

AT A REGULAR MEETING OF THE
CONSTRUCTION INDUSTRY LICENSING
BOARD, HELD IN AND FOR GADSDEN
COUNTY, FLORIDA ON JANUARY 3, 1995,
THE FOLLOWING PROCEEDINGS WERE HAD,
VIZ.

PRESENT: JAMES PEACOCK, CHAIRMAN
E. HENTZ FLETCHER, VICE CHAIRMAN
BILL MCGILL
JAMES PEACOCK
STERLING WATSON
HAL RICHMOND, COUNTY ATTORNEY
BETTY MILLER, INTERIM COUNTY MANAGER
NICHOLAS THOMAS, CLERK

ABSENT: EDWARD J. DIXON

CALL TO ORDER

Chairman Peacock called the meeting to order. Commissioner Watson led in pledging allegiance to the U.S. Flag. Chairman Peacock then opened the meeting with a prayer.

Chairman Peacock presented the applications of Gerald Hill (mechanical contractor), Jerry Lynn (master plumber) and Stephen J. Barger, III (master plumber) for licenses.

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 4-0 TO APPROVE ISSUANCE OF LICENSES AS MASTER PLUMBERS FOR JERRY LYNN AND STEPHEN J. BARGER, III.

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 4 - 0 TO APPROVE ISSUANCE OF A MECHANICAL CONTRACTORS LICENSE TO GERALD HILL.

UPON MOTION OF COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER MCGILL, THE CHAIRMAN DECLARED THE MEETING ADJOURNED.

James Peacock, Chairman

ATTEST:

Nicholas Thomas, Clerk

AT THE REGULAR MEETING OF THE
BOARD OF COUNTY COMMISSIONERS,
HELD IN AND FOR GADSDEN COUNTY,
FLORIDA ON JANUARY 3, 1995, THE
FOLLOWING PROCEEDINGS WERE HAD,
VIZ.

PRESENT: JAMES PEACOCK, CHAIRMAN
E. HENTZ FLETCHER, VICE-CHAIRMAN
BILL MCGILL
STERLING WATSON
NICHOLAS THOMAS, CLERK
BETTY MILLER, INTERIM COUNTY MANAGER
HAL RICHMOND, COUNTY ATTORNEY

ABSENT: EDWARD J. DIXON

CALL TO ORDER

Chairman Peacock called the meeting to order.

ADOPTION OF THE AGENDA

Chairman Peacock asked that financing of the new dump trucks be removed from the consent agenda and be placed on the County Manager's Agenda for discussion.

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 4 - 0 TO ADOPT THE AGENDA AS AMENDED.

APPROVAL OF MINUTES

December 13, 1994 Special Meeting

Commissioner McGill called attention to an error on page 3, sixth paragraph. It read "Chairman Dixon stated that the county ..." It should read "Commissioner Dixon...". Additionally, he had questions regarding the Transportation Fund Reserve Balances as quoted in the minutes. (The information was reported accurately and no corrections were necessary.)

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 4 - 0 TO APPROVE THE MINUTES OF DECEMBER 13, 1994 WITH THE CORRECTION AS STATED ABOVE.

December 20, 1994 Regular Meeting

UPON MOTION OF COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 0 TO APPROVE THE MINUTES OF THE REGULAR MEETING OF DECEMBER 20, 1994.

PLANNING AND ZONING ISSUES Tape # 1; 130

Johnson's Barber Shop - Project #94PZ-31-207-1-12

NOTE: This project was presented for approval at the last meeting on December 20, 1994. At that meeting a motion was made by Commissioner McGill to deny the project. His motion died for lack of a second. Subsequently, the chairman called for a motion to approve the project but no motion was offered. Lastly, the board voted to table the matter until January 3, 1995.

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 AND SECONDED BY COMMISSIONER FLETCHER TO APPROVE THE PROJECT (FOR DISCUSSION PURPOSES ONLY).

DISCUSSION FOLLOWED.

Commissioner McGill's concerns centered around traffic congestion that would be caused by customers who frequent the barber shop.

Mr. Elijah Johnson was present to speak to the board. He explained that he cares for three sick and handicapped elderly people who reside at the location in question. He stated that he desires to operate his barber shop so that he can be easily

available to care for the residents of the home where the barber shop is located. He stated also that he is a disabled veteran.

Commissioner Watson asked Mr. Johnson to respond to his neighbors complaints about people walking over his lawn. Mr. Johnson responded by saying there is a fence that would prohibit that from happening.

Commissioner Fletcher related that he had made a visit to the site and he believed there would be adequate "off-the-street" parking if Mr. Johnson would remove an old car which is parked there.

QUESTION WAS CALLED BY COMMISSIONER FLETCHER.

The chairman called for a motion.

COMMISSIONER MCGILL MADE A MOTION TO DENY THE PROJECT. COMMISSIONER WATSON SECONDED THE MOTION. THE BOARD VOTED 2 - 2 TO DENY THE PROJECT. COMMISSIONERS MCGILL AND WATSON VOTING "AYE". COMMISSIONERS FLETCHER AND PEACOCK VOTING "NAY".

THE MOTION DIED FOR LACK OF A MAJORITY VOTE.

Chairman Peacock asked for clarification from Hal Richmond, County Attorney.

Chairman Peacock called for a motion to approve.

MOTION WAS MADE BY COMMISSIONER FLETCHER TO APPROVE THE PROJECT SUBJECT TO MR. JOHNSON PROVIDING AT LEAST 3 PARKING SPACES FOR HIS CLIENTS IN THE YARD.

THE MOTION DIED FOR LACK OF SECOND.

Chairman Peacock explained that the matter could still be brought up at another meeting when the full board is present.

Sawdust Supermarket - Project # 94PZ-32-208-4-12 Tape # 1; 369

NOTE: *This project was presented for board action on December 20, 1994. A motion was made by Commissioner McGill to approve it but it died for 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. There were several

residents of the community opposed to the project. The motion to approve failed.

A third motion was made to deny the project. It died for lack of a second.

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.

A MOTION WAS MADE BY COMMISSIONER MCGILL TO APPROVE THE PROJECT FOR DISCUSSION PURPOSES - SECONDED BY COMMISSIONER FLETCHER FOR DISCUSSION PURPOSES ONLY.

THE CHAIRMAN CALLED FOR DISCUSSION. THERE WAS NONE.

A MOTION WAS MADE BY COMMISSIONER MCGILL TO APPROVE THE PROJECT.

THE MOTION DIED FOR LACK OF SECOND.

REPLACEMENT VEHICLES FOR PUBLIC WORKS Tape # 1; 436

Mr. Arthur Lawson, Sr., Management Services Director, requested permission to purchase replacement vehicles for the Public Works Department. He described the current stock of vehicles as dilapidated with excessive mileage and very costly to maintain. The staff requested to purchase 8 vehicles (7 to replace old vehicles and 1 new one for mosquito control) that were budgeted for in the 94/95 budget. If approved, the vehicles would be purchased on state contract. (Written request attached)

Mr. Lawson was questioned by the board.

Mr. Lawson reported that the total for 8 trucks amounts to about \$140,000.

Commissioner Fletcher agreed that the trucks are needed but he suggested that the matter be tabled until an alternate source could be explored - such as army surplus.

MOTION WAS MADE BY COMMISSIONER FLETCHER TO TABLE PURCHASE OF THE VEHICLES.

Commissioner Watson suggested that the board postpone any decisions until after the road damage assessment information is compiled for the board's review.

COMMISSIONER WATSON SECONDED THE MOTION TO TABLE THE PURCHASE OF THE NEW VEHICLES.

DISCUSSION FOLLOWED.

Commissioner Fletcher left at this juncture of the meeting.

THE BOARD VOTED 3 - 0 TO TABLE THE PURCHASE OF NEW VEHICLES.

COUNTY MANAGER Tape # 1; 614

Request for Approval to Pay SuperValu Invoice (catering of employee Christmas Luncheon Tape #1; 623

Mrs. Miller asked the board to approve paying an invoice from SuperValu for \$566.34. She explained it was for the catering services of the County Commission Employees Christmas Luncheon. She presented a letter from Chris Moran of Purvis, Gray and Company which states that he knew of no statute which would disallow it. She noted that it was budgeted in the 94/95 budget and it was approved.

A MOTION WAS MADE BY COMMISSIONER WATSON AND SECONDED BY COMMISSIONER MCGILL TO APPROVE THE PAYMENT OF THE SUPERVALU INVOICE FOR \$566.34.

Clerk Thomas referenced a memo he had written to Mrs. Miller informing her that he believed this to be an improper expenditure using public funds. He further stated that he had not been provided anything in writing which stated an authority upon which he could pay the bill.

Mrs. Miller gave the clerk a copy of the letter from the auditor.

Clerk Thomas read the statement "I am not aware of any statutory restrictions regarding this type of expenditure, provided ..." He then explained that what he needed some authority which expressly states that the expenditure is legal.

Chairman Peacock told Clerk Thomas that the board was approving the payment and telling him it is o.k. to pay the bill - it is budgeted.

QUESTION WAS CALLED BY COMMISSIONER MCGILL. THE BOARD VOTED 3 - 0 TO APPROVE THE PAYMENT OF THE SUPERVALU INVOICE FOR \$566.34.

Community Services Block Grant Funding Cycle Tape # 1; 692

Mrs. Miller called attention to a letter received from Florida Department of Community Affairs regarding the Notice of funding Availability for Community Services Block Grant Local Government Share Cycle. She explained that this money is usually shared between Senior Citizens and Capital Area Community Action Agency. (The Senior Citizens apply for it one year and Capital Area Community Action Agency applies the following year.) The money is to help with activities and to assist low income individuals. She asked the board to pass a resolution authorizing the Gadsden County Senior Citizens to apply for the funding this year. They intend to use the money for transportation and the "meal-on-wheels" program. The funding for this year is \$6,580.

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 3 - 0 TO PASS THE RESOLUTION AUTHORIZING GADSDEN COUNTY SENIOR CITIZENS TO APPLY FOR THE COMMUNITY SERVICES BLOCK GRANT FUNDING FOR THIS FISCAL YEAR.

Financing of New Dump Trucks Tape # 1: 741

Mrs. Miller recalled for the commissioners that they had approved the purchase of four new dump trucks at the last meeting on December 20, 1994. She reported that following that meeting, there was further discussion regarding the possibility of keeping the best one of the old dump trucks. As a result of that discussion, she polled each of commissioners to see if keeping the best truck met with the approval of the board. It was the general consensus of the board to keep the best one. Since that time, the public works department has informed her that they would like to keep two of the old trucks - not just one. She asked the board to

approve keeping two of the dump trucks rather than trading them in on the new ones. She then asked for authorization for Mr. Lawson and herself to secure financing of the equipment to the best interest of the county. (See letter attached from Liberty National Leasing Company on proposed financing.)

Mr. Campbell, public works director, was present to explain the department needs two trucks to run with the ditch cleaning equipment and road shoulder operations. (They need to run two trucks for hauling.)

A MOTION WAS MADE BY COMMISSIONER MCGILL TO APPROVE THE REQUEST TO SECURE FINANCING FOR THE FOUR DUMP TRUCKS AND KEEP TWO OF THE OLD TRUCKS. THE MOTION DIED FOR LACK OF A SECOND. A MOTION WAS MADE BY COMMISSIONER MCGILL TO AUTHORIZE THE STAFF TO PURSUE FINANCING OF FOUR DUMP TRUCKS AND KEEP THE BEST ONE OF THE FOUR OLD TRUCKS. COMMISSIONER WATSON SECONDED THE MOTION. THE BOARD VOTED 3 - 0 TO APPROVE.

CONSENT AGENDA Tape # 1; 950

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 3 - 0 TO APPROVE THE CONSENT AGENDA TO WIT:

- 1) State Aid to Libraries Program Document Compliance Records (Needed to qualify for State Aid - attached)
- 2) EMS Personnel (3) to carry over annual leave balances in excess of 240 hours with the understanding that the excess will be taken within three months.
- 3) Settlement of EMS Account for William Runngren - calling for payment of one-half of the \$301.00 bill
- 4) Keep Florida Beautiful Grant Program Agreement (In-kind match to be provided by Solid Waste Division)
- 5) Notice of Intent to issue Bonds and Request for Written Confirmation for the Single Family Bond Program to be issued by Escambia County Housing Finance Authority. (\$2,230,000.00 requested for Gadsden County)

CLERK OF CIRCUIT COURT Tape # 1; 961

Public Hearing for Advertised Budget Change

Clerk Thomas called for public input regarding the 94/95 budget amendment that was advertised allowing for a transfer of \$80,000 to the Sheriff's budget and the transfer of an additional \$30,000 to allow for payment of the Primary Health Care facility.

There were no public comments.

UPON MOTION OF COMMISSIONER WATSON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 3 - 0 TO APPROVE THE BUDGET AS AMENDED.

Budget Amendments

UPON MOTION OF COMMISSIONER WATSON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 3 - 0 TO APPROVE BUDGET AMENDMENTS 95-01-03-01 THROUGH 95-01-03-03.

Approval of Payment of County Bills

UPON MOTION OF COMMISSIONER WATSON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 3 - 0 TO APPROVE THE PAYMENT OF THE COUNTY BILLS.

DISTRICT 1 REPORT

Commissioner McGill reported that he prepared a draft of the utilization resource policy. He asked the commissioners to review it carefully and be prepared to officially adopt it at the next meeting.

Commissioner McGill asked as to the status of a curfew ordinance for teen-agers.

County Attorney Hal Richmond told Commissioner McGill of recent court decisions on curfews as they would affect a rural county. Those decisions would make a curfew unmanageable.

DISTRICT 2 REPORT

Commissioner Watson asked Mr. Campbell about the status of road stripping.

Mr. Campbell explained that the machine is currently under repair and should be available for use within a couple of weeks. He reported also that almost all of the county roads (400 miles) needs to be stripped.

Commissioner Watson then asked how often the board should receive a report from the hospital. He then asked the attorney to contact the hospital staff and ask them to supply the financial statements as the lease agreement calls for.

Lee Lupton, the chief financial officer at the hospital, was present but did not have financial statements with him. He stated that he normally delivers a monthly financial statement to the clerk's office when he delivers the payments but had neglected to do it when he delivered the December payment. He went on to say that he would provide the current statements promptly. He noted that Mr. Hufstедler had requested to appear before the board at a future commission meeting to make a quarterly report.

DISTRICT 3 REPORT

District 2 Health & Human Services Board Appointment

Chairman Peacock asked the board to make a new appointment to the HRS District 2 Health and Human Services Board. (Mr. Robert Bryant's term expired and he asked not to be re-appointed.) Three names were submitted for possible appointment - Robert Barkley, Susan Fite and Kathleen Yale. (Applications attached)

The chairman recommended Robert Barkley.

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 3 - 0 TO APPROVE THE APPOINTMENT OF ROBERT BARKLEY TO THE HRS DISTRICT 2 HEALTH AND HUMAN SERVICES BOARD.

Juvenile Justice Council Appointment

Chairman Peacock agreed to accept the appointment to the Juvenile Justice Council.

DISTRICT 4 REPORT

Commissioner Fletcher was not present at this juncture of the meeting.

DISTRICT 5 REPORT

Commissioner Dixon was not present.

ADJOURNMENT

UPON MOTION OF COMMISSIONER WATSON AND SECOND BY COMMISSIONER
MCGILL, THE CHAIRMAN DECLARED THE MEETING ADJOURNED.

James Peacock, Chairman

ATTEST:

Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE GADSDEN
COUNTY CONSTRUCTION INDUSTRY
LICENSING BOARD, HELD IN AND FOR
GADSDEN COUNTY, FLORIDA ON JANUARY
17, 1995, THE FOLLOWING PROCEEDINGS
WERE HAD, VIZ.

PRESENT: JAMES PEACOCK, CHAIRMAN
E. HENTZ FLETCHER, VICE CHAIRMAN
BILL MCGILL
JAMES PEACOCK
STERLING WATSON
HAL RICHMOND, COUNTY ATTORNEY
BETTY MILLER, INTERIM COUNTY MANAGER
NICHOLAS THOMAS, CLERK

CALL TO ORDER

The meeting was called to order by Chairman Peacock.
Commissioner McGill led in pledging allegiance to the U. S. Flag
and Commissioner Watson opened the meeting with a prayer.

CONSTRUCTION INDUSTRY LICENSE APPLICATIONS

Lance Maxwell - Master Plumber

UPON MOTION OF COMMISSIONER WATSON AND SECOND BY COMMISSIONER
MCGILL, THE BOARD VOTED 5 - 0 TO APPROVE THE LICENSING OF
LANCE MAXWELL AS A MASTER PLUMBER.

Richard David Miller - Roofing Contractor

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER
DIXON, THE BOARD VOTED 5 - 0 TO APPROVE THE LICENSING OF
RICHARD DAVID MILLER AS A ROOFING CONTRACTOR.

ADJOURNMENT

UPON MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER
WATSON, THE CHAIRMAN DECLARED THE MEETING ADJOURNED.

James Peacock, Chairman

ATTEST:

Nicholas Thomas, Clerk

AT THE REGULAR MEETING OF THE
BOARD OF COUNTY COMMISSIONERS
HELD IN AND FOR GADSDEN COUNTY,
FLORIDA ON JANUARY 17, 1995,
THE FOLLOWING PROCEEDINGS WERE
HAD, VIZ.

PRESENT: JAMES PEACOCK, CHAIRMAN
E. HENTZ FLETCHER, VICE CHAIRMAN
BILL MCGILL
JAMES PEACOCK
STERLING WATSON
HAL RICHMOND, COUNTY ATTORNEY
BETTY MILLER, INTERIM COUNTY MANAGER
NICHOLAS THOMAS, CLERK

CALL TO ORDER

The meeting was called to order by Chairman Peacock.

ADOPTION OF THE AGENDA

Chairman Peacock advised that Mr. Johnny Haire of Ringpower Corporation had withdrawn his request to appear at this meeting. He asked the record to reflect the deletion of Item 6 from the agenda.

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0 TO APPROVE THE AGENDA AS AMENDED.

APPROVAL OF MINUTES

January 3, 1995 Regular Meeting

UPON MOTION OF COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTE 5 - 0 TO APPROVE THE MINUTES OF THE REGULAR MEETING OF JANUARY 3, 1995.

COUNTY ATTORNEY

SuperValu Invoice

Mr. Hal Richmond explained that Clerk Thomas has continued to stand by his belief that the SuperValu Invoice (for catering services for the Employee's Appreciation/Christmas Luncheon - \$566.36) is an improper expenditure and continues to decline to pay the invoice without proper authority. He called attention to the fact that prior to the bill being incurred the auditors provided the county manager a statement indicating they knew of no specific statute restriction against this type of expenditure.

Mr. Richmond read Florida Statute 125.01 (3)(a). He then stated the board had placed a line item in the budget which provided for the payment of this expense. That budget was duly published and adopted by resolution of the board. Most recently,

(January 3, 1995) the board passed a motion directing the clerk to pay the invoice.

Mr. Richmond continued by saying there exists a conflict between the board and the clerk. He explained that he could ask for a declaratory judgment from the court or he could apply for a writ of mandamus. He then asked for direction from the board as to how he should proceed.

Commissioner Watson spoke to the issue. He stated that in order to have effective government, there must be effective employees. This can be accomplished in two ways - pay them a fair wage and show appreciation for them. The employee Christmas Luncheon was planned as a show of appreciation for their productive efforts.

Commissioner Watson then summarized:

1. The board sought the advice of the attorney who said the expenditure was proper.
2. The board sought the advice of the auditors who advised the expenditure was allowable.
3. The item was budgeted. The budget was adopted by resolution of the board.
4. On January 3, 1995, the board voted unanimously to pay the bill.

He remarked that if the above actions were not sufficient for the clerk to pay the bill, then he questioned the powers of the board if the board's action can be vetoed. He also questioned the validity of the advice from the paid professionals from whom they sought guidance.

Commissioner Dixon remarked that he interpreted the statutes to mean that "home-rule" powers gives the board power to conduct county government unless it is expressly forbidden by state statute or the Legislature. While it does not give the board the right to do anything, the county may accomplish what it chooses by adopting ordinances. He agreed that a budgeted line item should be sufficient justification to get the bill paid, but at the same time he recommended that the board proper an ordinance that would empower the clerk with the authority for which he is asking in this situation. He then turned to the clerk and asked if an ordinance would resolve the issue of a documented authority to accomplish this event for the future.

Clerk Thomas stated that an ordinance would satisfy any future concerns. As for the past luncheon, he indicated that he would

accept a declaratory judgement or writ of mandamus as the authority to pay the invoice.

Discussion followed between Clerk Thomas and Chairman Peacock.

Chairman Peacock then recommended that the board authorize the attorney to file for some type of ruling from a judge to settle the matter.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 1 TO DIRECT THE COUNTY ATTORNEY TO FILE A SUIT IN COURT SEEKING A JUDGE'S ORDER AND RULING TO EFFECT PAYMENT OF THE SUPERVALU INVOICE FOR \$566.36 BY THE CLERK. COMMISSIONER DIXON CAST THE LONE DISSENTING VOTE.

Commissioner Dixon asked how the board would resolve this type of situation in the future.

Commissioner Watson interjected that the board also needed to determine whether the professional advice rendered regarding this issue was valid.

HRS - PROPOSED STATE BUDGET CUTS

Mr. Jerry Wynn, Gadsden County Public Health Unit Administrator, reported to the Board that the Senate Ways and Means Committee has advised the Department of Health and Rehabilitative Services to develop a plan that could cut their budget by 25%. The Department has submitted a plan that will result in significant cuts in the budget for public health.

Under the plan that has been submitted, public health services in Gadsden County will be cut by 47%. A budget reduction of this magnitude will result in the end of many of the programs for which this county has received national and international recognition.

Listed below are some of the 76,000 services that will be discontinued or scaled back.

- WIC Services
- Child health activities funded by the health department
- School health activities - school based health clinic
- Migrant labor camp inspection program
- Food hygiene
- Mobile home park inspections
- Public pool inspections
- Adult health

Mr. Wynn requested the Board to contact the legislative delegation to express concern regarding the proposed cuts.

Ms. Becky Pruitt addressed the board as to the effects the budget cuts would have on the children school health programs.

Mr. Judge Helms, Gadsden County School Health Official spoke to the board pointing how the budget cuts would impact on the health and safety of the students.

Mr. Wynn ended his remarks by noting that the cut would reduce the county health staff by one half of the work force.

ECONOMIC ACTIVITIES UPDATE

Mr. Rick McCaskill was present and reported the economic activities taking place in the county for the month of December. (See attached memo)

PLANNING AND ZONING PROJECTS

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 AND SECONDED BY COMMISSIONER WATSON TO DENY THE PERMIT FOR THE JACKSON BARBER SHOP.

DISCUSSION FOLLOWED.

Mr. Elijah Johnson spoke to the board requesting approval of the project.

Speaking in opposition to the project were:

Carl Jackson
Lucille Garrison
Liza Harvey
Clara Knight
Johnny Lee Knight

QUESTION WAS CALLED BY COMMISSIONER FLETCHER.
THE BOARD VOTED BY VOICE VOTE 3 - 2 TO DENY APPROVAL OF THE
PROJECT. COMMISSIONERS MCGILL, WATSON AND PEACOCK VOTING IN
FAVOR OF THE DENIAL; COMMISSIONERS FLETCHER AND DIXON OPPOSING
THE DENIAL.

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.

**A MOTION WAS MADE BY COMMISSIONER MCGILL AND SECONDED BY
COMMISSIONER DIXON TO APPROVE THE SAWDUST SUPERMARKET PROJECT.
THE CHAIRMAN THEN CALLED FOR DISCUSSION.**

Speaking in favor of the supermarket were:

Melvin Gilliam
Pinky Gilliam Hall

Speaking in opposition of the supermarket were:

Rev. Willie Hall
DeAnna Paul Lewis
Ron Barnett
Jim Hancock

QUESTION WAS CALLED BY COMMISSIONER MCGILL. THE BOARD VOTED 3
- 2 TO APPROVE THE SAWDUST SUPERMARKET. COMMISSIONERS MCGILL,
DIXON AND PEACOCK VOTED BY VOICE VOTE FOR APPROVAL OF THE

**SAWDUST SUPERMARKET; COMMISSIONERS WATSON AND FLETCHER VOTING
"NO" TO THE PROJECT.**

Johnson Variance Request Project #95PZ-01-20-2-01

Mr. Tommy Johnson requested a variance from the building setbacks which are required by the county land development regulations. The property is located at the intersection of Scott Road and CR 65. The applicant is Mr. Tommy Johnson, Route 2, Box 124-W, Quincy, FL 32353. The property owner is Ms. Laura Butler at the same address.

Staff recommended approval based on hardship that is present to Mr. Johnson but subject to special conditions as listed in the attached memo.

**UPON MOTION OF COMMISSIONER WATSON AND SECOND FLETCHER, THE
BOARD VOTED 5 - 0 TO APPROVE THE VARIANCE AS REQUESTED BY MR.
TOMMY JOHNSON.**

**Gadsden Station Commerce Park 10/90 Petition for Preliminary Plat
Consideration, Tract B - Project # 95PZ-02-20-1-01**

Gadsden 10/90 Commerce Park, Inc. has petitioned the county for consideration of Preliminary Plat for Tract B. The project is proposed as a commercial/office park subdivision. Light 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, Bibler, Inc.

Staff recommended approval pursuant to special conditions as outlined in the attached memo.

**UPON MOTION OF COMMISSIONER WATSON AND SECOND BY COMMISSIONER
MCGILL, THE BOARD VOTED 5 - 0 TO APPROVE THE PETITION FOR
PRELIMINARY PLAT CONSIDERATION, TRACT B FOR GADSDEN 10/90
COMMERCE PARK, INC. SUBJECT TO THE SPECIAL CONDITIONS AS
OUTLINED IN THE ATTACHED MEMO.**

**Sprint Cellular Tower Site (Rosedale Tower Site) Project # 95PZ--
03-207-3-01**

The Sprint Cellular Company of Tallahassee proposed to construct a 400 foot guyed cellular phone tower and a 12' x 28' 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.

The staff recommended approval subject to the special conditions listed in the attached memo.

UPON MOTION OF COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0 TO APPROVE THE SPRINT CELLULAR TOWER SITE SUBJECT TO THE SPECIAL CONDITIONS AS OUTLINED IN THE ATTACHED MEMO.

Frascona Land Fill - Project # 95PZ-04-20-2-01

This petition was withdrawn by the petitioner prior to the meeting.

Kittrell Package Store # 95PZ-05-20-4-01

Mr. L.C. Chance is proposing to open and operate a package liquor store in an existing residential structure approximately 200 feet south from the intersection of Experiment Station and Atlanta Street. The property owner is F & A Pitts. The applicant is Mr. L.C. Chance.

Staff recommendation was to deny the application.

Commissioner Fletcher registered a conflict on this issue because he is an adjacent property owner.

UPON MOTION OF COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 4 - 0 BY VOICE VOTE TO DENY THE APPLICATION FOR KITTRELL PACKAGE STORE. COMMISSIONER FLETCHER ABSTAINING.

Schedule for Review of the Land Development Code to Implement the Comprehensive Plan

Dates for workshops were as follows:

Tuesday, January 24 - 6:00 p.m.
Tuesday, January 31 - 6:00 p.m.
Wednesday, February 8 - 6:00 p.m.
Wednesday, February 15 - 6:00 p.m.
Wednesday, February 22 - 6:00 p.m.
Tuesday, February 28 - 6:00 p.m.
Wednesday, March 8 - 6:00 p.m.

Public Comments

The Chairman recognized Mrs. Archie Mae Carter from the audience for remarks concerning the board's denial of the Johnson Barber Shop.

COUNTY MANAGER

Disposal of Old Shoup Mechanical Voting Machines

Mrs. Miller presented a request from Supervisor of Elections Denny Hutchinson who asked for written directions as how to dispose of the old voting machines. He indicated that he has received permission from the state elections office to dispose of them.

UPON MOTION OF COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0 TO APPROVE THE SUPERVISOR OF ELECTIONS DISPOSING OF THE OLD SHOUP VOTING MACHINES AS OUTLINED IN THE ATTACHED LETTER.

Payment of Senior Citizens' Bill

The Senior Citizens had a break-in at their facility recently. They had the locks on the building replaced. The cost of the new locks amounted to \$229.00. They do not have enough money in their budget to cover the cost. They have requested the money from the board.

UPON MOTION OF COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0 APPROVED PAYMENT TO THE SENIOR CITIZENS FOR THE COST OF REPLACING THE LOCKS ON THEIR BUILDING. THE MONEY WAS DIRECTED TO BE TAKEN FROM THE GENERAL FUND CONTINGENCY.

CONSENT AGENDA

UPON MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED BY VOICE VOTE 5 - 0 TO APPROVE THE CONSENT AGENDA TO WIT:

- (1) U.S. Soil Conservation Cooperative Agreement - construction of nine Emergency Watershed Projects due to flood damage from Storm # 10, October 1994. Total of projects is \$465,500. County Share of cost is 25% in-kind services.
- (2) HRS Activity & Expenditure Report
- (3) Substance Abuse Treatment Program, DCA Monitoring Report
- (4) 90 day authorization for EMS Director to make necessary adjustment to charges and filing procedures for EMS runs since January 1, 1995. Policy changes and charge list for approval by the Board of County Commission to be submitted within this 90 period, to avoid a loss of revenue.

- (5) Surplus Ambulances - Property # A0025 and # A0026 as surplus property. Authorization for EMS Director to work with County Attorney and Purchasing Director on options for disposal of units. EMS Director to report back to County Commission for approval of disposal method.
- (6) Status report, minutes of public hearing and documentation on the Single Family Mortgage Bonds Series 1995 - Gadsden County secured the entire \$2,230,000 allocation amount requested. This money is reserved for Gadsden County only.

CLERK OF COURT

Financial Report

Clerk Thomas provided the board members with a financial statement for their information only.

Budget Amendments

UPON MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0 BY VOICE VOTE TO APPROVE THE BUDGET AMENDMENTS 95-01-17-01 THROUGH 95-01-17-09.

