

**Interlocal Agreement with City of Quincy - Application of County Building Code to County Owned Property.** Tape #1;

The above titled agreement is proposed by Frank Ritter, Building Inspector. The City of Quincy has indicated they will approve the agreement. It calls for all county owned buildings within the corporate limits of the City of Quincy will be subject to the building code of the county rather than the building codes of the city.

**UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO APPROVE THE INTERLOCAL AGREEMENT WITH THE CITY OF QUINCY FOR THE COUNTY OWNED BUILDINGS WITHIN THE CORPORATE LIMITS OF THE CITY OF QUINCY**

**BE SUBJECT TO THE CODES OF THE COUNTY AND NOT THOSE OF THE  
CITY.**

### Chance-Kinard Deed with County

Mr. Richmond asked that the Chance-Kinard Deed be tabled for further research.

### Hospital Audit Report

Mr. Chris Moran of Purvis, Grey and Company was authorized by the Board at the August 16, 1994 meeting to conduct an audit on Healthmark of Quincy, Inc. to determine if they are in compliance with their lease agreement with Gadsden County. (Lease dated April 15, 1993)

Mr. Moran first commended Mr. Hufstedler and the hospital staff for their co-operation during the audit. He reported that they were congenial and accommodating in all respects.

Mr. Moran continued his report by saying:

- 1)The \$ 1,000,000 line of credit has been paid down to \$300,000. Healthmark has always made that payment as well as the lease payments timely.
- 2)The money received by the hospital from the state (\$675,000) was used strictly to pay vendors. He further stated that the hospital is making every effort to pay its vendors even though they still are delinquent with many of them.
- 3)The reports required by Gadsden County in the lease agreement were readily available upon his request. He could not explain why they were not submitted to the board as outlined in the agreement.
- 4)Healthmark received a "going concern" by Saltmarsh, Cleaveland & Gund in an independent audit dated September 30, 1993. Subsequent conversation with that firm indicate that they may receive a second "going concern" for 1994 despite any financial improvements.
- 5)Healthmark's articles of incorporation are in order and the hospital's tax exempt status is current through 1996.
- 6)Overall, Healthmark appeared to be in compliance with the agreement with the exception of filing reports timely.

In summarizing his remarks, Mr. Moran concluded by saying "They have the information you require - they just aren't giving it to you." He suggested that commissioners put into writing the kinds of reports they want to get and a specific time for each to be filed. He encouraged the board to work more closely with the hospital and stay more informed.

**Hospital Status Report - Jon Hufstedler**

Mr. Hufstedler appeared before the board to advise them of the status of Gadsden Memorial Hospital.

- 1) Copies of the current financial statements have been submitted to the county through August 1994.
- 2) The lease and note payments are current.
- 3) Healthmark's articles of incorporation are in order and the hospital's tax exempt status is current through 1996.
- 4) Equipment lists for the past year has been provided to the accountant. The lists indicate purchaser of equipment.
- 5) No equipment has been obsoleted.
- 6) Insurance policies as required by the agreement are current.
- 7) Medical staff is competent. Recruitment continues.
- 8) Credit with hospital vendors is good.
- 9) Hospital Advisory Board is scheduled to meet the last week in October.

Mr. Hufstedler offered the following examples as ways the hospital is positioning itself to become more financially stable.

- 1) Certification of Rural Health Clinic will cause medicare and medicaid outpatient reimbursement to be increased.
- 2) Healthmark is currently negotiating for CT scanner to be available to Gadsden Memorial Hospital in October of 1994.
- 3) Healthmark is negotiating for an ultrasound machine for the radiology department to be available in October of 1994.

- 4) Healthmark has purchased a new anesthesia machine which is currently in use.
- 5) The hospital's Home Health department has more than doubled its census over the past year.
- 6) Disproportionate share monies allowed the hospital to pay most of the outstanding payable.
- 7) Business office operations have improved so that billing is more timely which has increased cash flow.
- 8) Recruitment of Emergency Department physicians and primary care physicians are being conducted with December as a target date for the addition of physicians to the medical staff.

Mr. Hufstedler closed his remarks by saying that the hospital appears to be stabilizing and positioning itself so that the coming year looks better.

#### **Gretna Effluent Disposal Line**

Gretna City Manager Charles Hayes appeared before the board. As a result of the Board's denial of their request on September 20, 1994 (to use the county's right-of-way to run the effluent disposal line to an open dispersion ditch in the Providence community), Gretna decided to go to an advanced treatment system (the treated water would be almost drinkable). The advanced treatment system will treat the waste sufficiently to allow for its discharge into Telogia Creek. Mr. Hayes explained that the City of Gretna would need to utilize the county's right-of-way on County Road 270 to run the disposal line to the creek.

Even though the board denied their first request for use of the right-of-way, Mr. Hayes indicated that the City of Gretna intended to proceed with the purchase of the property from St. Joe Land Company where the trench site is located.

There was discussion among the board members followed by remarks from the public (unidentified).

Providence community residents were present and voiced their concerns and objections that this matter was placed on the agenda

without giving notice to the residents that it would be discussed.

It was the consensus of the board to hold a special public hearing on this matter after all affected residents have been notified. The chairman instructed Mr. Sherman of the P & Z Department to send post card notices to all residents along the proposed route for the effluent disposal pipe-line. The county manager was asked to determine a date for the hearing and then have it properly noticed. (This date was later determined to be October 11, 1994.)

**NON AGENDA ITEM:**

**Amendment # 3 - Limiting Net Fishing - Honorable Nathan Peters - Gulf County Commissioner**

Commissioner Nathan Peters and members of the Florida Coalition of Fisherman from Gulf County, Florida, appeared before the board. They appealed for Gadsden County's support in their campaign to defeat Amendment # 3 - Limiting net fishing in Florida waters. The amendment will appear on the general election ballot on November 8, 1994. They left a packet of information with each commissioner and pleaded for help in informing the citizens of Gadsden County as to how Amendment #3 could affect the economy of this area. He concluded his remarks by saying "Vote No on Amendment # 3."

**Skip Koch and John Johnson - St. Francis Wildlife Refuge Proposal**

No one was present to make the proposal as described in the attached memo.

**COUNTY MANAGER**

**Havana Library Lease**

UPON MOTION BY COMMISSIONER POWELL AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO APPROVE THE HAVANA LIBRARY LEASE WITH OLSON INSURANCE & FINANCIAL SERVICES AT \$2,108.28 PER MONTH.

**Public Defenders Lease**

The Public Defender's Office lease was deferred until the October 18, 1994 meeting.

**Private Industry Council (PIC) Representatives**

Mr. Carter called attention to a letter from Ms. Lorene Wilson, Director of Leon County Department of Job Training (attached). The letter requested the Board to reappoint Ms. Sandy Russ, Mr. Angus Hinson, Mr. Sam Betsey, Mr. Reginald James, and Mr. William (Bill) McGill as their terms have expired.

Additionally they asked the board to appoint another person to replace James Atkins. The Chamber of Commerce nominated Mr. Rick McCaskill as their first choice and Duncan Fletcher as their second choice.

**UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 4 - 0 TO APPROVE THE RE-APPOINTMENT OF MS. SANDY RUSS, MR. ANGUS HINSON, MR. SAM BETSEY, MR. REGINALD JAMES AND MR. BILL MCGILL AND TO APPROVE THE APPOINTMENT OF MR. RICK MCCASKILL TO THE PRIVATE INDUSTRY COUNCIL. MR. BILL MCGILL ABSTAINED FROM VOTING.**

**CLERK OF CIRCUIT COURT**

**Invoice from Nabors, Giblin & Nickerson**

Clerk Thomas called attention to an invoice from Nabors, Giblin and Nickerson totaling \$11,368.97. It is for services rendered for the county in defense of the St. Joe Paper Company law suit relating to the fire assessment.

The board directed the clerk to pay the invoice from the fire assessment funds at the February 1, 1994 meeting. At the clerk's request, the county attorney provided Clerk Thomas with a letter stating that it was an appropriate expenditure to be paid from that fund. However, the clerk remained reluctant to use the fire assessment funds to pay for legal services to defend the county against the assessment itself. He asked the board to approve payment of the invoice using general fund money. If and when a judge should rule that it is a proper expenditure for the fire assessment fund, the general fund can be reimbursed.

**UPON MOTION OF COMMISSIONER DAVIS AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO APPROVE PAYMENT OF \$11,368.97 TO NABORS, GIBLIN & NICKERSON USING MONEY FROM THE GENERAL FUND.**

**Local Option Gas Tax**

Clerk Thomas mentioned to the board members that the local option gas taxes which were levied in 1985 and 1987 will soon expire. His remarks were for information purposes only - no board action was required.

**Application for Corporate Credit Card**

During budget workshops, the board directed the clerk to make application for a corporate credit card to be used by the county manager and the commissioners.

Clerk Thomas reported that he had obtained the application from the bank. The application required a certificate and a resolution to complete the application process.

**UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 3 - 2 TO APPROVE THE CERTIFICATE AND RESOLUTION AND PROCEED WITH THE CREDIT CARD APPLICATION. THE AUTHORIZED USERS ARE THE COUNTY MANAGER AND THE COMMISSIONERS.**

**COMMISSIONERS MCGILL, POWELL AND DIXON VOTING IN FAVOR WHILE COMMISSIONERS PEACOCK AND DAVIS OPPOSING.**

The clerk stated that corporate credit cards of this type have an unprecedented record of abuse by its authorized users. He told the commission that he would view any and all improper charges made with the card as an attempt to defraud the county.

**Payment of County Bills**

**UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO APPROVE THE PAYMENT OF THE COUNTY BILLS.**

**DISTRICT 1 REPORT**

There was no report.

**DISTRICT 2 REPORT**

There was no report.

**DISTRICT 3 REPORT**

There was no report.

**DISTRICT 4 REPORT**

There was no report.

**DISTRICT 5 REPORT**



Appointments to Small County Coalition

UPON MOTION BY COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 5 - 0 TO APPOINT COMMISSIONER DIXON AND MCGILL TO BE GADSDEN COUNTY'S REPRESENTATIVES TO THE SMALL COUNTY COALITION. ADDITIONALLY THE BOARD APPOINTED THE COUNTY MANAGER TO BE THE COUNTY'S SUPPORT STAFF PERSON TO ACT AS THE LIAISON TO THE COALITION.

Resolution Supporting the Return of Prayer to the Public Schools

Attached

Gulf and Glades County requested that Gadsden County join them in their efforts to have prayer reinstated in the public schools.

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 5 - 0 TO ADOPT THE RESOLUTION CALLING FOR REINSTATEMENT OF PRAYER IN THE PUBLIC SCHOOLS.

ADJOURNMENT

UPON MOTION OF COMMISSIONER MCGILL, THE CHAIRMAN DECLARED THE MEETING ADJOURNED.

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Edward J. Dixon, Chairman

ATTEST:

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Nicholas Thomas, Clerk

**GADSDEN INDUSTRY LICENSING BOARD  
October 4, 1994**

The meeting was called to order by Chairman Dixon.

**UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER  
MCGILL, THE BOARD VOTED 5 - 0 APPROVE THE LICENSING OF CORRY  
RATCLIFFE WILHOIT AS ROOFING CONTRACTOR.**

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Edward J. Dixon, Chairman

ATTEST:

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Nicholas Thomas, Clerk

AT A SPECIAL MEETING OF THE  
BOARD OF COUNTY COMMISSIONERS  
HELD IN AND FOR GADSDEN  
COUNTY, FLORIDA ON OCTOBER 11,  
1994, THE FOLLOWING  
PROCEEDINGS WERE HAD, VIZ.

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

CALL TO ORDER

The meeting was called to order by Chairman Dixon. Commissioner Peacock led in pledging allegiance to the U. S. Flag. Commissioner Powell opened the meeting with prayer.

CITY OF GRETNA

Engineer's Report on Proposed Disposal

Mr. Mike Murphy, president of William Bishop Engineers, addressed the board concerning the Proposed Waste Water Disposal Project in Gretna.

Background of the project:

The intent of the project is to bring Gretna's waste water treatment system into compliance with state regulations and to also serve the prison which is under construction.

Gretna presently operates a waste water treatment plant which has a capacity of 125,000 gallons per day. It was designed to go to an eleven acre spray field next to the treatment plant. Shortly after going into operation, it became evident that the site would not work as a normal spray field. The effluent placed on the site ran off the site and into Telogia Creek. That happens to represent another waste water treatment technology known as overland flow. Gretna obtained a permit to discharge into Telogia Creek under that arrangement.

Since that time, the standards have changed and technology has changed. Eventually the Department of Environmental Protection (DEP) came to Gretna and told them they can no longer

discharge into Telogia Creek. Gretna began looking at alternatives to get that effluent out of Telogia Creek.

The three alternatives for municipal waste water treatment are:

- Secondary treatment with spray irrigation
- Advanced secondary treatment with a high rate land application
- Advanced waste treatment with surface water discharge

The first alternative (secondary treatment with spray irrigation) is highly desirable by Gretna. It is a easy technology to operate. It is the minimum level of treatment allowed by DEP, but it is a treatment level good enough to produce an effluent free of odors.

Spray irrigation is a very good technology. It can be used to grow crops - it is simple to operate. It can be used on commercial nurseries but this option requires a lot of sandy soil.

Several sites in Gretna were tested but engineers could not find any sites with sufficient amounts of sandy soil to install this type of waste water treatment for Gretna.

The next alternative (advanced secondary treatment with a high rate land application) is also referred to as percolation ponds or drain fields. This option requires a site with a lot of sand but not as much acreage. Engineers looked all over Gadsden County checking soil survey maps and found a site which was suitable. Preliminary testing indicated that the site would work for this purpose.

No evaluation was done on the last alternative - advanced waste treatment with surface water discharge - because the current philosophy of DEP is to eliminate all surface water discharges if possible.

Engineers derived that the best alternative was to go with alternative # 2 by pumping the water south down County Road 65 to a site due west of the gas line pump station.

On that basis, Gretna applied for a loan from Farmer's Home Administration. It was to be a 50% grant and 50% loan to be repaid. Given the cost of the project, it was not financially feasible for the City of Gretna to implement that project and did not continue to pursue it.

After discussions with the Legislature and through the wording of the request for proposals, it was decided that the new prison would tie on to Gretna's water and sewer system. It would eliminate a sewer treatment plant at the prison and it would provide Gretna with sufficient income to upgrade their water and waste water systems.

To do this, Gretna had to choose an option which was extremely reliable under most circumstances and the cost had to be competitive with other options that might be available to the prison. Engineers felt that discharging down CR 65 to this site met all the requirements.