Approval of Payment of County Bills

UPON MOTION OF COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0 BY VOICE VOTE TO APPROVE THE PAYMENT OF THE COUNTY BILLS.

DISTRICT 1 REPORT

Commissioner McGill asked the board to consider going out for RFP for the county's auditing services for next year.

He then called attention the proposed Resource Policy which he provided to the commissioners at the last meeting. He asked them to make their comments known to him by contacting Mrs. Miller or himself.

DISTRICT 2 REPORT

Planning and Zoning Commission Appointment

UPON MOTION OF COMMISSIONER WATSON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0 TO APPROVE THE APPOINTMENT OF RUSSELL DOSTER TO THE PLANNING AND ZONING COMMISSION.

Request for Hospital's Financial Report

Commissioner Watson stated he had not received the financial statements from the hospital.

Mrs. Miller reported that the hospital had provided the statements to her and she in turn had placed copies in each of the commissioner's mail boxes at the administration building. Additionally, she stated the hospital had called on Friday afternoon and made a request to appear before the board at this meeting but it was too late to be placed on the agenda.

Road & Bridge Pilot Surface Treatment Project

Commissioner Watson asked the commission to consider doing a surface treatment pilot project on Deer Wood Road just to see if the R & B can do that type of project and to get a good cost analysis for doing it.

Attorney Richmond cautioned the board against making a decision on this matter at this meeting. It is a non-agendaed item and any action could be challenged.

A MOTION WAS MADE BY COMMISSIONER WATSON AND SECONDED BY COMMISSIONER FLETCHER TO PLACE THE PILOT ROAD PROJECT ON THE AGENDA FOR THE NEXT REGULAR MEETING. COMMISSIONER WATSON WITHDREW THE MOTION. COMMISSIONER FLETCHER WITHDREW THE SECOND.

It was the consensus of the board to place it on the agenda for discussion at the next regular meeting.

DISTRICT 3 REPORT

Chairman Peacock announced the Goal-Setting Workshop for the Board of County Commissioners on January 25, 1995 2:00 - 5:00 at the Inman Agriculture Center.

DISTRICT 4 REPORT

UPON MOTION OF COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED BY VOICE VOTE 5 - 0 TO RE-APPOINT TERRY KEVER TO THE PLANNING AND ZONING COMMISSION.

UPON MOTION OF COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED BY VOICE VOTE TO APPOINT MS. JEANIE GUNN TO THE PLANNING AND ZONING COMMISSION.

Speaking in reference to the 3 - 2 vote of approval for the Sawdust Supermarket, Commissioner Fletcher voiced disappointment that the board did not take the into consideration restricting the sale of alcohol.

DISTRICT 5 REPORT

Commissioner Dixon stated that he will approach the lobbyists with Mr. Wynn's statistics and make them aware of how the proposed state budget cuts will impact on Gadsden County.

ADJOURNMENT

UPON MOTION OF COMMISSIONER FLETCHER AND SECOND BY
COMMISSIONER DIXON, THE CHAIRMAN DECLARED THE MEETING
ADJOURNED.

James Peacock, Chairman

ATTEST:

Nicholas Thomas, Clerk

AT THE REGULAR MEETING OF THE
GADSDEN COUNTY INDUSTRY
LICENSING BOARD HELD IN AND FOR
GADSDEN COUNTY ON FEBRUARY 7,
1995, 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
HAL RICHMOND, COUNTY ATTORNEY
BETTY MILLER, INTERIM COUNTY MANAGER

CALL TO ORDER

Chairman Peacock called the meeting to order. Commissioner Dixon led in pledging allegiance to the U.S. Flag and Chairman Peacock then opened the meeting with a prayer.

REVIEW OF APPLICATIONS

J. Carey Heard - Carpentry Contractor

Mr. Heard's address is Rt. 3 Box 3523, Bainbridge, Ga. 31717.

Chairman Peacock presented the application of J. Carey Heard for a carpentry contractor's license.

MOTION WAS MADE BY COMMISSIONER DIXON AND SECONDED BY COMMISSIONER MCGILL TO APPROVE ISSUANCE OF THE LICENSE AS CARPENTRY CONTRACTOR TO J. CAREY HEARD.

DISCUSSION FOLLOWED:

Chairman Peacock recognized **Mr. Terry Kever** for public input.

Mr. Kever introduced himself as a local builder. He indicated that he opposed the licensing of Mr. Heard without the board requiring him to meet the same examinations, qualifications, proof of worker's compensation insurance, and all other liabilities as other builders who compete for business within the county.

Since Mr. Heard is a Georgia resident and businessman, Mr. Kever questioned whether Mr. Heard was fully knowledgeable of the Florida code requirements.

Additionally, Mr. Kever called attention to the fact that Mr. Heard would be purchasing materials in Georgia and thus avoid paying the higher Florida sales tax. He concluded his remarks by asking the board to maintain a level "playing field" for local businessmen.

Commissioner Fletcher agreed with Mr. Kever's plea to the board. He pointed out that Mr. Heard would be performing the function of a contractor without a license by having the home owner take out the building permit. Additionally Mr. Heard would not be paying worker's compensation insurance on his employees and would avoid paying the Florida sales tax on the materials used in the building project.

Commissioner Fletcher asked to board to require Mr. Heard to provide evidence that he has workers compensation insurance for his employees and that he is paying a Florida sales tax on the difference between what the sales tax is in Georgia and what it is in Florida before issuing him a carpenter's license.

COMMISSIONER FLETCHER MADE A MOTION TO TABLE ISSUANCE OF A CARPENTER'S CONTRACTOR'S LICENSE TO J. CAREY HEARD UNTIL THE BOARD IS PROVIDED WITH THE EVIDENCE AS STATED ABOVE.

Chairman Peacock took no action on Commissioner Fletcher's motion to table explaining that the motion on the table must be disposed of before entertaining his motion to table the matter.

Chairman Peacock called for Mr. Heard to approach the board. Mr. Heard was not present.

Chairman Peacock asked Mr. Frank Ritter, Gadsden County Building Inspector, to answer questions regarding Mr. Heard's license application. It was determined through discussion with Mr. Ritter that Mr. Heard met all the requirements of the local ordinance for a carpenter contractor's license.

QUESTION WAS CALLED BY COMMISSIONER DIXON.

THE BOARD VOTED 4 - 1 TO APPROVE LICENSING OF J. CAREY HEARD AS A CARPENTRY CONTRACTOR. COMMISSIONER FLETCHER CAST THE LONE DISSENTING VOTE.

Bill McMillan - Masonry/Concrete Contractor

UPON MOTION OF COMMISSIONER FLETCHER AND SECOND BY
COMMISSIONER DIXON, THE BOARD VOTED 5 - 0 TO APPROVE ISSUANCE
OF A MASONRY/CONCRETE CONTRACTORS LICENSE TO BILL MCMILLAN.

Eddie Lee Williams - Carpentry Contractor

UPON MOTION OF COMMISSIONER FLETCHER AND SECOND BY
COMMISSIONER DIXON, THE BOARD VOTED 5 - 0 TO APPROVE ISSUANCE
OF A CARPENTRY CONTRACTOR'S LICENSE TO EDDIE LEE WILLIAMS.

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

James Peacock, Chairman

ATTEST:

Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE
BOARD OF COUNTY COMMISSIONERS
HELD IN AND FOR GADSDEN COUNTY
ON FEBRUARY 7, 1995, 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
HAL RICHMOND, COUNTY ATTORNEY
BETTY MILLER, INTERIM COUNTY MANAGER

CALL TO ORDER

Chairman Peacock called the meeting to order.

ADOPTION OF THE AGENDA

County Attorney Hal Richmond asked that the agenda be amended to include approval of the minutes of the Community Development Block Grant (CDBG) Public Hearing held on February 6, 1995. Additionally he asked that statements of conflicts of interest by Commissioners McGill and Watson (relating to the applicants for rehabilitation grant awards) be filed for the record with the CDBG public hearing minutes. (Commissioners Fletcher and Peacock had filed statements of conflicts prior to the public hearing.)

Mr. Richmond indicated there was some urgency involved with filing a request for waiver of the conflicts and asked that the matter be placed on the agenda after "Rights of Citizens to be Heard" on his agenda.

Commissioner McGill asked that the minutes of the workshop on January 25, 1995 be deleted from the agenda. He stated that he believed that workshop activities should not be considered as an official meeting nor should minutes be required.

Mr. Richmond advised that some public recording must be made of the meeting. In an abundance of caution, he suggested that the workshop discussion should be prepared in minutes form since it was a public meeting.

Mr. Richmond also asked that the "Hospital Financial Conditions" found on his agenda be placed after Mr. Hufstedler's report on the hospital.

UPON MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 BY VOICE VOTE TO APPROVE THE AGENDA AS AMENDED AND STATED ABOVE.

APPROVAL OF MINUTES

January 17, 1995 Regular Meeting

UPON MOTION OF COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 BY VOICE VOTE TO APPROVE THE MINUTES OF THE MEETING OF JANUARY 17, 1995 WITH A SPELLING CORRECTION ON PAGE 6 - (Gilliam should be spelled Gilliam).

January 24, 1995 - Special Meeting

UPON MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 BY VOICE VOTE TO APPROVE THE MINUTES OF THE MEETING OF JANUARY 24, 1995.

January 25, 1995 - Goal Setting Workshop

UPON MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0 BY VOICE VOTE TO APPROVE THE MINUTES OF THE MEETING OF JANUARY 25, 1995.

COUNTY ATTORNEY

Clarification on Fire Assessment Exemptions

Mr. Richmond recalled to the commissioners that on December 6, 1994, the board voted to exempt non profit organizations and churches from the fire assessment. He had proceeded since that time thinking the board's intentions were prospective in nature. However, it had been called to his attention that perhaps the board intended that exemption to be retrospective instead. He explained the difficulties and expenses that would arise resulting from the exemption if it is done retrospectively. He also explained that the fire assessment ordinance must be amended in order to do it. He recommended that the exemptions be made prospectively.

Discussion followed.

COMMISSIONER DIXON MADE A MOTION TO EXEMPT THE NON-PROFIT ORGANIZATIONS FROM THE FIRE ASSESSMENT PROSPECTIVELY - EFFECTIVE IN THE 95/96 FISCAL YEAR.

THE MOTION WAS SECONDED BY COMMISSIONER MCGILL.

DISCUSSION FOLLOWED.

COMMISSIONER DIXON WITHDREW HIS MOTION.

COMMISSIONER MCGILL WITHDREW HIS SECOND.

It was the consensus of the board to table the matter until further information can be obtained.

Gretna Sewage System - Public Hearing February 21, 1995

Mr. Richmond explained that a Circuit Court Judge has set aside the board's action on November 7, 1994 because the meeting was not duly noticed. He ordered the county to have a rehearing on the Gretna Sewage System and to provide written notice to all registered voters in District 4. He asked for authority to publish the notice of re-hearing.

UPON MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO AUTHORIZE THE COUNTY ATTORNEY TO ADVERTISE A PUBLIC HEARING ON THE GRETNA EFFLUENT WASTE WATER SYSTEM AND TO ALLOW THE COUNTY MANAGER TO EXPEND WHATEVER FUNDS ARE NECESSARY TO PROVIDE FOR THE NOTICES AND ADVERTISEMENT AS MANDATED IN THE COURT ORDER.

Mr. Richmond noted that U S Corrections has agreed to reimburse the county for the postage costs relating to the rehearing.

McGriff & Foremost Insurance v. Gadsden County Settlement Payment

Mr. Richmond asked the board to approve payment of the \$5,000 settlement with McGriff and Foremost Insurance Co. from the general fund contingency. (Release attached)

UPON MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0 TO APPROVE THE \$5,000 PAYMENT OF THE MCGRIFF & FOREMOST INSURANCE SETTLEMENT FROM THE CONTINGENCY FUND.

Rights of Citizens to Assemble and Instruct Their Representatives.

Mr. Richmond called attention to a resolution supporting an amendment to the Florida Constitution relating to the rights of citizens to assemble and instruct their representatives. He asked the commissioners if they would like to support a resolution of this type.

UPON MOTION OF COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0 BY VOICE VOTE, TO INSTRUCT THE COUNTY ATTORNEY TO PREPARE A RESOLUTION SUPPORTING AN AMENDMENT TO THE FLORIDA CONSTITUTION RELATING TO THE RIGHTS OF CITIZENS TO ASSEMBLE AND INSTRUCT THEIR REPRESENTATIVES. MR. RICHMOND WAS FURTHER INSTRUCTED TO BRING THE RESOLUTION BACK TO THE BOARD FOR APPROVAL.

Community Development Block Grant Public Hearing Minutes

Mr. Richmond reported that a public hearing was held on February 6, 1995 concerning the Community Development Block Grant.

Significant public participation was realized. He stated that he now needs to file a certification that all conflicts of interest have been disclosed. He asked Commissioners Watson, Dixon, and McGill to review the list of recipients of the grant funds and to disclose any conflicts of interest that they might have. None of the commissioners noted any conflicts.

UPON MOTION OF COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0 BY VOICE VOTE TO APPROVE THE MINUTES OF THE CDBG PUBLIC HEARING HELD ON FEBRUARY 6, 1995.

JON HUFSTEDLER - GADSDEN MEMORIAL HOSPITAL

Mr. Hufstedler called attention to the financial reports provided to each commissioner in the agenda packets. (attached)

Mr. Hufstedler made several remarks which are listed below:
HealthMark is:

- 1) Current on the note payable on the line of credit
- 2) Current on the lease payment to the county
- 3) HealthMark's Articles of Incorporation are in order
- 4) The tax exempt status for 501C3 is current through 1999

- 5) In addition to the equipment list already provided to the county at the last meeting, HealthMark is providing the hospital with additional equipment. A list of that equipment is to be provided to the county manager on February 8, 1995.
CT Scanner; Home health computer equipment; Ultrasound equipment; blood gas analyzer; colposcope; ventilator; & anesthesia machine.
- 6) They have not determined whether there is any obsolete property on the campus which is owned by the county.
- 7) All HealthMark's insurance policies covering Healthmark and covering Gadsden Memorial Hospital are current and paid.
- 8) Medical Staff numbers 15. They are competent; licensed by the State of Florida. Latest addition is Dr. Edward Serrago who is OB/GYN
- 9) HealthMark's credit is in good standing with hospital vendors.

Mr. Hufstedler was questioned by the board.

Commissioner Fletcher asked Mr. Hufstedler to provide a certificate of insurance to the county.

Mr. Richmond called attention to \$600,000 in liabilities owed by HealthMark.

Mr. Hufstedler said that the credit with vendors is in good standing but not current. He acknowledged that Healthmark is past due on some accounts but the accounts are still valid. The \$600,000 of payables are payments due to vendors.

Mr. Richmond asked if there had been any reduction in services or failure to obtain necessary services to patients as a result of the past due payables.

Mr. Hufstedler indicated there had not been any reduction of services to his knowledge.

Commissioner Fletcher cited that as of October 31, 1994, the total of the current liabilities were \$1,446,000 of which \$650,000 is in past due account payables. He then question Mr. Hufstedler about the contract with Coastal Emergency Services.

Mr. Hufstedler responded by saying he had notified Coastal Emergency Services in writing (January 3, 1995) of his intention to terminate their contract. Coastal Emergency Services in turn,

terminated the contract immediately (prior to the date specified in his letter of termination). He went on to say that the hospital was in arrears to Coastal Emergency by about \$200,000 over a period of nine months.

Mr. Hufstedler explained that HealthMark of Quincy is a corporation, incorporated under the laws of Florida, which is managing Gadsden Memorial Hospital. If the hospital were to close, HealthMark of Quincy would be responsible for the \$650,000 in current liabilities as well as the balance owed on the line of credit. (But if the bank is unable to get the balance from HealthMark of Quincy, the county would be liable for the balance owed.)

When asked if the county had position with the accounts receivables, Mr. Hufstedler indicated the county did not have any interest in the accounts receivables.

When asked who owned the equipment purchased at the hospital, Mr. Hufstedler indicated that if Gadsden Memorial purchased it, it would remain with the hospital. If HealthMark purchased it, HealthMark would own it.

Commissioner Watson called attention to the fact that HealthMark had lost \$125,000 in 1994 yet still paid \$90,000 in management fees to HealthMark Inc. He asked if that was proper and in compliance with the lease agreement.

Mr. Hufstedler responded that he felt that such payment was in compliance with the lease agreement.

Mr. Richmond stated that he interpreted the lease to say HealthMark is entitled to any amount of money it can generate out of the hospital over and above what the expenses of running the hospital are.

Again, Commissioner Watson asked if payment of management fees to a parent company was proper when the company does not reflect profits.

Mr. Hufstedler said yes.

Mr. Richmond said such a question would best be answered by an accountant, but, he offered a legal opinion that it would not be proper.

When asked about the status of the OB/GYN Department, Mr. Hufstedler responded that it was alive but not totally well.

Commissioner Watson called attention to a letter received from a former OB/GYN doctor who spelled out many concerns at Gadsden Memorial. To follow up on those concerns, Commissioner Watson stated he had talked with the current physician who also has many concerns one of which is that he has no back-up. He remains on call 365 days a year.

Mr. Hufstedler stated that he was currently negotiating a contract with the Brickler's from Tallahassee to serve as back-up to the OB/GYN - possibly as early as next week.

Commissioner Watson commented that he had spoken with the Brickler's office on the day of this meeting and he had not received any indication that they would be providing back-up services. He asked Mr. Hufstedler to define "back-up".

Mr. Hufstedler responded by saying "If one of his patients presents, they will back him up. They will support him and they will see the patient."

When asked if the hospital had a pediatrician, Mr. Hufstedler indicated that a pediatrician has covered Dr. Serrago every time it was required.

Commissioner Watson stated that he had been informed differently.

Mr. Hufstedler offered to sit down with Commissioner Watson with Dr. Serrago and discuss any concerns.

Commissioner Watson then asked if there was a nurse anesthetist who is covered by an MD.

Mr. Hufstedler said there was a nurse anesthetist and she is not required to be covered by an MD other than the surgeon who is in the operating room with him.

Commissioner Watson then turned his remarks and questions to the other board members and the attorney.

It was the consensus of the board that the hospital should not be paying management fees if the hospital was operating at a loss.

Mr. Richmond advised the board to notify HealthMark that the board has determined that they are not complying with the lease agreement with regard to the payment of the management fees and as

well as their unreasonable promptness in paying their account payables. Mr. Richmond added that under the terms of the lease agreement, HealthMark would then have 60 days to correct the issues raised.

Commissioner Peacock recommended that the board take the attorney's advice.

COMMISSIONER FLETCHER MADE A MOTION TO HAVE THE ATTORNEY WRITE A LETTER TO HEALTHMARK DEFINING ISSUES THAT THE COUNTY BELIEVES TO BE IN VIOLATION OF THE LEASE AGREEMENT (PAYMENT OF MANAGEMENT FEES AND PAST DUE ACCOUNTS TO VENDORS) AND GIVE THEM 60 DAYS TO CORRECT THEM. THE MOTION WAS SECONDED BY COMMISSIONER MCGILL.

DISCUSSION FOLLOWED.

QUESTION WAS CALLED BY COMMISSIONER MCGILL.

THE BOARD VOTED 5 - 0 BY VOICE VOTE TO APPROVE THE MOTION.

Health Care Assessment

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0 TO HAVE AN INDEPENDENT PROFESSIONAL HEALTH CARE ASSESSMENT OF THE HOSPITAL. THE ASSESSMENT TEAM IS TO BE SELECTED BY THE BOARD AND PAID BY THE BOARD IF HEALTHMARK DOES NOT AGREE TO PAY FOR THE ASSESSMENT.

BILL ADAMS - BISHOP ENGINEERING

Update on County Roads

Mr. Bill Adams reported that studies have determined that bridges would be necessary on County Road 157-A and Barrineau Road. Culverts (with metal bottoms) will work on County Road 379.

The cost of installing the culverts if all work is bid out would amount to \$147,700. \$35,000 of that work could be done by county force.

The cost of a used bridge in place \$120,000 - \$150,000. The cost of painting the bridge would be in addition to the \$120,000 - \$150,000. The county would need to do the dirt work (headwalls at each end) add riprap around the sides of the bridge, patch up, guardrail. If the entire project were to be bid out it would

amount to \$194,500 - \$224,500. County work could remove \$20,000 of that cost.

Mr. Adams then reported the Ranch Road survey is complete. He further reported that the Northwest Water Management District has asked for a complete re-analysis of the watershed and the dam, the outfall pipe and the 100 year overflow on Frank Smith Pond Road.

The Department of Environmental Protection Agency (DEP) is requiring a letter stating the emergency work performed on Atwater Road, Peck Betts Road and County Road 12 before Gadsden can apply for an After-The-Fact-Permit.

Mr. Adams concluded his report by asking for approval for Mrs. Miller to sign the applications for permits for the road repairs and to approve the issuing a check for the permitting.

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0 TO AUTHORIZE MRS. MILLER TO SIGN THE APPLICATIONS FOR PERMITS AND APPROVE THE REQUEST FOR A CHECK FOR THE PERMITTING.

Questions were raised about the status of paving Rich Bay Road. It was determined that a survey was done by Tommy Skipper in 1987 and it can be used for engineering purposes. Types of surface treatment were discussed. No action was taken.

Several road repair issues were raised. The County Manager was instructed to explore getting outside help for effecting repairs to the more severe road damages more expeditiously. It was agreed that a workshop would be held at a later date to address these problems. No date was announced.

INTERIM COUNTY MANAGER

Sheriff's Investigative Office - Building Repairs

Mrs. Miller relayed a request from Sheriff Woodham for the county to repair the roof on his investigators' office building.

It was the consensus of the board to have the building inspector to look at the building to evaluate the damage to the roof.

Through discussion with Mr. Lawson, it was determined there was approximately \$30,000 in the building repairs line item in the

budget. Mrs. Miller was instructed to have the building repaired using money from that fund. If the fund is depleted before the end of the year, a contingency request can be made as needed.

Payment of the SQG Assessment Bill

Mrs. Miller explained that a local hazardous waste management assessment is required by the Department of Environmental Protection (DEP). This assessment was done for Gadsden County for the years 91/92; 92/93; and 93/94 by Apalachee Regional Planning Council. The invoices for those assessments have not been paid.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 BY VOICE VOTE TO APPROVE PAYING APPALACHEE REGIONAL PLANNING COUNCIL FOR THE SQG ASSESSMENTS FROM CONTINGENCY.

Supervisor of Elections Debt Service

UPON MOTION OF COMMISSIONER WATSON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 BY VOICE, TO APPROVE TAKING ENOUGH MONEY FROM THE GENERAL FUND CONTINGENCY TO MAKE THE DEBT SERVICE PAYMENT ON THE SUPERVISOR OF ELECTION'S VOTING MACHINES.

Request for Workshop on Landfill

Mrs. Miller reported that she had been contacted by a Mr. Ketchum who is with Communities Equity Corporation. He has asked if the board would be agreeable to setting up a workshop on the proposed Midway landfill after February 21.

It was the consensus of the board that this issue should go through the planning and zoning process before coming to the board.

CONSENT AGENDA

UPON MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0 BY VOICE VOTE TO APPROVE THE CONSENT AGENDA TO WIT:

- 1) Resolution - St. Paul's Episcopal Church History
- 2) Library State Aid Contract

CLERK OF COURT

Budget Amendments

UPON MOTION OF COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0 TO APPROVE BUDGET AMENDMENTS #95-02-07-01 THROUGH 95-02-07-11.

Approval of Payment of County Bills

UPON MOTION OF COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 BY VOICE VOTE TO APPROVE THE PAYMENT OF THE COUNTY BILLS.

DISTRICT 1 REPORT

Commissioner McGill raised his continuing concerns about the lack of striping for the county roads. He asked that the county begin working on the re-striping as soon as possible.

Mr. McGill related complaints from the Concord Community about the need for clipping the roadsides.

His requests were duly noted for the Road and Bridge Department by the interim county manager.

Mr. McGill asked that the record reflect that Mayor McLane of Midway does not have any financial interest in the proposed landfill effort that will be coming before the board at a future date.

DISTRICT 2 REPORT

Commissioner Watson reported that he had met with the St. John's Community. He recognized Rev. Baker and Johnny Pennick who have led volunteer groups in cleaning up roadsides in the St. John's Community. He commended them for a job well done and exemplifying good citizenship. He concluded his remarks by saying he was proud to be the commissioner for the St. John's Community.

Following a few remarks from Rev. Baker, the board applauded him and St. John's Community.

DISTRICT 3 REPORT

There was no report.

DISTRICT 4 REPORT

There was no report.

DISTRICT 5 REPORT

Commissioner Dixon reported that the Shiloh Community has been awarded \$650,000 in CDBG Grants. He reported a significant number of participants at the public hearing held on February 6. In the Shiloh Community, 34 homes will be rehabilitated and placed on the tax rolls because of the interest of the community in getting the grant.

He asked the board to consider surface treating Holt and Shiloh Roads to make it a total community upgrade. Not only will there be this investment in upgraded homes, but entire neighborhoods - including the streets.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0 BY VOICE VOTE, TO INSTRUCT THE ROAD AND BRIDGE STAFF TO PREPARE A REPORT SHOWING HOW MUCH IT WOULD COST TO SURFACE TREAT HOLT AND SHILOH ROADS AND TO COME BACK TO THE BOARD FOR ITS CONSIDERATION.

CITIZENS REQUESTING TO BE HEARD

Mrs. Clayton Campbell was recognized for remarks. She spoke regarding her husband's short tenure as Gadsden County Public Works Director. (Mr. Campbell was ask to tender his resignation after only 6 weeks of employment.) She closed her statements by saying that she was disappointed in the board's decision.

Midway Mayor Pat McLane began speaking about the proposed landfill to be located outside Midway.

Mr. Richmond interjected that it was not appropriate for the board to speak to this issue yet. The chairman noted that public hearings have already been scheduled on the project and discussion will be forthcoming at those hearings.

ADJOURNMENT

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

James Peacock, Chairman

ATTEST:

Nicholas Thomas, Clerk

PUBLIC OFFICIAL CONFERENCE

The conference convened following the regular meeting of the Board of County Commission. The meeting was called at the request of the Division of Emergency Management of the Florida Department of Community Affairs to conduct a public officials conference dealing with emergency management.

Mr. Eric Tolbert of Department of Community Affairs, introduced Mr. Joe F. Myers who is the Director of the Division of Emergency Management.

Mr. Myers addressed subjects of importance which relate to helping the individual counties to become prepared for disasters and emergencies. He informed the board of their responsibilities, the current status of legislation affecting county emergency management funding. He then discussed the new concept of operations of his agency and its interface with the local emergency operations plan.

Mr. Myers provided the board with handouts and publications which are attached to these minutes.

There being no other business, the meeting adjourned.

James Peacock, Chairman

ATTEST:

Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE
CONSTRUCTION INDUSTRY LICENSING
BOARD HELD IN AND FOR GADSDEN
COUNTY, FLORIDA ON FEBRUARY 21,
1995, 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
HAL RICHMOND, COUNTY ATTORNEY
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. Commissioner Watson then opened the meeting with prayer.

APPLICATIONS FOR LICENSES

J. Carey Heard - Carpenter Contractor

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO APPROVE ISSUANCE OF A CARPENTER'S CONTRACT LICENSE TO J. CAREY HEARD.

ADJOURNMENT

UPON MOTION OF COMMISSIONER WATSON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO ADJOURN THE MEETING.

James Peacock, Chairman

ATTEST:

Nicholas Thomas, Clerk

AT THE REGULAR MEETING OF THE
BOARD OF COUNTY COMMISSIONERS
HELD IN AND FOR GADSDEN COUNTY
ON FEBRUARY 21, 1995, 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
HAL RICHMOND, COUNTY ATTORNEY
BETTY F. MILLER, INTERIM COUNTY MANAGER

ADOPTION OF THE AGENDA

Chairman Peacock asked to have the agenda amended to include the Fire Assessment Non-Profit Issue added to the County Attorney's Agenda. (No. 4)

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0 TO ADOPT THE AGENDA AS AMENDED.
(AGENDA ATTACHED)

APPROVAL OF MINUTES - FEBRUARY 7, 1995

Commissioner Watson asked that the February 7, 1995 minutes be corrected as follows: Page 9 - The minutes read "HealthMark had a loss of \$195,000" The correct amount was "\$125,000."

In addition to that correction, Commissioner Watson asked that the minutes be changed to reflect the dialogue between himself and Mr. Hufstedler regarding the hospital's OB unit.

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0 TO APPROVE THE MINUTES OF FEBRUARY 7, 1995 AS AMENDED.

COUNTY ATTORNEY

Mr. Richmond directed his remarks to the Gretna effluent waste water project "re-hearing" on November 7, 1994 (a re-hearing was called for by a vote of 3 -2 by the commission on November 1, 1994). At that "re-hearing", the board voted 3 - 2 to approve

Option #1. (The treated waste water was to be piped from Gretna to a percolation swale located on property purchased by the City of Gretna from St. Joe Land Company in the Providence/Sawdust Community.) Subsequent to the November 7, 1994 meeting, a circuit court judge quashed the board's action because the meeting was not duly noticed. He ordered the county to have another re-hearing and to notify all registered voters in District 4 by mail of the re-hearing.

Mr. Richmond explained that the issues before the board at this meeting are as follows:

- 1) **Option # 1** - Advanced Secondary Treated effluent waste water to be piped from the City of Gretna (along county road right-of-ways) to a percolation swale located on property purchased by the City of Gretna in the Providence/Sawdust Community.
- 2) **Option # 2** - Discharge of advanced treated effluent into Telogia Creek.
- 3) **Sewage Force Main from USCC Prison site to City of Gretna sewage treatment facility**

USCC has petitioned the county to allow the prison to pump the prison waste water from the prison site to the City of Gretna along the county road right-of-ways.

Conflict of Interest

Commissioner Fletcher registered a conflict of interest with the Clerk on the effluent disposal project and would abstain from voting on the issue. He went on to say he would vote on the sewage line from the prison to Gretna.

PUBLIC HEARING

Chairman Peacock asked Mr. Harold Knowles, City of Gretna's Attorney, to open the hearing by stating the City's position.

Mr. Knowles began by providing each commissioner with an executive summary of the issues he would be addressing during the meeting.

He stated that he understood the purpose of the meeting was to review the action previously taken by the Board (with respect to

Option 1 and Option 2 as described above.) He asked the Board to affirm/reaffirm its prior decision to approve Option # 1.

Mr. Knowles pointed out a number of things:

When the State of Florida set out to locate a prison facility in Gretna, it contemplated that the facility would tie onto Gretna's waste water facility. In order to do that, it became apparent that the city would have to upgrade and expand the present facility. Over the course of planning, numerous options were considered as to what would be the most environmentally safe and fiscally responsible as well as choosing the options which would actually work with the soil type in the area.

Ultimately two options emerged:

Option # 1 -an underground 10-inch pipeline running down county right-of-way to a percolation swale located in a wooded area owned by Gretna.

Option # 2 - A direct discharge into Telogia Creek.

For the purpose of discussion, Mr. Knowles noted that a third option was also considered. That option would have allowed distribution of the waste water to sod farmers and nurserymen in the county. That option was never fully explored.

Option # 2 was initially approved by the board with the requirement that Gretna post a \$ 10 million dollar surety bond to protect the people of the county from breakdown, spills etc.

Upon the board's instructions, Gretna proceeded to pursue the bond requirement. Subsequently, the city found was that such a bond would have cost a minimum of \$100,000 which the City of Gretna could not afford.

Option # 2 would also have required installation of a holding pond at a cost of another \$50,000. The city could not afford that either.

If Option # 2 were going to be pursued, applications for permitting would have to begin all over and would require another 6 - 12 months.

The City of Gretna is currently under a Consent Decree with the Federal Environmental Protection Agency to limit discharges into Telogia Creek. It is not likely that the Federal

Environmental Agency is ever going to approve any option which would require further discharge into the creek.

The City is also under a Consent Decree with the Florida Department of Environmental Protection to remedy the problems with the existing system. Option # 2 does nothing to remedy the existing long term endemic problems with the system.

Liberty County passed a resolution indicating their opposition to any solution which would require dumping into Telogia Creek.

DEP has informed Gretna that if they happened to permit dumping into the creek, the permit would only last 2 - 5 years. Aside from that, it is not likely that DEP will issue a permit for Option # 2. As a matter of public policy, the state is moving away from surface water discharge.

On the other hand, Option # 1 has already been permitted by DEP. That permit was unopposed by them.

Mr. Knowles continued by saying that there are many misconceptions about what Option # 1 really is. The waste water is not raw sewage. It is clear, odorless reclaimed water. The site is a long trench. It has undisturbed natural vegetation which serves as a buffer. It will also have a fence to protect it from malactors.

Another misconception is that Gretna came to Option #1 overnight when acutally the project began in 1988.

The percolation swale cannot be placed just anywhere because of the soil composition found through out the county. A percolation swale requires a lot of sandy, porous soil. The number of sites in the county with the correct soil composition were limited.

Option # 1 was approved by the Planning and Zoning Commission on September 6, 1994.

Option # 1 is in complete conformity with with all FL Statutes and rules.

The effluent to be sent to the swale is treated reclaimed waste water - not raw sewage. It has been determined by experts to be a safe and sound option that will not be harmful to the residents.

Farmers Home Administration has reviewed the project and determined that there is no significant environmental impact that occurs as a result of the project being implemented and operated.

The project offers a positive economic impact on the county. Gretna will privatize the sewage treatment plant. A qualified company will be operating the plant.

Without securing a solution to Gretna's sewage problem, the issue will become a problem for the county very soon.

Mr. Knowles asked the board to re-affirm their previous decision and approve Option # 1. He emphasized that time is of essence.

MIKE MURPHY - BISHOP ENGINEERING

Mr. Mike Murphy explained that considering any sewage treatment projects, there are always three basic options.

1. Surface Water Discharge - It requires advanced waste treatment
2. Slow Rate Land Application - Spray irrigation
This type treatment requires a cite near the treatment plant because a spray field is expensive to construct. The property must be a single owner. It must also be a sandy site. That type of sandy soil just does not exist near the Gretna Waste Water Treatment Plant.
3. Rapid Rate Land Application - Percolation Ponds
A city can go further distance from the treatment plant because it does not cost as much to construct. The soil must be very sandy.

Mr. Murphy stated that the engineers who designed the Gretna project first had to consider the soil compositions through out the county. They took soil borings from the property adjacent to the treatment plant. The site north of the treatment plant had obvious advantages but the soil test proved that the water would not percolate leaving no options for disposing of the water in rainy weather - even the the percolation holding ponds would overfill.

After further exploration of the soil maps, better sandy soils were found to the south on St. Joe Land Company. Borings were performed on that site. Preliminary borings stated that the site would work for the proposed purpose. The land is also in the general vicinity of the project. Preliminary engineering reports

were completed and submitted to Farmers Home Administration for their approval. At the same time this occurred, the Florida Legislature approved the funding of a prison near Gretna that would tie onto the Gretna Water and Sewer System. At that point, the project became financially feasible and Farmer's Home gave approval to start the design. Detailed soil borings were performed at the site which changed the configuration of the site to a very long narrow trench.

The Water Management District requested that the route of the force main be changed to go down CR 65-A to get it near two nurseries who might become interested in reusing the water.

An effluent reuse feasibility study was done. That study is required in areas waste water projects in areas of designated critical water shortage. Telogia Creek Basin has been designated as an area of critical water shortage. That study looked a 7 options and recommended a plan for Gretna that had a combination of options for effluent disposal.

The principle option is a percolation pond. It is an extremely reliable system. No problems are associated with it. That is the basis of the entire plan.

The other aspects of the plan were that some of the effluent would go to nurseries and some would go to the sod farms. Nothing being proposed with Option # 1 prevents the re-use of that water.

Again, further soil borings were done in areas nearer Gretna for the purpose of irrigation re-use (Gadsden Country Club, Water Watson Farm and Thomas Smith Farm) and the soil borings disclosed that the evaporation rate is extremely limited. The number of weeks in the year that irrigation spray can be used is limited as well. Waste water comes everyday regardless.

The percolation swale being proposed addresses all the issues just stated.

Mr. Murphy gave a visual presentation showing the route proposed by the project and pictures of similar projects already installed and working well.

All DEP and DOT permits have been issued as well as the Environmental Clearance from Farmers Home Administration.

A series of public hearings identified opposition to the project. At that time, the engineers took still another look at the project.

Because the national and state trend is to reuse waste water, attempts were made to purchase the property adjacent to the treatment plant in Gretna. The owners would not sell a portion of the land to Gretna. The value of that property is between \$2,000 - \$3,000 per acre which of itself made such a purchase unfeasible. The land owners were approached with the possibility of the city irrigating the property but they were not interested.

The treatment plant has been designed with oversized tanks to ensure proper treatment of the water. A pressure switch will be installed to cut off in the event of a break. The percolation swale will have 4 - 5 monitoring wells which will be monitored quarterly. The waste water is monitored daily or weekly before it is pumped out. Any problems associated with the disposal would be picked up before it becomes a problem.

Mr. Murphy then showed a drawing of the swale design. He also showed photographs of a percolation swale at Walton Correctional Institute, Liberty Correctional Institution and Freeport Institution. He explained that most of the time, the swale will be dry. Even when they are dosed, the amount of water is minimal and the water percolates quickly.

While land application re-use is a long term solution and highly desirable, the city would need to be able to exercise the option to send the water to the spray field sites regardless of the owners desire.

The percolation swale site will have a 50 foot clearing through pine trees. There are numerous types of pine trees, various ages of trees offering very good buffer.

BILL JORDON - ARDAMAN & ASSOCIATES

Mr. Bill Jordon is a soils and foundation engineer specializing in hydrogeology and subsurface studies. He has worked with Ardaman & Associates for twelve years.

He explained the study which had been done for the Gretna project which began in 1988. He reiterated that northern Gadsden County has higher ground water and the soil is mostly clay hills. In the southern portion, in the area of the proposed swale, there are more sandy soils. His firm determined that the general trend of ground water flow is southward and somewhat westward. The sand in the proposed percolation trench was estimated to be 15 feet in many area.

Mr. Jordon concluded his remarks by saying that he was of the opinion that the proposed site will work for the percolation swale.

MIKE MURPHY - BISHOP ENGINEERS

Mr. Murphy stated that the project is a conservative design. It is the intention to reuse the water wherever it can be used. He urged the board to vote for Option #1.

Alternative 2-B

Mr. Murphy responded to questions about the effluent feasibility study. Option 2 - b of the study (Page 9) is a description of where the water goes: 5% landscape areas; 20% to sod farms; 25% to irrigation of non-edible crops; the remaining 50% to percolation ponds.

ALLEN JOHNSON - DEPARTMENT OF ENVIRONMENTAL PROTECTION

Mr. Allen Johnson is the Water Facilities Administrator for the Northwest District of the Department of Environmental Protection. He works for Bob Cooley, the District Director who was unable to attend this meeting.

He gave a brief historical prospective of the Gretna project as his agency has dealt with it.

Mr. Johnson stated that DEP has had a number of problems with the City of Gretna and its sewage system. DEP sued the City of Gretna and obtained a court order in which required certain improvement of the plant and the system.

At the same time DEP observed degradation of the Telogia Creek. Gretna was advised in October 1993 that their effluent was degrading the creek and at the time of the next permit renewal, they would have to remove the discharge from Telogia Creek.

Gretna took the necessary steps to comply with the court injunction as well as the direction to get out of the creek. That culminated in an application prepared by the City of Gretna and Bishop Engineers and it was received at DEP in June 1994. That permit application stated an upgrade of the waste treatment facility and the land application system (Option # 1). Upon receipt of that application, public notice was provided in the Gadsden County Times on June 30, 1994. That public notice

described the upgrade of the treatment plant and the location of the disposal site.

Following the receipt of the application in June, DEP performed an independent review of the application. DEP found it to be a sound environmental solution to Gretna's problem and it is in keeping with other land applications which have been permitted throughout the state. The ground water analysis and the soils review indicated that the proposed system would work. Based on DEP experience with similar systems in the district, they do not anticipate any odor or ground water contamination.

The project sets the stage for future agricultural use throughout the county.

DEP concluded that Gretna had provided sufficient justification and assurance that the project would work. A draft permit was issued in November of 1994. Public notice was given in the Gadsden County Times for a second time on November 17, 1994. There was no challenge to the permit in November and the permit was issued on December 6, 1994.

Gretna's current discharge is degrading Telogia Creek. Any new or expanded discharge would have to satisfy state requirements that it would not degrade Telogia Creek. It would also have to demonstrate that there was no other option - no land application option before going with surface water discharge. In this case, there is an option for land application.

A discharge into Telogia Creek is not re-use as defined by the Florida Legislature. The Legislature intends for maximum re-use and to eliminate surface water discharges throughout the state.

Mr. Johnson offered a sample of secondary treated effluent similar to what the waste treatment plant in Gretna will produce. He then offered a sample of drinking water.

The secondary treated waste water is like a fertilizer to a stream. It is full of nitrogen and phosphorous, etc. The problem with it is that it promotes the growth of algae which would consume the nitrogen and phosphorous and deplete the oxygen in the stream. Ultimately the oxygen levels in the creek would become depleted, the biological balance in the creek would be destroyed, the fish would leave and the creek would die.

The secondary treated waste water is also like a fertilizer to the soil as well. As the water goes through its natural filtration through the soil, any remaining particles are removed and the soils

bacteria consume the nitrogen and phosphorous and the resulting transfer going into ground water is healthy to the streams.

Ground water monitoring wells will be strategically placed near the swale to monitor the quality of the ground water to ensure that the swale is performing as it was designed.

Mr. Johnson summed up his remarks by saying that DEP is against any discharge into Telogia Creek. Gretna should get the discharge out of the creek to halt further degradation. Gretna should dispose of the effluent upland. Option # 1 is a sound solution and it should be pursued without delay.

GUY GOWENS - NORTHWEST FLORIDA WATER MANAGEMENT DISTRICT

Mr. Guy Gowens spoke briefly to provide the district's prospective on reclaimed water. The District promotes the reuse of reclaimed water especially in areas such as Telogia Creek. He supported Option # 1 stating that it meets the objectives of the District. It also enhances the availability of water of the basin and protects the water resource.

HANK REIGLER - U S CORRECTIONS CORPORATION

Mr. Reigler addressed the Board giving a historical sketch of his involvement with the Gretna Prison. He stated that US Corrections has made some commitments to Gadsden County to which they have exceeded.

Mr. Reigler stated that 125 people are currently on the US Corrections payroll. The total is expected to 239. He asked the US Corrections employees to stand. He went on to say that the payroll will generate \$6,000,000 annually. The expenditures within the county will be an additional \$2,000,000.

US Corrections made a commitment to hire locally. 95% of the employees are Gadsden County residents. 80% of all purchases have come from Gadsden County. He concluded by saying that they have exceeded their commitment. He encouraged the Board to vote in favor of Option # 1 and proceed expeditiously so that the prison could open without further delay.

GRETNA CITIZENS

Ms. Helen Franks, Mayor

Ms. Helen Franks spoke briefly to the board encouraging the board to support of Option # 1. She asked the citizens of Gretna to stand and be recognized.

Evelyn Rollins, Gretna City Commissioner

Mrs. Evelyn Rollins spoke to the board and to all present. She encouraged the Board to support Option # 1 stating that the entire county would benefit from the opening of the prison timely.

Walter Watson, former Mayor of Gretna 2300

Mr. Walter Watson made an emotional appeal to the Board stating that he has been a life long resident of Gretna and is committed to its citizens and its future. He stated that he had been involved with the project since its inception and approved of it in its entirety.

Mr. Watson further stated that Gretna is struggling for its independence from outside financial help. He noted that because Gretna has no property tax base, it is fighting for the prison project to help gain its independence.

Mr. Watson quoted remarks that had been made to him such as "Gretna has to prove themselves before they will get us to help them." Also, "Gretna has such a bad reputation that it doesn't deserve help".

Mr. Watson stated that he could not deny that things have happened in the past to embarrass the people in Gretna but they have worked hard to gain the trust and the confidence of the county. He said that the City is slowly gaining in that effort. He stated "I believe this issue before us tonight is the most important issue concerning the lives of its people in the history of Gretna." He stated further that serious health problems could result if the present sewage treatment plant is not upgraded expediently. Treatment plant failure could cause raw sewage to back up into homes and threaten the health and property of its residents. If Gretna should experience health problems, there could be tragic consequences county-wide.

He stressed that all the events and plans for this project were designed to save the City of Gretna and its people from impending disaster. Gretna City Commission, City Attorney, City Manager, Governor Chiles, Senator Pat Thomas, Bishop Engineering Consultants, Secretary of Environmental Protection Virginia Wetherall and many consulting experts have worked for months to

bring Option # 1 to a successful conclusion. All questions and concerns raised by those opposing Option #1 have been answered by professional. He appealed to board to vote favorably on the project.

RECESS

Chairman Peacock called for a 5 minute recess.

MEETING RECONVENED

Chairman Peacock called the meeting back to order.

RICHARD MOORE - ATTORNEY FOR PROVIDENCE/SAWDUST COMMUNITY

Mr. Richard Moore asked to make it clear that no one in the Providence/Sawdust Community believes that Gretna should not have a new waste water treatment project. The only question for them is how the waste water is to be disposed of after it is treated.

He stated that neither of the options discussed are true uses of reclaimed water. Neither option will allow for immediate availability for any one's use such as a spray field operation or irrigation.

Mr. Moore then stated that if the water is advanced treated, then dumped into Telogia Creek, it would be immediately available for the farmers in the area to use for irrigation.

The City of Gretna nor USCC has seriously considered any other option other than Option # 1. To prove his point, he pointed out that even after this Board denied Option # 1 originally, the City of Gretna purchased land for Option #1. That fact would lead one to believe that no serious consideration was given to any other option.

PROVIDENCE/SAWDUST COMMUNITY COUNCIL

Marcus Edwards

Mr. Edwards began his remarks by saying Providence/Sawdust community was not against Gretna nor the prison. He stated his purpose in appearing before the board was to encourage a vote of "no" to Option # 1 and "yes" to Option #2.

Option #1 takes the water out of Telogia Creek and places it out of the farming area. Northwest Florida Water Management

District has placed the Upper Telogia Creek under a water caution use area. Farmers can not obtain a permit to irrigate from the creek under that caution because water is so critical in the creek.

Option #2 with advanced waste treatment would allow the discharge into the creek and allow use of the water to the farmers who need the water for their crops.

Mr. Edwards called attention to a verified complaint from the Providence/Sawdust Community Council which addresses concerns with this project being inconsistent with the county's comprehensive plan.

He then called attention to a memo written by Northwest Florida Water Management District stating that Option # 1 might affect the water table near the Florida Gas Transmission lines. In response to that memo, Florida Gas Transmission wrote to the City of Gretna with concerns about the integrity and safety of their pipelines because the trench system could affect the water table sufficiently to float their pipelines out of the ground.

Ardaman and Associates Inc. responded to the NFWFMD Memo conceding that some ground water may flow north, yet at this meeting the Board was told that no water flows north.

Ardaman and Associates also agreed with NFWFMD that Option # 1 would allow for full saturation of the soil beneath the trench. Mr. Edwards further called attention to the statement that a crusting would form on the bottom of the trench. (A build-up of solids which could be scoured periodically in order for water to percolate through it.)

Dr. Ann Blount asked Bishop Engineers for a cost comparison between Option #1 and Option #2 . They said that it would be over \$100,000 cheaper to go with Option #2.

Mr. Edwards concluded his remarks by asking the commissioners to consider Option # 2.

Nancy Harvey

Mrs. Harvey stated that she was appalled at the fact that District 4 cannot be represented on this issue because the District 4 Commissioner has a conflict of interest.

She asked the commission to support Option # 2 temporarily until the community can help to find another alternative - a land use application for the water that would satisfy everyone.

Will Maxwell

Mr. Will Maxwell spoke representing the Gadsden Tomato Growers Association.

Mr. Maxwell informed the board there are presently 34 pumping stations on Telogia Creek. It is an area of critical water concern. The nursery provides 1.3 million dollar payroll and 7.5 million dollar annual sales. Tomatoes support a 1 million dollar annual payroll and 7.5 million dollar annual sales. The sod business supports a \$500,000 annual payroll with a 3.5 - 4 million dollars in annual sales. A total annual payroll of \$2.8 million is tied to the Telogia Creek Basin and near \$20 million gross sales.

He asked the board to go with Option # 2, advance treatment of the water and returned to Telogia Creek so that the tomato growers, sod growers, nurserymen and farmers can have the water for irrigation.

Wayne Whiddon

Mr. Whiddon spoke on behalf of the Gadsden County Farm Bureau. He also serves on the Florida Nursery Growers executive committee.

He asked the board to approve Option # 2 - Treat the water to advanced treatment and put it back into the creek.

George Hackney

Mr. Hackney spoke as President of Hackney Nursery.

He stated that he would like to use the reclaimed water but it must be advanced treated. Secondary treated water would not be acceptable for his use because he has been told that if he used secondary treated water, he must insure that it never leaves his property. He cannot make those assurances.

Mr. Hackney called attention to the fact that the City of Quincy is considering advanced treatment and discharge into Quincy Creek.

Dr. Scott Whiddon

Dr. Whiddon spoke as a land owner in the Providence area. His remarks were geared toward health concerns regarding the water

quality. He encouraged the board to approve Option #2 and encourage advanced waste treatment.

Mrs. Dena Lewis

Mrs. Lewis spoke as a Sawdust Community resident who encouraged the board to vote yes on Option # 2.

Stanley Burns

Mr. Burns spoke as a resident of the SR 12 and SR 65 area. He portrayed the people in his community as sincere and hardworking people who have enjoyed a comfortable way of life. This issue jeopardizes that way of life. He voiced concerns of possible break in the sewage lines transporting the water. He encouraged the board to go back to the drawing board and come up with a better plan but if that is not feasible he would support whatever plan would benefit the agriculture interests.

Lyle French

Mr. French disagreed with the experts who testified that the ground water does not run north. He supported Option # 2.

Dr. Harry McClaren

Dr. McClaren is a Providence Community resident and asked the commissioners to approve advanced water treatment and Option # 2.

Debbie McDaniels

Mrs. McDaniels resides on Presha Road & 65-A who encouraged the board to support Option # 2.

Margaret Pellitier

Mrs. Pellitier stated that she is confident that whatever the board decides to do would be the right thing to do because her community had prayed for God's perfect will to be done. Her concerns centered around possible contamination. She could support advanced water treatment.

James Rogers

Mr. Rogers has been a resident of the Sawdust Community since 1964. He is also a building contractor in the county.

He stated that USCC misrepresented the facts when they stated that the construction of the prison had created a lot of economic prosperity when in reality the general contractor of the prison was from Miami. The sub-contractors were from areas outside Gadsden County. The county did not benefit a great deal from the construction itself.

Mr. Rogers pointed out that the prison site is owned by the State of Florida and pays no property tax.

The prison has been asked to double in size. That would increase the demand on the pipe-lines, treatment plant, and the swale. He stressed planning for expansion is necessary.

Mr. Rogers also brought attention to the fact the 30% of the infrastructure in Gretna must be reserved for affordable housing.

Mr. Rogers had learned through conversation with Mr. Billy Bishop that waste water effluent can be disposed of in a wetland. He encouraged the board to continue to look for alternatives and vote for Option # 2.

Dr. Ann Blount

Dr. Blount encouraged the board to clean up the waste water and let the farmers utilize it.

Rev. Marvin Alls

Rev. Alls spoke briefly encouraging the board to be diligent and fair in making their decision.

Raymond Pace

Mr. Pace is a property owner and future resident of Gadsden County. He asked the county attorney how much notice is required for a hearing such as this one?

Mr. Richmond responded by saying that legal notice can be 24 hours depending on the circumstances. As long as he was notified and he is present, he was legally noticed.

Mr. Pace asked who would be responsible in the event his well should become contaminated. He also asked if his property values would be affected by placement of the swale.

No one answered.

Mike Murphy

Mr. Murphy attempted to respond to statements made by the citizens as outlined above.

First he explained that secondary treatment has not been discussed for either option. Advanced secondary is a very clean water containing some nutrients which makes it beneficial to farmers. Advanced waste treatment removes most of the nutrients. It is necessary to go to advanced waste treatment if you go to surface water discharge. It is not necessary to go to advanced waste treatment for the water to be used by the sod farms and nurseries. Advanced secondary treatment, water which contains nitrogen and phosphorous, is actually very beneficial to sod farms and nurseries.

Option # 1 does not preclude re-use of the water by the sod farmers or the nurseries. The pipeline was re-routed to get it close to some of the nurseries. Gretna is **promoting** the re-use of the water.

There is a difference of opinion as to whether putting the water into the creek and taking it out again is actually re-use. It is certainly using the water but it does not address the water quality issue that concerns DEP.

In response to the issue of ground water flow, Bishop Engineers has relied on the numerous tests performed by Ardaman and Associates to determine the ground water flow. He stood by the statement made by Mr. Jordon that the ground water flow is to the south.

The water table will rise but it will still be approximately six feet below the ground which makes it well below the gas pipe line.

There has been no planning for expansion of the prison. The treatment plant was designed for expansion but the trench will not enlarge.

As to the option of discharging to the wetlands, it is a very complicated option and is extremely intensive in terms of monitoring. It requires advanced waste treatment of the effluent before it can be put into the wetlands. It also requires an extensive amount of wetlands and ultimately results in surface water discharge. Mr. Murphy did not recommend it as an option to Gretna nor to the county. He encouraged the county to promote re-use without discharge into the creek. Discharging into the creek

creates major concerns about water quality which has been addressed by DEP.

He further clarified that DEP did not say that *secondary* effluent into the creek would not be allowed. They said that *advanced* treatment would not be allowed.

RICHARD MOORE - ATTORNEY FOR PROVIDENCE/SAWDUST COMMUNITY

Mr. Moore summarized all the statements made by the Providence/Sawdust Community by saying the Option # 2 may not be the most expedient option but it is the best option. It allows for the immediate use of the water by the agricultural interests. He urged the Board to vote for Option # 2.

BOARD DISCUSSION

Commissioner Fletcher stated for the record that his conflict of interest in this issue lies with the fact that Fletcher Nursery is the largest year round user on the Telogia Creek drainage basin. The maximum daily demand on the creek is over 2 million gallons a day. Either way he could vote on the issue would be a conflict of interest because it would be to his personal gain.

Commissioner McGill stated he had listened intently to all the pros and cons and he had heard nothing to cause him to change his vote.

Chairman Peacock called for other comments. There were none.

Chairman Peacock called for a vote.

COMMISSIONER MCGILL MADE A MOTION TO GO WITH OPTION # 1. HIS MOTION WAS SECONDED BY COMMISSIONER DIXON. THE BOARD VOTED 2 - 2 TO APPROVE OPTION # 1. COMMISSIONERS MCGILL AND DIXON VOTED BY VOICE VOTE "YEA"; COMMISSIONERS WATSON AND PEACOCK VOTED "NO". COMMISSIONER FLETCHER ABSTAINED.

Chairman Peacock called the vote a tie. He then turned to Attorney Hal Richmond for advice.

Attorney Richmond explained the posture of the board resulting from the above motion.

- 1) There was a motion for re-hearing made on November 1, 1994. (That re-hearing motion was a 3 - 2 vote and the re-hearing was granted.)

- 2) The re-hearing was held and option # 1 was approved by a vote of 3 - 2.
- 3) Subsequent to the re-hearing, the circuit judge ruled that action at that re-hearing void and ordered the board to hold a second re-hearing.
- 4) At the second re-hearing (this meeting) the vote has resulted in a 2 - 2 vote on a motion to approve Option # 1.

Mr. Richmond asked if there were any other motions.

COMMISSIONER WATSON MADE A MOTION TO APPROVE OPTION # 2.

CHAIRMAN PEACOCK TURNED THE GAVEL OVER TO VICE CHAIRMAN FLETCHER.

COMMISSIONER PEACOCK THEN SECONDED THE MOTION TO APPROVE OPTION # 2.

VICE-CHAIRMAN FLETCHER CALLED FOR A VOTE BY DISTRICT. THE BOARD VOTED 2 - 2 TO APPROVE OPTION # 2. COMMISSIONERS MCGILL AND DIXON VOTING BY VOICE VOTE "NAY"; COMMISSIONERS WATSON AND PEACOCK VOTING BY VOICE VOTE "YES".

Following the vote above, Vice-chairman Fletcher yielded the gavel back to Chairman Peacock who returned to the chairman's position and began to preside over the meeting. He again asked for the attorney's advice.

Attorney Richmond called for Attorney Moore to make a statement.

Attorney Richard Moore stated that he believed the board to be back to the position it was in prior to the November 1, 1995 motion for re-hearing - leaving the last approved action to be the approval of Option # 2. There have been non-affirmative votes for reconsideration.

Attorney Richmond then called for Gretna Attorney Harold Knowles to make a statement.

Attorney Harold Knowles took issue with the position as described by Attorney Moore. He stated that he believed the board was back to the position it was in on November 7, 1994. The board had moved to reconsider the matter to properly put it on the table.

The board only voted on the matter on November 7. He believes the board is back to "square one".

Mr. Knowles offered a compromise to see if the deadlock could be broken. He asked the chair to entertain discussion of his compromise proposal.

Chairman Peacock yielded the floor to Attorney Knowles.

After consultation with the engineers and Gretna City Manager Charles Hayes, Mr. Knowles offered to do advanced treatment of the effluent but with Option # 1. Such a proposal would offer everybody a little bit of what they want. Gretna is not opposed to AWT. Time is the major considering factor at this juncture. He asked the commission to give consideration to AWT.

Providence/Sawdust Community Attorney Richard Moore responded to the offer of compromise. He stated that it does not give the agriculture interest groups the water they need. He applauded the offer to go to AWT but stood firm that Option # 2 was still the best option and remains to be the only option which has had an affirmative vote. The decision of November 7, 1994 was quashed by the circuit judge. That decision no longer exists. He remained convinced that the board is back to where they were on November 1, 1994.

County Attorney Hal Richmond recalled that the affirmative vote for Option # 2 was taken on October 18, 1994. He asked the board to move forward to address the force main to carry sewage from the prison to the Gretna Sewage Facility.

A MOTION WAS MADE BY COMMISSIONER DIXON AND SECONDED BY COMMISSIONER FLETCHER TO APPROVE THE PLACEMENT OF A FORCE MAIN TO CARRY THE SEWAGE FROM THE PRISON SITE TO THE CITY OF GRETNAS SEWAGE TREATMENT FACILITY.

DISCUSSION FOLLOWED AMONG THE BOARD.

QUESTION WAS CALLED BY COMMISSIONER FLETCHER

THE BOARD VOTED 5 - 0 TO APPROVE THE FORCE MAIN TO CARRY THE SEWAGE FROM THE PRISON TO THE CITY OF GRETNAS.

Chairman Peacock then called for the board to readdress the issue of Option # 1 vs. Option # 2.

Commissioner Dixon focused attention on the good things that the prison can offer to the county and the growth potential that

could follow. He urged the board to mitigate the issues surrounding the environmental impacts of both options. He stated that Gretna has offered to compromise and he felt that the opposing side should also consider a compromise.

As a point of clarification, Attorney Richmond stated the following:

- 1) At the October 11, 1994 meeting, Option #2 was passed with the special condition that Gretna must post a \$10 million surety bond - with the contingency that if the bond could not be made, the issue would be readdressed by this board. With the October 11, 1994 approval, there was specific discussion that if the performance bond could not be met, the approval of Option # 2 would be a nullity.
- 2) The only motion made on November 1 was to hold a re-hearing where all issues would be reheard. The board set aside its approval of Option # 2 because the special conditions imposed could not be met and it agreed to reconsider all options. The setting aside on November 1 and request for re-hearing, in effect, puts the board in the position of going back to September 17, 1994 when Option # 1 was denied.
- 3) There is no action before the board of approval of Option # 2 at this time.
- 4) The only action that stands now is the September 17, 1994 denial of Option # 1. P & Z Staff and the P & Z Commission had recommended approval of Option # 1, but the Board chose not to approve it.
- 5) There is no decision.