Gretna resubmitted their application complete with calculation of additional revenue to Gretna. With the revenue from the prison, it became a feasible project.

The construction of the prison was held up for some time because of bid protests. The prison began construction before the bonds were sold. The bonds contained an impact fee to be paid to Gretna. Gretna could not do anything until the bonds were sold. The bonds were eventually sold and the impact fee became available to Gretna and Farmer's Home funding became available. At that time, Bishop Engineers proceeded with final design. The most critical part of the design was soil borings in the location of the disposal site. This radically changed the design. The soil characteristics, the ground water table flow necessitated a long narrow project. So, engineers proceeded with design and permitting.

One of the permitting requirements from DEP was for Gretna to come to the county and determine whether this project met with the comprehensive plan - primarily in the area of zoning. The Planning and Zoning Commission voted unanimously in favor of it and it subsequently came before the County Commission. The County Commission denied the project and directed engineers to look at other alternatives.

Mr. Murphy reported that he had met with DEP and they said they might consider advanced waste water treatment with discharge into Telogia Creek.

Other options have been discussed, but there are only two options which can be implemented in a reasonable time frame.

Option 1:advanced secondary treatment with a high rate land application - already has the design work and permitting process has already begun  
Option 2:advanced waste treatment with surface water discharge - no work has been done on the design nor has the permitting process begun.

The Northwest Florida Water Management District is promoting the re-use waste water systems rather than surface water discharge. They asked the engineers to get the project as close to nurseries in the hopes that the water would someday use the treated waste water. So they relocated the route of the treated waste water.

Mr. Murphy then gave a brief presentation using maps showing exactly where the project site would be located and the routing - down 65A to Willie Presha Road to the site. The site is parallel to the exiting gas line on the north side.

Mr. Bobby Cooley, District Director of Department of Environmental Protection, spoke to the board offering facts for them to use in making their decision.

Mr. Cooley reported that both options are permittable. DEP is prepared to issue an intent (not the permit itself) which could be signed by October 13. If the board decides to go with Option # 2, the permitting process would begin with an application from the City of Gretna and could take a long time. Both options could be challenged.

He presented two samples of treated effluent water and compared it to drinking water.

After his presentation, he entertained questions and statements from the audience.

The following people were recognized for questions and input:

Ann Blount - opposed to option # 1  
Unidentified gentleman - opposed to option # 2  
Elizabeth Robbins -  
Lyle French  
Joe Brown - Liberty County - opposed to Option # 2  
Jim Conner - Att. for Liberty County BOCC- opposed to Option # 2  
John T. Saunders - Liberty County BOCC - opposed to option 2  
Earl Jennings - Liberty County BOCC - opposed to option # 2  
L. B. Arnold - Liberty County BOCC - opposed to option # 2

Vernon Ross -Liberty County Clerk of Court - opposed to option # 2  
Cal Cooksey - opposed to option #1  
Harry McClaren - opposed to option #1  
Joe Shuler - Liberty County resident - opposed to option #2  
Unidentified Audience - re: assurance that sewer system will be privatized.  
Nancy Harvey - citizens who are affected parties and have standing may argue with DEP with 14 days of issuance of the permit  
Byron Rudd - opposed to option # 1  
Kathy Brandon - opposed to option # 1  
Willard Rudd - no opposition to either option - concerned about DEP allowing the dumping into the creek at the present time.  
Thomas Smith - questions only about # of gallons going into creek  
Debbie McDaniel  
Ann Blount - urged irrigation method; not happy with either option  
Billy Richards  
Pat Summerlin - Liberty County - opposed to option #2  
Donald Duncan - Liberty County - presented petition with 300 names opposing option # 2  
Marcus Edwards - opposed to option # 1  
Billy Bishop - invited audience to look at a similar treatment facility  
Ann Blount - response to Billy Bishop  
James Rogers - asked for performance bond as a safety net in event something goes wrong  
Rick Soskis - opposed to option # 1  
Roy Jenkins - opposed to option # 1  
Nealy Shuler - opposed to option # 2  
Bud Parmer - spoke on behalf of Department of Corrections asking board to proceed expeditiously to allow for prison opening on time.

Chairman Dixon closed the comments from the public after having allowed for a lengthy period for discussion. He then called for comments from the board.

Commissioner McGill recognized harmful effect of both options, but felt the only option available at this meeting is option # 2 unless the board votes to undo it's former decision.

Commissioner Peacock sympathized with the Liberty County neighbors but favored option # 2 with a performance bond to assure against an accident.

Chairman Dixon was opposed to option # 2. In favor of option # 1.

Commissioner Davis favored option # 2.

Commissioner Powell favored option # 1 as being the more environmentally safe option and fewer people would be affected by it.

**COMMISSIONER MCGILL MADE A MOTION TO APPROVE OPTION # 2 WITH THE SPECIAL CONDITION THAT GRETNA POST A 10 MILLION DOLLAR PERFORMANCE BOND. THE MOTION WAS SECONDED BY COMMISSIONER PEACOCK.**

County Attorney Richmond was asked to respond to the matter of a performance bond. He stated that it is a valid method of controlling and placing a condition on a requirement. The comprehensive plan does not address the issue of performance bonds. The question becomes "who will write the bond?" If the project is approved with conditions of a performance bond that can not be met under any circumstances, the board will have voted a nullity and that would be improper and the special condition of the performance bond would have to be removed.

Questions were called.

**THE BOARD VOTED 3 - 2 TO APPROVE OPTION # 2 WITH A SPECIAL CONDITION THAT GRETNA POST A 10 MILLION DOLLAR PERFORMANCE TO GUARD AGAINST ACCIDENTS. COMMISSIONERS PEACOCK, MCGILL, AND DAVIS IN FAVOR OF OPTION 2; COMMISSIONERS POWELL AND DIXON OPPOSING IT.**

**STORM WATER RESOLUTION**

**UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED TO APPROVE THE RESOLUTION DECLARING A STATE OF EMERGENCY RELATIVE TO ROADS IN GADSDEN COUNTY AND APPROVE THE USE OF TRANSPORTATION # 2 FUNDS.**

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**Edward J. Dixon, Chairman**

Gadsden County Board of Commissioners  
October 11, 1994 Special Meeting  
Page 7 of 6

**ATTEST:**

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**Nicholas Thomas, Clerk**

AT REGULAR MEETING OF THE  
BOARD OF COUNTY COMMISSION  
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ON NOVEMBER 1, 1994, THE  
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VIZ.

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

CALL TO ORDER

The meeting was called to order by Chairman Dixon. Commissioner Davis led in pledging allegiance to the U.S. Flag and Commissioner Powell opened the meeting with a prayer.

ADOPTION OF THE AGENDA

County Manager, James Carter, asked that the agenda be amended to include under the county attorney's agenda the budget amendment to allow for the physician's salary at the county jail.

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 5 - 0 TO APPROVE THE AGENDA AS AMENDED TO INCLUDE THE BUDGET AMENDMENT FOR THE COUNTY JAIL PHYSICIAN UNDER THE COUNTY ATTORNEY'S AGENDA.

APPROVAL OF MINUTES

September 19, 1994 Public Hearing

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 5 - 0 TO APPROVE THE MINUTES OF THE SEPTEMBER 19, 1994 PUBLIC HEARING.

September 20, 1994 Regular meeting

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DAVIS THE BOARD VOTED 5 - 0 TO APPROVE THE MINUTES OF THE SEPTEMBER 20, 1994 REGULAR MEETING.

September 27, 1994 Special Meeting

UPON MOTION OF COMMISSIONER DAVIS AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO APPROVE THE MINUTES OF SEPTEMBER 27, 1994 MEETING.

October 18, 1994 Regular Meeting

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO APPROVE THE MINUTES OF OCTOBER 18, 1994 MEETING.

PROGRESS REPORT ON GRETNA EFFLUENT DISPOSAL LINE

Mr. Harold Knowles, attorney for City of Gretna introduced himself to the board and passed out information pertinent to the issue of Gretna's effluent waste water disposal line.

The City of Gretna presented two options to the board regarding the routing of a disposal line through Gadsden County to a final disposal site. They were:

**Option # 1:** Disposal of the effluent into a trench on property recently purchased by the City (previously owned by St. Joe Paper Co.) This option was denied by the Board on September 20, 1994.

**Option # 2:** Advanced waste treatment and discharge into Telogia Creek. This option was approved by the Board on October 4, 1994 contingent upon Gretna posting a \$10,000,000 performance bond.

Mr. Knowles continued by saying that other facts came to be known since those decisions were made. They are as follows:

1. The City of Gretna can not financially afford to post the bond. The cost of such insurance could run as high as \$100,000 per year. Option # 2 is not feasible for Gretna.
2. Obtaining a permit for option # 2 is questionable. The State of Florida is moving away from the discharge of effluent water into surface water bodies. DEP has subsequently advised that if they do permit Gretna to discharge into Telogia Creek, it would only be temporary. This fact makes option # 2 less feasible. This fact alone calls into question whether Gretna can obtain a permit for option # 2.

3.Option # 2 would have to begin by processing it through the county's planning and zoning commission causing time constraints.

The chairman opened the floor for questions and discussion.

After some discussion, Mr. Knowles asked the board to hold a another public hearing and place both options on the agenda for reconsideration.

**UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 3-2 TO SET A SPECIAL MEETING TO RECONSIDER THE OPTIONS AVAILABLE TO RESOLVE GREYNA'S EFFLUENT DISPOSAL SYSTEM. COMMISSIONERS MCGILL, POWELL AND DIXON VOTING IN FAVOR AND COMMISSIONERS PEACOCK AND DAVIS OPPOSING.**

COUNTY ATTORNEY Tape # 1; 1450

Resolution on Rich Bay Road Attached

Mr. Hal Richmond introduced a resolution to the board which establishes the following:

- 1.Rich Bay Road as a public road in which Gadsden County has a vested interest.
- 2.Description of the extent and width that the road which has actually been maintained for at least the last four years.
- 3.1987 land survey map prepared by Thomas Skipper, Land Surveyor, establishing the right-of-way as it has been maintained by the county for at least the last four years.
- 4.Right-of-way has been dedicated.

Mr. Richmond explained that this resolution is the first step in the procedures set forth in the county's comprehensive plan for paving a road.

**Dan Winchester** spoke (on behalf of Rich Bay residents) to the board briefly encouraging them to pass the resolution.

Questions were entertained from the board.

Discussion followed regarding why the other roads from the road paving priority list were omitted from this resolution.

Mr. Richmond explained that each road must have a map. It is **not** the resolution itself that sets the process in motion - it is the filing of the map. Rich Bay is the only road on the priority list with a map in hand.

Chairman Dixon asked Mr. Richmond to come back to the board with either maps, a resolution, or whatever is appropriate that can be dedicated to the public for the purpose of defining the other roads on the priority list.

**UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER PEACOCK THE BOARD VOTED 5 - 0 TO APPROVE THE RICHBAY ROAD RESOLUTION, ESTABLISHING IT AS A PUBLIC ROAD AND ACCEPTING THE MAP SHOWING THE RIGHT-OF-WAYS AS MAINTAINED BY THE COUNTY FOR AT LEAST THE LAST FOUR YEARS.**

Mr. Winchester spoke once again to thank the board for moving forward with the resolution.

**Public Hearing on Contractor's License Ordinance** Tape # 1; 2109  
Attached

Mr. Richmond called for public input on the proposed Contractor's License Ordinance which was duly noticed and advertised.

The ordinance provides and defines additional classifications of contractor's certificate of competency and designated specialty.

Mr. Richmond read the ordinance by title into the record.

**UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 5 - 0 TO ADOPT THE CONTRACTOR'S LICENSE ORDINANCE (95-002).**

**Settlement Proposal for Foremost Vs. Gadsden County**

Mr. Richmond asked for authority to execute a settlement with Foremost Insurance Company pursuant to discussions between himself and each commissioner (individually) previously.

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO AUTHORIZE THE COUNTY ATTORNEY TO EXECUTE THE SETTLEMENT AGREEMENT WITH FOREMOST INSURANCE COMPANY.

**Nuisance Demands**

Mr. Richmond asked for clarification from the board as to what is expected of him in regard to unabated nuisances which have not been resolved through the usual channels of the code enforcement board.

It was the consensus of the board to have the attorney proceed with filing civil law suits against those people who have not complied with the county's attempts to work with them to abate the nuisances.

**Interlocal Agreement with City of Quincy - Building Codes**  
Information purposes only.

Through approval of an interlocal agreement with the City of Quincy, the county does not need to meet the city's building code requirements for county owned buildings. This agreement was approved by the board and sent to the City for their approval. Some of the language in the agreement has been modified by the City of Quincy. Mr. Richmond indicated that the intent of the agreement was not changed and can be signed by the chairman. It did not require any further action.

**Authorization to Publish a Notice of Intent on Surcharge for Moving Violations**

Mr. Richmond presented a draft ordinance as proposed by Mark Dickerson, Emergency Management Director. He then called for comments from the board.

Clerk Thomas responded by saying he was strongly opposed to this surcharge. He reminded the commissioners that they recently imposed additional charges on civil filing fees. He viewed it as an additional tax to the citizens of Gadsden County.

Further, the clerk added that he would like for the board to revisit the mediation issue (civil filing fees) after one year to see if the benefit is sufficient to warrant the fees imposed.

Mr. Mark Dickerson spoke to the issue. He explained that the surcharge is authorized under the law enforcement mutual aid act. It is designed to enhance communications between interlocal government organizations to make communications more efficient and give more service. Many counties throughout the state have had great success with it.

When asked to respond to the issue, Major Alvin Pickles of the Sheriff's Department stated that he knew nothing of the matter.

Commissioner Peacock asked that the board review the surcharge in more depth before making a decision to impose it.

Chairman Dixon asked Mr. Dickerson to provide the Sheriff with a copy of the ordinance and the supporting information.

**Mandamus Action Requiring Transfer of County Funds to Provide for Dr. Ramos's Contract at the County Jail**

UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO APPROVE THE TRANSFER OF \$12,000 FROM CONTINGENCY TO A LINE ITEM DEDICATED TO PROVIDE FOR DR. RAMOS' CONTRACT FOR THE COUNTY JAIL.

**COUNTY MANAGER**

**Sesquicentennial Committee** (Attachment)

Mr. Carter related to the board a request from the Secretary of State's Office, asking that the county appoint a committee to help plan local events for a state-wide sesquicentennial (150th) celebration.

Commissioner Davis suggested that this matter be addressed after the new board is seated.