Gretna Attorney Knowles asked the Board again to address the issue of AWT combined with Option # 1 since there is no action before the board. The farmers indicated earlier in the meeting they would take the water if it was advanced treated.

Discussion followed.

RECESS

The chairman called for a recess.

MEETING RECONVENED

Chairman Peacock reconvened the meeting.

Providence/Sawdust Community Attorney Richard Moore rejected the compromise offered by the City of Gretna.

Attorney Knowles stated that the Providence/Sawdust Community did not want anything in their community to benefit the county or the City of Gretna.

(There was substantial objections to Mr. Knowles statement from the audience)

Chairman Peacock called for order in the meeting.

Mr. Knowles continued by restating the compromise and beseeched the opposition to reconsider. He stated that Mr. Hackney and Mr. Fletcher spoke during the break and agreed to accept the AWT water prior to it going to the trench. He asked the Board to move forward and compromise.

When questioned by the board, Mr. Mike Murphy stated that the nurseries could use all the water if they need it - the percentage of the water's use will be left to the discretion of the end user.

Anyone along the pipeline can use the water if they desire. It would be ideal if all the water could be used up before it reaches the trench. But, the City of Gretna must have a place to put the unused portion of the effluent if the agriculture interests cannot use all of it.

Mr. Murphy could not guarantee a that only a certain percentage would end up in the trench. According to Mr. Hackney and Mr. Fletcher, they will use the water to their limit. The percentage actually going to the trench will be dependent upon factors such as rainfall, etc.

Commissioner Fletcher asked to clarify that AWT is going to change the amount of water that the nurseries can use from the treatment plant. Wet weather in a nursery business does not really matter because they grow the plants in a very course median and irrigation is used almost everyday during the growing season.

Mr. Murphy stated that the nurseries paper water demands far exceed Gretna's flow.

Commissioner McGill asked what Gretna would be doing with the waste water had the prison not been a factor. He further asked what the farmers would do for water if the prison was not a factor.

Mr. Hackney responded by saying that there has been and is still ample water in Telogia Creek for what is currently permitted. He can not expand his business at the present time because water is the limiting factor. He went on to explain that Gretna is currently putting 100,000 gallons of water per day into Telogia Creek. When the new treatment facility is built, that will be stopped no matter what. His contention would be the same if someone were to be permitted to take out 100,000 gallons per day. As less water is put into the creek, it becomes short of water supply and decreases the amount that can be pumped from it for irrigation. Without available water to irrigate, the agriculture industry in the area is at risk.

Chairman Peacock yielded the floor to Commissioner Dixon.

Commissioner Dixon approved of offering the water to the farmers during their needy season. During the off season, the water must go to a swale or somewhere else. He implored the Board to be mindful of the fact that within 2 - 5 years surface water discharge will no longer be an option.

Mr. Knowles explained that it would cost Gretna an additional \$400,000 to advance treat the effluent to meet the re-use criteria set by the nursery industry. That money will come from the impact fees the city will collect from the prison. Gretna is committed to make the system work. That money will not be forthcoming unless the prison goes on-line.

Dr. Ann Blount was recognized for questions and comments.

Mr. Mike Murphy stated that the biggest concern he has with the AWT to surface water discharge is a waste of money because Gretna will have to get out of the creek at some point in time. If Gretna goes AWT to land application use, it is an overkill, but it is a solution and a good way to go. The cost to go to advanced waste water treatment will add \$407,500 to the cost of the treatment plant. Gretna will have to go to Farmers Home and apply for a new grant or additional loan money to do that.

Mr. Murphy stated that in order for a nursery to re-use the effluent, it is not necessary to go to AWT. Advanced secondary treatment is all that is required by DEP for nursery re-use. AWT is only required if the effluent goes to the creek. Advanced secondary treatment is all that is required for the percolation swale.

The nurserymen agreed to take the water only if

Gretna will treat it to AWT. That is a requirement of the nurserymen not of DEP.

Further discussion ensued.

Chairman Peacock posed an option. Option # 1 with special conditions:

- 1) The effluent must be advanced treated;
- 2) No more than 50% annually, on an average, going to the percolation swale. (Landscape and sod farms along the pipeline using an annual average of 50% with the remainder going to a percolation swale.);
- 2) A set amount of money (which will be agreed upon by an Interlocal agreement) be set aside by the City of Gretna and placed into escrow to ensure against hazards which might occur along the pipeline. The funds set aside in the escrow could be used for repair and maintenance of the system. It would be Gretna's responsibility to arrange for the fund, supply the fund and replenish the fund (should need arise to use the money) out of the revenues generated by the City of Gretna. An agreed upon amount should be set aside immediately and that amount should be increased in stages until it reaches another agreed upon amount. (To be determined by interlocal agreement)

County Attorney Richmond asked DEP Administrator Allen Johnson if the compromise as described above would pose a problem with Gretna's permit as it presently exists.

Mr. Johnson responded by saying it would require a modification of the permit but it could be accomplished very quickly. The time frame would take a couple of weeks.

A MOTION WAS MADE BY COMMISSIONER DIXON AND SECONDED BY COMMISSIONER MCGILL TO APPROVE OPTION # 1 WITH THE SPECIAL CONDITIONS AS LISTED IN ALTERNATIVE 2 B AND DESCRIBED BELOW.

- 1) The effluent must be advanced treated;
- 2) No more than 50% annually, on an average, going to the percolation swale. (Landscape and sod farms along the pipeline using an annual average of 50% with the remainder going to a percolation swale.);

- 2) A set amount of money (which will be agreed upon by an Interlocal agreement) be set aside by the City of Gretna and placed into escrow to ensure against hazards which might occur along the pipeline. The funds set aside in the escrow could be used for repair and maintenance of the system. It would be Gretna's responsibility to arrange for the fund, supply the fund and replenish the fund (should need arise to use the money) out of the revenues generated by the City of Gretna. An agreed upon amount should be set aside immediately and that amount should be increased in stages until it reaches another agreed upon amount. (To be determined by interlocal agreement)

DISCUSSION FOLLOWED.

QUESTION WAS CALLED BY COMMISSIONER DIXON.

THE BOARD VOTED 3 - 1 BY VOICE VOTE AND BY DISTRICT TO APPROVE THE MOTION. COMMISSIONERS MCGILL, DIXON AND PEACOCK VOTED "AYE". COMMISSIONER WATSON VOTED "NO". COMMISSIONER FLETCHER ABSTAINED FROM VOTING.

RECESS

Chairman Peacock declared a recess.

FIRE ASSESSMENT ORDINANCE AMENDMENT

County Attorney presented a rough outline of the fire assessment ordinance providing for exemptions to non-profit organization. He asked for directions as to the date to which to make it retroactive - January of 1994 or January 1995. He asked for authorization to advertise the public hearing for the second meeting in March. He read the title of the ordinance into the record.

Chairman Peacock reported that he had met with Tax Collector Dale Summerford who indicated there would be no problem with making the exemption retroactive to January of 1994. Mr. Summerford would co-ordinate the task with the Fire Assessment Co-ordinator and make all necessary changes. The chairmen recommended that the exemption be made retroactive to January of 1994.

UPON MOTION OF COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0 TO MAKE THE AMENDED FIRE ASSESSMENT ORDINANCE RETROACTIVE TO JANUARY 1, 1994.

Riverview Road

Mr. Richmond told the board of a letter received from Mr. Marlon Mayfield asking for tax relief regarding the use of right-of-way on his property. The right-of-way agreement calls for use of 60 feet, but in reality, the Department of Agriculture took 90 feet. Mr. Mayfield objected to them using the additional 30 feet without the proper condemnation proceedings.

It was the consensus of the board to award tax relief to Mr. Mayfield through the Value Adjustment Board.

Sutter Road Law Suit

Mr. Richmond informed the board he had been served with a civil suit over a situation on Sutter Road. A 60 ft. right-of-way was secured but an additional 15 feet were taken by USDA. There does appear to be an encroachment on the property. He will apprise the board at a later time regarding the suit.

Gadsden Memorial Hospital - HealthMark

Doug Hall, attorney for HealthMark, appeared before the board explaining that he was present to respond to a letter to the hospital from the Board of County Commissioners. The letter stated that the county considered the hospital to be in default of the management agreement.

Mr. Hall had prepared and mailed a response to that letter. He outlined his response and attempted to answer questions which were raised by the Board at the previous meeting.

(Jim Speed, CPA with Salt, Marsh, Cleveland was present at this meeting until 10:00 p.m. and found it necessary to leave prior to this issue being heard. He would be the appropriate person to answer questions regarding fiscal concerns and finances. Those questions can be addressed at a later meeting when Mr. Speed can be present.)

Mr. Hall explained the structure in place that operates the hospital. He made the following remarks:

1. HealthMark of Quincy is a non-profit Florida corporation that is tax exempt under 501C-3 IRS category. It was formed and put into place to be the hospital lessee 1 1/2

years ago to comply with the bond covenants that the county has when it financed the hospital. HealthMark of Quincy has a management agreement with HealthMark, Inc.

2. HealthMark Inc. is a for-profit corporation that manages the hospital. It supplies some key personnel and other management services. HealthMark of Quincy pays a management fee for those services. The amount of those fees, the fact they would be paid, who they would be paid to, and how the business would be structured was presented to the IRS and approved. The hospital is in compliance with the 501C-3 requirements and they are within the guidelines of the IRS set on the payment of the management fees.
3. HealthMark of Quincy was put into place after the county elected to terminate the prior lease and required that to be done. At that time, the county changed the proposition that it had made with HealthMark in the beginning. It was always the agreement with the county that if the hospital could operate the hospital and make a profit, it was entitled to keep the profit as its management fee. When the agreement was re-negotiated, HealthMark was required to pay \$5,000 per month in rental payments. Those payments have been made. It is still entitled to keep any net profits as management fees. There is no obligation to re-invest revenues from the hospital (net profit) back into the hospital.

Mr. Richmond told Mr. Hall that the county is interested in knowing how HealthMark sees profitability when the financial statements show a \$650,000 short term liability.

Mr. Hall stated that the 1993/94 year, the hospital operated at a \$800,000 net profit if the management fees are excluded. It has paid itself only 1/2 of that amount. It re-invested about \$300,000. Not all of the account payables are current. The hospital pays slow because it gets paid slow.

Commissioner Watson stated that would only affect the very beginning. Once the hospital got past the initial 60 - 70 days, the cash flow should begin.

Mr. Hall rebutted that would be so if all things remained constant but the hospital experiences fluctuating census and services provided. Other income sources are sporadic such as the disproportionate share money because the hospital treats a high

number of indigent patients. There are yearly adjustments made by Medicare after the fact. The cash flow is not constant.

Chairman Peacock addressed the \$600,000 in debts and vendors who have placed the hospital on COD basis. He questioned how the hospital could continue to offer services without the supplies needed to operate.

Mr. Hall stated that he knew of no vendor who was not providing the hospital with supplies it needed to operate.

Commissioner Watson asked if there were any other incidents where HealthMark had been denied supplies because they have not paid their accounts.

Mr. Hall was unable to answer the question.

Commissioner Watson then asked what the accounts receivable at the hospital to this date and how much of that amount does the hospital expect to collect.

Mr. Hall responded by saying the accounts receivables amount to \$2.1 million. The hospital can expect to collect about 50% of that amount.

Commissioner Watson asked Mr. Hufstedler if there were any vendors who have put the hospital on COD other than Coastal Emergencies or refused to sell to them or had to seek supplies from a different company.

Mr. Hufstedler answered "yes".

Commissioner Watson asked how much money was owed to HealthMark in management fees.

Mr. Hall could not answer the question. He responded by saying that for the period 1993/94 the hospital made a net profit. The management fees paid were from the net profit earned during that year. It is entitled to pay itself under the lease. As those fees are actually received in the hospital, they are booked as revenue when they are earned. They are received later than that. HealthMark has paid itself more slowly than any other vendor.

Commissioner Watson disagreed with Mr. Hall as that was not true with Coastal Emergencies who was two years behind in payments.

Mr. Hall stated the account with Coastal had been corrected.

Commissioner Watson asked who would be responsible for the remaining payments on the promissory note signed with Coastal Emergencies if the Board terminates the lease in June 1996. (The promissory note goes until Feb. 1997)

Mr. Hall answered by saying the only entity that Coastal can proceed against is HealthMark of Quincy.

Commissioner Watson turned attention to the accounts receivable again recalling that the receivable amount to \$2.1 million. He asked what the true accounts payable amounted to.

Mr. Hall stated that accounts have been paid down since the last meeting with HealthMark in response to the county's letter.

Mr. Hufstedler answered that the true accounts payable amounted to \$336,000. The account with Coastal Emergencies has been negotiated down. They were paid \$9,000 and HealthMark is current with the new deal with Coastal Emergencies and expects to stay current. The total amount owed to Coastal has been deducted from the total accounts payable.

Commissioner Watson asked how much of the \$336,000 of true accounts payables are management fees owed to HealthMark, Inc.

Mr. Hall could not answer the question.

Commissioner Watson recalled that Mr. Hall had told the Board earlier that HealthMark owed the parent company \$400,000.

Mr. Hall corrected Commissioner Watson and said that the parent company had been paid roughly \$450,000 since June 1992.

Commissioner Watson asked how much has been charged and how much is still owed.

Mr. Hall could not answer the question.

Chairman Peacock suggested that this issue be tabled until the next meeting.

Commissioner Watson stated that he wanted solid answers.

Mr. Hall asked Commissioner Watson to sit down with him and give him a list of questions to which he wants answered.

Commissioner Watson then asked why the OB Unit was closed.

Mr. Hall stated that it was closed because it was loosing money.

Commissioner Watson then asked why the board was told at the last meeting that the OB Unit was o.k., then 2 1/2 days later it was closed.

Mr. Hall quoted Mr. Hufstedler as saying "The OB Unit is alive and well. Well, it is alive, it may not be all that well."

Mr. Hall then stated that in response to the county's notice of default, HealthMark's management had to take a hard look at OB. He pointed out that Southeast also had closed the OB because they could not keep it afloat. When HealthMark assumed management of the hospital, it did surveys and tried to determine whether an obstetrics department would be well utilized in the county. It appeared that it would. One of the things that would have to be done for it to stay afloat was to get referrals from the public health department. That did not happened.

Commissioner Hall asked why.

Mr. Hall could not answer.

Commissioner Watson stated he had received a copy a letter to HealthMark stating that HealthMark had not complied with what the health department wanted. Mr. Wynn had stipulated everything that HealthMark needed to do and he would send every delivery to the hospital and HealthMark did not comply.

Mr. Hall asked for a copy of the letter. He again stated that the decision to close the OB was a business decision to avoid continuing losses.

Commissioner Watson said he should have been told the truth the last time he asked.

Commissioner Fletcher pointed out that the Gadsden County Health Department is sending about 750 - 800 deliveries to a Tallahassee doctor's office which is costing \$560,000 per year plus another \$1.2 million being generated to the hospital in Tallahassee.

Commissioner Watson asked Mr. Hall to explain a UCC filing.

Mr. Hall answered that it was a document which is filed with the Secretary of State to protect the security interest in collateral pursuant to a security interest between two parties.

HealthMark has all accounts receivables and contract rights both past and future due and owing to HealthMark of Quincy, Inc. for Gadsden Memorial Hospital. HealthMark Inc. is in primary position with the accounts receivable.

Mr. Hall stated that it was in primary position if no one else is ahead of it. He further stated that in the promissory note that the county has between itself and the bank as part of the line of credit extended to HealthMark of Quincy has a security agreement against the accounts receivables.

Mr. Richmond confirmed that the county is in the primary position against the accounts receivables relating to the line of credit extended to HealthMark.

Commissioner Dixon asked Mr. Hall if the hospital would be afloat without the disproportionate share money.

Mr. Hall could not answer the question.

Commissioner Watson read from the independent auditors report on HealthMark "Gadsden Memorial Hospital is economically dependent on substantial annual reimbursements received from the state."

UPON MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0 TO TABLE THE HOSPITAL ISSUE AND PUT IT ON THE AGENDA AT THE NEXT MEETING.

Mr. Hall asked Commissioner Watson if he could call him and get his specific questions before the next meeting.

Commissioner Watson answered "yes" and asked for up to date financial records.

E J Group Inc.

Commissioner Dixon turned the focus to the issue of quality care rendered at the hospital.

Commissioner Fletcher presented a proposal from Dr. Everett Johnson who is director and professor of the Institute of Health Administration in the College of Business Administration of Georgia State University in Atlanta. He is offering to do a performance audit on the hospital for \$11,500 in professional fees plus expenses. The total cost would be about \$13,240.00. Commissioner Fletcher recommended that the Board hire this firm and pay for it from the \$600,000 which has been earned from the Hospital Trust fund.

Commissioner McGill asked if a decision had to reached about the performance audit at this meeting.

Chairman Peacock recommended that it be done quickly.

UPON MOTION OF COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0 TO HIRE E.J. GROUP OF ATLANTA TO CONDUCT A PERFORMANCE AUDIT AT GADSDEN MEMORIAL HOSPITAL AND TO PAY THE PROFESSIONAL FEES FROM THE \$600,000 EARNINGS ON THE HOSPITAL TRUST FUND.

PURVIS, GRAY & COMPANY - INDEPENDENT AUDIT REPORT

Mr. Chris Moran presented the independent audit report which his firm conducted for the Gadsden County.

He began by saying the county was given an unqualified opinion which is the highest level of assurance which can be received from a CPA firm. He further stated the county had a good year. He pointed out the following:

- 1) The general fund had revenues in excess of expenses of approximately \$328,000. Compared to last year, that amount is down from \$446,000 in profits. The overall fund balance is \$1.4 million. (The fund balance dipped to \$300,000 only 3 years ago but it has been going up by about \$400,000 per year for the last 3 years.)
- 2) The special revenue funds (15 - 20 different special funds) had an overall net income of \$915,000 compared to \$400,000 last year. There is a \$1.9 million fund balance which is even more than the fund balance in the general fund. A fair percentage of the money sitting in the special revenue funds actually came from the general fund. (General fund transfers to Fine & Forfeiture; Landfill & Arthropod; Library Fund, Waste Services; Emergency Rescue; etc.) The funds were transferred into the special funds whether they were needed or not. The fund balance in the Fine & forfeiture fund is \$550,000. The fund balance in Road & Bridge # 1 is \$670,000. The fund balance in the ambulance fund is \$271,000. Fire Assessment has a fund balance of \$210,000.

Mr. Moran stated that the board will need to consider these fund balances when they begin the new budget process and decide how much will be needed to be transferred at that time. The board will

also need to decide what is a comfortable level of fund balance for each of the special revenue funds.

Commissioner Watson asked why the Fire Assessment fund balance increased by so much.

Mr. Moran reported that the county collected \$618,000 in assessment but only budgeted out \$549,000 to various fire departments; paid \$43,000 in commissions to Tax Collector, Property Appraiser, legal fees, etc. The county also borrowed \$98,000 to buy a fire truck.

Commissioner Watson asked why the county borrowed money to buy a fire truck when the money was available to spend and budgeted.

Mr. Moran could not answer the question. He also remarked that there was a net income of \$124,000 in that fund. The borrowed \$98,000 is shown as revenue with an off-setting entry spent for equipment and shown as an expenditure. The net income of \$124,000 was in addition to a fund balance of \$86,000 from the year before. There is a balance of \$210,000 in the fund balance now which is 1/3 of what the board collects each year.

The other special revenue funds do not have a lot of cash in fund balances.

The Landfill/Arthropod fund, there is a fund balance of \$75,000. The fund only incurred expenses last year of \$71,000. There is a whole years reserves sitting in the Landfill/Arthropod fund.

Mr. Moran suggested that the board take a good look at the reserves in the special revenue funds before making such large transfers into them using the unrestricted general fund money. His comments were made only for information purposes noting that large transfers are being made into the special revenue funds even though there are healthy reserves already there.

Capitol Project Fund - Road and Bridge # 2 - Mr. Moran pointed out that the county collected \$595,000 and only spent \$213,000. \$250,000 was transferred to Road & Bridge # 1. The fund balance in # 2 is \$766,000. The total of the fund balance in both transportation funds amounts to \$1.3 million. He could not be certain how much of the fund balances were budgeted to be carried forward.

Mr. Moran stated that all prior year comments were addressed. The only new comment was related to the meter reading at the fuel

depot. Accountants have a difficult time reconciling the fuel inventory in the absence of routine readings.

Mr. Moran called attention to the hospital fund - the renewal and replacement fund set up by ordinance. The ordinance calls for maintaining a \$450,000 level. Mr. Moran stated that the board could spend all of it but everything in rent would have to be placed back into the fund and build it back to the \$450,000 level. The balance is presently \$588,000. There is \$130,000 more than the ordinance requires. Based on his own understanding of the ordinance, he believed that the excess money over the \$450,000 could be transferred into the general fund.

Mr. Moran closed his presentation by saying the county is very secure. Much of the county's debt was paid off during the year. The only debt incurred was on the fire truck and the road & bridge equipment; sheriff cars. Overall long term debt is down considerably compared to previous years. This year's long term debt is \$1,061,000; next year it will be \$1,004,000 and at the end of 5 years the long term debt will only be \$15,653.00.

Commissioner Watson commented that he would like to see the county pay the fire truck off. He would also like to move some of the special revenue fund balances into the road & bridge department.

Mr. Moran suggested that the board look carefully to see if any of those fund balances have been used to fund the current year's budget and decide how much fund balance they wish to have in the accounts as of September 30, 1995.

He went on to say that the board would be in a new budget process within a couple of months. The board will need to know what effect the current budget will have on the fund balances that have been built up. An analysis of the current year's budget needs to be done to determine if there are any funds with deficit spending. If deficit spending has occurred in the 94/95 budget, the fund balances may be affected. The budget carry-forward amounts need to be verified before planning a new budget using the fund balances.

He pointed out that the 94/95 budget showed only a \$10,000 carry-forward in the Road & Bridge fund at the beginning of 1994 when in reality there was a reserve of \$410,000. The 94/95 general fund budget showed had a cash carry-forward of \$100,000 when in reality there was \$1.1 million in reserves.

Mr. Moran stated that the board has either been ignoring the reserve accounts or has been very conservative in what is actually

being carried forward. The fund balances are good but the board needs to be aware of what is in the reserve funds before they begin a new budget process. He further recommended that they deal with the current budget and get a true understanding of what affect it will have on the county by 1995.

Commissioner McGill stated he did not remember receiving so much detail on the reserve balances in all categories with the last audit. He asked why this kind of information was not given in the previous audit.

Mr. Moran stated that he had informed the board of the balances but he was not questioned. The smaller special fund reserves only amounted to \$400,000 at the end of last year. This year it increased to over \$1 million. That is a major increase.

Commissioner Watson suggested that the budget preparations should begin right away with a workshop.

Mr. Moran asked Clerk Thomas to prepare him a detailed budget printout reflecting all amendments. He in turn will prepare an analysis of what was budgeted to carry forward as opposed to the actual carry-forward. Once the analysis has been prepared, the current year budget needs can be addressed, then the next years budget preparation can begin.

It was the consensus of the board to set up a budget workshop. Mrs. Betty Miller was directed to coordinate a date and time with Mr. Moran for a budget workshop and inform the board as appropriate. The Road & Bridge issues can be addressed at the same workshop session.

Audit Engagement Letter

Mrs. Miller called attention to a 3 year audit-engagement letter of proposal for auditing services from Purvis, Gray & Company for a fee of \$39,750 for the general fund and \$6,000 for the grant related audit services.

Discussion followed.

Commissioner Dixon asked to table the discussion since the contract was on the agenda and he had not been provided a copy of the contract.

Commissioner McGill stated that he thought the board should go out for bids for the auditing services. He stated that he had no

problem with Purvis & Gray but thought it would be prudent to put the job out for competitive bids.

MOTION WAS MADE BY COMMISSIONER DIXON AND SECONDED BY COMMISSIONER FLETCHER TO TABLE THE DISCUSSION OF THE AUDIT ENGAGEMENT LETTER OF PROPOSAL FOR THE NEXT MEETING.

DISCUSSION FOLLOWED.

Commissioner Watson asked how the vote to table the engagement letter would affect Mr. Moran's availability for the budget workshop.

Mr. Moran indicated that he would attend the workshop.

ECONOMIC ACTIVITIES UPDATE

Mr. Rick McCaskill, Executive Director of the Gadsden Chamber of Commerce gave a very brief description of the economic developments taking place in the county. See the attached memo.

PLANNING AND ZONING PROJECTS

Mr. Mike Sherman, Director of the Growth Management Department presented the following items for the board's consideration.

Miller Variance Request - Project # 95PZ-07-209-5-02

Mr. Danny Miller has requested a variance from the building setbacks which are required by the county land development regulations. The property is located on Drake Acres Road, in Drake Acres Estates. The applicant is Mr. Danny F. Miller, Route 3, Box 290, Quincy, FL 32351. The property owner is Mr. and Mrs. Danny Miller.

Mr. Miller requested a 5' variance from the 35 foot front setback requirement; a 5' variance from the 10 foot side setback requirement; a variance from the 15 foot side setback requirement.

The staff recommendation was for approval of the variance subject to the special conditions as listed in the attached memo.

The P & Z Commission also recommended approval subject to the special conditions listed in the attached memo.

Commissioner Dixon asked if there were any concerns from the adjacent property owners.

Mr. Sherman reported all comments were supportive of the variance requests.

UPON MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0 BY VOICE VOTE TO APPROVE THE VARIANCE REQUESTS OF MR. DANNY MILLER.

L & J Lounge - Project # 95PZ-08-201-1-01

Mr. Larry Kenon and Mr. James Kenon have petitioned the County for a permit to temporarily move their lounge operation from its present location to northeast corner of the intersections of Carver Avenue and US Highway 27. This will require the transfer of the liquor license from the L & J Lounge site to the parcel under consideration. The owners plan to begin construction to rebuild the original site. The applicants are Mr. Larry and James Kenon. The applicants's address is Route 2, Box 591, Havana, FL 32333. The property owner is Mr. James L. Kenon.

The staff recommendation is for approval subject to the special conditions as outlined in the attached memo. Mr. Sherman called attention to special condition No. 7 which states that the transfer of the business and license is temporary. The Planning Commission recommended 6 months. If additional time is required, the applicant may confer with P & Z staff and the planning director may grant an extension for an additional 6 months without further board review.

The P & Z Commission recommended approval subject to the special conditions as listed in the attached memo.

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0 BY VOICE VOTE TO APPROVE THE APPLICATION OF L & J LOUNGE PROJECT SUBJECT TO THE SPECIAL CONDITIONS AS OUTLINED IN THE ATTACHED MEMO.

Quincy Family Practice - Project # 95PZ-9-201-5-1

The Tallahassee Memorial Regional Medical Center has petitioned the county for a development order to construct a 9500 square foot building to operate a medical clinic. The proposed location is the south east corner of the intersection of US highway 90 and Strong Road. The project engineer is Barrett Engineering Inc. The property owner and applicant is the Tallahassee Memorial Regional Medical Center, Inc.

P & Z Staff recommended approval subject to the special conditions as listed in the attached memo.

P & Z Commission recommended approval subject to the special conditions as listed in the attached memo.

A MOTION WAS MADE BY COMMISSIONER FLETCHER AND SECONDED BY COMMISSIONER WATSON TO APPROVE THE QUINCY FAMILY PRACTICE PROJECT SUBJECT TO THE SPECIAL CONDITIONS AS OUTLINED IN THE ATTACHED MEMO.

DISCUSSION FOLLOWED.

THE BOARD VOTED 5 - 0 TO APPROVE THE PROJECT.

Land Development Code Worksession - Wednesday February 22, 1995

Mr. Sherman encouraged all the board members to be in attendance at the land development code worksession to be held at 6:00 p.m. on Wednesday evening, February 22, 1995.

Chairman Peacock reiterated that each commissioner would be expected to be present for the worksession.

COUNTY MANAGER

Interim County Manager Betty Miller called attention to the jail breaks which have occurred at the Gadsden County Jail. Inmates have been able to get through the air-conditioning vent system. Major Pickles has advised the manager that it would cost an additional \$16,000 to repair the remaining cells which have not already been repaired.

The building was constructed to the plans and specifications. It has been determined to be a county responsibility. Mrs. Miller stated that she could proceed with the repairs and take the money from the courthouse annex # 1 and # 2 if it met with board approval.

Commissioner Dixon asked for more explanation since he had nothing in his agenda packet to describe the work or the cost.

Mrs. Miller explained that she had included a copy of the invoice from Bug Coley for the repairs already performed. She explained that the remaining repairs will be similar in nature in cost but she had nothing in writing from the Sheriff's office describing the needed repairs nor the costs. All correspondence regarding the matter have been via the telephone.

Chairman Peacock asked Mrs. Miller to communicate with Major Pickles and explain that the board needed a written breakdown on the costs. Action was delayed until documentation could be provided.

Apalachee Regional Planning Council - Small Quantity Generator Assessment

Apalahcee Regional Planning Council is proposing to do the Small Quantity Generator Assessment for Gadsden County for the 1994/95 year. They will charge between \$1,500 and \$2,000 to do the work. Mrs. Miller recommended for the county to sign the agreement for them to provide the service.

Mrs. Miller asked the board to approve the agreement and payment of the bill when it arrives.

UPON MOTION OF COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0 BY VOICE VOTE TO APPROVE THE AGREEMENT FOR THE SQG ASSESSMENT WITH THE APALACHEE REGIONAL PLANNING COUNCIL AND AUTHORIZE THE PAYMENT OF THE INVOICE FROM THE CONTINGENCY FUND WHEN THE INVOICE IS RECEIVED.

Road & Bridge Workshop

Mrs. Miller was asked by the board to schedule a workshop to address R & B concerns at the same time the budget workshop is held.

CONSENT AGENDA

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

- 1) Award of bid # 95-12 for steel pipe to Gulf Atlantic (attached)
- 2) Purchase of a used pumper from the town of Havana to place in Coonbottom; take the truck from Coonbottom and place it at the Sycamore Fire Department. The cost of the truck is \$8,500.
- 3) Cooperative Equipment Lease between the Town of Havana and the Havana Volunteer Fire Department for a truck loan (attached)

- 4) Approval of Library Grant DLIS-95-I-03-A Library Services & Construction Act Agreement (attached)
- 5) Resolution re: Rights of Citizens to assemble and instruct their elected representatives.

CLERK OF COURT

Budget Amendments

Clerk Thomas presented seven budget amendments and asked for their approval.

UPON MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0 BY VOICE VOTE TO APPROVE BUDGET AMENDMENTS 95-02-21-01 THROUGH 95-02-21-07.

Inquiry Access Terminal Delivered to County Manager's Office

Mr. Thomas told the board that he had delivered a computer terminal to the county manager's office and he expects to have it on line for display access only within the next few weeks.

Financial Reports

In response to a request from Commissioner Fletcher, Mr. Thomas had produced several in-house financial reports. He provided a copy of the reports to all the commissioners for their information only.

Introduction of Assistant Finance Director

Mr. Thomas introduced David Sirianni to the board as being the new Assistant Finance Director.

Approval of Payment of County Bills

UPON MOTION OF COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 BY VOICE VOTE TO APPROVE THE PAYMENT OF THE COUNTY BILLS.

DISTRICT 1 REPORT

Commissioner McGill asked the Board to authorize the attorney to prepare a 99 year lease/contract agreement for the Coonbottom fire department.

UPON MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0 BY VOICE VOTE TO AUTHORIZE THE COUNTY ATTORNEY TO PREPARE A 99 YEAR LEASE AGREEMENT FOR THE COONBOTTOM FIRE DEPARTMENT.

DISTRICT 2 REPORT

Appointment of Hugh Stephens to the P & Z Commission

UPON MOTION OF COMMISSIONER WATSON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0 BY VOICE VOTE TO APPROVE THE APPOINTMENT OF HUGH STEPHENS TO THE PLANNING AND ZONING COMMISSION.

DISTRICT 3 REPORT

There was no report.

DISTRICT 4 REPORT

Commissioner Fletcher read a letter he had received from Mr. Clay Smallwood of St. Joe Land and Development Company. The purpose of the letter was to clarify their position regarding an approach by Community Equities Corporation to purchase land from St. Joe for the purpose of placing a regional landfill in Midway. The purpose of the letter to the board was to state that St. Joe was not endorsing CEC's Regional Landfill concept in the Midway area. There has been no agreement between CEC and St. Joe regarding this or any other project.

It was the consensus of the board to have Mr. Richmond to send a letter to Community Equities Corporation stating that the Board will not hear their petition until they have control of the property and have gone through the proper P & Z permitting process.

DISTRICT 5 REPORT

There was no report.

ADJOURNMENT

Chairman Peacock declared the meeting adjourned.

Gadsden County Board of County Commissioner
February 21, 1995 Regular Meeting

James Peacock, Chairman

ATTEST:

Nicholas Thomas, Clerk

AT A WORKSHOP MEETING OF THE BOARD
OF COUNTY COMMISSIONERS, HELD IN AND
FOR GADSDEN COUNTY, FLORIDA ON MARCH
3, 1995, THE FOLLOWING PROCEEDINGS
WERE HAD, VIZ.

PRESENT: JAMES PEACOCK, CHAIRMAN
E. HENTZ FLETCHER, VICE CHAIRMAN
BILL MCGILL
JAMES PEACOCK
STERLING WATSON
BETTY MILLER, INTERIM COUNTY MANAGER
NICHOLAS THOMAS, CLERK

CALL TO ORDER

Chairman Peacock called the meeting to order. He then led the board in a prayer. He stated the purpose of the meeting is to:

- 1) Review the current budget with Chris Moran, Auditor with Purvis, Gray and Company
- 2) Emergency Road Status

BUDGET REVIEW

Mr. Chris Moran of Purvis, Gray and Company told the Board that the Clerk has a new accounting system which has the capability to provide monthly reports which will better facilitate the board's ability to make decisions. He encouraged the commissioners to ask the finance department for whatever information they need.

Mr. Moran began his analysis of the 94/95 budget by saying that it used \$573,000 of the fund balance (reserve funds.) He stated that the revenue projections look good but he does not anticipate using the entire \$573,000 by the end of the year. But even if all of it is used, the un-appropriated fund balance in the general fund would remain at more than \$900,000.00.

All special revenue funds are dependent to some degree upon transfers out of the general fund.

Hospital Renewal and Replacement Fund

Mr. Moran pointed out the following:

Balance:	\$573,000
Capital Outlay Budget:	\$232,000
Other Uses:	279,000

Mr. Peacock recalled that a lot of that money will have to be used to re-roof the hospital. (Note: The estimate for a complete new roof on the hospital was \$375,000 in December of 1993)

Fire Assessment Fund - Fund 105 Page 13

Mr. Moran told the board that assuming that all the money is used as it is budgeted, there should be a fund balance of \$36,000 at the end of the current year.

Transportation # 1 - Fund 112 Page 15

Mr. Moran stated he believed Transportation # 1 to be a good budget. Based on the budgeted figures, he predicted that the \$670,000 in the fund balance (reserves) should remain if the budgeted expenditures remain constant.

Landfill & Arthropod

Mr. Moran had no comments since it's budget is primarily set by the state.

Fine & Forfeiture Funds

Mr. Moran stated the budget used \$150,000 of the \$550,000 fund balance (reserve money). If the budget holds true, \$400,000 should remain in the fund balance by the end of the year.

Library Fund

No comments were made.

Emergency Management Services

Ambulance Funds

Mr. Moran stated he would advise watching the charges for services. The budgeted revenue coming from charges for services is \$120,000 higher than was collected last year. He went on to say there was a fund balance of \$271,000 at the end of last year. \$86,000 of that was used to balance the ambulance fund budget.

There was some discussion about the YTD income from charges for services. Mrs. Miller stated Mr. Baker was preparing a report to present at the next regular meeting.

Waste Service Fund

The debt service has been reduced to \$168,000. Monthly payments of \$8,300 are being paid through the end of the current year and part of new budget year. After that debt is paid, the Waste Service Fund should begin generating money from the franchise fees imposed.

Mr. Moran stated the budget looks fine.

Grants

Most grants take care of themselves and have little impact on the general fund in terms of matching funds.

Recycling Grant

There is an unrestricted fund balance of \$55,000 from sale of recycling goods over the years.

SHIP Program

Mr. Moran made note that his firm had audited the SHIP program very closely. He stated that Gadsden County has one of the best run SHIP Programs in his experience of auditing. The records are very good and what they are doing with the money is good.

Historic Preservation Grant

Hospital and Sinking Fund

Correctional Facility

Commissioner Watson asked how the county's portion of the infrastructure tax would change if the interlocal agreement was changed to the state statute formula.

Clerk Thomas replied the county's portion would increase as a result of applying the state formula.

Commissioner Watson asked if it had been determined that the millage cap must be at 10 mills to continue the infrastructure tax.

Mr. Moran answered that it is not required for the county to be at 10 mills in order to continue the tax.

The infrastructure tax ends in December of 1995. It can be continued by the supra-majority vote of the board and its use will be unrestricted. The statutes do have a distribution formula which would apply.

Debt Service - Primary Health Care

Debt service for current year is \$93,000. The last installment will be due in the 95/96 budget year.

Transportation # 2 - Capital Projects for Roads & Bridges

Fund Balance at the beginning of the year: \$766,187
Cash Carry forward in the current budget: 78,986

Debt Service Payments budgeted: \$319,000 (this was assuming the purchase of the motor graders which did not occur)

Mr. Moran recommended amending the budget to reflect the debt service accurately.

93/94 Fund Balance General Fund:	\$	1,400,000.00
93/94 Fund Balance Special Revenue Funds:		1,900,000.00
Capital Project Fund:		766,000.00

Mr. Moran recommended that the board amend the budget to reflect the Transportation #2 debt service payments accurately and the reduction of the buy-back.

Mr. Moran cautioned the board in regard to preparing next years budget. Because over \$500,000 of the reserve money - money that was over and above the income for the year, he challenged them to look carefully at the current budget to see what expenses or operations can be eliminated on October 1 versus the expenses and/or operations that cannot be eliminated. Normal re-occurring expenses cannot be eliminated. If the current budget contains a lot of one-time expenses that will go away on October 1, the new budget preparation will o.k. But, if the \$500,000 was used to cover operating expenses, the county should address the issue of deficit spending promptly. The county can operate for two years at that level of deficit spending - by the year 1997, the fund balance will be zero.

Mr. Moran recalled that the fund balance dipped to \$200,000 only 5 years ago. Through conservative budgeting for the last three years, it has reached a decent level. An occasional deficit spending for capital outlay items that will not re-occur is an acceptable practice. But historically, 80% of the county-wide

budget is spent for personal service. Be careful in making commitments in personnel costs. Additionally he encouraged them to examine carefully the transfers out of the general fund.

While the county has had three very good years in a row, it could be turned around quickly.

Commissioner Dixon reminded the board of the policy which was adopted which compelled the board to some specific constraints.

Commissioner McGill asked Mr. Moran what was a reasonable and comfortable level to have in reserves.

Mr. Moran stated there is no steadfast rule. He reported that he has been told that it should be from 3 - 4 months of operating expenses. Gadsden is close to that now.

Commissioner Watson stated that the board would have to look hard at personnel next year.

Mr. Moran remarked that the budgets of the constitutional officers are complicated.

Commissioner Watson asked Mr. Moran how much of the special revenue fund balances could be moved back into the general revenue.

Mr. Moran replied the following:

Fine & Forfeiture \$400,000 available for transfer
County Transportation - restricted
Landfill/Arthropod - restricted use - \$40,000 available for transfer
Library - restricted
Law Library - restricted
Parimutuel - no money there
Fire Assessment - restricted
Emergency Rescue Fund (142) \$86,000 available for transfer
County Transportation - \$620,000 available for transfer
Waste Services (143)- \$50,000 available for transfer
General Grants (sale of recycled products) - \$53,000 (needs to be investigated)

Approximately \$1.3 million could be transferred out leaving a zero balance in the special revenue reserve funds.

Commissioner Dixon asked Mr. Moran if each of the funds should have a specified percentage in reserve?

Mr. Moran explained that in those funds which are funded by transfers from the general fund, the comfort level of those reserve fund does not need to be as great as other special fund balances because the general fund itself has its own unappropriated fund balance. While a comfort level is important, you have to look at where the funds are coming from.

How much of the special revenue fund balances can be transferred into road and bridge?

Clerk Thomas recommended that the board first use the \$1.3 million in reserve from the two transportation funds and not transfer any of the money from the special fund balances. Those fund balances can be dealt with at new budget time by not transferring as much from the general fund into them in the future.

Commissioner Dixon asked if the Transportation # 2 money could be bonded.

Mr. Moran said that it could be done. That would be a board decision.

ROAD AND BRIDGE DAMAGE UPDATE

Chairman Peacock asked Mr. Bo Brown of the Public Works Department to give an update on the road damages throughout the county which resulted from the recent storms.

Mr. Brown stated that no roads were completely finished but there are 17 sites which only need asphalt to be complete. They are as follows:

1. CR 12
2. CR 270-A (2 places)
3. CR 269
4. CR 65-A North (2 places)
5. CR 65-A South (repair potholes)
6. CR 483
7. CR 268 North
8. CR 161
9. CR 379-A
10. CR 65-B (2 places)
11. CR 157
12. CR 153
13. CR 159
14. Atwater Road (3 places)
15. Friday Road (2 places)

Resurfacing of the above sites are the total responsibility of the county. There is no federal money for re-surfacing. (All federal monies were used for the shoulders and wash-outs.) It was determined that the jobs would require 10,427 square yards of patching.

Repairs on 65-A will require 11,131 square yards of patching.

Commissioner Watson asked how soon the bids could be awarded.

Mr. Brown said that only one bid had been received to date but he is expecting others. He stated he would contact them and ask them to submit their bids immediately.

Commissioner Fletcher stated there is a state of emergency on 65-A and its need immediate attention.

Mr. Brown was instructed to secure bids and present them at the regular meeting on Tuesday, March 7, 1995. He was also instructed to get a start date and a finish date from each contractor making a bid.

Commissioner Watson verified with Clerk Thomas there was \$1.4 million dollars with which to do road work through out the county. He determined that after the above mentioned repairs are completed, the amount left would be \$1.3 million.

CR 270 at Liberty County Line

There is a dangerous situation at CR 270 at the County Line. No cost has been determined. Mr. Brown asked for directions as to the extent of repairs the board wants to do.

Mr. Adams stated that if the arches are replaced with a bridge, the cost of the bridge would be \$250,000. Replacing with culverts would cost \$200,000 but a drainage analysis has not been done yet.

Mr. Brown stated there is a possibility that the pipes could be repaired without removing them completely.

Mr. Adams stated that a bridge contractor should look at the damage and make a recommendation.

Mr. Adams was instructed to have Fairchild to look at CR270 at the county line and report those findings to the board at the March 7 meeting.

CR 379-A Culvert Replacement

Mr. Brown reported CR 379-A is completely washed out. The road is closed.

Mr. Bill Adams reported that bids will be taken on March 29, 1995. The estimated cost of repair is \$150,000.00. A good high estimate would be \$175,000.00.

CR 157-A Bridge Design

CR 157-A is also completely washed out. The road is closed. It is a big job.

Mr. Adams stated that the specifications for this job is the same as for CR 379-A.

Mr. Doug Barkley stated the bids advertised call for placing the culverts on 379 and placing a bridge on 157-A. Bids will be opened on March 29, 1995.

The estimated costs for repairing 157 and 379 is \$400,000 on both of them. That price is based on the contractor doing the majority of the work. The county will furnish dirt and haul away debris.

Engineering is separate and already budgeted. A purchase order has been written already. Surveying has also been approved.

Barrineau Road

Mr. Adams stated that costs on Barrineau Road should come in close to what 157-A costs - \$200,000.

CR 268 - Quincy Creek

Mr. Adams stated the culvert is breaking up and cannot be saved. It is very dangerous as well as difficult to repair. Replacement will cost \$250,000 - \$300,000.

Commissioner Fletcher reported that he had talked with one of the city commissioners and the initial indication from them is that the City of Quincy will pay 1/2 the costs of the bridge replacement.

The cost to the county would be \$150,000.

CR 65-A

Mr. Brown stated that the bridge on CR 65-A (Juniper Creek Bridge) has a crack in the headwall but it probably can be repaired. Estimated costs of repair is \$150,000.

Bishop Engineers was instructed to make appropriate studies and prepare a report (recommendations as to what repairs are needed, need for permits, etc.) to the board for the March 21, 1995 regular meeting.

Commissioner Dixon reminded the commission of the road paving prioritization list and the five year plan from which to work.

In keeping with the discussion, Mr. Adams referred to a recap he had prepared describing Gadsden County's 1993 Road Paving Historical Costs. He described the projects and explained the differences in each project.

Road Stripping

Mr. Adams told the board there is now a new state standard where they extrude plastic onto the road - 60 mills thick at a costs of \$6,600 per mile. It is 4 - 5 times the cost but lasts 10 times longer.

Mr. Brown stated that paint will last 5 - 6 years.

Mrs. Miller, Interim County Manager asked Mr. Brown about the status of the repair to the road striping machine.

Mr. Brown reported it should be repaired within the next two weeks. He added that he does not have personnel to stripe the roads.

Paving Alternatives

Surface Treatment/Slagging

Slagging became very expensive and ceased being a cost effective alternative for paving. The limestone which is mined in this area and put into structural asphalt is soft. That aggregate will polish and become slick. The state does not like to use limerock as a top course on a road for that reason. All DOT work that is over 35 mph must have an added layer of extra hard aggregate called FC (friction course mix). That is either granite, slag or another manufactured stone. That special aggregate for the

top course drives the cost of the road up. If the county is going to higher speed roads, it must go to two-pass paving.

Recycled Asphalt

Old pavements are now being recycled. The asphalt is removed, reground, mixed in with new aggregate to bring it up to the specs then re-used. The cost is competitive and can match the costs of surface treatment.

An audience member stated that the recycled asphalt will not hold up.

Mr. Adams stated that it is being used on all DOT jobs because it is required.

Commissioner Watson asked Mr. Adams what would be required for the county to do this as a road department. Mr. Adams listed them below:

- Powerbroom
- Motor grader
- Asphalt layer
- 1 - 5 dump trucks
- Steel wheel roller
- Rubber wheel roller
- Second steel roller
- Distributor truck

If the county had the equipment, it could lay the recycled pavement for about \$16,000 per mile. The cost of the equipment would amount to \$2 million.

Rich Bay Road

Mr. Adams stated that in order to build a good road that will last it will need a 100 ft. right-of-way.

Surveying has not been approved yet but it is on the agenda for March 7, 1995.

Tommy Skipper prepared a survey and right-of-ways on Rich Bay Road several years ago. Mr. Adams could not say with certainty that the right-of-ways were ever recorded. The survey was based on 70 ft. right-of-ways.

Mrs. Miller stated she would investigate the right-of-way issue and inform the board.

Ranch Road

Mr. Barkley stated the original estimate for Ranch Road was \$50,000. Subsequently problems have occurred. The storm water pond which was to be constructed was never permitted. It will now be necessary to build an independent storm water pond. This matter will be addressed on March 7, 1995.

Frank Smith Road

Mr. Adams stated that the status of Frank Smith Road is still being studied.

Summary of the workshop:

Mr. Brown was instructed to have bids for the board to review on March 7, 1995 and make a decision on the resurfacing.

1. CR 12
2. CR 270-A (2 places)
3. CR 269
4. CR 65-A North (2 places)
5. CR 65-A South (repair potholes)
6. CR 483
7. CR 268 North
8. CR 161
9. CR 379-A
10. CR 65-B (2 places)
11. CR 157
12. CR 153
13. CR 159
14. Atwater Road (3 places)
15. Friday Road (2 places)

Bids are due March 29, 1995 and board decision can be made on April 4 regarding the following:

CR 379-A
CR 157-A

Bishop Engineers were instructed to make an assessment of the needed repairs and make recommendations to the board on March 21, 1995 regarding the following:

CR 270 at the Liberty County Line
CR 268 - Quincy Creek
CR 265-A

Commissioner Dixon suggested that the board consider a bond issue to finance some road paving.

Commissioner Watson suggested that the board should first know exactly where the county is now with roads, determine where it wants to be in 10 years, prepare a plan accordingly to see how much it will cost, then consider the bond issue pledging the 7th cent of the infrastructure sales tax.

Mr. Brown encouraged the board to consider going to the Safe Road Program.

Mr. Adams asked for the road paving priority list.

THERE BEING NO OTHER BUSINESS, THE MEETING WAS ADJOURNED.

James Peacock, Chairman

ATTEST:

Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE
CONSTRUCTION INDUSTRY LICENSING
BOARD, HELD IN AND FOR GADSDEN
COUNTY, FLORIDA ON MARCH 7, 1995,
THE FOLLOWING PROCEEDINGS WERE HAD,
VIZ.

PRESENT: JAMES PEACOCK, CHAIRMAN
E. HENTZ FLETCHER, VICE CHAIRMAN
BILL MCGILL
EDWARD J. DIXON
STERLING WATSON
HAL RICHMOND, COUNTY ATTORNEY
BETTY MILLER, INTERIM COUNTY MANAGER
NICHOLAS THOMAS, CLERK

CALL TO ORDER

The meeting was called to order by Chairman Peacock. Commissioner McGill led in the pledge of allegiance to the U.S. Flag. Chairman Peacock then led in a prayer.

APPLICATION FOR CARPENTRY CONTRACTOR'S LICENSE

John Wayne Hayes

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER DIXON THE BOARD VOTED 4 - 0 TO APPROVE ISSUANCE OF A CARPENTER CONTRACTOR'S LICENSE TO JOHN WAYNE HAYES. COMMISSIONER FLETCHER ABSTAINED FROM VOTING.

Timothy Wayne Hayes

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 4 - 0 TO APPROVE ISSUANCE OF A CARPENTER CONTRACTOR'S LICENSE TO TIMOTHY WAYNE HAYES. COMMISSIONER FLETCHER ABSTAINED FROM VOTING.

ADJOURNMENT

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0 TO ADJOURN THE MEETING OF THE CONSTRUCTION INDUSTRY LICENSING BOARD.

James Peacock, Chairman

ATTEST:

Nicholas Thomas, Clerk

AT THE REGULAR MEETING OF THE
BOARD OF COUNTY COMMISSIONERS
HELD IN AND FOR GADSDEN COUNTY,
FLORIDA ON MARCH 7, 1995, THE
FOLLOWING PROCEEDINGS WERE HAD,
VIZ.

PRESENT: JAMES PEACOCK, CHAIRMAN
E. HENTZ FLETCHER, VICE CHAIRMAN
BILL MCGILL
EDWARD J. DIXON
STERLING WATSON
HAL RICHMOND, COUNTY ATTORNEY
BETTY MILLER, INTERIM COUNTY MANAGER
NICHOLAS THOMAS, CLERK

CALL TO ORDER

Chairman Peacock called the meeting to order.

ADOPTION OF THE AGENDA

Chairman Peacock asked that the "Bid Committee Recommendations" be removed from the "Consent Agenda" and be placed for discussion with "Agenda Item No. 7 - Tommy Baker - EMS."

Commissioner Watson asked for an explanation of "Gaming and Gambling Resolution" also on the "Consent Agenda".

Commissioner Dixon explained to the Board that all the legislation that came down in the last session dealing with gaming and gambling was with state control. The state would decide where the locations would be and took all home rule away. The resolution is asking the legislature to restore the home rule on the gambling issue should it come back before them again.

Commissioner McGill asked that the "Affordable Housing Committee Meeting Minutes" be removed from the "Consent Agenda". He stated that he had some questions in regard to procedural matters of that meeting. It should be placed on the agenda for the next regular meeting of the Board of County Commission on March 21, 1995.

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

COUNTY ATTORNEY

Payment of SuperValu Invoice

Mr. Hal Richmond stated that on January 17, 1995, the board had instructed him to file a law suit against the Clerk of Circuit Court requesting a judge's order to effect the payment of an invoice to SuperValu. (The invoice was for catering of a Christmas luncheon for the employees of the County Commission which the Clerk refused to pay. For more explanation see the minutes of January 3 and January 17, 1995.) Subsequent to that meeting, the bill was paid. Since the bill has been paid, there remains no law suit upon which he can proceed. It has become a mute issue. This report was for information purposes only.

Gretna - USCC

Mr. Richmond reported that he had talked with Harold Knowles, Gretna City Attorney, and Billy Hughes. They are drafting a proposed Interlocal Agreement. It should be available for discussion by the board by the next board meeting on March 21, 1995.

EMS Account Settlement Offer

Mr. Richmond called attention to a U.S. Bankruptcy Court suit for Lifeguard Air Ambulance, Inc. who owes Gadsden County EMS \$283.00. He went on to explain that the EMS Director has recommended that the board vote "no" on acceptance of their reorganization plan.

UPON MOTION OF COMMISSION DIXON AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0 TO ACCEPT THE RECOMMENDATION OF THE EMS DIRECTOR AND VOTE "NO" ON THE ACCEPTANCE THE REORGANIZATION PLAN OF LIFEGUARD AIR AMBULANCE, INC.

Riverview Road Update

Mr. Richmond explained that some of the road repairs which have been made were based upon the right-of-ways. Some of the repairs have necessitated encroachment on individuals property. Such an incident occurred on Riverview Road. Mr. Mayfield, property owner, did sign an agreement on February 24, 1995 to allow the county to proceed with the needed repairs using his property.

Audit Engagement Letter - Purvis, Gray & Company 194

Chairman Peacock called attention to the audit engagement letter (Attached) from Purvis, Gray & Company outlining their scope of services and charges for those services for three years.

COMMISSIONER WATSON MADE A MOTION TO APPROVE THE AUDIT ENGAGEMENT LETTER. COMMISSIONER FLETCHER SECONDED THE MOTION.

DISCUSSION FOLLOWED.

Commissioner McGill stated that he thought it would be appropriate to have the auditing services opened up for public and competitive bids before making a decision to which the board would be bound for 3 years.

Commissioner Dixon asked to go on record as opposing the practice of an automatic renewal of the audit engagement letter from Purvis, Gray & Company who has held the contract for 17 years. He stated that perhaps the Board has allowed a monopoly with regard to the fiscal policy of the county and a change might offer some objectivity that would benefit the Board.

Commissioner McGill recalled that he had addressed the issue of auditing services as early as January, 1995 and the subject was pushed aside. He raised the issue again in February and again it was pushed aside. He contended that he is not hostile toward Purvis, Gray & Company. His concerns regarding the auditing services were merely in competitive prices which might benefit the public.

Commissioner Watson stated that he is pleased with the services and could see no reason for change.

QUESTION WAS CALLED BY COMMISSIONER FLETCHER.

Chairman Peacock commented that during his tenure as commissioner, the audit reports have been excellent. He was of the opinion that Purvis, Gray & Company could offer continuity of that excellent service. He stated that he had inquired of other cities and counties regarding costs to them for comparable services. He found Purvis, Gray & Company's charges to be in line with other companies. He concluded his remarks by saying he could see no reason for changing.

Because the question had been called, Chairman Peacock closed discussion.

THE BOARD VOTED 3 - 2 TO APPROVE THE THREE-YEAR AUDIT ENGAGEMENT LETTER WITH PURVIS, GRAY & COMPANY. COMMISSIONERS WATSON, FLETCHER AND PEACOCK VOTING BY VOICE VOTE "YEA". COMMISSIONERS MCGILL AND DIXON VOTING BY VOICE VOTE "NAY".

Budget Preparation Proposal by Purvis, Gray and Company

Chairman Peacock presented Purvis, Gray & Company's letter of proposal for preparation of the county's 95/96 budget. In the letter, they propose to provide technical assistance in the preparation of the annual operating budget of the Board of County Commissioners. The assistance would include attendance at budget workshops, meetings with various department heads, and actual preparation of a detailed budget document in a format consistent with the current general ledger system. The costs of the services would not exceed \$5,000.

A MOTION WAS MADE BY COMMISSIONER WATSON AND SECONDED BY COMMISSIONER FLETCHER TO APPROVE THE LETTER OF PROPOSAL BY PURVIS, GRAY & COMPANY TO PREPARE THE COUNTY'S BUDGET FOR FISCAL YEAR 1995/96.

DISCUSSION FOLLOWED.

Commissioner McGill stated he was not opposed to the \$5,000 fee but questioned the fee increase over subsequent years.

Commissioner Dixon asked exactly what services the county would be paying for and the time frame involved.

Mr. Chris Moran, CPA with Purvis, Gray & Company, approached the board and addressed the questions by Commissioner Dixon.

Mr. Moran stated that agreement basically calls for him to prepare a budget based on the instructions of the Board of County Commissioners. He would not make any management decisions. He explained that the budget is largely a mechanical process. He agreed to provide the technical assistance to put the budget into a format acceptable to the Clerk's general ledger system. He went on to say he would gather the information, present it to the Board, then follow the Board's directions.

Commissioner Dixon questioned how he would derive at the revenue projections.

Mr. Moran explained that the state revenues would be derived from the handbooks as provided by the State. The special revenues would be based on the trend of the last two years. The ad valorem

tax revenues will be furnished by the Tax Collector. He will inform the board of the fund balances which the board can use in budgeting.

Mr. Moran indicated that he would prepare a narrative of each function of the general fund and each of the other funds. He anticipates the budget to look much like the audit report.

When asked, Mr. Moran stated that it is Purvis, Gray & Company who would be preparing the budget - not himself personally.

Commissioner McGill asked Mr. Moran if he would be meeting with the Sheriff and make certain that all the Sheriff's concerns are within his budget.

Mr. Moran responded by saying the Sheriff would submit his budget based on his time schedule and he would put it into the county budget in the mechanical format to show how much it take to fund the Sheriff's office. It will be up to the board to decide at what level they will fund the Sheriff. He will gather any information that the board wants and put it into a form that the Clerk can use.

Commissioner McGill asked Mr. Moran if he would be giving the department heads a timeframe in which to submit their budget requests. Mr. Moran responded that he would give them a time frame.

Commissioner Dixon stated that he would rather have seen an RFP that stipulated exactly what Purvis, Gray & Company intends to do for the county instead a letter of proposal stating very generally what they might do or what they think they can do.

Commissioner Dixon then asked Mr. Moran if they performed this function for any other counties.

Mr. Moran indicated they also prepare Liberty County's budget.
QUESTION WAS CALLED BY COMMISSIONER FLETCHER.

THE BOARD VOTED 3 - 2 TO APPROVE THE LETTER OF PROPOSAL FOR PURVIS, GRAY & COMPANY TO PREPARE THE COUNTY'S 95/96 BUDGET. COMMISSIONERS WATSON, FLETCHER & PEACOCK VOTING BY VOICE VOTE "AYE" AND COMMISSIONERS VOTING BY VOICE VOTE "NAY".

PLANNING AND ZONING - PROPOSED AMENDMENT TO 90-003 -DEVELOPMENT REVIEW ORDINANCE

Mr. Mike Sherman, Director of Growth Management, told the board that Ordinance 90-003 requires legislative review from the Board for many land use decisions which could be administratively handled by the staff. He went on to say that the ordinance could be amended to allow some of the requirements of the code to be relaxed and be handled administratively by the staff.

The proposed amendment also includes a new application which must be completed by all new businesses which operate in the County. Through this application, the county staff would be able to track new businesses which open up in existing structures in areas which are designated for commercial and industrial land use activities.

The proposed amendment also reflects changes in the existing fee schedule. The proposed fee schedule more accurately reflects the cost incurred by the county in the processing of development applications. Mr. Sherman recommended that the fee schedule be deleted from the ordinance and be adopted by resolution instead.