It was a consensus of the board for each commissioner to appoint two people from each district. The names should be submitted at a future meeting. If the out-going commissioners wish to allow this appointment to be made by the commissioners-elect, they may do so.

**Big Bend Cares**

Big Bend Cares requested a letter of support from the board to be used as a part of an application for funding through HRS. The deadline is November 1, 1994.

UPON MOTION COMMISSIONER MCGILL AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO APPROVE SENDING A LETTER OF SUPPORT FOR BIG BEND CARES ORGANIZATION TO BE USED AS PART OF THEIR APPLICATION FOR FUNDING.

Payment of Overtime Wages Using Transportation # 1 Funds

It was the consensus of the board to approve the budget amendment providing for the payment of overtime wages using Transportation # 1 funds as a part of the amendments to be presented by Clerk Thomas under his agenda.

CONSENT AGENDA

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO APPROVE THE CONSENT AGENDA TO WIT:

- 1) Notice of County Award of EMS Grant - Grant C-9420 \$13,346.26
- 2) SHIP Committee Meetings Minutes - attached
- 3) Affordable Housing Advisory Committee Appointment - attached
- 4) Litter Grant for 1994/95 - LM 95-17 - \$10,000

CLERK OF COURT

Annual Report of Tax Collector, Clerk of Court, and Sheriff (Attached)

Clerk Thomas presented the official annual report of Tax Collector. He also presented the annual report for the Clerk of Court along with a check for \$692.08. Lastly, he presented the Sheriff's annual report along with a check for \$20.35.

Approval of Commissioner-elect Watson's Bond

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO APPROVE THE BOND OF COMMISSIONER-ELECT WATSON.

Warning from Department of Revenue - TRIM Compliance

Mr. Thomas presented a Warning Memo from the Department of Revenue pointing out that the percentage of decrease over the roll back rate stated in the resolution was not correct.

The resolution read:

"WHEREAS, a millage rate of 9.538 is a decrease of 4.841."

Mr. Thomas pointed out that using the calculations as described in the TRIM compliance package instructions, the resolution should have read:

"WHEREAS, a millage rate of 9.538 is a decrease of 0.00."

The memo further stated that cumulative infractions could place the county in jeopardy of losing its state revenue sharing funds.

#### 1993/94 Budget Amendments

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5- 0 TO APPROVE THE 1993/94 BUDGET AMENDMENTS. (ATTACHED - 43 AMENDMENTS)

#### 1994/95 Grant Budget Amendments

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO APPROVE THE 1994/95 GRANT AMENDMENTS. (ATTACHED - 9 AMENDMENTS)

#### 1994/95 Budget Amendments - Sub-allotment approved by County Manager and the Amendment to Cover Overtime Wages from Transportation # 1 Funds

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 5 - 0 TO APPROVE THE 1994/95 BUDGET AMENDMENTS - Attached.

#### Contingency Request for Emergency Management Grant

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 5 - 0 TO APPROVE THE CONTINGENCY REQUEST OF \$14,577 FOR THE COUNTY'S MATCH TO THE EMERGENCY MANAGEMENT GRANT.

#### Approval of Payment of County Bills

UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO APPROVE THE PAYMENT OF THE COUNTY BILLS.

**DISTRICT 1 REPORT**

There was no report.

**DISTRICT 2 REPORT**

Commissioner Powell gave the county manager a list of roads in District 2 which need road signs. He asked to have the record reflect that he had supplied the county manager with that list.

**DISTRICT 3 REPORT**

There was no report.

**DISTRICT 4 REPORT**

Commissioner Davis asked the county manager about the status of CR 379. (Mt. Pleasant to the GA line)

Mr. Carter responded by saying he had arranged a meeting for November 2, 1994 with an engineer and the county staff. The damages are sufficient to require an engineering study prior to attempting repairs.

**DISTRICT 5 REPORT**

Chairman Dixon made no report.

**EMERGENCY MANAGEMENT STATUS REPORT**

**Third Tropical Storm Federal Assistance**

Mr. Dickerson reported that emergency money for damages resulting from the third tropical storm of this season has not been approved by President Clinton. (Governor Chiles has requested it, but it has not been approved.) He went on to say that Florida should receive some money for hazard mitigation in River Junction, Crawfish Island, Robertsville and the Friendship Community. The status is "on-hold". This money should cover the costs to replace the bridge on CR 157A.

**Havana Fire**

As to the fire in the City of Havana (fire destroyed antique shop), Mr. Dickerson reported that conversations with SBA and the State indicate some assistance will be forthcoming in the form of small business loans.

**CITIZENS REQUESTING TO BE HEARD**

**Morris Baker**

Mr. Baker did not appear.

**ADJOURNMENT**

**UPON MOTION OF COMMISSIONER PEACOCK, THE CHAIRMAN DECLARED THE MEETING ADJOURNED.**

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Edward J. Dixon, Chairman

ATTEST:

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Nicholas Thomas, Clerk

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September 27, 1994 Special Meeting

UPON MOTION OF COMMISSIONER DAVIS AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO APPROVE THE MINUTES OF SEPTEMBER 27, 1994 MEETING.

October 18, 1994 Regular Meeting

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**UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 3-2 TO SET A SPECIAL MEETING TO RECONSIDER THE OPTIONS AVAILABLE TO RESOLVE GREYNA'S EFFLUENT DISPOSAL SYSTEM. COMMISSIONERS MCGILL, POWELL AND DIXON VOTING IN FAVOR AND COMMISSIONERS PEACOCK AND DAVIS OPPOSING.**

COUNTY ATTORNEY Tape # 1; 1450

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Mr. Richmond explained that each road must have a map. It is **not** the resolution itself that sets the process in motion - it is the filing of the map. Rich Bay is the only road on the priority list with a map in hand.

Chairman Dixon asked Mr. Richmond to come back to the board with either maps, a resolution, or whatever is appropriate that can be dedicated to the public for the purpose of defining the other roads on the priority list.

**UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER PEACOCK THE BOARD VOTED 5 - 0 TO APPROVE THE RICHBAY ROAD RESOLUTION, ESTABLISHING IT AS A PUBLIC ROAD AND ACCEPTING THE MAP SHOWING THE RIGHT-OF-WAYS AS MAINTAINED BY THE COUNTY FOR AT LEAST THE LAST FOUR YEARS.**

Mr. Winchester spoke once again to thank the board for moving forward with the resolution.

**Public Hearing on Contractor's License Ordinance** Tape # 1; 2109  
Attached

Mr. Richmond called for public input on the proposed Contractor's License Ordinance which was duly noticed and advertised.

The ordinance provides and defines additional classifications of contractor's certificate of competency and designated specialty.

Mr. Richmond read the ordinance by title into the record.

**UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 5 - 0 TO ADOPT THE CONTRACTOR'S LICENSE ORDINANCE (95-002).**

**Settlement Proposal for Foremost Vs. Gadsden County**

Mr. Richmond asked for authority to execute a settlement with Foremost Insurance Company pursuant to discussions between himself and each commissioner (individually) previously.

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO AUTHORIZE THE COUNTY ATTORNEY TO EXECUTE THE SETTLEMENT AGREEMENT WITH FOREMOST INSURANCE COMPANY.

**Nuisance Demands**

Mr. Richmond asked for clarification from the board as to what is expected of him in regard to unabated nuisances which have not been resolved through the usual channels of the code enforcement board.

It was the consensus of the board to have the attorney proceed with filing civil law suits against those people who have not complied with the county's attempts to work with them to abate the nuisances.

**Interlocal Agreement with City of Quincy - Building Codes**  
Information purposes only.

Through approval of an interlocal agreement with the City of Quincy, the county does not need to meet the city's building code requirements for county owned buildings. This agreement was approved by the board and sent to the City for their approval. Some of the language in the agreement has been modified by the City of Quincy. Mr. Richmond indicated that the intent of the agreement was not changed and can be signed by the chairman. It did not require any further action.

**Authorization to Publish a Notice of Intent on Surcharge for Moving Violations**

Mr. Richmond presented a draft ordinance as proposed by Mark Dickerson, Emergency Management Director. He then called for comments from the board.

Clerk Thomas responded by saying he was strongly opposed to this surcharge. He reminded the commissioners that they recently imposed additional charges on civil filing fees. He viewed it as an additional tax to the citizens of Gadsden County.

Further, the clerk added that he would like for the board to revisit the mediation issue (civil filing fees) after one year to see if the benefit is sufficient to warrant the fees imposed.

Mr. Mark Dickerson spoke to the issue. He explained that the surcharge is authorized under the law enforcement mutual aid act. It is designed to enhance communications between interlocal government organizations to make communications more efficient and give more service. Many counties throughout the state have had great success with it.

When asked to respond to the issue, Major Alvin Pickles of the Sheriff's Department stated that he knew nothing of the matter.

Commissioner Peacock asked that the board review the surcharge in more depth before making a decision to impose it.

Chairman Dixon asked Mr. Dickerson to provide the Sheriff with a copy of the ordinance and the supporting information.

**Mandamus Action Requiring Transfer of County Funds to Provide for Dr. Ramos's Contract at the County Jail**

UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO APPROVE THE TRANSFER OF \$12,000 FROM CONTINGENCY TO A LINE ITEM DEDICATED TO PROVIDE FOR DR. RAMOS' CONTRACT FOR THE COUNTY JAIL.

**COUNTY MANAGER**

**Sesquicentennial Committee** (Attachment)

Mr. Carter related to the board a request from the Secretary of State's Office, asking that the county appoint a committee to help plan local events for a state-wide sesquicentennial (150th) celebration.

Commissioner Davis suggested that this matter be addressed after the new board is seated.

It was a consensus of the board for each commissioner to appoint two people from each district. The names should be submitted at a future meeting. If the out-going commissioners wish to allow this appointment to be made by the commissioners-elect, they may do so.

**Big Bend Cares**

Big Bend Cares requested a letter of support from the board to be used as a part of an application for funding through HRS. The deadline is November 1, 1994.

UPON MOTION COMMISSIONER MCGILL AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO APPROVE SENDING A LETTER OF SUPPORT FOR BIG BEND CARES ORGANIZATION TO BE USED AS PART OF THEIR APPLICATION FOR FUNDING.

Payment of Overtime Wages Using Transportation # 1 Funds

It was the consensus of the board to approve the budget amendment providing for the payment of overtime wages using Transportation # 1 funds as a part of the amendments to be presented by Clerk Thomas under his agenda.

CONSENT AGENDA

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO APPROVE THE CONSENT AGENDA TO WIT:

- 1) Notice of County Award of EMS Grant - Grant C-9420 \$13,346.26
- 2) SHIP Committee Meetings Minutes - attached
- 3) Affordable Housing Advisory Committee Appointment - attached
- 4) Litter Grant for 1994/95 - LM 95-17 - \$10,000

CLERK OF COURT

Annual Report of Tax Collector, Clerk of Court, and Sheriff (Attached)

Clerk Thomas presented the official annual report of Tax Collector. He also presented the annual report for the Clerk of Court along with a check for \$692.08. Lastly, he presented the Sheriff's annual report along with a check for \$20.35.

Approval of Commissioner-elect Watson's Bond

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO APPROVE THE BOND OF COMMISSIONER-ELECT WATSON.

Warning from Department of Revenue - TRIM Compliance

Mr. Thomas presented a Warning Memo from the Department of Revenue pointing out that the percentage of decrease over the roll back rate stated in the resolution was not correct.

The resolution read:

"WHEREAS, a millage rate of 9.538 is a decrease of 4.841."

Mr. Thomas pointed out that using the calculations as described in the TRIM compliance package instructions, the resolution should have read:

"WHEREAS, a millage rate of 9.538 is a decrease of 0.00."

The memo further stated that cumulative infractions could place the county in jeopardy of losing its state revenue sharing funds.

#### 1993/94 Budget Amendments

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5- 0 TO APPROVE THE 1993/94 BUDGET AMENDMENTS. (ATTACHED - 43 AMENDMENTS)

#### 1994/95 Grant Budget Amendments

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO APPROVE THE 1994/95 GRANT AMENDMENTS. (ATTACHED - 9 AMENDMENTS)

#### 1994/95 Budget Amendments - Sub-allotment approved by County Manager and the Amendment to Cover Overtime Wages from Transportation # 1 Funds

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 5 - 0 TO APPROVE THE 1994/95 BUDGET AMENDMENTS - Attached.

#### Contingency Request for Emergency Management Grant

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 5 - 0 TO APPROVE THE CONTINGENCY REQUEST OF \$14,577 FOR THE COUNTY'S MATCH TO THE EMERGENCY MANAGEMENT GRANT.

#### Approval of Payment of County Bills

UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO APPROVE THE PAYMENT OF THE COUNTY BILLS.

**DISTRICT 1 REPORT**

There was no report.

**DISTRICT 2 REPORT**

Commissioner Powell gave the county manager a list of roads in District 2 which need road signs. He asked to have the record reflect that he had supplied the county manager with that list.

**DISTRICT 3 REPORT**

There was no report.

**DISTRICT 4 REPORT**

Commissioner Davis asked the county manager about the status of CR 379. (Mt. Pleasant to the GA line)

Mr. Carter responded by saying he had arranged a meeting for November 2, 1994 with an engineer and the county staff. The damages are sufficient to require an engineering study prior to attempting repairs.

**DISTRICT 5 REPORT**

Chairman Dixon made no report.

**EMERGENCY MANAGEMENT STATUS REPORT**

**Third Tropical Storm Federal Assistance**

Mr. Dickerson reported that emergency money for damages resulting from the third tropical storm of this season has not been approved by President Clinton. (Governor Chiles has requested it, but it has not been approved.) He went on to say that Florida should receive some money for hazard mitigation in River Junction, Crawfish Island, Robertsville and the Friendship Community. The status is "on-hold". This money should cover the costs to replace the bridge on CR 157A.

**Havana Fire**

As to the fire in the City of Havana (fire destroyed antique shop), Mr. Dickerson reported that conversations with SBA and the State indicate some assistance will be forthcoming in the form of small business loans.

**CITIZENS REQUESTING TO BE HEARD**

**Morris Baker**

Mr. Baker did not appear.