Mr. Sherman then asked the Board to direct the county attorney to publish a Notice of Intent to consider the amendment of Ordinance 90 - 003 and to set a public hearing on the proposed amendment.

UPON MOTION OF COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0 TO AUTHORIZE THE COUNTY ATTORNEY TO ADVERTISE A NOTICE OF INTENT TO AMEND ORDINANCE 90-003 AND SET A PUBLIC HEARING FOR MAY 2, 1995.

SHERIFF'S DEPARTMENT REQUEST - MAJOR ALVIN J. PICKELS

Major Pickels spoke briefly to the Board concerning the function of a 911 system. The issue of an enhanced 911 system dates back to 1988. Several approaches have been looked at by the county but until now no definitive action has been taken by the board.

Major Pickels reported that he and other staff members have researched various ways of starting the project. Jackson County has a system in place which can serve as a model for Gadsden County. He further reported that the project would take about three years to get it completely implemented.

The primary function of the 911 system is to facilitate the flow of information between a caller and the proper emergency agency. The Enhanced 911 system simplifies the task of the caller and increases the responsibility of the operators of the public

safety communications system. The procedure for routing the information to the proper agency varies with the judicial operational and organizational requirements of the agency being served.

Once the system is developed, it will serve all the emergency services of the county a great deal. It will help the Property Appraiser, Tax Collector, Planning & Zoning, Building Inspector, Postal Service and utilities.

The problems that arise with implementing the system is finances. At the present, the county has a grant of \$90,000 plus a \$30,000 county match. (HRS Grant Application made in August of 1993 - funds received in July, 1994. County budgeted the \$30,000 match in the 94/95 budget. The funds have accumulated some interest since its deposit.)

Florida Statutes 365.171 authorizes the board to assess a \$.50 per line surcharge on all telephones. There are approximately 18,000 telephones in the county. If the surcharge is assessed immediately, the County can gather enough money to make the project a reality.

Sheriff Woodham addressed the board briefly to explain that the grant will revert back to the state if the County does not utilize it by September 30, 1995. The County transferred the grant to the Sheriff during his budget appeal negotiations.

Major Pickels called attention to a proposed ordinance establishing the \$.50 surcharge which was originally presented to the board in 1988 but never adopted. He requested the county attorney to review the ordinance, update it appropriately, and then bring it to the board for consideration and ultimate adoption. The ordinance also establishes a mapping, uniform street naming and property numbering system for the entire county. The entire county's addresses in subject to change.

The surcharge will be used for equipment, phone lines and personnel. The \$90,000 grant will be used for mapping and addressing and co-ordinator.

The telephone company will provide an updated telephone listing once a month to insure proper receipts from the surcharge.

The addresses will be assigned by the Enhanced 911 program co-ordinator rather than the Post Office. The program is working well in surrounding counties.

UPON MOTION OF COMMISSION DIXON AND SECOND BY COMMISSIONER MCGILL THE BOARD VOTED 5 - 0 BY VOICE VOTE TO AUTHORIZE THE COUNTY ATTORNEY TO ADVERTISE A NOTICE OF INTENT TO ADOPT AN ORDINANCE TO ESTABLISH A UNIFORM STREET NAMING AND PROPERTY NUMBERING SYSTEM AS WELL AS PROVIDE FOR A TELEPHONE SURCHARGE TO BE USED FOR THE ENHANCED 911 SYSTEM AND SET A PUBLIC HEARING TO BE HELD ON APRIL 18, 1995.

EMS - TOMMY BAKER

EMS Revenue Collections

Mr. Baker reported that revenue collections for the period October through January is at or above the average on projections.

When asked Mr. Baker stated the best season in terms of generating revenue is the winter time. He added that he would monitor the incoming revenue on a monthly basis and keep the board advised.

HRS - Grant Award for Havana Ambulance for Havana

Mr. Baker reported that he has received notice of an HRS Grant in the amount of \$231,000 for the placement of an ambulance closer to Havana to reduce response time in that area. He added that EMS averages about 70 calls per month to that area with a 15 1/2 minute response time. The grant will pay personnel costs and expenses for locating an ambulance to reduce the time to 7 1/2 minutes.

The required match can come from the regular EMS budget.

UPON MOTION OF COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0 BY VOICE VOTE TO ACCEPT THE HRS GRANT FOR \$231,709; APPROVE THE CASH MATCH OF \$59,796.00 (FROM THE REGULAR EMS BUDGET) FOR A TOTAL OF \$291,505.00. THE MOTION FURTHER INCLUDED AUTHORIZATION TO PROCEED WITH STAFFING, ADVERTISING FOR BIDS FOR EQUIPMENT AND AUTHORIZATION TO BEGIN OBTAINING A SITE FOR THE LOCATION OF THE NEW EMS STATION.

Bid Committee Recommendations - EMS Hardware and Software

Mr. Baker reported that RFPs were sent out for electronic run-report software and hardware for Emergency Medical Services.

As of March, 1995, all runs must be reported to HRS. This is presently being done by paper. This system would replace the paper forms and the data will be per transferred electronically to HRS.

Grant money will be used to fund the purchase. There were three bidders. The low bidder was Ryte Fast Technologies, Inc. The bid committee recommendation is to accept the bid for the basic system which is \$16,946.10. The enhancements will be contingent on any increase on the grant from HRS.

UPON MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 BY VOICE VOTE TO APPROVE THE BID AWARD OF \$16,946.10 TO RYTE FAST TECHNOLOGIES, INC. FOR ELECTRONIC RUN REPORTING HARDWARE AND SOFTWARE FOR EMERGENCY MEDICAL SERVICES. ANY ENHANCEMENTS WILL BE CONTINGENT ON INCREASE OF THE GRANT AMOUNT FROM HRS.

COUNTY MANAGER

Florida Highway Patrol Request for Radar Guns

Mrs. Betty Miller, Interim County Manager, reported that Sgt. Murphy of the Florida Highway Patrol in the Quincy Office has requested that the county purchase 6 new radar guns for the highway patrols. Those previously purchased by the county are old and are requiring a lot of maintenance. The county does receive revenue from the citations issued by the highway patrol. The county has purchased the guns in the past but it is not in the budget for this year. If the board should approve the request, Mrs. Miller asked the board to specify where the money should be taken.

Discussion followed.

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0 BY VOICE VOTE TO TABLE THE FHP REQUEST FOR NEW RADAR GUNS UNTIL THE NEXT BUDGET SESSION FOR 95/96.

Rich Bay Road

Mrs. Miller explained that in order to proceed with the paving of Richbay Road, the Board needed to make a decision on the surveying and engineering which is required to complete the road. Proposals were submitted by FAMU, Richard Matthews and Associates and Thomas Skipper. (attached)

Mrs. Miller called attention to a letter from Bishop Engineers (attached) outlining their costs to do the work "as-is" as well as

a second proposal to do some re-alignment to address the dangerous areas of the road.

In the absence of a Public Works Director, Mrs. Miller recommended accepting one of the two proposals submitted by Bishop Engineers noting that they were familiar with Gadsden County.

Doug Barkley of Bishop Engineers answered questions from the board concerning the difference in the two proposals. He stated that the surveying would take approximately one month, one month for permitting, one month to submit the permits, one month to get the permits back and then one month to advertise. The work could begin in 4 - 5 months. The paving could be completed in 5 - 6 months.

Commissioner Watson asked at what point the Board could make a decision about the surface treatment v. paving. Mr. Barkley answered that it could be done after the surveying and during the permitting and design process.

UPON MOTION OF COMMISSIONER WATSON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0 BY VOICE VOTE TO ACCEPT THE BID FROM BISHOP ENGINEERING FOR \$26,710 TO PROVIDE SURVEYING AND ENGINEERING ON RICHBAY ROAD.

Commissioner McGill asked the board to begin working earlier on the next paving project so that the board will have more time and a broader selection of bids from which to make its decision.

Replacement of Vehicles for Public Works

Mrs. Miller reported that the Public Works Department has requested permission to purchase replacement vehicles. The current stock of vehicles are dilapidated, have excessive mileage and are costly to maintain. The staff would like to proceed with the purchase of eight (8) vehicles which were budgeted for the 94/95 budget. The vehicles would be purchased from the state contract. (A written description of the requested vehicles is attached except one of the 1/2 ton truck request was changed to a 1 ton truck.) The total amount would be \$146,210.00.

Commissioner Watson spoke in favor of the purchase.

UPON MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 BY VOICE VOTE TO APPROVE THE PURCHASE OF EIGHT VEHICLES FROM THE STATE CONTRACT AS DESCRIBED ABOVE. THE MOTION ALSO INCLUDED AUTHORIZATION FOR

THE STAFF TO SEND OUT RFP'S FOR FINANCING OF THE TRUCKS -
RFP'S ARE TO BE SENT TO THE LOCAL BANKS.

CONSENT AGENDA

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

- 1) EMS Write-off Approval (attached)
- 2) Gaming and Gambling Resolution (attached)
- 3) Wrigley's Spearmint Mural (attached)
- 4) FY94-95 Emergency Management Assistance Agreement
(attached)
- 5) Section 504 Transition Plan (Amended) (attached)

CLERK OF COURT

Clerk Thomas introduced the budget amendments and asked for
approval.

UPON MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER
WATSON, THE BOARD VOTED 5 - 0 BY VOICE VOTE TO APPROVE BUDGET
AMENDMENTS NO. 95-03-07-01 THROUGH 95-03-07-10.

APPROVAL OF PAYMENT OF COUNTY BILLS

UPON MOTION OF COMMISSIONER FLETCHER AND SECOND BY
COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 BY VOICE VOTE TO
APPROVE THE PAYMENT OF THE COUNTY BILLS.

BO BROWN - PUBLIC WORKS

Emergency Resurfacing Projects

Mr. Bo Brown reported that he had confirmed prices for
contracting the overlaying of pavement on the storm damaged roads
throughout the county.

The request for bids was based on 11,100 square yards of
asphalt and with the assumption that the county would do the
grading work and the flagging.

Lewis Hurst Asphalt Paving bid \$8.25 per square yard - total
was \$91,575.

C.W. Roberts bid \$25.00 per square yard totaling \$277,500. This price included all the work.

Peavy & Sons Contractors bid \$11.11 per square yard - total cost which came to \$123,321. This price included all the work.

General Developers bid \$13.25 per square yard totaling \$147,750 for the total job.

Cox Asphalt Maintenance bid \$6.80 per square yard based on the county doing the grading and flagging. \$75,480 was the total bid.

Mr. Brown recommended the board award the contract to a firm that could do the entire job. The lowest bidder was Peavy & Son and they have indicated they could begin the work immediately.

Mr. Brown informed the board that the 11,100 yards of asphalt only included the 20 cites as described and listed at the workshop held on March 3, 1995. He told the board there are an additional 6 cites to be added to that total yardage. Once the work begins, completion could be expected within 2 - 3 weeks.

Commissioner Fletcher suggested that the River Junction where the long dirt stretch on 65-A should begin sooner than 2 weeks. There is a real safety hazard at that cite.

Mr. Brown reassured the commission that he would stress the urgency of the situation and encourage the work to begin as quickly as possible. He added that he has asked for 2 inches of asphalt over the holes which have been patched.

COMMISSIONER FLETCHER MADE A MOTION TO AWARD THE ASPHALT PAVING CONTRACT TO PEAVY AND SON. THE MOTION WAS SECONDED BY COMMISSIONER WATSON.

DISCUSSION FOLLOWED.

Doug Barkley of Bishop Engineers recommended that the culvert on CR-12 be repaired with a concrete slab on top of the culvert. That concrete slab should be placed before the paving is done. By placing a concrete slab over the culvert, the highway would not collapse in the event the pipe is blown out again. The cost of the concrete slab is approximately \$6,000. No engineering will be necessary for the repair.

COMMISSIONER FLETCHER AMENDED HIS MOTION TO INCLUDE PLACING A CONCRETE SLAB OVER THE CULVERT ON CR-12 PRIOR TO THE PAVING.

COMMISSIONER WATSON SECONDED THE AMENDED MOTION. THE BOARD VOTED 5 - 0 BY VOICE VOTE TO AWARD THE ASPHALT PAVING CONTRACT TO PEAVY & SON AND PLACE THE CONCRETE SLAB OVER THE CULVERT ON HIGHWAY 12 PRIOR TO PAVING.

Clerk Thomas asked the board to give him directions regarding taking money from the reserves and with advertising a budget amendment. The Chairman asked Clerk Thomas to proceed as necessary to make the money available to spend on road repairs. It was determined that no motion was required at this point for the Clerk to proceed.

DISTRICT 1 REPORT

There was no report.

DISTRICT 2 REPORT

Commissioner Watson reported that he had talked with a company in Tallahassee involved with Leon County Safe Roads Program. He stated he would provide each of the board members some information he had received from them. He further stated he would like for this company to come to Gadsden County and see what they may be able to offer in terms of developing a master plan for safe roads.

DISTRICT 3 REPORT

Community Development Program

Chairman Peacock gave each commissioner a letter from Mrs. Rosemary Banks regarding the Community Development Program. She had set a meeting for March 13, 1995 at 9:00 a.m. She has requested the County Commissioners, the County Attorney and the Clerk of Court, County Manager and all department heads and all other appointees of the County Commission to attend.

Resolution - Quincy Medical Group

The Quincy Medical Group has planned a ribbon-cutting event and ground breaking on March 10, 1995 at 10:00 a.m.

Mr. Richmond read a resolution declaring March 10, 1995 as Quincy Medical Group Day and stating the county's support. (Attached)

UPON MOTION OF COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0 TO ADOPT THE

**ATTACHED RESOLUTION IN SUPPORT OF THE QUINCY MEDICAL GROUP DAY
AND DECLARING MARCH 10, 1995 AS QUINCY MEDICAL GROUP DAY.**

West Florida Resource Conservation and Development Council, Inc.

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0 BY VOICE VOTE TO APPOINT COMMISSIONER FLETCHER TO THE WEST FLORIDA RESOURCE, CONSERVATION AND DEVELOPMENT COUNCIL, INC.

Citizens Petitioning Improvements Squaw Road

Chairman Peacock read a petition into the record from District 1 citizens requesting improvements be made to Squaw Road as soon as possible.

DISTRICT 4 REPORT

Commissioner Fletcher reported that he had taken the liberty to discuss with a local bank the possibility of participating in a bond issue. He was told that the bank could lend money to resurface roads at a competitive interest rate with bond interest rates. The county could pledge its portion of the one-cent local option sales tax to repay the money. He asked the county manager to develop an RFP to the local banks. (For \$3,000,000 and \$5,000,000)

The sales tax will end in January in 1996 and it would need to be continued prior to it terminating.

Attorney Richmond interjected that he intends to have these matters on the next meeting agenda.

DISTRICT 5 REPORT

Commissioner Dixon related that he received numerous compliments from his constituents in District 5 for the work performed by the public works department.

CITIZENS REQUEST TO BE HEARD

Mrs. Linda Young

Mrs. Linda Young appeared before the commission asking support for implementation of a behavioral program for criminal offenders. She calls her program "Future Hold Promise". She did not ask for

any funds but she did ask the Board to provide a temporary place to conduct the seminars.

Mrs. Young described the program then answered questions from the board.

SPECIAL MEETING - MARCH 8, 1995 - 6:00 P.M.

Chairman Peacock reminded everyone of the special meeting to be held on March 8, 1995 regarding the Gadsden Memorial Hospital Issues.

ADJOURNMENT

UPON MOTION OF COMMISSIONER FLETCHER AND SECOND OF COMMISSIONER DIXON, THE BOARD VOTED 5 - 0 TO ADJOURN THE MEETING.

James Peacock, Chairman

ATTEST:

Nicholas Thomas, Clerk

AT A SPECIAL MEETING OF THE BOARD OF
COUNTY COMMISSIONERS ON MARCH 8,
1995, HELD IN AND FOR GADSDEN
COUNTY, FLORIDA, THE FOLLOWING
PROCEEDINGS WERE HAD, VIZ.

PRESENT: JAMES PEACOCK, CHAIRMAN
E. HENTZ FLETCHER, VICE-CHAIRMAN
BILL MCGILL
STERLING WATSON
NICHOLAS, THOMAS, CLERK
HAL RICHMOND, ATTORNEY
MRS. BETTY MILLER, INTERIM COUNTY MANAGER

ABSENT: EDWARD J. DIXON

Peacock: The purpose of this meeting this afternoon is to discuss the hospital. That is what is was advertised as and there are some questions about it. Some of the commissioners have some questions and we need to talk about it and to get things started off, I guess we will start off with Commissioner Watson. I think he had some questions with regard to the hospital. We will start with him and who is going to - I believe the attorney -

Hall: I'm Doug Hall. I was here last time. This is Jim Speed who is HealthMark's CPA from Pensacola. Jon Hufstedler is here and actually we met a little bit earlier with Commissioner Watson to try to get our hands around exactly what he did want so we could get through this without a lot of hemming and hawing. I know ya'll don't want to hear any speeches from me. So ya'll just fire away and we will deal with them as best we can.

Peacock: I'm going to turn it over to Mr. Watson then and let him ask his questions, then we will try to get over this thing.

Hall: Some people are having a little trouble hearing. Would you speak up just a little.

Watson: I met with them this afternoon and got a lot of the questions that I had answered. I don't know if the rest of ya'll want to hear the questions and answers or not. I just, I don't know how -

Peacock: Well, Well,

Watson: I had a question about the management fees. There seemed to be some information - trouble finding the exact figures. What we learned today from Mr. Speed was that to date, the total charges for the management fees have been a \$1,008,000. \$598,199 has been paid to date. We owe the balance. A payment of \$35,000 was paid on February 7th which was the day of the first meeting we had when all this began. There has been a \$10,000 check, there has been a series of them, then on February 7th, there was a \$35,000 check. That was explained as

Hall: It has been an on-going effort to pay off management fees that have been in arrears for many, many months. The fees that were earned the first year, the very first year that HealthMark assumed management of the hospital were paid off in January of this year. Just two months ago. Fees that were earned the following year weren't even began to be paid off until 4 months after that and they get paid in drips and drabs. So, one of Commissioner Watson's concerns was that management fees are being paid slow - no, that's not his concern. That wasn't it at all. That accounts payable are being paid slow and management fees are being paid. And what we tried to explain is that management fees are being paid slow too. And in fact are being paid more slowly than almost any other fee that we have. They are very behind. HealthMark has been very slow to pay itself.

Watson: Will you explain how ya'll come to the management fee figure?

Hall: There are two places, two agreements in place that affect how management fees are computed. The primary agreement that controls overall is the lease agreement between the county and HealthMark of Quincy which is a 501c3 corporation. Under that agreement, HealthMark of Quincy gets as its management fee, the excess revenue over expenses. To meet IRS regulations, there is a separate agreement in place with HealthMark, Inc. Management fees are paid to HealthMark, Inc. under that agreement as a percentage of the net revenue of HealthMark of Quincy. Those fees don't always, in fact they don't equal the same amount. The bottom line is that the management fee can never exceed what is stated in the lease which the excess revenue over expenses. Everybody understands that.

Watson: My question of February 7th meeting, when I asked Mr. Richmond, was it proper to be paying those fees when you had past due accounts. Our discussion that you and I have had several times is you don't think so. That's not a problem, that's not a breach of the lease for that to occur.

Richmond: The initial agreement that we entered into and the understanding that we have had with HealthMark remains that if they should make a profit out there, they are entitled to keep everything they make after the bills are paid as a management fee. In a way of attempting to control the flow to make sure that all of it didn't disappear, in the second agreement, there were percentages put in to insure that. Whether or not they are meeting the percentage requirements with what has gone on at one point they were taking an excessive amount, but I believe that is being corrected at this point in time and they are complying with the percentage amounts. That is something- when it comes to that a CPA is going to have to determine that.

Hall: CPAs have reviewed it, the fees have been audited by an independent CPA, they were reviewed by a CPA that reports to the county and there has been nothing to suggest that the payment of the management fees, how they've been computed whatever percentages were applied are improper. I think your question Commissioner Watson is more should HealthMark be allowed to pay itself when other accounts aren't exactly current, you know, aren't being paid within 10 days. The agreements simply don't address who is first in line and that is why I want to emphasize to the commission that HealthMark is carrying its outstanding account longer than any other supplier to the hospital. These guys have a business to run too and they should be expected to be paid. They are paying themselves very slowly.

Watson: But, as I stated today, I wouldn't care if they were taking out 5 million dollars if everything was current. And that was just not the case. And if that is within the lines of this lease, its not a breach, then fine. But, the question was answered that night by Mr. Richmond that "yes, it was."

Hall: I don't think we disagree on it. I don't think we disagree on how we are reading the lease. I don't think there is a breach. I think it is a matter of trying to take cash flow in a rural hospital where cash flow

fluctuates because of the nature of the business, keep all the balls in the air, keep everybody happy.

Watson: That first night, Mr. Hufstedler stated that they were current with all financials. The last thing he said was HealthMark's credit was in good standing with all the hospital vendors. I don't think that was an accurate statement as it was on February 7th.

Hall: Are you referring the Coastal situation? We addressed that a little bit at the last meeting. The deal with Coastal, as I said two weeks ago or whenever it was, HealthMark kinda inherited Coastal. Coastal supplies the emergency room doctors to the hospital. It was in place when HealthMark assumed management of the hospital. The intent was always to terminate that agreement when HealthMark could bring its own doctors in-house because there are business benefits to that. The amount payable, the account to Coastal, was overdue. But, Coastal was being paid, payments were being made to Coastal and Coastal wasn't complaining. When you're trying to be sure that you are keeping the folks at least happy with you, that is something you pay a lot of attention to.

Watson: But would you think that statement was accurate as he stated it that night. "HealthMark's credit is in good standing with all hospital vendors."

Hall: In the sense that you have Coastal still carrying your account.

Watson: But they had decided to terminate 30 days sooner than the 60 days specifically because they were not being paid. Now would that be an accurate - Is that painting too rosy a picture?

Hall: Would I have come up and said it differently. I might have. I mean, if it had been my obligation to come up and give you a report of exactly what is going on, I might have said you know, we'd like to be able to catch these accounts up more but what we are doing frankly is just what I said trying to keep the balls in the air, trying to be sure that are speaking the loudest get paid, be fair so that you are not stringing one person along at the expense of others and keep the cash flow so that it works. Coastal was not complaining about the way they were being paid to my knowledge. They had not cut off the credit to the hospital, they hadn't pulled the doctors out of the ER to say we won't supply you with

these services unless you bring this account current. So in that sense, yeah, they were still extending credit to the hospital.

Watson: O.K. February 21st meeting, you stated that there has been no problems with vendors providing services or supplies it needs to run the hospital. And, just a few seconds later, Mr. Hufstedler did admit that they had had to seek supplies from other vendors.

Hall: There is one instance where we have a pharmaceutical supplier that for two months put HealthMark on COD. That has been caught up and that has been fixed.

Watson: So lets go back to the statement "HealthMark's credit is in good standing with all hospital vendors" - that was not an accurate statement at that particular time.

Hall: You've got the, you've got, you have one vendor I think at that point that had put the hospital on COD for two months.

Watson: So that was not an accurate statement.

Hall: I guess I would have to look at that one particular vendor. I am not going to sit up here and acknowledge that Mr. Hufstedler came up here and lied to you. I'm just not going to do that. Because I would have to really know more about exactly what it was that he took into account when he saying "I don't have people that are telling me they won't give me stuff unless I cut them a check".

Watson: But, would you say that credit is in good standing if you are having to seek supplies from another source because someone has cut you off and he is dealing

Hall: Overall or with that one vendor?

Watson: This is a general - "HealthMark 's credit is in good standing with all hospital vendors." That was his quote.

Hall: I haven't seen the quote. I don't know. I'll take your word for it. I'll acknowledge to you there was one vendor that put us on COD.

Watson: You did, you did acknowledge at the last meeting that you had listened to the tape. And I got a copy of the tape of both meetings.

Hall: I have a copy of the transcript.

Watson: I think I wrote it I think I wrote them down accurately. I don't think that was an accurate statement. And I would like that to be acknowledged.

Hall: Do you want me to tell you that it was an inaccurate statement.

Watson: If, and really now, this is a key thing to me. Because it goes down to what we were talking about this afternoon as to judgement. "HealthMark's credit is in good standing with all hospital vendors." At the February 21st meeting you said "There has been no problem with vendors providing services and supplies." I question that. Mr. Hufstedler did acknowledge that he had to seek supplies from other vendors.

Hall: And on that I stood corrected. You are exactly right.

Watson: So, the last statement that he made on February 7th was an inaccurate statement.

Hall: To the extent that he overlooked the fact or didn't tell you that there was a pharmaceutical supplier that had put them on COD for 2 months, yeah, he didn't tell you that.

Watson: O.K. My other question was why OB was closed. We talked about that this afternoon.

Hall: Right.

Watson: At the February 7th meeting, Mr. Hufstedler said when I asked what the status of the OB "Status is alive OB is alive and well. Well, it may not be totally well, but it is alive. " And previously, in his opening statement he talked about a medical staff of 15 people with the latest addition being Dr. Serrago. When you mentioned Dr. Serrago at no time during that opening statement did he express any concern that ya'll expressed this afternoon as the reasons why it was closed being financial. We did not in the opening statement get any idea from Mr. Hufstedler that there was a financial problem with OB. As a matter of fact he mentioned it, he talked about the latest addition being Dr. Serrago. Is that right?

Hall: That is my recollection from the transcript. I think that goes to the same thing I told you this afternoon. You come into

Watson: What you told us this afternoon that discussion of closing OB goes back to as early as November.

Hall: I don't know if the discussions then were that it's going to be closed. The discussions then were "we've got to take a look at whether this thing is going to make it or not." And as I understand it, there were conversations that were had that that issue was being discussed - is it going to make it or not. Does it make sense to keep the department open when it is losing money? And Jon Hufstedler wanted to keep the department open. He wanted to make a commitment to try to keep those services available. Ah, I don't think it is unusual for anyone to want to avoid coming into a room full of people in a public meeting and start making statements about problems with your business. And if the OB department was losing money, I don't think it is unreasonable for him to resist coming in and saying these are all the problems, particular when you are trying to make a go of a new service. You're trying to make a go of a service where you want people of the community to come out and use your department. So, Could he have been more detailed about all of the details of that? Well, he probably could have but to say that, ah, to say is that something that I might not have done? I don't know. I mean, I don't think that is unreasonable.

Watson: Dr. Serrago was brought down during a period, brought down as far as New York, during a period when there was discussions about closing it, yet he was recruited to come. His understanding now, this is after talking to him, that he was going to have 6 or 7 hundred deliveries that he was going to this

Hall: I don't

Watson: This goes back to the letter that I gave you a copy of just a few minutes ago, about what Mr. Wynn was going to require in order for him to refer his deliveries there.

Hall: I don't know what Dr. Serrago has told. I haven't talk to him and I only know what I have read in his contract. There is not any guarantees or anything in his contract that gives me concerns that he was misled to sign that contract about what was going on.

Watson: Let me just ask Mr. Hufstedler this. Was he told that there would be 6 or 7 hundred deliveries?

Hufstedler: He was told that the potential was there. He was also shown the office space, the number of deliveries we had to date and he had a good picture of what was going on before he signed the contract and came down here.

Watson: But he came thinking there could be 6 or 7 hundred deliveries.

Hufstedler: Potentially.

Hall: If that is going to be a condition of the agreement, it should have been in the agreement. It wasn't. You know, if he, if he was making that a basis of a deal, then that should have been in black and white.

Watson: But, understand you're speaking as an attorney. And that's the way that you may look at things. Healthcare providers may not look at things that way.

Hall: You may be right. Again, I don't know what he was told but I do know that when people do business, and they sign a written contract, you expect to have your deal set out in the written contract.

Watson: But then if, I think that goes to - he shouldn't have mentioned it if it wasn't going to happen.

Hall: If the, If the comment was this is the potential, this is where we are, this is what you may be able to do here, that is a far different thing than saying this is what we are doing now.

Watson: But in November, this is what the potential is but you had taken none of the steps that Mr. Wynn stipulated that he would require from this August 20th letter. He told, he wrote you, he sent a copy to Mr. Powell and a Landis Crockett, this is what you need to do if you want my referrals. So, if you weren't willing to do that, then the potential wasn't there.

Hall: I'm not sure I can agree with the way you are reading the letter. I just got it. I've only read it once. I took about 2 minutes to read it, but there is nothing in here that says "if you do this, this and this, we will give

you our maternity contract." It basically says "this is the deal I can get at TMRMC. And, I haven't seen anything here that convinces me that I'm going to get the same level at GMH." As I understand Jon's conversations with Mr. Wynn, he wasn't trying to get the whole OB contract. He's saying just give me a chance, just send me some patients. Let me establish myself, let me get my foot in the door, and then we'll see where we can go. But to expect a 51 bed facility in a rural area to compete with the OB facility in Tallahassee is unreasonable. And to expect this facility to establish, to make the same, incur the same expenses that it takes to run a facility that size, I think is unreasonable.

Watson: But HealthMark was trying to compete up until February 10th.

Hall: To compete is a far different thing from saying I'm going to put the same facilities in place here as you've got in Tallahassee.

Watson: But if that's what it's going to take, I mean, I would think there's nothing in here that says, but Mr. Wynn stipulated you need to be doing at least this and no steps were taken. None were taken.

Hall: Well, we could go back and forth on this and I will if you want to but, I don't read the letter that way. I mean, we can, I don't see anything in here where Mr. Wynn says if you do A, B & C, I'll bring you my business. He just says I'm going to continue to go to Dr. Bickler, Brickler, I'm sorry.

Watson: O.K. I asked him about back up on February 7th meeting. Mr. Hufstedler said he had a faxed contract. Right?

Hall: I wasn't there and I don't remember particularly what happen, I mean, I don't remember that part of the transcript.

Watson: I asked you if you had back up. "Yes, I've got a faxed contract. I'll show it to you tomorrow if you want me to." Is that the way you remember that?

Hufstedler: Honestly, I do not remember. I remember the discussion, but I don't remember the words.

Watson: I listened to the, I listened to the tapes and that's - but the is, at the time you did not have a contract.

Hufstedler: A signed contract?

Watson: An executed contract.

Hufstedler: No, I did not have an executed contract.

Watson: All you had was a blank form with no signatures on it. This is what the Bricklers said they would do. And, I talked to Mr. Hall, their office manager, and I talked to Dr. Brickler. The problem was that HealthMark was not willing to pay for the call - the service call for them being on call. All you wanted them to be paid was for the actual procedure. So there was not a contract. Ya'll had not had a quote meeting of the mind.

Hufstedler: There was a lot of discussion regarding the contract. The original proposed contract was that they would be paid a procedural ah, what medicaid would pay for the procedure. They would not charge us for being on call.

Watson: But, when I asked you if you had back up - Yes, I got a faxed copy of the contract.

Hufstedler: I felt confident that we could work something out and we would have.

Watson: But that was not what we were told. I think we were misled on that. I don't think we were told the whole truth because you did not have a contract. It had not been executed. There were no signatures and there is no signatures on the copy that you provided me today.

Hufstedler: No, there is not and I never said there was an executed contract.

Watson: You said, I asked you did you have back up. Yes, Dr. Brickler. And I said "That's not what came from their office today." And you said "well, I've got a faxed contract I can show you."

I backed off because I talked to the Bricklers Monday, this was Tuesday, and I was not confident enough that ya'll may have done something in between to pursue that, so I backed from that that night. Cause ya'll could have from Monday morning to Tuesday afternoon. But, in essence, you had not by the meeting Tuesday night. All this - What I am trying to say is that the county does

not, has not received accurate information to the questions that we have asked. I think that has been established here tonight. With the financial discussion we have had. And I think that is the case with this contract. That there was not a faxed contract and you led us to believe that first night on the 7th that there was a contract. You didn't say I've got a - we have not come to terms on this thing yet, we're having a problem with it - You didn't say that. You said "I've got a faxed contract. I can show it to you tomorrow."

Hufstedler: I think that is accurate.

Watson: But you couldn't have. Because it did not exist.

Hufstedler: Oh, it did exist. It was not executed, but the contract itself did exist.

Watson: Well, I mean, I can write a contract between Mr. Holoman and myself to sell my house, a blank form.

Hall: What he had was an offer from the Brickler office saying "here is what we will do for you". He knew he could accept that offer. He knew he could accept that offer. All he had to do was say "That's a deal. It's a done deal."

The payment for on-call services had not been included in the original contract. It had been included with the deal with Southeast - is that right?

Hufstedler: That is correct.

Hall: It had been included in this contract and he was simply trying to see if he could negotiate that out. But, he knew he had a proposal from the Bricklers office that would make that back up available. So to say, "I've got a contract" instead of saying "I've got a proposal" - he knew he had an offer that he could accept. I think that is important. It is important to understand that that was in place. Now, we've been very forthcoming about giving you the documents, here is the contract, you want financial information, we had you out, we opened the books. Anything you want, we have given you. So, you know, when you're standing up in a room full of people, and you're trying to think on your feet and do the best job to put

Watson: I don't think it - I don't think it requires a whole lot of thought to answer "yes, I do have a contract" or "no,

we don't". I don't think - It doesn't matter how many people are standing around - or if it is public or private. There is a correct answer to a question.

Hall: I agree.

McGill: Isn't there a world of difference between a contract and a proposal?

Hall: I'm sorry?

McGill: Isn't there a tremendous difference between a contract and a proposal?

Hall: You are exactly right. If you are the person that is being proposed to, an offer has been made to, and you know in your mind that all you have to do is say "yes, I accept that proposal". That is a different thing than saying "I don't even have the makings of a deal".

McGill: Well, what was it that stopped the Bricklers from signing the blank piece of paper to make it a contract.

Hall: Pardon me?

McGill: What was there to stop the Bricklers from signing the blank piece of paper to make it a contract?

Hall: All Mr. Hufstedler would have to do is sign it.

Watson: The Bricklers were ready to do it. Mr. Hufstedler was balking at paying for the costs.

Hall: If I understand it, it was simply, he was trying to negotiate that additional charge out of the contract.

Watson: Well, Mr. Hall told me today that the problem was that HealthMark did not want to pay for the call.

McGill: And the fact that it had not been signed by both parties did not, did not negate that there was not a contract?

Hall: If you make me an offer and you send it to me and I sign it and send it back, that is an offer and acceptance to my way of thinking.

McGill: And it becomes a contract when both parties have signed. When both parties sign, it becomes a contract then and only then.

Hall: Both parties sign it into a contract. Yes, sir.

McGill: So, until that happens, it is still a proposal on top of the table.

Hall: Commissioner, until you have a contract in your hands signed by both parties, you don't have something you can take into this judge's office and enforce, I agree with you there.

Watson: Why was it, why was it important that you get this contract with the Bricklers?

Hufstedler: Why was it important?

Watson: Why were you seeking a contract with the Bricklers? What was the purpose?

Hufstedler: To provide coverage for Dr. Serrago.

Watson: O.K. Why?

Hufstedler: Number one - he wanted it. He wanted coverage so he would not have to be on call 24 hrs. 7 days a week.

Watson: Why would that be important?

Hufstedler: I think it speaks for itself.

Watson: What I am saying is this. The unit was operating under that questionable state all along. If you thought it was very important to get the Bricklers to back you up, and you were operating before that time without that backup, then you were operating at a less than level of what you thought would be adequate. Is that accurate?

Hufstedler: No, that is not accurate.

Watson: So, you could have continued operating without back up from the Bricklers in a healthy state. You would have been comfortable with the standard of care you were being provided without the Bricklers or without anybody.

Hufstedler: I think what you are trying to say is that we were operating without back up to the first OB/GYN. That is not accurate because we did have back up for him.

Watson: Who was, who was, who was Serrago's back up if the Bricklers, before the Brickler's were considered?

Hufstedler: Serrago? He did not have any back-up.

Watson: Hold it. Let's stop right there. He didn't have any back up. But you thought it was important to get back up for him because it speaks for itself.

Hufstedler: He requested it.

Watson: O.K. So, you were operating the OB in a sub-standard state.

Hufstedler: No, sir, I was not.

Fletcher: An understaffed state.

Watson: If you thought it was critical to get back up and you were operating before without back up, then it was being operated in a less than state.

Hufstedler: No, you are using the word critical now and not previously. That's not the case at all.

Watson: I mean, is it a good standard of care to have 1 OB on call 24 hrs. a day?

Hufstedler: If that OB is willing to do that, that has nothing to do with standard of care.

Watson: But is that safe?

Hufstedler: Certainly.

Watson: Then why go to the Bricklers?

Hufstedler: Like I said, he had requested back up. I was accommodating him.

Watson: Is it safe for ER doctor to operate 24 hrs. a day without any back up?

Hall: Commissioner, could I jump in here, because I'm hearing the kind of questions that I would expect to be put to a doctor when you have a doctor sitting up in that chair. Now we're asking questions for a medical expert. And we came up here because you told us you wanted us to answer

questions about hospital finances. We've got a CPA here. Now it is being suggested that there is a medical standard of care that we weren't meeting and there are some very specific questions being asked that we really should have a doctor. We should have a OB/GYN doctor up here saying let me tell you what the standard of care is.

And, if you get into any kind of proceeding where that is an issue, they are the only people that can talk about that. I certainly can't respond to that. I don't think Mr. Hufstedler can respond to ...

Watson: He is the hospital administrator.

Hall: He is not a doctor. He can't tell you what a medical standard of care requires.

Watson: I, I, I don't agree with that. I think that the administrator should be or he should be able to have access to that

Hall: No, he is charged with running the hospital. He is charged with administering a hospital, but when it comes down to the decision that the doctors have to make for what is appropriate procedures for them to operate their practices, that is their expertise and that is what they should address.

Peacock: Excuse me just a minute gentlemen. Let's

Richmond: Can I ask one question commissioner along this line while we are there?

When did the medical staff make a recommendation to Mr. Hufstedler to close the OB/GYN unit? Was that October or November?

Hufstedler: I believe it was in September.

Richmond: September. Did you disclose that to Dr. Serrago before he came down here?

Hufstedler: Yes.

Richmond: He knew about the situation?

Hufstedler: Yes.

Richmond: And he agreed to take this on a 365 day a year, 24 hrs a day basis?

Hufstedler: Yes, he did.

Richmond: And you thought that was a good, safe way of running a business?

Watson: If he took it on that, why did he come back and ask for the Bricklers? Ask for back up?

Hufstedler: You would have to ask him.

McGill: I have a question to ask on the standard of care. I would think that if the hospital were operating properly, somebody would have written up procedures that would identify what the standard of care would be in any circumstance. So, if the hospital doesn't have that since the very beginning, there is something short.

Hall: I don't, I'm not sure that that's accurate. I don't know that you are going to have a book that you can go to in every case and tell you what the appropriate standard of care is.

McGill: You mean from a medical point of view, no one sat down to write up that we need this at a minimum to provide quality health care?

Hall: We have that. I am being told we have that.

McGill: So, then.

Hall: I came up here to answer questions about numbers. Now, we have moved away from that and I have to turn to these guys to help with that.

Watson: I spoke to you about and told you I was going to ask questions about OB, so don't come in here thinking you that you have been broadsided by something. Now, we have talked about this a couple of times.

Hall: Yeah, we have. And you told me that what you wanted was answers to the financial questions and that

Watson: And, what did I tell you yesterday? About OB. I stated questioning the OB - O.K.?

Peacock: Let's ah Commissioner, let's, let's do go with the numbers. Now I do know that at the last meeting, I believe, two meetings ago, not the last meeting, but I do

believe that we table this for him to bring his CPA with us and to go over the figures with us.

Hall: And I don't want you to think I'm trying to avoid anything or that I am not going to answer your questions. I'm just saying that I am hearing questions that to me should be answered by a doctor and we didn't bring a doctor.

Peacock: Well, my. We could sit here and go back and forth on this issue and still not get any where on it. All we're doing is kinda sounds like....

Watson: I think it is important and I don't want this meeting to be cut short. O.K. I've got some things that I want to air and if somebody wants to leave, they can leave, that is fine with me.

Peacock: Commissioner, I'm not trying to cut your meeting short. What I am saying is when we tabled this to come up at this special meeting, it was to give HealthMark a chance to bring their CPA to answer questions about some figures that we had or some financial problems we thought was going on out there. Now, I think we need to address that. If we sit here and argue back and forth about a doctor, well, we could argue back and forth about him all night but that still not going to solve anything. What I am trying to say is Where are we going with this?

Watson: Where I am going with it is this. I don't think that HealthMark has been forthright with its answers. That is what this is all about with me.

Fletcher: Commissioner Watson, I've got some questions I would like to direct to Mr. Hufstedler.

Peacock: Would you yield the floor to him at this time?

Fletcher: Earlier I asked you to provide us with a certificate of insurance and you have. It names the insured as being HealthMark Corporation USA. There is no mention of HealthMark Of Quincy and it does not include Gadsden County as a payee. That is required by your contract. It also requires you to furnish policies for fire and casualty and that is not included in this certificate of insurance.

Hufstedler: I believe you have two certificates of insurance.

Fletcher: No, we have a letter and one certificate of insurance.

Hufstedler: You have a memorandum of insurance which is the same as a certificate. And you also have a certificate.

Fletcher: Sir?

Hufstedler: I said you have a memorandum of a - that is the same as a certificate.

Fletcher: That memorandum is for your malpractice insurance.

Hufstedler: That's with professional liability. You have another one for the casualty and property.

Fletcher: We don't have Gadsden County named as payee as required by your contract.

Hufstedler: The one I have that I thought you were faxed today has Gadsden County on it.

Fletcher: As certificate holder. But it does not, we are not named as an additional insured as required by your contract.

Hufstedler: I'll have to check into that.

Fletcher: Ah. Mr. Hufstedler, to your knowledge, has there recently been a decision made by Gadsden Memorial Hospital non-medical personnel that resulted in a high risk maternity patient who had by-passed Gadsden Memorial Hospital and was in route to Tallahassee where her regular doctor was, being returned to GMH for care and treatment?

Hufstedler: By a non-medical person?

Fletcher: Yes.

Hufstedler: No, sir. Not to my knowledge.

Fletcher: O.K. What is the policy or procedure of Gadsden Memorial Hospital if a nurse employee of Gadsden Memorial Hospital is found taking a patient's drugs?

Hufstedler: An employee taking drugs of a patient?

Fletcher: That's right.

Hufstedler: You mean, eating them?

Hall: Eating them, stealing them, taking them out of the hospital?

Fletcher: I said taking them.

Hall: Swallowing them?

Fletcher: Yes, that is what I mean. And if so, has this procedure been followed in every incident?

Hufstedler: Yes, I would have to say yes to that?

Fletcher: O.K. To your knowledge, have there been any instances at GMH in which a medical doctor of a high risk mother requested the presence of a pediatrician but a pediatrician was not present at the birth?

Hufstedler: I am aware of one incident, yes sir.

Fletcher: In each such incident do you know why the pediatrician was not present at the birth?

Hufstedler: It was a normal delivery.

Fletcher: I said a mother, a high-risk mother. An you say it was a normal delivery.

McGill: Getting back to the numbers. I have some concerns about some numbers too. I think the last time we talked about this, I think the hospital had about 13 person, 23 patients. The question was raised was that census level sufficient enough to produce the kind of revenue that would sustain the operations of a hospital. I think the response to that question was yes. I would like for you to enumerate how that is being done, how that is being paid, if at that time you had 15 medical staff on board that did not include the total operational staff. How could 13 people sustain an operation of that kind?

Hall: How could 13 patients sustain the operation of a hospital?

McGill: No matter who was paying the bill - if it was private insured, patient paying for it themselves or paying for it by medicaid, How could 13 people pay for the total costs of operating a hospital?

Hall: I can't answer that on per patient basis. I can't. I just don't know per diem how much a patient generates. Now, I would imagine that it varies per patient. But I can give you numbers about income and accounts receivable and where the hospital fits in the grand scheme of things. I simply can't break it down, commissioner, and tell you that x number of patients is a good or a bad thing.

McGill: But the hospital basically gets its revenue because of the number of patients, don't you think?

Hall: Yes, sir. That's what they do.

McGill: Yeah. So you have two medical staff persons more than you have total patients. And everybody who works at the hospital gets a share of the money coming in from those 13 patients whether that administrative staff or people who people who sweep the floor, people who do the laundry, they all share in that gross revenue, do they not?

Hall: I assume that anyone who is employed by the hospital or as a contract with the hospital gets paid by the hospital.

McGill: Then there is a reason to think then that 13 people or 13 patients will be paying fees adequate enough to support that kind of operation?

Hall: I guess if you assume that 13 patients is the all that they will ever have.

McGill: No, I'm not saying that.

Fletcher: They didn't have but 8 last Thursday.

Hall: We came here tonight prepared to tell you exactly the income has been, what the expenses have been and any other numbers you want to have. If you want to try and break that down into the number of patients, I'm not sure I can do that for you. I mean, we've got financial information. We have given it to Commissioner Watson over the course of an hour and one half meeting this afternoon. Ready to get into any of those numbers you want to get into now.

Watson: One more time. Why was OB closed?

Hall: OB was closed because it was loosing money. I said that in my letter to Mr. Richmond and I stand by that. That is what I understand.

Watson: But it was loosing on the 7th. Why was it decided to close on the 10th when it was loosing on the 7th.

Hall: It had been loosing money over a number of months.

Watson: Why was that particular time chosen to close it?

Hall: It had been looked at over a period of months. Do you want to tell you that there was no connection between the meeting on the 7th and the county's decision then to put HealthMark on notice that the county considered it to be in default and the decision, I think there was some connection. I think that it would be unreasonable for me to say there wasn't. But when you have the county, the lessor, telling you that it considers you to be in default under the lease because of your financial considerations, you've been looking at a department that hasn't been performing financially over a course of months, looking at the county telling you that it intends to terminate this lease in advance of the lease term - for that reason, I think you've got to take that into consideration in making that business decision.

Watson: But, you said this afternoon you didn't think the financial situation was a breech.

Hall: I continue to believe that. I put that in my letter in response to Mr. Richmond's letter.

Watson: So, to close it for financial reasons when you don't think it is a breech, -

Hall: When the county is saying "We intend to terminate your lease because we think the financial situation constitutes a breech of the lease", I replied then and I reply now - No, I don't. I don't think that. But when the microscope focuses in like that, do you think that it is unreasonable for people to take that into consideration in making a business decision that has already been under review for several months? I don't think so.

Watson: And it had nothing to do with the fact that we had a quality assessment planned of the entire hospital?

Hall: I don't think it did have, no, sir.

Watson: My mind tells me that that was a bigger factor than the other. That you were, you didn't really want the OB unit to go through a quality assessment. You could just get rid of that little problem by closing it. That had nothing to do with it?

Hall: I don't think it did. No, sir.

Watson: Did that have anything to do with it?

Hufstedler: It had no bearing.

Watson: I think it did. Personally, I think that was a factor in why that OB was closed. Ah. I don't really have anything else.

Fletcher: Mr. Hufstedler, has there been any instance in which supplies or drugs, such as flu vaccines and so forth, paid for by Gadsden Memorial Hospital, then transferred to another facility somewhere else?

Hufstedler: That's a broad statement - supplies and drugs. I can recall one incident where we did purchase flu vaccine. And we were reimbursed for that flu vaccine by another hospital.

Fletcher: Thank-you.

Watson: Gentlemen, I question the veracity of HealthMark. I don't think we get accurate - we have not in the past received accurate answers to our questions. We had an incident this afternoon, where I did not receive an accurate answer to a question right after we had discussed receiving accurate answers to questions.

Hufstedler: You misunderstood the answer.

Watson: I don't think so. I think that Gadsden County needs to begin the process of looking at other options for that facility. I mean, this lease is up in June of 1996. I think it would be prudent of Gadsden County to begin exploring other options for that facility. We owe 4 million dollars on that facility. I don't want to see that facility go unused and I think had we not started looking into HealthMark, at what was going on out there, whether it is legal with the contract or not, was not

proper. It was creating a financial problem for our hospital. The way things were going. That is what I believe. I don't know if a, if, I don't know how long that could have continued. What I do not want to see is that facility be boarded up one day because a hospital or HealthMark could not make it go. I don't want to see the hospital closed. I think that we need a hospital. Maybe not a 51 bed hospital. My primary concern is that I don't want that 4 million dollar - what we owe 4 million dollars on - become vacant. I think it would be prudent of us to begin now, before the lease in June 1996 ends to start looking at other options.

Fletcher: Are you making that in the form of a motion?

McGill: Please don't do it just yet. Because in as much as we have requested information from the CPA, and he is here, we ought to let him respond to - we've got some real financial questions, that we have. I don't have a problem with the position the commissioner is taking. But out of sheer respect, I would like to allow the CPA to bring forth whatever information we have requested if that is not what the attorney has already done.

Watson: Well, I got those answers this afternoon. I mean, that's, I met with them. I am satisfied as far as that - I mean, I met with them for an hour and a half this afternoon. If ya'll have other questions, that's fine. I am satisfied.

Hall: I would like to respond real briefly to what you just said commissioner. And that is, and, and, let me start by being sure I understand what is being proposed.

What I think I hear you saying is that at the conclusion of the lease term which is in June of 1996, you want the county to be prepared to know what its options are. Which means someone other than HealthMark, continue with HealthMark, or operate it yourself, however you want to do it. What are our options? I don't think any reasonable person could argue with that. I think you wouldn't be doing your job if you didn't know in advance what your options are when the lease expires.

We understand, and I mentioned it in my letter, that there is an option for HealthMark to renew the lease. If HealthMark does a wonderful job, if we feel that HealthMark has performed as it should under the lease, then I think there is an expectancy that HealthMark could

reasonably hold that it should be allowed to continue to operate the hospital.

But, for me to tell you that it's unreasonable for you to look at your options, no. I think that is, I think you should do that. I encourage you to do that.

Watson: But, my position with HealthMark now is highly suspect.

Hall: We've got 16 months between now and June of 1996. And that is a long way away.

Watson: I do think that I did establish today that we have been given inaccurate information by Mr. Hufstedler.

Hall: I don't want to go back into all of that. I can't agree with you on that. I know, I know that I have tried everything I can to respond to a formal notice of default from your attorney. To give you accurate information, to go the extra mile to sit down with you address every concern you've got. I want to be sure that you are satisfied that we have answered your questions. That we have opened up whatever books you wanted to see. And what I have heard is you feel comfortable that we have. But -

Watson: What I'm - I'm not pleased with what you have told me. I am not comfortable. I don't, I'm not prepared to go to court and try to kick HealthMark out now. I think that would take months and months to do that. I mean, you're talking about spending a lot of money. I'm not - today - my mind is telling me "Don't pursue that route." But, I do think it would be prudent of us to start looking at other options because I am not pleased today with the job that HealthMark has provided.

Hall: I am tempted to make a little speech on HealthMark's behalf. I'm not going to do that, I think I could. I think I could stand up here and say a lot of things about - good things HealthMark has done and investments it has made in that hospital and services it has established in that hospital. I could do all of that. I don't think anybody here is interested in hearing a speech from me, particularly when what we are talking about is a decision that's going to be made 16 months from now. So what I suggest - I think it is a good idea. I think you should know your options. I'm not going to resist that proposal.

Watson: It's just another factor is - I think that HealthMark has sustained an incredibly large black eye. They have had it since they got here. And they've got a deep hole to crawl out of. They've got people who are devoted to you. There is no doubt about that. But the overwhelming majority of what I hear is not. And, I do think it would be prudent of us to do look. If we need to do that in the form of a motion, I so move.

Peacock: Excuse me just a minute, let's hear from the attorney.

Richmond: Could I just clarify as to what you are saying? We sent a 60 day notice of default. 60 days has not run. HealthMark is attempting to improve their position. They do not feel they are in default. But that needs to be determined at the end of that 60 day period.

Hall: We'd be happy to let you determine that now, if that's his proposal.

Richmond: Well, that's what I want to make sure and find out what he is saying because I want to make it clear. Is your motion saying you want to abandon the letter of default at this time? Or is your motion to open up and start considering other options for June of 96 and leave this matter pending until such time as we make a decision at the end of the 60 days.

Watson: Cause I think we need to have, we need to have made it , we need to make a decision somewhere in the early part of 96 as to what exactly we're going to do so if it is not HealthMark, we can have a smooth transition. We don't need to get to June of 96 and start thinking about what we're going to do.

Fletcher: Let me second your motion.

Peacock: Excuse me just a minute now. Let me, you still, In my mind you have not clarified the question. In your motion, are you saying, we are to start the process of negotiating and looking for other alternatives to the hospital in 1996. This default we have got now - what - we got 30 more days on that, Hal?

Richmond: Roughly, yes, sir.

Peacock: Roughly 30 more days on it. Are you abolishing that in your motion tonight or is that to run on the other 30 days before it's abolished?

Watson: I think that in 60 days from the date of that letter, this board can make an assessment if we think they are not in default. But to me, that is two different issues. What I want to do here tonight and what will be decided in 30 more days. Because if we decide in 30 more days, that they are in default, then you pursue that. If we decide they are not, we are right back where we are. We are looking at other options. Either way, we need to be looking at other options whether they are in default - if we determine that in 30 days or not.

Peacock: Let me get some advice from the attorney here.

Richmond: I think commissioner, what confused me, and I apologize, was you indicated that you did not want to get involved in a law suit at this point in time. I didn't know if that was a part of your motion or not. But your motion is for the Board at this time to begin a search or a review of the HealthMark Hospital situation in order to understand full options that will develop on the 30th of June of 1996.

Watson: Right. I want to see what - begin the process now of finding the best use of that facility we owe 4 million dollars on.

Richmond: On June 30, 1996, without regard to our present status on the default.

Watson: Correct.

Fletcher: You got a second, Mr. Chairman.

Peacock: We got a motion and a second. Don't ask me to repeat that motion.

All in favor of the motion, signify by saying "aye"

Commissioners Watson, McGill, Fletcher, Peacock: "Aye"

Peacock: All Opposed?

(no response)

Peacock: Motion carries. Show 4 votes - unanimous with one commissioner absent. We need a motion to adjourn.

Watson: So moved.

Unidentified Audience member:

Before you do that gentlemen, would any one of you be concerned about how our state survey turned out Monday? The state came in, spent 8 hours Monday going all through our charts, through our credentials on our nursing. We came through with not one deficiency in our nursing. One thing I would like to separate in all of this argument: Whatever the County Commissioners and anyone else may think of HealthMark as a corporation, I hope the county will keep in mind we still have a hospital to operate with nurses to take care of patients, and doctors who take care of patients. I was born and raised in Quincy. As a local girl, I go to the grocery store and I'm hearing, "Why do stay there. The nurses are terrible." This is the impression that is coming out in the press. If there is a beef with HealthMark, I say lets test this beef. But let's not portray to the county that the patients are not receiving quality care out there because they are. That is a real concern of mine. So we're going to shoot ourselves in the foot in the meantime if we have the reputation they're not being taken care of. Come '96 you're not going to have a hospital to make that decision about. So let's make sure when this goes to press this time, what quality of care issues we are auditing. Are we doing financial, are we doing you know, administrative or are we looking a nursing. The way it came out in the paper this time, if you go there, you're going to die. That's not what is going on out there.

Peacock: Thank you ma'am. I appreciate that.

Melba Strong: I don't understand why - if you think the hospital is leaving - then why is Tallahassee Memorial building a family practice place between my house and the hospital - If it is going out of business. It was in terrible shape when HealthMark got it. I'll tell you that because I have been right there everyday.

Unidentified

Audience: We all have. We know what goes on out there. We know that HealthMark has made a vast improvement out there.

Melba Strong: Sterling is not doing us any good.

Dr. Kent: My name is Dr. Kent and I would take exception to some of the statements that have just been made. Ah, I have been in the county for 10 years. I have moved here and made my family a part of this community and I intend to live here until I die. I have been an outspoken critic of the hospital.

Melba Strong; But why? I want to know you've got against us?

Dr. Kent: This probably wouldn't be the proper situation for me to describe things. But I could if you really wanted me to.

Melba Strong: Well, I heard a lot of things about that office you got down there. Do you reckon I ought to believe all of them.

Dr. Kent: No, Ma'am.

Peacock: Ya'll excuse me. We had a special called meeting here tonight to discuss the problems that we were having now with HealthMark. We don't want to get into any argument back and forth among the employees out there. If ya'll have some problems you need to talk about, you know, ya'll get together and talk about them. We have a motion to adjourn and I adjourn the meeting.

James Peacock, Chairman

ATTEST:

Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE
CONSTRUCTION INDUSTRY LICENSING
BOARD HELD IN AND FOR GADSDEN COUNTY
FLORIDA ON MARCH 21, 1995, THE
FOLLOWING PROCEEDINGS WERE HAD, VIZ.

PRESENT: JAMES PEACOCK, CHAIRMAN
E. HENTZ FLETCHER, VICE-CHAIRMAN (Arrived late)
STERLING WATSON
EDWARD J. DIXON
NICHOLAS THOMAS, CLERK
HAL RICHMOND, COUNTY ATTORNEY
BETTY MILLER, INTERIM COUNTY MANAGER

ABSENT: BILL MCGILL

CALL TO ORDER

Chairman Peacock called the meeting to order. Commissioner Dixon led in pledging allegiance to the U.S. Flag. Chairman Peacock followed with a prayer.

Chairman Peacock asked the record to reflect that Commissioner McGill would be arriving late as would Commissioner Fletcher.

Application for Carpentry Contractor's License - King Louis Baker

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 3 - 0 BY VOICE VOTE TO APPROVE THE LICENSING OF KING LOUIS BAKER AS A CARPENTRY CONTRACTOR.

Application for Carpentry Contractor's License - Terry Harvell

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 3 - 0 BY VOICE VOTE TO APPROVE THE LICENSING OF TERRY HARVELL AS A CARPENTRY CONTRACTOR.

Application for Masonry/Concrete Contractor's License - Robert w. Hutton

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 3 - 0 BY VOICE VOTE TO APPROVE THE LICENSING OF ROBERT W. HUTTON AS A MASONRY/CONCRETE CONTRACTOR.

Application for Masonry/Concrete Contractor's License - Kenneth Jones

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 3 - 0 BY VOICE VOTE TO APPROVE THE

LICENSING OF KENNETH JONES AS A MASONRY/CONCRETE CONTRACTOR.

Application for Carpentry Contractor's License - Kenneth Jones

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 3 - 0 BY VOICE VOTE TO APPROVE THE LICENSING OF KENNETH JONES AS A CARPENTRY CONTRACTOR.

Application for Master Plumber's License - Glenn Mullens

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 3 - 0 BY VOICE VOTE TO APPROVE THE LICENSING OF GLENN MULLENS AS A MASTER PLUMBER.

Application for Carpentry Contractor's License - Dale A. Riggins

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 3 - 0 BY VOICE VOTE TO APPROVE THE LICENSING OF DALE A. RIGGINS A CARPENTRY CONTRACTOR.

(Commissioner Fletcher arrived at this juncture of the meeting.)

APPROVAL OF MINUTES - FEBRUARY 21, 1995

UPON MOTION OF COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 4 - 0 BY VOICE VOTE TO APPROVE THE MINUTES OF THE FEBRUARY 21, 1995 MEETING.

ADJOURNMENT

UPON MOTION OF COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE CHAIRMAN DECLARED THE MEETING ADJOURNED.

James Peacock, Chairman

ATTEST:

Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE BOARD OF
COUNTY COMMISSIONERS, HELD IN AND
FOR GADSDEN COUNTY, FLORIDA ON MARCH
21, 1995, THE FOLLOWING PROCEEDINGS
WERE HAD, VIZ.

PRESENT: JAMES PEACOCK, CHAIRMAN
E. HENTZ FLETCHER, VICE CHAIRMAN
BILL MCGILL (ARRIVED LATE)
JAMES PEACOCK
STERLING WATSON
HAL RICHMOND, COUNTY ATTORNEY
BETTY MILLER, INTERIM COUNTY MANAGER
NICHOLAS THOMAS, CLERK

CALL TO ORDER

Chairman Peacock called the meeting to order.