**ADJOURNMENT**

**UPON MOTION OF COMMISSIONER PEACOCK, THE CHAIRMAN DECLARED THE MEETING ADJOURNED.**

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Edward J. Dixon, Chairman

ATTEST:

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Nicholas Thomas, Clerk

AT A SPECIAL MEETING/PUBLIC  
HEARING OF THE BOARD OF COUNTY  
COMMISSION HELD IN AND FOR  
GADSDEN COUNTY ON NOVEMBER 7,  
1994, 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  
ARTHUR LAWSON, PURCHASING/PERSONNEL DIRECTOR  
MURIEL STRAUGH, DEPUTY CLERK

CALL TO ORDER

The meeting was called to order by Vice-Chairman Forrest Davis. Commissioner Peacock led in pledging allegiance to the U.S. Flag and Commissioner Powell then opened the meeting with a prayer.

Vice-chairman Davis explained that this meeting had been called at the request of the City of Gretna. The purpose of the meeting is to reconsider two previous actions of the board relative the City of Gretna's effluent waste water disposal problems.

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*These minutes frequently refer to Option # 1 and Option # 2 throughout. As a point of clarification, these options are described below but they were not described at the meeting.*

**OPTION 1: ADVANCED SECONDARY TREATMENT WITH A HIGH RATE LAND APPLICATION**

Gretna's effluent waste water would be piped from the treatment plant to a trench/swale on a piece of property purchased by the City of Gretna but located in the Providence community. In addition to the approval of the project itself, the City would require the use of the county's right-of-way to lay a 10-inch pipe.

The project was approved by the Planning and Zoning Commission unanimously and referred to the Board of County Commission for final approval.

The Board voted 3 -2 to **deny** this option on September 20, 1994.

The engineering design work is completed for this option and the Florida Department of Environmental Protection (DEP) is prepared to issue the permit.

**OPTION 2:ADVANCED WASTE TREATMENT WITH SURFACE WATER DISCHARGE INTO TELOGIA CREEK.**

The Board voted 3 -2 on October 11, 1994 to **approve** this option subject to the special condition that City of Gretna obtain a \$10,000,000 performance bond.

No engineering design work has been done for this option. Permit applications have not been made to DEP or to Gadsden County Planning and Zoning Commission.

The Liberty County Commission is opposed to this option and adopted a formal resolution asking the Gadsden County Board deny this option.

Subsequent to the above described board actions, Mr. Harold Knowles, attorney for the City of Gretna appeared before the Board of County Commission on November 1, 1994 and requested that the board hold this special meeting/public hearing so that Gretna could make a presentation using additional facts which may not have been considered in making their previous decisions.

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**Harold Knowles, City of Gretna**

Commissioner Davis yielded the floor to Mr. Knowles.

Mr. Knowles introduced himself and passed out information pertinent to the issue of Gretna's effluent waste water disposal line.

He began by saying there were facts that have come to be known since the Board of County Commissioners decisions regarding Gretna's effluent waste water disposal system were made. They were as follows:

- 1.The City of Gretna attempted to secure the insurance/performance bond following the decision to approve Option # 2 on October 4, 1994. The cost of such insurance could run as high as \$100,000 per year. Gretna can not

financially afford to post the bond making it not feasible.

2. From a permitting standpoint, Option # 2 is now less feasible than it was at the time of the board's approval on October 4, 1994. At the time the previous decisions were made, they were made under the assumption that Option # 2 could be permitted. However, the State of Florida is moving away from the discharge of effluent water into surface water bodies. The Florida Department of Environmental Protection (DEP) has advised that if they should permit Gretna to discharge into Telogia Creek, it would only be temporary (2 - 5 years.) This fact alone calls into question whether Gretna can obtain a permit for Option # 2.
3. Option # 2 would have to begin by processing it through the county's planning and zoning commission causing time constraints in opening of the prison. (scheduled for March of 1995)
4. No application has been filed with DEP for Option # 2. The environmental studies of Telogia Creek in the application process would take a minimum of 60 days and could take up to 12 months. A delay such as this would put the hook-up at the prison at great risk and ultimately have a negative economic impact county-wide.
5. Option # 2 would require construction of a holding pond which will add a cost of \$50,000.00 to the project. Gretna does not have funds with which to construct such a pond.
6. Farmers Homes Administration indicated that problems could arise with a change order deleting the percolation pond and adding the upgrade of the treatment plant to advance waste treatment. They will require more environmental review if the project location changes.
7. The Liberty County Commission is strongly opposed to Option # 2. They passed resolution on October 13, 1994 opposing the discharge into Telogia Creek. (copy attached)

Mr. Knowles contended that due to so many factors (as stated above), Option # 2 was not feasible. He went on to say that Gretna wants to be a good neighbor and is continuing to look at other alternatives.

One of those alternatives is distributing reclaimed water to lands leased by Gretna from farmers & nurseries.

Another is to divert the water to sod farms as irrigation water. This alternative will require more review from a legal standpoint and cannot be timely implemented for the prison opening. This alternative would be complimentary to Option # 1 because the water can be diverted before it reaches the swale.

Mr. Knowles then asked Mr. Mike Murphy of Bishop Engineering to address Option # 1.

Mr. Murphy then gave a visual presentation of Option # 1 using aerial maps and charts (attached) showing exactly where the project site would be located and the routing - down 65A to Willie Presha Road to the site. The site is parallel to the exiting gas line on the north side. He made note of the following:

- 1)The effluent water reclaimed treated water - not raw sewage. It must meet drinking water standards.
- 2)The site is called a percolation swale - not a trench. The swale itself is 20' wide.
- 3)No more than 6" of water will be present at any given time.
- 4)The swale is not visible from the roadway or homes in the vicinity. There is 50' of undisturbed woods on one side and 30' on the other. A 4' fence (with a locked gate) will be constructed in the center of a 10' clearing on either side of the wooded areas to add security.

Mr. Murphy continued by saying that Option # 1 requires a site with a lot of sand. The most critical part of the design of the disposal project was soil borings in the location of the disposal site itself. (The site had to be located where the soils were pourous enough for the waste water to percolate into the soil.) The soil characteristics and the ground water table flow necessitated a long narrow project.

Gadsden County has huge clay deposits over the entire county and the number of possible sites were very limited. ( Option # 1 will not work in clay because it will not percolate.) The site had to be large enough and pourous enough to sustain the project.

Engineers looked all over the county checking soil survey maps and found the site as described in Option # 1 suitable for the project. Preliminary testing indicated that the site would work. It was remote enough that it is not visible from a roadway or homes in the vicinity. It is in a location where there is no possibility to contaminate well water. At that point engineers proceeded with the design and permitting process.

One of the permitting requirements from DEP was for Gretna to come to the county and determine whether this project met with the comprehensive plan - primarily in the area of zoning. The Planning and Zoning Commission voted unanimously in favor of it.

**MR. BOB COOLEY OF DEP**

Mr. Bob Cooley of DEP spoke briefly to re-iterate some of the statements made by Mr. Murphy.

Mr. Cooley pointed to several facts not mentioned by Mr. Murphy. They were:

- 1) Option 1 conforms with the planning and zoning requirements of the county. The comprehensive plan requires very strict construction guidelines with which this project meets. Furthermore, it has already been approved by the Planning and Zoning Commission.
- 2) Option 1 complies with the Florida Statutes.
- 3) DEP is prepared to issue a permit for Option 1.
- 4) The project conforms relative to the protection of water quality.
- 5) The City of Gretna will not run the project. It will be operated by private company.

**RICK MCCASKILL - ECONOMIC IMPACT**

Mr. Rick McCaskill of the Chamber of Commerce spoke briefly to the financial impact the prison will have on the economy of the county. (attachment) In addition, once the sewage disposal issue is settled, the Gretna Industrial Park will be able to attract other new businesses to the county. He encouraged the commissioners to take final action and approve Option # 1.

**Mike McDaniel - Opposed to Option # 1**

Mr. Mike McDaniel praised Mr. Knowles for giving such a good presentation. He assured everyone that he is not opposed to the prison or the upgrade. But, he is opposed to the location of the swale. He was disturbed to find out that these plans have been worked on since 1988 and no one informed residents in the area until the plans were final and subject to the approval of the planning and zoning commission only one month ago. He suggested that the public should have been involved with selection of the alternatives and methodology of treating the effluent early in the planning stages of the project. He encouraged the commissioners to go back and explore other alternatives - not just the two which have been presented.

**Ann Soskis Blount - Opposed to Option # 1**

Mrs. Ann Soskis Blount addressed the board. She summarized her remarks by asking the board not to let time be the considering factor for making a decision relative to this project and to explore other alternatives. She made the remark that the residents in the Providence community are looking into becoming incorporated and expect to continue to challenge this issue if it is not resolved in a manner acceptable to them.

**Marcus Edwards - Opposed to Option # 1**

Mr. Marcus Edwards spoke to the board requesting that they keep in mind that the water involved with this project is a precious and scarce commodity. He implored them to be careful to protect it. He stated that farmers need the water and to take it away would be unjust. He was opposed to Option # 1.

**Thomas Smith - Opposed to Option # 1**

Mr. Thomas Smith who is a farmer/businessman stated that he would entertain - not promise - the possibility of using some of the reclaimed water on his land. He asked the commissioners to take time to continue looking for a solution that would be a win/win situation for everyone.

**Jay Phieffer - Opposed to Option # 1**

Mr. Jay Phieffer of the Providence Community asked the board to look for other options. He stated that if the board approves Option # 1, civil suits will surely follow as well as administrative hearings.

Chairman Dixon interrupted Mr. Phieffer to say that this meeting was not the proper forum for idle threats.

**Dave Robinson - Opposed to Option # 1**

Mr. Robinson asked the board to oppose Option # 1.

**Hal Richmond - County Attorney**

After public comments were concluded, Chairman Dixon asked Mr. Richmond for clarification about proper procedure on rescinding previous board actions.

Mr. Richmond responded by saying that the board could reverse its actions by a motion made by a commissioner who was on the prevailing side of the vote of the previous action.

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 3 - 2 TO RESCIND THE APPROVAL OF OPTION # 2 MADE ON OCTOBER 11, 1994. COMMISSIONERS MCGILL, POWELL AND DIXON VOTING IN FAVOR WHILE COMMISSIONERS PEACOCK AND DAVIS OPPOSING. MOTION CARRIED.

Mrs. Jean Edwards asked to address the board but was denied as public input was no longer being allowed.

UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 3 - 2 TO SET ASIDE THE BOARD'S DENIAL OF OPTION # 1 ON SEPTEMBER 20, 1994; GRANT APPROVAL OF OPTION # 1; AND TO ALLOW THE USE OF THE COUNTY'S RIGHT-OF-WAY FOR THE EFFLUENT DISPOSAL PIPE-LINE AS REQUESTED BY THE CITY OF GRETN. COMMISSIONERS POWELL, MCGILL AND DIXON VOTING IN FAVOR OF THE MOTION; COMMISSIONER DAVIS AND PEACOCK OPPOSING. MOTION CARRIED.

There being no other business before the board, Chairman  
Dixon declared the meeting adjourned.

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**Edward J. Dixon, Chairman**

**ATTEST:**

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**Nicholas Thomas, Clerk**

AT A REGULAR MEETING OF THE  
BOARD OF COUNTY COMMISSIONERS,  
HELD IN AND FOR GADSDEN  
COUNTY, FLORIDA ON DECEMBER 6,  
1994, THE FOLLOWING  
PROCEEDINGS WERE HAD, VIZ.

PRESENT: JAMES PEACOCK, CHAIRMAN  
HENTZ FLETCHER, VICE-CHAIRMAN  
BILL MCGILL  
STERLING WATSON  
EDWARD J. DIXON (arrived late)  
NICHOLAS THOMAS, CLERK  
HAL RICHMOND, COUNTY ATTORNEY  
BETTY MILLER, ACTING COUNTY MANAGER

CALL TO ORDER

GADSDEN COUNTY CONSTRUCTION LICENSING BOARD

The meeting was called to order by Chairman Peacock. He convened the meeting of the Construction Industry Licensing Board.

Commissioner Fletcher led in pledging allegiance to the U.S. Flag. Commissioner Watson then opened the meeting with prayer.

Chairman Peacock introduced Mrs. Betty Miller as the new interim county manager.

The chairman presented the application of Jerone J. Ellis for a license as a Veneer Contractor.

UPON MOTION OF COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 4 - 0 TO APPROVE THE ISSUANCE OF A VENEER CONTRACTOR'S LICENSE TO JERONE J. ELLIS  
(Commissioner Dixon was not present for this vote.)

UPON MOTION OF MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER WATSON, THE CHAIRMAN DECLARED THE MEETING OF THE GADSDEN COUNTY CONSTRUCTION INDUSTRY LICENSING BOARD ADJOURNED.

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James Peacock, Chairman

ATTEST:

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Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE  
BOARD OF COUNTY COMMISSIONERS,  
HELD IN AND FOR GADSDEN  
COUNTY, FLORIDA ON DECEMBER 6,  
1994, THE FOLLOWING  
PROCEEDINGS WERE HAD, VIZ.

PRESENT: JAMES PEACOCK, CHAIRMAN  
HENTZ FLETCHER, VICE-CHAIRMAN  
BILL MCGILL  
STERLING WATSON  
EDWARD J. DIXON (arrived late)  
NICHOLAS THOMAS, CLERK  
HAL RICHMOND, COUNTY ATTORNEY  
BETTY MILLER, ACTING COUNTY MANAGER

CALL TO ORDER

Chairman Peacock called the meeting to order.

ADOPTION OF THE AGENDA

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER  
FLETCHER, THE BOARD VOTED 4 - 0 TO ADOPT THE AGENDA.  
(Commissioner Dixon was not present for this vote.)

Chairman asked that the record reflect that Commissioner  
Dixon was not present at this juncture of the meeting.

APPROVAL OF MINUTES

November 7, 1994 Special Meeting

UPON MOTION OF COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER  
MCGILL, THE BOARD VOTED 4 - 0 TO APPROVE THE MINUTES OF THE  
NOVEMBER 7, 1994 SPECIAL MEETING.

November 15, 1994 Regular Meeting

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER  
FLETCHER, THE BOARD VOTED 4 - 0 TO APPROVE THE MINUTES OF THE  
NOVEMBER 15, 1994 REGULAR MEETING.

November 22, 1994 Special Meeting

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 4 - 0 TO APPROVE THE MINUTES OF THE NOVEMBER 22, 1994 SPECIAL MEETING.

COUNTY ATTORNEY

PUBLIC HEARING - DOG ORDINANCE

Action was tabled.

Mr. Hal Richmond introduced the proposed dog ordinance. He asked them to consider amending it to add a section to exempt owners of land of twenty acres or more who keep their dogs 400 feet from their neighbors.

Mr. Richmond stated that this hearing was duly noticed and the notice of intent was published. He explained the following options:

- 1) The Board could continue the hearing and re-notice it for another date and he would formalize the exemption described above.
- 2) Take no action at all.

UPON MOTION OF COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 4 - 0 TO TABLE ANY ACTION ON THE PROPOSED DOG ORDINANCE.

Hospital Financial Condition

Mr. Richmond asked permission of the board to meet with Purvis, Gray & Company to get an interpretation of some of the information furnished by them in November concerning the status of the hospital. He asked for authority to incur the expense.

UPON MOTION OF COMMISSIONER WATSON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 0 TO GIVE MR. RICHMOND AUTHORITY TO MEET WITH PURVIS, GRAY AND COMPANY TO GET AN INTERPRETATION OF INFORMATION CONTAINED IN THEIR REPORT TO THE BOARD IN NOVEMBER.

Chattahoochee Library

Mr. Richmond was instructed to drop any litigation regarding the cost of the air-conditioner installation at the Chattahoochee Library with the City of Chattahoochee and to renegotiate the lease agreement to better define the responsibilities of the landlord and tenant.

Note: At the September 6, 1994 meeting the board voted 3 - 2 to have Mr. Richmond to send a "demand for payment" letter to the City of Chattahoochee for the reimbursement for the air conditioning unit installed in the city owned building by the county. If they did not pay within 30 days, Mr. Richmond was instructed to file necessary papers to get a judicial interpretation of the lease agreement.

Mr. Richmond reported that he has continued to talk with the City of Chattahoochee concerning the \$2,000 bill for the air conditioner. He asked for directions. He offered to negotiate a new lease which will clarify the position of both the county and the city.

Chairman Peacock stated that he would like to have the lease renegotiated.

Commissioner Watson suggested that any law suit should be dropped and a better defined lease agreement be drawn up.

Commissioner McGill stated perhaps all contracts with the other cities be examined.

**UPON MOTION OF COMMISSIONER WATSON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 3 - 1 TO DROP ANY LITIGATION CONCERNING THE \$2,000 BILL FOR THE LIBRARY AIR CONDITIONER WITH THE CITY OF CHATTAHOOCHEE AND INSTRUCTED MR. RICHMOND TO REVIEW THE LEASE AGREEMENT FOR POSSIBLE RE-NEGOTIATION OF THE TERMS OF THE LEASE. Commissioner McGill cast the lone dissenting vote. (Commissioner Dixon was not present for this vote.)**

**JAMES ROGERS - GRETNA EFFLUENT WASTE WATER PROJECT**

The events of this issue are described below for clarification, but was not described at the meeting.

**OPTION 1:ADVANCED SECONDARY TREATMENT WITH A HIGH RATE LAND APPLICATION**

Gretna's effluent waste water would be piped from the Gretna treatment plant to a trench/swale on a piece of property purchased by the City of Gretna but located in the Providence community. In addition to the approval of the project itself, the City

would require the use of the county's right-of-way to lay a 10-inch pipe.

The project was approved by the Planning and Zoning Commission unanimously and referred to the Board of County Commission for final approval.

The engineering design work is completed for this option and the Florida Department of Environmental Protection (DEP) is prepared to issue the permit.

The Board voted 3 -2 to **deny** this option on September 20, 1994.

Harold Knowles appeared before the Commission on November 1, 1994 and requested the board to reconsider both options once again in a public hearing.

On November 7, 1994, the board held a special meeting/public hearing and ultimately voted to set aside the denial of Option # 1 (September 20, 1994); grant approval of Option # 1; and to allow the use of the county's right-of-way for the effluent disposal pipe-line as requested by the City of Gretna.

**OPTION 2:ADVANCED WASTE TREATMENT WITH SURFACE WATER DISCHARGE INTO TELOGIA CREEK.**

No engineering design work has been done for this option. Permit applications have not been made to DEP or to Gadsden County Planning and Zoning Commission.

The Liberty County Commission is opposed to this option and adopted a formal resolution asking the Gadsden County Board deny this option.

The Board voted 3 -2 on October 11, 1994 to **approve** this option subject to the special condition that City of Gretna obtain a \$10,000,000 performance bond.

The City of Gretna was unable to obtain the required performance bond and subsequent conversations with DEP led them to believe that they would have difficulty getting a long term permit for this option.

Harold Knowles appeared before the Commission on November 1, 1994 and requested the board to reconsider both options once again in a public hearing.

A special meeting/public hearing was held on November 7. At that meeting the Board **rescinded its approval of Option # 2** (made on October 11, 1994) and voted to approve Option # 1.

(A verbatim account of this portion of the meeting is on file with the Clerk's office. It is not, however, made a part of the official minutes.)

Mr. James Rogers addressed the board on behalf of the people of the Providence Community concerning Gretna's effluent waste water disposal system. He opened his remarks by saying that he did not feel the public hearing held on November 7 had been adequately noticed.

Mr. Rogers then called attention to the fact that in January of 1994, the county adopted the Affordable Housing Incentive Plan which requires 30% of all existing infrastructure to be reserved for affordable housing. He questioned whether this was taken into consideration when planning the disposal system or in the board decision to approve or deny either option. Because the poverty level for Gadsden County ranges between 25 - 30 percent, the affordable housing incentives must be protected and promoted.

Mr. Rogers concluded his remarks by making a final plea to the board to again consider the options for Gretna's effluent waste water system. He then thanked the board for allowing him to speak.

Chairman Peacock made reference to a law suit which was filed by the residents of the Providence community against the county. He asked Mr. Richmond to explain the law suit.

Mr. Richmond advised that there had been a hearing by Judge Sauls but he has not ruled on the case. He issued a Summons and Incertiorari on the issues raised in the complaint. He reserved jurisdiction on the re-hearing of the complaint on the writ of prohibition to give the members of the Gretna/Providence community (only them) the right to come before the board and exhaust their administrative remedies by appealing to the board for a re-

hearing. If the re-hearing is denied, the law suit will become merged.

Mr. Knowles, attorney for the City of Gretna responded by saying his concerns were procedural matters. 1) If the matter is to be reconsidered, someone who was on the prevailing side of the issue must move to have the issue reconsidered. 2) Final agency action was taken. Such action is only appealable in Circuit Court or the District Court of Appeal. Those opposing the action of this board have filed a complaint in the Circuit Court and are awaiting Judge Saul's ruling. He closed his remarks by saying he could see no basis for the board to reconsider anything. Mr. Knowles then encouraged the members of the commission to let the law suit take its course.

Mr. Richmond reiterated that there is a law suit pending. However, the language in the summons issued by the court indicated there may be some remedies available if the board were to consider a re-hearing.

Commissioner Watson asked if he could make a motion to rescind the motion to approve Option # 1 and was informed by the attorney that he could not since he was not on the board at the time the action was taken.

Margaret Pelitier, a resident of the Providence community made a plea for the board to rescind the approval of Option # 1.

**CHAIRMAN PEACOCK CALLED FOR A MOTION TO RESCIND THE MOTION TO APPROVE OPTION # 1. THERE WAS NO MOTION MADE.**

Commissioner Fletcher asked to go on record as saying that he would have to register a conflict of interest with the Clerk if the matter should come to a vote. His attorney has advised him that he cannot participate in a vote.

Dr. Goreau began asking questions of Commissioner Fletcher without being recognized by the Chairman to speak. Chairman Peacock told Dr. Goreau to meet with him after the meeting to ask his questions. The chairman then asked him to remain quiet or he would be asked to leave.

**Public Defenders Lease Agreement**

**A new three-year lease with Barnett Bank was approved for the Public Defenders office.**

Mr. Jim Richmond presented the lease agreement proposed by Barnett Bank for the use of their second floor office space by the Public Defender's Office. It is a basic form lease used by Barnett Bank. The two options contained in the agreement pertaining to the term of the lease and the rent to be paid. The length of the lease is for three years. The option in the rent is a choice of paying as follows:

1) \$8.25 per sq. ft. for the first year (\$2,270.81 per month) ;  
\$8.50 per sq. ft. for the second year (\$2,339.62 monthly);  
\$8.75 per sq. ft. for the third year (\$2,408.44 monthly);

or

2) Pay \$8.50 average for the three years. ( \$2,339.62 per month)

Barnett Bank has offered to include in the lease an option to renew the lease for an additional three years.

The exhibits (not included with this meeting agenda packet) attached to the lease is a work letter which details the renovation to be performed in the office such as new carpeting, new locks etc.

Chairman Peacock stated that he could approve the lease and suggested that the board select the \$8.25/\$8.50/\$8.75 option with an additional three year option. He then asked for board action.

Questions from the board followed.

Mr. Jim Richmond stated that if the county should break the lease within the three years, the county would still be responsible for all rent called for under the lease agreement unless the landlord defaulted in some manner. Additionally the county would be responsible for some of the unamortized costs of the improvements. If the space is rented for the full three years, there would be no costs involved for the improvements.

**UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 4 - 0 TO APPROVE THE LEASE WITH BARNETT BANK WITH THE \$8.25/\$8.50/\$8.75 PER SQUARE FOOT FOR THREE YEARS AND AN OPTION TO RENEW THE LEASE AT THE END OF THREE YEARS FOR AN ADDITIONAL THREE YEARS.**

**Contract with the Acting County Manager**

**This issue was passed for the next regular meeting on December 20, 1994.**

**Proposed Settlement on the Former County Manager's Contract Tape # 1; 410**

Mr. Richmond reported that he had met with Mr. James Carter to discuss the things he was entitled to under the terms of his employment contract with Gadsden County. There are some arguable issues in the contract. There is a proposed settlement offered which would resolve all issues between Gadsden County and the former county manager. It would be in the form of a lump sum payment in full settlement for \$20,000 plus the annuity payment and the accumulated annual leave. (The annual leave is to be paid in the same manner as the previous county manager upon his termination.) He asked for directions from the board and requested a draft for payment to settle the matter.

Chairman Peacock stated that two meetings with Mr. Carter were held. Mrs. Miller, Mr. Lawson and himself had witnessed the settlement negotiations. By settling with the lump sum payment, the county would save \$23,000 - \$25,000. He urged the board to accept the settlement.

Commissioner McGill asked if Mr. Carter was present. He was not. Chairman Peacock and Mr. Richmond assured Commissioner McGill that he was aware that the matter would be discussed at this meeting.

**A MOTION WAS MADE BY COMMISSIONER WATSON AND SECONDED BY COMMISSIONER MCGILL, TO ACCEPT THE SETTLEMENT AGREEMENT BETWEEN GADSDEN COUNTY AND MR. JAMES CARTER IN A LUMP SUM PAYMENT OF \$20,000 PLUS THE ACCUMULATED ANNUAL LEAVE AND ANNUITY.**

Questions were entertained.

Dr. Ted Goreau asked how the county would save \$23,000.

Commissioner Peacock explained that the severance pay to be paid under the contract agreement amounted to \$27,288 plus 120 annual leave for the new contract and the 64 hours of accrued annual leave plus the annuity costs. (The annuity and retirement costs for six months amounted to more than \$8,000.) If the contract were to be paid as it is stated, the county would pay a total of \$47,100+.

Mr. Richmond explained that this is a lump sum payment in settlement of contemplated law suit. There is no responsibility on the county for FICA. In doing a risk analysis (from a law suit standpoint), there is a statute in Florida that under employment contracts, if the plaintiff wins \$1.00 over what the county says we should pay him, the county would be responsible for his attorney fees in total.

Commissioner Watson stated that he believed that the contract was legal and he was not interested in contesting the contract.

Questions were called by Commissioner McGill.

**THE BOARD VOTED 4 - 0 TO APPROVE THE SETTLEMENT AGREEMENT WITH FORMER COUNTY MANAGER, JAMES CARTER.**

**\*\*\*NON AGENDA ITEM\*\*\* New Fire Assessment Law Suit - St. Joe Land Company**

Mr. Richmond informed the commissioners that a new law suit has been filed against the county by St. Joe Paper Company on the fire assessment for 1994. He explained that it is the same law suit as filed in 1992 and 1993.

A trial was held on the 1992 Suit in November. Judge Sauls still has not rendered a ruling in the case.

(Commissioner Dixon arrived at this juncture of the meeting.)

Mr. Richmond asked for directions stating that he had until December 27 to file an answer.

**UPON MOTION OF COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0 TO TABLE ANY ACTIONS ON THE ST. JOE LAW SUIT UNTIL DECEMBER 20, 1994.**

**HRS DISTRICT 2 HEALTH AND HUMAN SERVICES BOARD**

Mr. Robert Bryant, Chairman of the Health & Human Services Board for HRS District 2 and Dr. John Awad District Administrator made a presentation regarding the activities of the District 2 Board during the past year. (Annual Report Attached) Mr. Alexander and Mr. Jerry Wynn were also present.

**PLANNING AND ZONING** Tape # 1; 2810

**The proposed amendments to the comprehensive plan were tabled for further review.**

Mr. Mike Sherman presented the proposed policy amendments to the housing element, future land use element and the traffic circulation element to the comprehensive plan. (Attached) He explained that these amendments were first brought to the board on November 15, 1994 and they were tabled until this meeting.

**UPON MOTION OF COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0 TO TABLE DISCUSSION OF THE AMENDMENTS TO THE COMPREHENSIVE PLAN UNTIL DECEMBER 20, 1994.**

#### **Planning Commissioner Appointments**

**Robert Lewis was appointed to the Planning and Zoning Commission.**

Mr. Sherman reminded the commissioners that the Planning and Zoning ordinance requires each of them to appoint new Planning and Zoning Commissioners.

Commissioner Peacock appointed Mr. Robert Lewis to replace Mrs. Bonnie Holt.

**UPON MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0 TO APPOINT MR. ROBERT LEWIS TO THE PLANNING AND ZONING COMMISSION.**

#### **GRETNNA'S EFFLUENT WASTE WATER DISPOSAL SYSTEM**

Mr. James Rogers spoke on behalf of the Providence community regarding the issue of Gretna's effluent waste water disposal system. This portion of the meeting has been transcribed verbatim.

#### **PROPERTY APPRAISER'S BUDGET**

Mrs. Marsha King was present to answer questions from the board regarding the property appraiser's budget amendment.

**UPON MOTION OF COMMISSIONER WATSON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0 TO APPROVE THE BUDGET AMENDMENT FOR THE PROPERTY APPRAISERS 94/95 BUDGET.**

**UNITED STATES DEPARTMENT OF AGRICULTURE SOIL CONSERVATION SERVICE**

**Cooperative Agreement for Soil Conservation Projects Resulting from Tropical Storm Beryl**

Mrs. Miller explained there are seven county roads which sustained soil erosion damages resulting from Tropical Storm Beryl. The Soil Conservation Service has identified these sites as Emergency Watershed Protection Projects and will pay a 75% of the \$81,500 repair costs. The county must match the funding with 25% of the costs but the match can be in-kind services.

Soil Conservation Service has requested the county to execute the agreements so they can proceed with the projects.

UPON MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0 TO APPROVE THE COOPERATIVE AGREEMENT WITH THE SOIL CONSERVATION SERVICE FOR THE SEVEN EMERGENCY WATERSHED PROTECTION PROJECTS RESULTING FROM FLOODS ASSOCIATED WITH TROPICAL STORM BERYL. TO WIT:

- 1) Lanier Road
- 2) Sheline Road, Lake Yvette
- 3) Fl/GA Road
- 4) Merritt Lane
- 5) Kitrell Road
- 6) High Bluff Lane
- 7) Friday Road # 2

**BILL ADAMS - BISHOP ENGINEERING**

The Board voted to approve repairing CR 379 (to replace it as it was) as soon as possible, continue studies for future recommendation on 157-A and wait for further instructions on repairing Barrineau Road.

Mr. Adams gave the board a report on the three major roads in the county which are washed out. CR 157-A; CR 379; & Barrineau Road.

Preliminary analysis on the roads show that all three of them drain extremely large areas. (from 6,000 acres to 17,000 acres)

Options for replacing them:

Emergency permitting: Repair the road exactly as it was prior to damage. The permitting goes rather quickly - it could be obtained within 30 days. If the work is done in-house, the cost will be less but it will require more time. He estimated 90 - 120 days to get a culvert delivered. Completion of the culvert replacement would take 3 - 5 months. Total Costs: \$120,000 - \$150,000.

Upgrade with bridges or larger culverts: Takes a longer permitting time because you must change the flow of the creek, changing the environmental aspects. The permitting would be longer (60 - 90 days). Bridges are more expensive than a culvert. Wooden Bridge Costs would be \$175,000 minimum. Steel Bridges - \$225,000; Concrete Bridges \$250,000 - \$300,000. Rental Bridges - cost prohibitive and none available. Used bridge sections. Older load rating - H-15 for single axle truck. These bridges would not sustain log truck and heavy hauling standards. Weight limits would have to be established.

Barrineau Road is slag road in good condition and does not get much traffic. This project could be left until last.

Time and money are the two big factors. A workshop could prove to be beneficial to the engineers and to the board.

Commissioner Watson asked if the permitting process could be started on any of the projects.

Mr. Adams responded by saying he could begin the permitting process if the board decided to go with the replacement in kind and directed him to proceed.

Chairman Peacock recognized Ms. Celee Brown who told the board of a damaged road near her home.

Commissioner Dixon suggested that the board look to Soil Conservation Service for funding and to the state for funding.

Mrs. Jean Edwards called attention to the west end of Federal Road. She said the road is sinking and is dangerous.

Commissioner Fletcher indicated that the pipe line is at fault and the company should be made to fix it.

Mr. Adams stated the CR 379 is the smallest drainage area and it should pass the water using large culverts. He recommended that it go back as it was with culverts with more wall protection.

Barrineau Road should never have been culverts. There is too much water. It needs to be placed last.

Mr. Adams indicated that he needed to do more work before making a recommendation on 159.

Mr. Campbell, Public Works Director, asked the board to consider establishing a professional services contract with Bishop Engineers that would allow the departments the freedom to request proposals from them and then come to the board for authorization to get work done.

Mr. Richmond questioned the ability for the board to establish such a contract. He advised the board that a contract of that nature would have to go through the bid process.

**COMMISSIONER WATSON MADE A MOTION TO BEGIN THE WORK ON CR 379 (TO REPLACE IT AS IT WAS) AS SOON AS POSSIBLE, CONTINUE STUDIES FOR FUTURE RECOMMENDATION FOR REPAIR TO 157-A, DELAY REPAIR BARRINEAU ROAD UNTIL LATER, AND INSTRUCT MR. CAMPBELL TO PROVIDE THE BOARD WITH AN ASSESSMENT OF ALL NEEDED ROAD REPAIRS AS SOON AS POSSIBLE. THE MOTION WAS SECONDED BY COMMISSIONER DIXON.**

Chairman Peacock called for public input.

Mr. Barrineau was recognized for comments. He indicated that he did not oppose Barrineau Road being last for repair but he requested that it not be abandoned. He reminded them that it is a school bus route.

The board assured Mr. Barrineau that it would be repaired after a determination is made about how it should be repaired.

There were no other public comments.

**QUESTIONS WERE CALLED BY COMMISSIONER MCGILL.**

**THE BOARD VOTED 5 - 0 TO APPROVE THE MOTION.**

**FIRE ASSESSMENT EXEMPTIONS** Tape # 2; 333

Commissioner Watson asked the board to consider exempting non-profit organizations and churches from the tax assessment.

**COMMISSIONER FLETCHER MADE A MOTION TO AMEND THE FIRE ASSESSMENT ORDINANCE TO PROVIDE FOR THE EXEMPTION OF CHURCHES AND NON-PROFIT ORGANIZATIONS FROM THE FIRE ASSESSMENT.**

**Discussion followed.**

Commissioner McGill was in favor of exempting churches but not for exempting non-profit organizations.

Commissioner Watson stated he had conferred with Sara Bleakley. In order to avoid any law suites, she recommended that the board exempt the assessment for all non-profit organizations as opposed to just churches.

After conversation with Mr. Summerford, Tax Collector, budget will not be impacted a great deal. The assessment exemption on the churches amounts to \$19,000 and the non-profit exemption would amount to \$5,000.

**QUESTIONS WERE CALLED BY COMMISSIONER DIXON.**

Mr. Richmond asked to clarify the question: This is a request for a notice of intent to amend the fire assessment ordinance to provide for an exemption for non-profit organizations.

**THE BOARD VOTED 5 - 0 IN FAVOR OF EXEMPTING CHURCHES AND NON-PROFIT ORGANIZATIONS FROM THE FIRE ASSESSMENT AND TO PUBLISH A NOTICE OF INTENT TO AMEND THE FIRE ASSESSMENT ORDINANCE TO PROVIDE FOR THE EXEMPTION.**

**ACTING COUNTY MANAGER**

**Florida Sesquicentennial**

Mrs. Betty Miller called attention to a letter from the Secretary of State requesting the county to appoint members to serve on the Sesquicentennial Co-ordinating Committee who will plan events for Gadsden County in celebration of the 150th anniversary of Florida's statehood.

Commissioner Watson appointed Terrrence Massey. Commissioner Dixon appointed Muriel Straughn. There were not other appointments.

Mrs. Miller asked the commissioners to make their appointments known to her as soon as possible by telephone.

**Invoice from Nabors, Giblin & Nickerson** (Attached)

Mrs. Miller asked the board to approve the payment of an invoice from Nabors, Giblin & Nickerson totaling \$9,874.24. It is for services rendered in defending the County in the St. Joe Land Company Law suit. (Board policy allows for the county manager to approve invoices less than \$10,000 for payment but Mrs. Miller asked for board approval.)

Clerk Thomas asked that the board approve payment of this invoice from the general fund rather than the fire assessment fund. He added that when the judge rules on the St. Joe law suit, he will file for a declaratory judgement to determine if legal expenses are a proper expenditure from the fire assessment fund. Once that determination is made, the general fund can be reimbursed from the fire assessment fund.

**MOTION WAS MADE BY COMMISSIONER MCGILL AND SECONDED BY COMMISSIONER FLETCHER TO APPROVE THE PAYMENT OF THE INVOICE FROM NABORS, GIBLIN & NICKERSON IN THE AMOUNT \$9,874.24 FROM THE GENERAL FUND.**

**DISCUSSION FROM THE BOARD FOLLOWED.**

Commissioner Fletcher remarked that he would be glad to reach the point when the board will no longer have this expense.

Commissioner Watson spoke briefly to outline what he would like to see happen with the fire assessment. It was as follows:

- 1) exempt agricultural property and vacant property on the next assessment roll.
- 2) maintain the assessment of homes
- 3) set a commercial rate for building.

- 4) Renew the local option sales tax when it expires as an income source for fire protection
- 5) eliminate the MSBU and return to the county's original tax structure.

Commissioner Watson then invited the public to call him about that issue.

**QUESTIONS WERE CALLED BY COMMISSIONER FLETCHER.**

**THE BOARD VOTED 5 - 0 TO APPROVE THE MOTION.**

**EXTENSION OF 1994 ANNUAL LEAVE DEADLINE**

The current personnel policy of Gadsden County mandates that employees will lose all accumulated leave time in excess of 240 hours on December 31 each year.

There are 16 employees in the Public Works Department who have more than 240 hours accumulated.

Mr. Clayton Campbell, Public Works Director, appeared before the board to request an extension of that deadline until June, 1995 for this one time only. The 1994 tropical storm damages made it impossible for those employees to take annual leave. If annual leave requests are granted, the work force would be reduced by 50% until the end of the year. Additionally, a loss of their leave time would greatly reduce the moral of the employees.

**UPON MOTION OF COMMISSIONER FLETCHER, SECOND BY COMMISSIONER DIXON AND DISCUSSION, THE BOARD VOTED 5 - 0 TO APPROVE EXTENDING THE ANNUAL LEAVE DEADLINE UNTIL JUNE, 1995 FOR THE PUBLIC WORKS DEPARTMENT FOR THIS ONE TIME ONLY.**

**Travel Policy**

On October 18, 1994, the board voted to amend the travel policy to provide authorization for the county manager to travel provided he/she submits a memorandum no less than 5 days in advance informing the Board of the proposed travel dates and who will be acting manager in his/her absence.

Mrs. Miller presented the board with a copy of the revised travel policy which also reflects changes in the increase of personal mileage to .25 per mile. (FL Statutes 112.06)

**A MOTION WAS MADE BY COMMISSIONER DIXON AND SECONDED BY COMMISSIONER MCGILL TO APPROVE THE AMENDED TRAVEL POLICY.**

**DISCUSSION FOLLOWED.**

Commissioner Watson questioned the policy stating that he could not approve of a policy which allows the county manager to travel without prior approval of the board. Neither could he approve of the section which states that one commissioner could borrow from another commissioner's travel budget when his/hers is depleted. He suggested that when a commissioner depletes his travel budget, he should come before the commission for approval of that travel.

**COMMISSIONER DIXON AGREED TO AMEND HIS MOTION TO READ:**  
**"...When there is a need for the County Manager to travel, prior approval must be granted by the five commissioners in regular or special session." HE FURTHER AMENDED HIS MOTION TO INCLUDE AN AMENDMENT TO COMMISSIONERS TRAVEL POLICY BY DELETING SECTION B; PARAGRAPH 2 WHICH READS: "Once a commissioner's budget is depleted, he/she can "borrow" from another commissioner who has reserves in his/her budget."**  
**THE MOTION ALSO WAS AMENDED TO INCREASE THE MILLAGE ALLOWANCE FOR USE OF PERSONAL VEHICLE FROM 20 CENTS PER MILE TO 25 CENTS PER MILE.**

**COMMISSIONER MCGILL SECONDED THE AMENDMENT TO THE MOTION.**

**THE BOARD VOTED 5 - 0 TO APPROVE THE MOTION.**

**Request to Fill Vacant Positions**

Mrs. Miller explained the list of staff positions included in the FY 94/95 budget to wit:

- 1)Office Assistant - pending
- 2)Budget Coordinator - pending
- 3)Human Services Coordinator - position is filled - it is not a new position.
- 4)Permit Clerk in Building Inspection Office - OPS worker hired full time - justified by increased work load.
- 5)Code Enforcement Coordinator - budgeted but vacant
- 6)Veteran Services Officer - not new - filled and budgeted

- 7) 2 Heavy Equipment Operators - deleted
- 8) Community Development Co-ordinator - new title only  
position is filled
- 9) Housing Rehabilitation Specialist - new position to come from  
the general fund.

Mrs. Rosemary Banks explained why the housing rehabilitation specialist is needed.

Mrs. Miller asked for permission to fill the two positions that remain open - the housing rehabilitation specialist and the code enforcement co-ordinator in the building inspection office.

Chairman Peacock supported Mrs. Miller's request for the two positions.

Commissioner Watson voiced several concerns about the 94/95 budget. He spoke specifically about the use of reserve funds to balance the budget, the roll back of the millage rate, and increased expenses. He went on to say he could not support approval of the new positions in light of his concerns.

Chairman Peacock stated that he believed the revenue projections to be high, but the projections have been too low in the past. He went onto say that he was reasonably comfortable with them.

Commissioner Dixon explained that even with the roll back of the millage rate, the revenue generated for the general fund remained constant.

Chairman Peacock asked the board to conduct a budget workshop to explore the concerns expressed by the new commissioners.

**A MOTION WAS MADE BY COMMISSIONER DIXON AND SECONDED BY COMMISSIONER MCGILL TO APPROVE THE TWO POSITIONS AS REQUESTED BY THE ACTING COUNTY MANAGER.**

**DISCUSSION FOLLOWED.**

**Mr. Harvey Sweeney** was recognized for comments.

**Unidentified audience member.**

**QUESTIONS WERE CALLED.**

THE BOARD VOTED 4 - 1 TO APPROVE THE TWO NEW POSITIONS.  
COMMISSIONER WATSON CASTING THE LONE DISSENTING VOTE.

CONSENT AGENDA Tape # 3; 180

UPON MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER  
FLETCHER, THE BOARD VOTED 5 - 0 TO APPROVE THE CONSENT AGENDA  
TO WIT:

- 1) Bond for Commissioner Hentz Fletcher (attached)
- 2) Addition to State Farmer's Market Lease (attached)
- 3) SHIP Committee Meeting Minutes

CLERK OF COURT

Response to Request for Budget Analysis (Attached)

Clerk Thomas asked to reserve his comments until the budget workshop.

Chairman Peacock announced the budget workshop for Monday, December 13, 1994 at 5:30 p.m.

Quincy State Bank Resolution and Signature Card (attached)

UPON MOTION OF COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER  
MCGILL, THE BOARD VOTED 5 - 0 TO ADOPT THE BANK RESOLUTION  
AND AUTHORIZE CHAIRMAN PEACOCK'S SIGNATURE ON THE CHECKING  
ACCOUNT.

BUDGET AMENDMENTS

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER  
WATSON, THE BOARD VOTED 5 - 0 TO APPROVE THE BUDGET  
AMENDMENTS TO WIT:

- 1) General Fund - 95-12-06-01
- 2) Co. Transportation 95-12-06-02
- 3) General Fund 95-12-06-03
- 4) Waste Services 95-12-06-04
- 5) Grants - Historical 95-12-06-05
- 6) Grants Childcare 95-12-06-06
- 7) Grants - Haz. Mat. 95-12-06-07
- 8) EMS 95-12-06-08

- 9) General 95-12-06-09
- 10) Co. Trans. # 195-12-06-10
- 11) Grants EMA95-12-06-11
- 12) Grants EMA95-12-06-12
- 13) EMS95-12-06-13
- 14) Library 95-12-06-14

**Approval of Payment of Bills**

UPON MOTION OF COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0 TO APPROVE THE PAYMENT OF THE COUNTY BILLS.

**DISTRICT 1 REPORT**

Commissioner McGill had no report.

**DISTRICT 2 REPORT**

Commissioner Watson had no report.

**DISTRICT 3 REPORT**

Chairman Peacock passed out the committee assignments for the board members for 1994/95. He also reminded the commissioners of the commissioners orientation on December 14 from 1:00 - 5:00 p.m and again on December 16, from 1:00 p.m. - 5:00 p.m. at the Agriculture Center.

**DISTRICT 4 REPORT**

Commissioner Fletcher asked if the regular commission meetings could be moved to 5:30 rather than 6:00 p.m. No decision was reached.

**DISTRICT 5 REPORT**

Commissioner Dixon asked that the public works department to do some work in District 5. His remarks were directed to Mr. Campbell, the new Public Works Director.

Chairman Peacock asked that all calls for services from the Public Works Department be directed to Mr. Campbell directly and not to the county manager's office.

**UPON MOTION BY COMMISSIONER FLETCHER THE CHAIRMAN DECLARED THE MEETING ADJOURNED.**

James Peacock, Chairman

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**ATTEST:**

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Nicholas Thomas, Clerk

AT THE REGULAR MEETING OF THE  
COUNTY COMMISSIONERS HELD IN AND  
FOR GADSDEN COUNTY ON DECEMBER 20,  
1994, THE FOLLOWING PROCEEDINGS  
WERE HAD, VIZ.

PRESENT: JAMES PEACOCK, CHAIRMAN  
E. HENTZ FLETCHER, VICE-CHAIRMAN (arrived late)  
BILL MCGILL  
STERLING WATSON  
EDWARD J. DIXON  
NICHOLAS THOMAS, CLERK  
HAL RICHMOND, COUNTY ATTORNEY  
BETTY F. MILLER, INTERIM COUNTY MANAGER

CALL TO ORDER

Chairman Peacock called the meeting to order. Commissioner Dixon led in the pledge of allegiance to the U. S. Flag and Commissioner McGill opened the meeting with a prayer. The chairman asked that the record reflect that Commissioner Fletcher was not present.

ADOPTION OF THE AGENDA

Hal Richmond, county attorney, asked that the continuation of the public hearing for the dog ordinance be removed from the agenda. He stated that he needed to do more research and redraft the ordinance. He continued by saying he would advertise another public hearing to consider the matter at a later date.

(Commissioner Fletcher arrived at this juncture of the meeting.)

UPON MOTION OF COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0 TO AMEND THE AGENDA TO REMOVE THE CONTINUED PUBLIC HEARING ON THE DOG ORDINANCE FROM THE AGENDA.

MOTION WAS MADE BY COMMISSIONER DIXON AND SECONDED BY COMMISSIONER FLETCHER ADOPT THE AGENDA AS AMENDED.

Chairman Peacock asked that Item # 10 -Single Family Bond Program - be moved to the County Attorney's agenda.

THE BOARD VOTED 5 - 0 TO ADOPT THE AGENDA AS AMENDED.

**APPROVAL OF MINUTES**

**December 6, 1994 - Construction Industry Licensing Board**

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0 TO APPROVE THE DECEMBER 6, 1994 MINUTES OF THE CONSTRUCTION INDUSTRY LICENSING BOARD.

**December 6, 1994 - Board of County Commissioners Regular Meeting**

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0 TO APPROVE THE MINUTES OF THE REGULAR MEETING OF DECEMBER 6, 1994.

**COUNTY ATTORNEY** Tape # 1; 129

**Tallahassee Community College - County Library Lease Issues**

Mr. Richmond referred to a memo written to Mrs. Betty Miller (attached) outlining issues which need to be raised with Tallahassee Community College Board of Trustees as they relate to the provisions of the library lease agreement. (Construction of a cubicle and needed repairs resulting from water damages) He asked the board for directions.

It was the consensus of the board to have Mr. Richmond to communicate with the college via written correspondence stating the board's stance on the issues raised.

**1994 St. Joe Fire Assessment Suit** Tape # 1; 141

Mr. Richmond reported that he had been in contact with the attorney representing St. Joe Land Company regarding the suit filed against the county. He recommended that the board forego retaining counsel for the suit until such time as Judge Sauls renders a ruling on the 1992 St. Joe Fire Assessment Suit.

It was the consensus of the board to pass the matter until mid January. Mr. Richmond was instructed to inform the plaintiff's attorney that action was deferred.

**Interim County Manager's Employment Agreement** Tape # 1; 164

Mr. Richmond asked the board to authorize the chairman to execute the employment agreement with Mrs. Betty Miller who was appointed as the interim county manager.

**UPON MOTION OF COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0 TO APPROVE THE EMPLOYMENT AGREEMENT AND AUTHORIZE THE CHAIRMAN TO EXECUTE IT.**

**SINGLE FAMILY BOND PROGRAM** Tape # 1; 250

Mr. Richmond called attention to the multi-county bond issued that will be issued by the Escambia County Housing Finance Authority. The bond issue will provide low interest rate mortgage money for low and moderate income first-time homebuyers in the participating counties.

All expenses would be paid through the bond issues themselves. There is no responsibility to the county for the participation in the program.

In order to authorize participation in the Escambia program, Gadsden county would have to hold a public hearing (TEFRA hearing advertised 14 days in advance - December 30, 1994) and adopt a resolution which provides the following:

- 1) approves the form of the Interlocal Agreement between the County and the Escambia County Housing Finance Authority which specifically delegates all administrative, monitoring and financial responsibility to the Escambia County Housing Finance Authority.
- 2) authorizes the Escambia County Housing Finance Authority to operate within the boundaries of Gadsden County; and
- 3) approve the use of private activity allocation in the program.

Commissioner Fletcher stated that he would abstain from voting on the issue and would file a conflict of interest form with the clerk for the record.

Mr. Ed Bulleit, Senior Vice President for the underwriters of the bond issue spoke briefly to the board explaining some technical requirements which the motion to approve must state.

**UPON MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER MCGILL , THE BOARD VOTED 4 - 0 TO DELEGATE MRS. ROSEMARY BANKS TO CONDUCT A TEFRA HEARING (AS HEARING OFFICER) ON DECEMBER 30, 1994 AND DISCLOSE THE RESULTS OF THE HEARING TO THE CHAIRMAN WHO IN TURN SHOULD ANNOUNCE THE RESULTS OF THE HEARING PUBLICLY. THE MOTION FURTHER INCLUDED THE ADOPTION**

**OF THE RESOLUTION ALLOWING GADSDEN COUNTY TO ENTER INTO AGREEMENTS WITH THE ESCAMBIA COUNTY HOUSING FINANCE AUTHORITY; APPROVING A FORM OF INTERLOCAL AGREEMENT; APPROVING THE ISSUANCE BY THE ESCAMBIA COUNTY HOUSING FINANCE AUTHORITY.**

**Commissioner Fletcher abstained from voting.**

**CATO LEASE** Tape # 1; 369

On October 18, 1994, the board voted to notify CATO of the intention to terminate their lease as of January 15, 1995. It was the intention of the board to renovate the building to house the community services department.

Ms. Jennifer Erdman, Executive Director of Mainstreet Quincy spoke to the board and asked them to extend the lease of the CATO building until April. By extending the lease, it would give CATO ample time to find an alternate location in the Quincy community.

Chairman Peacock reported that he had talked with Mrs. Banks and was assured that the grants would not be jeopardized by extending the lease for four months.

**A MOTION WAS MADE BY COMMISSIONER WATSON TO GRANT A FOUR MONTH EXTENSION TO CATO.**

Commissioner Dixon questioned the accuracy of the information provided to the chairman.

Mrs. Miller assured the board that the county grants would not be affected by the extension of four months if the anticipated date of occupancy is provided to them at the time the plan amendment is submitted.

**THE MOTION TO EXTEND THE LEASE WAS SECONDED BY COMMISSIONER FLETCHER. THE BOARD VOTED 5 - 0 TO APPROVE THE EXTENSION OF THE CATO LEASE FOR FOUR MONTHS.**

**ECONOMIC ACTIVITIES UPDATE** Tape # 1; 509

Mr. Rick McCaskill, Executive Director of the Chamber of Commerce, gave a brief description of the new economic activity within the county. (report attached)

Mr. McCaskill reported he had made a proposal to a large plastic manufacturer who is looking for a 300,000 sq. ft. building that would create 300 jobs. The company was very specific in their needs. The 10/90 Commerce Park Inc. (an industrial park located at I-10 and US 90 off Brickyard Road in Midway) can provide their needs. One big attraction to the prospective company was the availability of natural gas. The Florida Gas Transmission goes across the industrial park property. The Florida Gas management has agreed to install a gate if a large user locates in the park.

### **PLANNING AND ZONING RECOMMENDATIONS**

#### **Supreme Court Ruling**

Mr. Richmond called attention to the Supreme Court ruling in the Snider Case. The ruling states that when the Board of County Commissioners sit as a quasi-judicial body making determinations on planning and zoning matters that come before them, they must not accept "out-of-hearing" statements from constituents. All statements need to be made at an open and public hearing **only**. Failure to adhere to the rule might result in decisions being overturned.

Mr. Richmond addressed the citizens present by saying that it was his recommendation to the commissioners to not receive comments or considerations of any matters outside of the hearing set to determine the matters.

Written comments addressed to the board that can be made a part of the packet which is disseminated publicly can be accepted.

He closed his remarks by urging the commissioners to use extreme caution in discussing Planning and Zoning issues.

#### **Dean's Workshop - Project #94PZ-26-201-2-12**

Dean's Workshop is a proposed woodworking shop in an existing 600 square foot building on a 2.3 acre site on the north side of Conrad Hills Road. .1 miles from CR159. The applicant and property owner is Mr. Dean Shumate, Route 5, Box 36, Havana, FL 32333.

Planning and Zoning Commission recommended approval subject to special conditions as listed in the attached memo.

Planning and Zoning Staff recommended approval subject to the special conditions listed in the attached memo.

Commissioner McGill questioned whether there are deed restrictions governing the mix of commercial operations in the residential area that can be raised by a homeowners association.

Mr. Richmond responded by saying that the issue before the board is strictly a planning and zoning usage issue - the board must only determine whether it is a permitted right under the county's planning and zoning comprehensive plan. Mr. Shumate may have to address neighbors and the homeowners association in a separate forum.

**UPON MOTION OF COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO APPROVE DEAN'S WORKSHOP PROJECT.**

**Copeland Variance - Project # 94PZ-27-204--3-12** Tape # 1; 880

Ms. Andrea Copeland proposes to live in an existing single-wide mobile home on a .19 acre site off of CR 269 and just south of CR 268, and requested a variance from the side and rear setback requirements. The applicant is Ms. Andrea Copeland, Route 1 Box 1316, Chattahoochee, FL 32334. The property owner is Ms. Betty Copeland of the same address.

There is a home on the site as well the existing single-wide mobile home. Ms. Copeland needs a 10 ft. setback variance from the required 10 feet rear setback. (It is on the property line.) She will also need a 3 ft. variance from the 10 ft. side variance requirements.

The staff recommended approval subject the special conditions listed in the attached memo.

The P & Z Commission's recommendation was for denial because of the 0 set back in the rear.

Mr. Sherman reported that she has a septic tank permit issued by HRS.

Chairman Peacock asked if there was anyone present to oppose the project. There was no opposition.

**UPON MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO APPROVE THE COPELAND VARIANCE.**

**Smith Variance - Project #94PZ-28-207-4-12** Tape # 1; 958

Ms. Tracey Smith replaced a single-wide mobile home with a double-wide mobile home on a .27 acre site on the north side of Atlanta Street and west side of Frank Jackson Road, and has requested a variance from the front setback requirements. The applicant is Ms. Tracy Smith, Route 4, Box 1127, Quincy, FL, 32351. The property owner is Ms. Annette Williams of the same address.

Staff recommended approval subject to conditions listed in the attached memo.

P & Z Commission recommended approval subject to special conditions as listed in the attached memo.

**UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0 TO APPROVAL THE SMITH VARIANCE PROJECT.**

**Gadsden Station Commerce Park 10/90 Preliminary Plat - Project # 94PZ-29-206-5-12**

Gadsden 10/90 Commerce Park, Inc. petitioned the county for consideration of a preliminary plat. The project is proposed as a light industrial/commercial and office park subdivision. Light industrial and commercial are consistent with the provisions of the approved Development of Regional Impact (DRI). The project is located in District 1, at the intersection of I-10 and US 90. The applicant is Gadsden 10/90 Commerce Park, Inc. The applicant's address is 2324 Centerville Road, P.O. Box 12909, Tallahassee, FL. 32308. The project surveyor is A.D. Platt & Associates. The project engineer is Moore, Bass and Bibler, Inc.

Mr. Sherman noted that the soils information has been provided by the applicant. Upon review of the soil report, it was noted that in certain areas, there may be mounded septic tanks systems necessary. The county's subdivision code prohibits mounded septic tank systems in subdivisions. Therefore, he asked that a special condition be added that no mounded septic can be

used and that on a case by case scenario, they may apply for septic tank permits. If those permits can be approved by the health department, they can operate on a septic tank. The development order in the DRI allows for the use of septic tanks up to 80,000 gallons per day of waste water. Once that threshold has been met, a central waste water facility must be constructed.

The P & Z staff recommended approval subject to the conditions listed above and in the memo attached.

The P & Z commission recommended approval subject to the conditions listed in the attached memo.

Chairman Peacock called for any opposition to the project. There was no opposition.

**UPON MOTION OF COMMISSIONER WATSON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO GIVE PRELIMINARY PLAT APPROVAL TO THE GADSDEN 10/90 COMMERCE PARK SUBJECT TO THE SPECIAL CONDITIONS AS LISTED BY P & Z STAFF.**

**Sprint Cellular Tower Site - Project # 94PZ-30-207-5-12** Tape # 1; 1072

The Sprint Cellular Company of Tallahassee is proposing to construct a 240 foot guyed cellular phone tower and a 12 ft. x 28 ft. equipment shelter. The applicant is Mr. Dan Ausley. The applicant's address is 217 John Knox Road, Tallahassee, FL 32303. The project surveyor is Broward Davis & Associates. Mr. Gary Lehr is the property owner.

The tower is in an agriculture 1 land use category located at the end of Walsh Road in District 5.

The comprehensive plan allows for certain types of public uses to be permissible. All land use categories provide for special exception approval from the Board of County Commissioners. The applicant asked for that special exception approval in this project.

P & Z Commission recommended approval subject to the special conditions listed in the attached memo.

P & Z Staff recommended approval subject to the special conditions listed in the attached memo.

**A MOTION WAS MADE BY COMMISSIONER FLETCHER AND SECONDED BY COMMISSIONER DIXON TO APPROVE THE SPRINT CELLULAR TOWER PROJECT SUBJECT TO THE SPECIAL CONDITIONS AS LISTED IN THE ATTACHED MEMO.**

Chairman Peacock called for discussion.

Mr. Dan Ausley and Mr. Mike Minnick of Sprint Cellular was present to answer questions of the board.

**THE BOARD VOTED 5 - 0 TO APPROVE THE MOTION TO APPROVE THE SPRINT CELLULAR TOWER PROJECT SUBJECT TO THE SPECIAL CONDITIONS LISTED IN THE ATTACHED MEMO.**

**Johnson's Barber Shop - Project #94PZ-31-207-1-12**

Mr. Elijah Johnson proposed to operate a neighborhood barber shop in an existing 292 sq. foot building located on his homestead property in the Pine Park Subdivision. The applicant's address is 907 Conyer Street, Havana, FL 32333. The property owner is Mr. Elijah Johnson.

The property is located in a rural residential land use category. Neighborhood commercial operations are permissible in rural residential land use categories upon approval by the Board.

The P & Z Commission recommended approval subject to the special conditions listed in the attached memo.

The staff was first informed of the operation by a neighbor's complaint. At the time of the complaint, Mr. Johnson did not have a permit to operate. He applied for a permit once he was contacted.

The P & Z Staff recommended denial because they do not feel it is an appropriate place to operate a business.

**A MOTION WAS MADE BY COMMISSIONER MCGILL TO DENY THE PERMIT FOR THE JACKSON BARBER SHOP.**

**THE MOTION DIED FOR LACK OF A SECOND.**

The Chairman called for a motion to approve the project.

**UPON MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 4 - 1 TO TABLE THE MATTER UNTIL THE**

**NEXT REGULAR MEETING. COMMISSIONER MCGILL CAST THE LONE  
DISSENTING VOTE.**

Mr. Charles Jackson, the complainant, approached the board to explain his opposition to the operation of the barber shop.

**Sawdust supermarket - Project # 94PZ-32-208-4-12 Tape # 1; 1304**

Ms. Adell Giliam requested to construct and operate a 1200 sq. ft. building to operate a supermarket. The property owner is Ms. Adell Giliam. Ms. Gilliam's address is 1502 Globe Court. Tallahassee, FL 32303.

The property is situated in a rural residential land use category. Neighborhood commercial operations are permissible in rural residential land use categories upon approval by the board. Grocery stores, supermarket operations are considered neighborhood commercial uses.

The P & Z Commission recommended approval subject to the special conditions as listed in the attached memo.

The P & Z staff recommended approval subject to the special conditions as listed in the attached memo.

Mr. Sherman called attention to a county ordinance which regulates the sale of alcohol from certain distances from various facilities - churches, schools, parks. But the ordinance exempts those establishments who sell beer and wine to be consumed off their premises.

There is a park directly across the street from the proposed store. There are ordinances prohibiting the consumption of alcohol on the premises of a park. That ordinance can be enforced.

Mr. Richmond called the board's attention to the matter at hand which is a planning and zoning issue - not the sale of alcohol.

**A MOTION WAS MADE BY COMMISSIONER MCGILL TO APPROVE THE SAWDUST  
SUPERMARKET.**

**THE MOTION DIED FOR A LACK OF A SECOND.**

**A SECOND MOTION WAS MADE BY COMMISSIONER MCGILL TO APPROVE THE SAWDUST SUPERMARKET. IT WAS SECONDED BY COMMISSIONER FLETCHER FOR DISCUSSION PURPOSES.**

The chairman called for discussion.

Speaking in opposition of the Sawdust Supermarket was Ron Barnett - property owner adjacent to the proposed store. He urged commission to keep the area strictly residential.

Speaking in support of the project was Al Hall, son-in-law of the applicant. He stated that Ms. Gilliam expects to uphold the laws of the state and ordinances of the county. He stated that the fear regarding the sale of alcoholic beverages was premature.

Chairman Peacock asked Mr. Hall if they would agree not to sell alcohol.

Mr. Hall responded by saying that it would be misleading for him to tell the board that they would consider not selling alcohol.

Commissioner Watson stated he could not support the project if there was a possibility of the sale of alcohol.

Chairman Peacock called for a vote.

**THE BOARD VOTED 2 - 3 FOR THE APPROVAL. THE MOTION FOR APPROVAL OF THE SAWDUST SUPERMARKET FAILED. COMMISSIONERS MCGILL AND DIXON VOTED "AYE"; COMMISSIONERS WATSON, FLETCHER AND PEACOCK VOTED "NAY".**

**COMMISSIONER WATSON MADE A MOTION TO DENY THE SAWDUST PROJECT. IT DIED FOR A LACK OF A SECOND.**

Attorney Richmond explained that the board had just taken a non-final action and the issue can come back to the board at the next meeting.

Further discussion followed.

Mr. Hall asked to speak again to argue for support of the project. He urged the board to reconsider.

Mr. Marcus Edwards, a Sawdust resident, spoke in opposition to the project. He urged the board to keep the zoning rural residential in view of the controversy surrounding the issue.

Mrs. Adell Gilliam was recognized for remarks. She encouraged the board to reconsider.

**Mrs. Bradwell's Lot Requirement Relief**

Ms. Bradwell attempted to pull a permit to place a single wide mobile home on a one-acre parcel in an area that is designated rural residential. The county's comprehensive plan requires that in residential areas where the lot size is less than one acre, there must be central water system available. There is no central water facility available at the site in question. She would have to have a well. The staff denied the permit. Mrs. Bradwell was present to request the board to grant her relief from the requirement of a central water system.

Commissioner Watson suggested that the board change the comprehensive plan to be consistent with the HRS septic tank permitting guidelines - to allow for permits when an individual can obtain a permit for a septic tank.

**UPON MOTION OF COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0 TO GRANT THE LOT REQUIREMENT RELIEF TO MRS. BRADWELL AND TO PROCEED WITH EFFORTS TO AMEND THE COMPREHENSIVE PLAN.**

**Comprehensive Plan Policy Amendments** Tape # 1; 2318

The P & Z Staff recommended a number of changes to various elements of the comprehensive plan. (Housing, future land use, traffic circulation) These amendments were presented at previous meetings.

Discussion followed.

**UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 4 - 1 TO ADOPT THE AMENDMENTS TO THE COMPREHENSIVE PLAN. COMMISSIONER WATSON CAST THE LONE DISSENTING VOTE.**

**Request from ARPC - Appointment to Technical Advisory Committee**

Chairman Peacock appointed Commissioner Fletcher and Mike Sherman to the Technical Advisory Committee of the Apalachee Regional Planing Council. Mr. Sherman was instructed to inform ARPC of the appointments.

**SHERIFF'S BUDGET - PROPOSED SETTLEMENT** Tape # 1; 2571

Chairman Peacock reported that he had met with the Sheriff to negotiate some kind of settlement that might deter him from proceeding with his budget appeal for more funding to the Governor and Cabinet. He further reported that an agreement had been reached with the Sheriff and a copy of that agreement was provided to each commissioner in their agenda packets.

**A MOTION WAS MADE BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER WATSON TO APPROVE THE PROPOSED SETTLEMENT WITH SHERIFF WOODHAM AND HIS BUDGET.**

Chairman Peacock called for discussion.

Commissioner Dixon asked for someone to show him the \$150,000 discrepancy that the Sheriff says is in the budget.

Chairman Peacock recalled to Commissioner Dixon that he had questioned the county manager about the sheriff's budget at the final budget hearing. (The fact that the sheriff's budget had been cut \$133,000 in the final budget from the preliminary budget.) Mr. Carter assured Commissioner Peacock that the sheriff was aware of the adjustment and was in agreement with his budget. The following day, Sheriff Woodham contacted him (Chairman Peacock) saying that he had not been informed of a cut in his budget.

Clerk Thomas stated that he was present in one of the negotiation meetings with the Sheriff. Clerk Thomas concurred with Sheriff about his budget needs and he supported the proposed agreement to help the sheriff address his problems. He further stated that if the board should approve the settlement, the sheriff would have no reason to appeal his budget for at least the next couple of years. The initial request made by the sheriff and preliminarily approved by the board was cut in the final budget.

**QUESTIONS WERE CALLED BY COMMISSIONER FLETCHER.**

**THE BOARD VOTED 4 - 1 TO APPROVE THE PROPOSED SETTLEMENT WITH THE SHERIFF REGARDING HIS BUDGET. COMMISSIONER DIXON CAST THE LONE DISSENTING VOTE.**

**BID COMMITTEE RECOMMENDATIONS** Tape # 1; 2991

Mr. Arthur Lawson, Management Services Director, addressed the board with the recommendations of the bid committee.

**Bid 95-01 5 Motor Graders**

The bid committee recommended that the board award the bid for the purchase of the five motor graders to Ring Power as the low bidder. (Bid Evaluation Tabulation Sheets attached)

Mr. Johnny Haire of Ring Power Inc. spoke to the board explaining the bid and the five-year buy-back proposal.

Commissioner Watson stated he thought it would be premature for the board to approve the purchase until a determination can be made as to the extent of road damages that occurred from recent flooding.

Commissioner Fletcher concurred with Commissioner Watson.

**A MOTION WAS MADE BY COMMISSIONER WATSON AND SECONDED BY COMMISSIONER FLETCHER TO ACCEPT NO BID ON THE MOTOR GRADERS.**

Mr. Haire spoke once again to the board urging them not to abandon the buy-back program and the guaranteed repair program.

Further discussion followed.

**QUESTIONS WERE CALLED BY COMMISSIONER FLETCHER.**

**THE BOARD VOTED 3 - 2 TO ACCEPT NO BID AND DENY THE PURCHASE OF NEW MOTOR GRADERS. COMMISSIONERS WATSON, FLETCHER AND PEACOCK VOTING "AYE"; COMMISSIONERS MCGILL AND DIXON VOTING "NO."**

**Bid # 95-03 Automatic truck-mounted pot hole patcher**

Mr. Lawson reported the bid committee recommendation that the board approve the purchase of the wild-cat equipment for \$119,670.

Chairman Peacock recommended that the board not purchase a road patching machine.

**COMMISSIONER FLETCHER MADE A MOTION TO DENY THE PURCHASE OF THE ROAD PATCHING MACHINE. COMMISSIONER WATSON SECONDED THE MOTION.**

Discussion followed.

**QUESTIONS WERE CALLED BY COMMISSIONER FLETCHER.**

**THE BOARD VOTED 3 - 2 TO DENY THE PURCHASE OF THE ROAD PATCHING MACHINE. COMMISSIONERS WATSON, FLETCHER AND PEACOCK VOTED "AYE" AND COMMISSIONERS MCGILL AND DIXON VOTED "NAY".**

**Bid # 95-07 Five Dump Trucks Tape # 1; 4032**

The bid committee recommended that the bid for five dump trucks be awarded to Tallahassee Mack Sales with the five year buy back provision. The total costs for five trucks would be \$144,698.55.

Chairman Peacock recommended that the county purchase four trucks rather than five if Tallahassee Mack Sales will offer the same price per truck.

**UPON MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 3 - 2 TO PURCHASE FOUR DUMP TRUCKS AS QUOTED BY TALLAHASSEE MACK SALES. COMMISSIONERS DIXON, MCGILL AND PEACOCK VOTED "AYE" AND COMMISSIONERS WATSON AND FLETCHER VOTED "NAY".**

**CONSENT AGENDA**

**UPON MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO APPROVE THE CONSENT AGENDA TO WIT:**

- 1) Grant Contract with Sheriff - Enhanced 9-1-1 System (attached)
- 2) Mutual Aid Agreement with Wakulla County (attached)
- 3) EMS Write-off of Bad Debts (attached)
- 4) Forestry Service Contract (attached)
- 5) Installation of dry hydrants (attached)
- 6) Waste Management - 3.0% Increase (attached)

**CLERK OF THE COURT** Tape # 1; 4552

**Request to Advertise for Budget Change**

Clerk Thomas asked for authority to advertise a budget change to correct the Primary Health Care Budget and reflect the increase to the Sheriff's Budget.

UPON MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO APPROVE THE ADVERTISEMENT OF THE BUDGET CHANGES.

**Budget Amendments**

UPON MOTION OF COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0 TO APPROVE THE BUDGET AMENDMENTS 95-12-20-01 THROUGH 95-12-20-06.

**Approval of Payment of County Bills**

**UPON MOTION OF COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0 TO APPROVE THE PAYMENT OF THE COUNTY BILLS.**

**DISTRICT 1 REPORT**

Commissioner McGill reported that he would prepare a resource use policy statement for the board's consideration in January.

**DISTRICT 2 REPORT**

Commissioner Watson had nothing new to report.

**DISTRICT 3 REPORT**

Chairman Peacock asked for a motion to appoint Mr. Joe Bradley to the Library Commission.

**UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0 TO APPOINT MR. JOE BRADLEY TO THE LIBRARY COMMISSION.**

**DISTRICT 4 REPORT**

Commissioner Fletcher had nothing to report.

**DISTRICT 5 REPORT**

Commissioner Dixon yielded his time to Mr. Clayton Spivey. Mr. Spivey requested that board address two problems.

1)water erosion problem on his property

2)the disrespect he was shown by a Road and Bridge Department employee (Bo Brown) and Commissioner Dixon.

The chairman asked the county attorney and the road superintendent to research this erosion problem to see if there is a legal way for the county to alleviate the erosion problem.

**UPON MOTION OF COMMISSIONER FLETCHER, THE CHAIRMAN DECLARED THE MEETING ADJOURNED.**

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**James Peacock, Chairman**

**ATTEST:**

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**Nicholas Thomas, Clerk**