ADOPTION OF THE AGENDA

Chairman Peacock asked to amend the agenda by adding Dr. Lawrence to speak following Dr. Charles Kent of Quincy Family Medicine (No. 5).

Mr. Richmond asked that the Public Health Week Resolution be pulled from the consent agenda and be placed on his agenda for reading and discussion.

UPON MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 4 - 0 BY VOICE VOTE TO ADOPT THE AGENDA AS AMENDED AND STATED ABOVE.

APPROVAL OF MINUTES - FEBRUARY 21, 1995 REGULAR MEETING

Commissioner Watson called for a correction to the minutes on page 31 second paragraph. The minutes read "Commissioner Hall asked why." It should be corrected to read "Commissioner Watson asked why."

UPON MOTION OF COMMISSIONER WATSON AND SECOND BY COMMISSIONER FLETCHER THE BOARD VOTED 4 - 0 BY VOICE VOTE TO APPROVE THE MINUTES AS AMENDED AND STATED ABOVE.

COUNTY ATTORNEY - HAL RICHMOND

Fire Assessment Ordinance Amendment Public Hearing

Mr. Richmond announced a public hearing on the proposed Fire Assessment Ordinance Amendment (No.92-001). He then read the amendment into the record. He explained that the amendment would exempt non-profit organization from the fire assessment retroactive to January of 1994.

He called for public input. There was none.

Chairman Peacock called for a motion on the proposed ordinance amendment.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 4 - 0 BY VOICE VOTE TO ADOPT THE FIRE ASSESSMENT ORDINANCE AMENDMENT AS PROPOSED.

Update on Taxes (Sales Tax and Gas Taxes)

Mr. Richmond called attention to three Gadsden County Ordinances.

- 1) Ordinance No. 85 - 005: Imposing \$.04 per gallon on motor fuel and special fuels sold in Gadsden County. This tax expires on August 31, 1995.
- 2) Ordinance No. 87 - 003: Imposing an additional \$.02 local option gas tax upon every gallon of motor fuel and special fuel sold in Gadsden County. It expires August 31, 1997.
- 3) Ordinance No. 87 - 011: Imposing a \$.01 discretionary sales surtax which expires December 31, 1995.

Mr. Richmond recalled previous discussions regarding the potential of borrowing money to pave roads and using the revenue from the above taxes to repay the loan. In keeping with that possibility, he suggested that the Board form a finance committee (board member, administrator, banker, public roads employee, etc.) to study the options available and make a recommendation as how to proceed.

Chairman Peacock recommended that the board follow Mr. Richmond's advice and form the committee. He suggested Mrs. Betty Miller, Mr. Richmond, Commissioner Fletcher, Public Works Director, Clerk Thomas and Chris Moran (auditor).

Commissioner Dixon asked Mr. Richmond to describe the scope of work to be accomplished by this committee.

Mr. Richmond pointed out the following:

- 1) Obtain information from the Public Works Department as to the conditions of the roads.
- 2) Attempt to determine the amount of money necessary to properly accomplish the tasks as previously discussed by the Board.
- 3) Make a recommendation as to as the proper method to pursue facilitation of the desired accomplishments (bonding vs. borrowing money).
- 4) Research and make recommendations as to what taxes need to be brought before the board this year for discussion. (re-instating)
- 5) The committee should report back to the Board by the first meeting in April if possible.

Mrs. Miller suggested that the board set up another road paving workshop with the Technical Assistance Program (Florida Counties Association) and make some basic decisions which would assist the finance committee in formulating their recommendation. For example:

- 1) Define the work that needs to be done;
- 2) Outline the estimated costs for accomplishing the desire work;
- 3) Describe the financial limits to which the board is willing to commit.

The finance committee could then take that information and make a meaningful assessment of the options that are available for funding the work.

Mrs. Miller was instructed to schedule a workshop and inform the board members accordingly.

UPON MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0 BY VOICE VOTE TO APPROVE THE FORMATION OF A CAPITOL PROJECTS FINANCE COMMITTEE. THE COMMITTEE IS TO BE COMPRISED OF MRS. BETTY MILLER, MR. RICHMOND, COMMISSIONER FLETCHER, PUBLIC WORKS DIRECTOR, CLERK

**THOMAS AND CHRIS MORAN. THE SCOPE OF WORK TO BE ACCOMPLISHED
IS DESCRIBED ABOVE.**

L.C.Chance/Lamar Kinard Pit (Attached)

Mr. Richmond informed the board of a deed which was issued in 1987/88 by the County Commission to L. C. Chance and Lamar Kinard.

It apparently has been lost. There are no copies of the deed anywhere nor has it been recorded. Mr. Richmond stated that the Board minutes indicate that a deed was approved. Mrs. Slay confirmed that the deed had been executed and mailed.

Mr. Richmond recommended against re-executing the deed last year because there was some dispute between Mr. Kinard and Mr. Chance as to whether they would take the deed in joint names.

With approval of the board, the deed will be exactly the same as previously approved. He asked for authority for the Chairman to re-execute the deed.

UPON MOTION OF COMMISSIONER WATSON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0 BY VOICE VOTE TO AUTHORIZE THE CHAIRMAN'S SIGNATURE TO EXECUTE THE DEED OF PROPERTY TO L.C. CHANCE AND LAMAR KINARD.

Public Health Week Proclamation (attached)

Mr. Richmond read aloud a resolution endorsing the celebration of Public Health Week, April 3 - 7, 1995.

UPON MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0 BY VOICE VOTE TO APPROVE AND ADOPT THE RESOLUTION PROCLAIMING APRIL 3 - 7, 1995 AS PUBLIC HEALTH WEEK AND ENDORSED ITS CELEBRATION IN GADSDEN COUNTY.

DR. CHARLES KENT - QUINCY FAMILY PRACTICE - DISCUSSION OF HOSPITAL OPERATIONS

Dr. Kent introduced himself as a family practice physician. He has resided in Gadsden County for 10 1/2 years. He first became associated with Gadsden Memorial Hospital 2 years prior to becoming a resident when he worked in the emergency room on weekends.

Dr. Kent called attention to several incidents which are reason for concern as they relate to delivery of health care to the patients at GMH.

When HealthMark first took over administration of the hospital, a lot of agency nurses were used. Many of the problems which occurred in nursing care were attributed to agency nurses. (Nurses from a pool who are called upon on short notice to provide nursing care. They do not know the other nurses or patients.) Use of agency nurses made it difficult to maintain the continuity of nursing care. He went on to say that while HRS made its inspection and gave the nursing staff a glowing report, it is not indicative of what is really taking place.

Dr. Kent cited a number of recent incidents (within the last 3 months) which were not due to agency nurses.

- #1: He had one patient who was too sick to even be examined in his office - he was examined in the parking lot. Dr. Kent wrote the admission orders and sent the gentleman over to the hospital. 5 hours later when he arrived at the hospital, the orders were still in the process of being carried out and still waiting on lab results.
- #2: The last time he ordered a stat blood sugar, he had to wait 2 hours for its results. (Stat means "do it now".) Because Gadsden County has a high prevalence of diabetes, a deficiency of this type of service makes a critical difference in treating many patients.
- #3: A female patient who is a heart patient was hospitalized with an infection in her leg. She is on a lot of heart medication. She also has thyroid disease. The admitting nurses and the supervisor gave this patient a dose of thyroid medicine which was 10 times her prescribed dose. The patient did not die but that dosage could have been fatal.
- #4: One patient was admitted suffering from alcohol withdrawal. The patient received the sedative which was prescribed but was not administered the blood pressure medicine. The patient had to be stimulated to keep him breathing. He was subsequently transferred to Tallahassee.
- #5: In the middle of the night, a patient at River Chase Care Center (Nursing home located .3 mile from the hospital) began bleeding from a cite used for her dialysis treatment. The LPN on duty at the nursing home phoned the patient's doctors who instructed her to transfer the patient to GMH. She called GMH, they accepted the patient, then only a few minutes later called her back

and told her not to send the patient to GMH. When the nurse contacted him (he is the medical director), he instructed the nurse to transfer the patient to Tallahassee. Because refusal to accept a patient is against the rules, Dr. Kent asked Mr. Hufstedler to look into the incident. Mr. Hufstedler assured the doctor he would look into it and get back with him. Mr. Hufstedler still has not contacted Dr. Kent regarding that incident. Dr. Kent stated that when the administrator does not respond to such matters, there appears to be a callous disregard for medical care.

Dr. Kent stated that the incidents described were catastrophic incidents but none of the patients died. The occurrences are too excessive to be able to say that the standard of care was met. He stated that mistakes are made from time to time. But when mistakes are made, they should be acknowledged by filing an incident report and take steps to prevent them from happening again. He further stated that he has not been provided an incident report on any of the cases described above.

Dr. Kent stated that he had contacted the Health Care Administration on the nursing home incident and requested an investigation into it.

He questioned why HealthMark spent \$300,000 in equipment for the OB unit then close it. He went on to say that he had totally lost faith in the administration of the hospital but spoke well of some of the nurses.

He stated that he had addressed these concerns - not as an employee of Tallahassee Memorial - but as a citizen and taxpayer who has some unique insight into this matter.

Dr. Kent was questioned by the board.

Commissioner Watson asked the doctor how much time elapsed between the time the nursing home nurse called the hospital and the time the hospital called her back.

Dr. Kent stated that it was only a matter of minutes.

Commissioner McGill asked Dr. Kent if he encouraged his patients to use Gadsden Memorial when the patient has been in need of hospitalization.

Dr. Kent stated that he did not. His pattern of referral has been Tallahassee Memorial.

He continued by saying that the emergency services rendered at the hospital are good. The emergency staff has remained stable and give good care.

Commissioner Dixon asked Dr. Kent to make a definitive statement of his personal opinion as to the quality of patient care at the hospital.

Dr. Kent stated that the quality of care has been haphazard and spotty, unreliable and there is no mechanism which has allowed for pursuing problems in an adequate venue. He further stated that he did not believe it was in the best interest of a patient to be in that facility at this time.

Commissioner Dixon asked him if he or Quincy Family Medicine would be admitting patients to GMH.

Dr. Kent clarified that he had made that as a personal decision - he could not speak for Quincy Family Medicine.

Commissioner Dixon asked him if were recommending that the county have an emergency room only and not necessarily bed care for patients.

Dr. Kent responded by saying if he were presented with that as an option, he would think that to be a proper way to go.

Commissioner Fletcher asked him if the problems he described stemmed from lack of a proper administration of the hospital.

Dr. Kent answered that he had experienced a problem in dealing with the administration. He further stated that he had been unimpressed and disappointed in the administration's ability to follow through or attempt to do anything meaningful to help the Gadsden County citizens.

DR. CHUCK LAWRENCE

Dr. Lawrence introduced himself as a pediatrician. He has been a resident of Gadsden County for 1 year and 1 week. He was recruited to come to Quincy by HealthMark to help build medical care for pediatrics and OB unit.

He stated during his tenure he had observed the administration trying to make an effort to obtain quality care at Gadsden Memorial. In his experience with rural hospitals, he ranks Gadsden

Memorial above at least two of those hospitals in terms of patient care and quality.

It is difficult to run a rural hospital. In situations where a rural hospital is trying "to be turned around" the time span for that is a long process. It needs community support.

Dr. Lawrence stated that he has not personally experienced the things which have been publicly described by others to the commissioners. He further stated that he does not believe that the professional community is taking steps to reverse the hospital's poor reputation.

He reiterated that the hospital has the potential of giving good quality care. Every rural hospital has problems of omission and commission by nursing services and laboratories.

Dr. Lawrence stated that he believed Dr. Kent's remarks that the Agency Health Care Administration's review of the hospital were not valid or had no merit were out of line. They are set up in the state to evaluate quality of care.

Dr. Lawrence closed his remarks by saying he believes that the community deserves the support of a local hospital and the facilities and the care that it can offer.

(The following statements are a verbatim account of this portion of the meeting transcribed and included upon request.)

Mr. Richmond: Dr. Lawrence, can I ask you a question? Concerning the investigations and the licensing boards, is it Mr. Hufstedler that deals with them primarily?

Dr. Lawrence: No, sir.

Mr. Richmond: Who deals with them?

Dr. Lawrence: Mr. Hufstedler deals with them and everyone in the hospital has to deal with them.

Mr. Richmond: And Mr. Hufstedler is the administrator and presents the hospital's position?

Dr. Lawrence: He presents the hospital statistics and the investigators do the investigating with each of us.

Mr. Richmond: He presents the hospital statistics and is he as honest with them as he is with us?

Dr. Lawrence: That's a "Have I stopped beating my wife yet?" type question?

Mr. Richmond: Yeah, that is.

Chairman Peacock: Do any of you other gentlemen have any questions? Thank you sir. We appreciate it.

Unidentified

Audience Member: Mr. Peacock, may I be allowed to answer some of the commissioners questions?

Chairman Peacock: Ma'am, you need to get on, ah, we had two doctors here on the agenda tonight on the hospital. They have give it to us and we are presently looking into the situation out there. We've had a , what was the doctor's name that come here and done a survey for us?

Unidentified

audience: Johnson.

Chairman Peacock: Johnson. We haven't got that report back yet. We've got several reports coming in that we are going to look at. And you know, we know what the problem is and we are going to get to the bottom of it.

Unidentified

audience: Can I call the manager and get on the next agenda? I am the director of nursing at (inaudible) Memorial.

Chairman Peacock: Yes. You can get with Mrs. Miller here and she will put you on the agenda. Mr. Mike Sherman.

PLANNING AND ZONING

Mr. Mike Sherman, Director of Department of Growth Management, presented the following items for the Board's consideration.

Le V's Neighborhood Daycare Center - Project # 95PZ - 10 - 204 - 3 - 03

Ms. Ann Le Varity petitioned the county for a development order to allow her to open and operate a children's daycare center.

The property is located on the southwest corner of the intersection of Griff Street and Crews Street in the unincorporated area of Chattahoochee. The applicant is Ms. Ann le Varity, P. O. Box 689, Chattahoochee, FL 32424.

P & Z Commission recommended approval.

P & Z Staff recommended approval.

MOTION WAS MADE BY COMMISSIONER WATSON AND SECONDED BY COMMISSIONER DIXON TO APPROVE THE DEVELOPMENT ORDER FOR LEV'S NEIGHBORHOOD DAYCARE CENTER WITH THE SPECIAL CONDITIONS AS OUTLINED IN THE ATTACHED MEMO.

Chairman Peacock called for public comments. There was no one to speak for or against the project.

QUESTION WAS CALLED BY COMMISSIONER FLETCHER.

THE BOARD VOTED 5 - 0 BY VOICE VOTE TO APPROVE THE PROJECT.

Hinson Oil/Texaco Service Station - Project #95PZ-12-208-3-03

The Kin Jac Corporation petitioned the county for development order to allow for an addition to the existing Texaco Service station which is at the southwest corner of the I-10, CR 270A intersection. The applicant's representative is mr. Bill McMillian, Route 6, Box 42, Quincy, FL 32351.

The P & Z Commission recommended approval.

The P & Z Staff recommended approval.

MOTION WAS MADE BY COMMISSIONER WATSON AND SECONDED BY COMMISSIONER FLETCHER TO APPROVE THE HINSON OIL/TEXACO SERVICE STATION DEVELOPMENT ORDER FOR AN ADDITION TO THE EXISTING STATION SUBJECT TO THE SPECIAL CONDITIONS AS LISTED IN THE ATTACHED MEMO.

Chairman Peacock called for public input. There was none.

THE BOARD VOTED 5 - 0 BY VOICE VOTE TO APPROVE THE PROJECT.

Magnolia Glen - Farms at Quincy Preliminary Plat - #95PZ-13-203-2-03

The Village Developers of Quincy, L.C., petitioned the county for consideration of the Magnolia Glen proposed planned unit

development, residential subdivision. The proposed subdivision is for site built homes on 18 lots, totaling 18.22 acres. The applicants are seeking preliminary plat approval. The site is located on the southwest side of CR 379 in the Farms of Quincy Subdivision. The applicant and property owner is the Farms at Quincy Trust. The applicant's representatives are Mr. Ken Whittle, Mr. W.O. Whittle and Mr. Bill Crawford.

The P & Z Commissioner recommended approval.

The P & Z staff recommended approval.

MOTION WAS MADE BY COMMISSIONER WATSON AND SECONDED BY COMMISSIONER FLETCHER TO GIVE PRELIMINARY PLAT APPROVAL OF MAGNOLIA GLEN - FARMS AT QUINCY SUBDIVISION SUBJECT TO THE SPECIAL CONDITIONS AS LISTED IN THE ATTACHED MEMO.

Chairman Peacock called for public input. There was none.

QUESTION WAS CALLED BY COMMISSIONER FLETCHER.

THE BOARD VOTED 5 - 0 BY VOICE VOTE TO APPROVE THE PRELIMINARY PLAT.

North Florida Materials Handling Company - #95PZ-14-201-1-03

Mr. Fletcher Christian of North Florida Materials handling Company petitioned the county to allow the construction of a 2800 square foot building to operate a commercial/light industrial business operation. The business will primarily warehouse, assemble and display for sale light machinery, tools, and parts, etc. The property is designated as Agriculture 1 on the Future Land Use map of the Comprehensive Plan. Mr. Christian requested that the proposed business be permitted under the policy in the Comprehensive Plan which allows for commercial in-fill determinations by the Board of county Commissioners. The parcel is located 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. Christian Fletcher. The applicant's address is Route 4, Box 380, Havana, FL 32333. The property owner is Mr. Fletcher Christian.

On September 20, 1994, the Board of County Commissioners denied a previous request for a commercial in-fill determination.

P & Z Commission recommended denial.

P & Z staff recommended denial citing that the development request is not consistent with the Comprehensive Plan nor does the development proposal does not qualify as "in-fill commercial".

Mr. Sherman stated if the board should approve the project, that special conditions as listed in the attached memo should be required in the development order.

Commissioner McGill asked if the application had changed since it was heard last September.

Mr. Sherman indicated there had been no changes. The old application was copied for the second request.

Commissioner Watson asked if the church in the vicinity of the proposed site operated a day-care. He was told that it did not.

Fletcher Christian presented each board member with a notebook which described the project in detail. (This notebook is on file in the Clerk's office with the original minutes of these minutes but not made a part of the minutes.)

Mr. Christian stated he had contacted all the residents within 1,000 ft. of the proposed site to get their opinion on the project. The residents were asked two questions -

- 1) Did they have a problem with North Fla. Material Handling locating there?

13 of 19 contacted had no problem with it; 3 of the 19 stated problems with it; no contact with the other 3 residents could be made.

- 2) Is Dan Winchester representing you in this matter?

13 of 19 residents contacted replied "no".

This question was asked because Mr. Winchester had stated in another meeting that he represented residents in the area.

Mr. Christian also stated that he had contacted the Espositos (they own the adjacent property) to see if they objected to the building being located there. Mr. Christian indicated that The Espositos had no problem with it.

Commissioner Dixon asked Mr. Sherman to explain the reason for the denial when the project was first brought to the board.

Mr. Sherman stated the following reasons:

- 1) The property is designated Agriculture 1 on the Land Use Map.
- 2) Policy 1.1.5 - Future Land Use Element
Policy 1.1.11 " " " "
Objective 1.5 " " " "
Objective 1.10 " " " "
Policy 1.10.1 " " " "
Policy 1.10.3 " " " " " "
Policy 1.10.12 " " " "
Policy 1.10.13 " " " "

Commissioner Dixon expressed to Mr. Christian that he needed a land use change.

Chairman Peacock asked how many businesses have been established in that area since implementing of the comp plan.

Mr. Sherman answered by saying the Castillo Garage in a commercial designation; Thomas Motor Cars in a commercial designation; Rock of Ages in a commercial designation; Bread store in a commercial designation. None of them were agriculture designations.

Chairman Peacock then asked how this piece of property came to be designated as agriculture if it is between two commercial establishments.

Mr. Sherman replied that Mr. Shaap's property adjacent to the lot in question, is not commercial - it is designated agriculture or residential on the land use map. While the mobile home park is a business, it is also residential for the people who live there. It is a gray area.

Mr. Sherman contended that the area should remain a low density use mainly because the corridor is not designed to handle the impacts from extensive commercial development. The intersections from collector and local roads onto 27 are not designed for commercial activity. There is no controlling of access points along the corridor.

Mr. Sherman told the Board they could make a determination that this property is "in-fill commercial" and it could be defended against charges of violation of the comp plan.

Commissioner McGill asked how many of the land left in that area could be considered "in-fill commercial"?

Mr. Sherman answered by saying that most of the areas operating as commercial in the area are designated commercial on the land use map. He could not recall any that are not designated commercial but are operating as commercial that would meet the "in-fill" definition.

A MOTION WAS MADE BY COMMISSIONER DIXON AND SECONDED BY COMMISSIONER FLETCHER TO APPROVE THE PROJECT (NORTH FLORIDA MATERIALS HANDLING COMPANY) AND DESIGNATE THE LAND AS "IN-FILL COMMERCIAL" SUBJECT TO THE SPECIAL CONDITIONS AS LISTED IN THE ATTACHED MEMO.

DISCUSSION FOLLOWED.

(This discussion is transcribed verbatim upon request.)

Dan Winchester: Mr. Chairman, members of the commission, members of the audience, my name is Dan Winchester. I am a professional planner. I represent surrounding property owners, land owners and home owners in the area. I do not represent all of them. I have never made that presentation to this commission.

I wasn't going to get into a long and drawn out dog and pony show about why this development could not and should not be approved here tonight. But, based on the motion that is on the table, I will take the necessary time to make the commission aware of the situation.

Chairman Peacock: We will give you the amount of time that the chair feels you should have Mr. Winchester.

Pastor Emil Brady: That's pretty arrogant isn't it.

Commissioner Dixon: Mr. Winchester, before you begin - Mr. Chairman, May I? May I ask a question?

Chairman Peacock: Yes, sir.

Commissioner Dixon: Before you begin Mr. Winchester - What do you see as the future of this property?

Dan Winchester: In my opinion, the future of that property can not be determined at this time until a corridor study is implemented along that area.

Commissioner Dixon: Isn't that a "cop-out" Mr. Winchester?

Dan Winchester: No, sir. Quite frankly, it is not. You have to understand, I don't have an answer to your question. The future of that property

Commissioner Dixon: You are a planner as you have clearly designate here?

Dan Winchester: That, that's true. I think in order to make that determination, you can't, I couldn't, I would, I would be in error to sit here and tell you that I think that the future of that property is anything but what it is now until further study is done to determine what is suitable for and along that entire corridor.

Commissioner Dixon: Thank you Mr. Chairman.

Dan Winchester: Again, Mr. Chairman, member of the Commission, members of the audience. What you have here before you, and I won't get into all the details of it hopefully, but, quite frankly, the planning commission denied this proposal back in September of 1994 and the county commission followed that denial and denied that same proposal back in September of 94 as well.

Basically, there are four reasons, there's several reasons, but the main four are identified in page 2 of the letter that I just distributed to you and.

The first one is that the comprehensive plan defines commercial and indicates that commercial nodes may extend for one quarter of a mile along four-lane arterial and collectors. As Mr. Sherman pointed out earlier, those must be paved roads. The proposed site is approximately over a half mile or .6 of a mile from the nearest collector road. And it goes on, you can read the other two or three there but the ah yet in

order to determine this is "in-fill" commercial you would have to make the determination that area and its property is surrounded with commercial land uses that currently exists and it is not.

All that the booklet that the applicant distributed to you, I, for the record dispute most of what is in there. I haven't reviewed it, but some of the stuff verbally that I heard is in dispute including the land adjacent to this one to the north which refers to some sort auto sales situation over there.

If you take a ride over there, I think you would be pretty clear that's not functioning in that capacity.

The other use that's commercial that was pre-comprehensive plan use which is at the entrance of Sandy Creek was also a pre-comprehensive plan commercial use that was grandfathered in.

And finally, no. 4, on page 2, indicates that available commercial land exists which is clearly designated as such on a future land use map of Gadsden County Comprehensive Plan.

To change this isolated from agricultural to commercial would penalize those who follow the rules and locate businesses in commercially designated areas. Most of the majority of the ones that the applicant mentioned in his presentation and that Mike discussed, a lot of those were pre-comprehensive plan, and ones that have located since the adoption of the comprehensive plan located in a consistent manner with the comprehensive plan. And I have some photographs I would like to show you so you might get a idea about where this property is located and what's being alleged as commercial adjacent to it.

In photograph A is the community church that was spoken of. Photograph B is the subject property. Photograph C is John Esposito's Tree farm immediately adjacent to the proposed property. Photograph D continues on south

back towards Tallahassee with single family residential. This is the pastor's home. And this is a shot looking directly north towards Havana or towards 27 north. There is absolutely no commercial along that area. That is pretty clear.

In order, if you wanted to make a leap of faith and determine that this was "in-fill commercial", I'll give you a little guidance.

There's existing commercial that Mr., the applicant indicated was the abandoned or the vacant Tri-City Automotive Shop which is depicted in photograph H. There is the CITGO Bait & Tackle commercial use shown here in exhibit F. And if you, if you made ah, bought the argument that "in-fill commercial" existed along this area, the property, this property lies in between this property and this property, thereby could qualify as "in-fill commercial". O.K. And the other property Castillos - Castillos Automotive is located within a rocks distance of a collector road which would also meet the definition in the comprehensive plan. And land along this area is available and is being sold every day and people are locating businesses there. If you continue to allow strip development along this corridor, between the Ochlocknee River and 27, that area is going to look like Tennessee Street eventually. We will have kids getting run over by cars, we will have major public safety violations, we will have level of services issues with the Department of Transportation and so on.

In summary, in the event, I know there are some others that want to speak here tonight, but in the event, and I didn't think I was going to have to do this, but in the unlikely event that this commission decides for whatever reasons, that this is proposed, that this proposal use is going to go forth, we are prepared to serve on the county tonight, a verified complaint and thereby file a law suit to prohibit this from occurring. We don't want to do that. We didn't think it would be necessary. But, I think that your counsel

will hopefully advise you of those circumstances. Thank You.

Commissioner Dixon: Mr. Chairman.

Chairman Peacock: Mr. Winchester, are you, in other words you are threatening the vote of this board by law suit. Is that what you are saying?

Dan Winchester: No, sir. I am not threatening at all. I am merely pointing out to this board that if you take, if this is taken tonight, it is a violation of state law. That is all I am saying.

Commissioner
Fletcher: Question.

Commissioner Dixon: Mr. Chairman. Mr. Fletcher, may I please make one comment.

Commissioner
Fletcher: Yes, sir. Go ahead.

Commissioner Dixon: I, I, you know, it is disrespectful of anyone to come into this body and sit here and threaten this board because we are the policy making board of Gadsden County. Now, it is enough that Mr. Winchester has been arrogant and went out of the way to criticize this board. It is , I am just fed up with folks coming in here and the board making a policy. I don't agree with everything the board does, but I don't threaten the board with law suits every time I am before here. And Mr. Chairman I just wanted to express that because I have had it up to here.

Chairman Peacock: Question has been, Question has been called. I call for the vote. All in favor of the motion, signify by saying "aye".

Commissioners Watson, Fletcher, Dixon, Peacock: Aye

Audience Member: There are a few people that have not spoken.

Chairman Peacock: All opposed, "nay".

Commissioner

McGill: Nay.

Audience Member: We have not spoken.

Audience Member: We are here to be heard.

Audience Member: The tax payers have not spoken yet.

Chairman Peacock: It's been voted on.

Audience Member: You are not going to allow us to speak?

Chairman Peacock: You can say all you want to. Yes, sir. The question has been called and the vote has been taken.

Audience Member: And how did that vote go please?

Chairman Peacock: I understand that Mr. Winchester was representing those that was not in favor of it. I thought, I thought, I thought that's what

Audience Member: We came here to be heard and we have not been heard. He is not representing all of us.

Chairman Peacock: That's what he said.

Audience Member: He did not say that. He only said that he was representing some people.

Commissioner Dixon: That's what he said.

Chairman Peacock: That's what he said.

Audience Member: You obviously didn't hear.

Chairman Peacock: You are welcomed to talk.

Audience Member: Have you made your vote?

Chairman Peacock: Yes, Ma'am.

Audience Member: And how did that vote go please?

Commissioner Dixon: Four - one

Chairman Peacock: Four to one.

Audience Member: And who was that one?

Commissioner Dixon: Mr. McGill.

Chairman Peacock: Commissioner McGill.

Chairman Peacock: You see, this board has been through this 6 months ago.

Audience Member: Right, and you denied it 6 months ago.

Audience Member: And there's been no changes.

Audience Member: No changes.

Commissioner Dixon: Not to the plan, but to the board. To the board.

Chairman Peacock: There's been a change on the board.

Audience Member: Well, obviously, you don't know how to vote very well.

Commissioner McGill: I really wanted ah, I wanted to talk to Mr. Sherman again before the vote was taken but it's too late now.

Audience Member: I think it is disgusting when you allow Mr. Christian all the time that he was allowed to make his presentation and then you didn't let the rest of us speak.

Chairman Peacock: Ma'am, I am sorry. Mr. Winchester said he was representing the people.

Audience Member: He was not representing us. He said he was not representing all of us.

Dan Winchester: I also indicated that those individuals, for the record, wanted to speak as well, Mr. Chairman.

Chairman Peacock: The vote has been taken.

Audience Member: Yeah, I think you're good friends with Shaaf and Christian.

Chairman Peacock: Mr. Frank Ritter.

Mike Sherman: I have a couple more things for

Chairman Peacock: You got a couple more?

Mike Sherman: Yes, sir. I will be very brief. O.K. The next request or item before the board tonight for their consideration is a request from Mr. James Brown for an extension to his development order and an amendment to that order which was issued to him a little over a year ago.

Bill Piotrowski: I would like to ask for clarification. We were not represented by Mr. Winchester. We did not have an opportunity to speak. I'm sorry it got so emotional. We are concerned home owners whose survey did not represent us nor did Mr. Winchester. What recourse do we have to have our views represented to ya'll. Some of us don't agree necessarily with the package or what was said or represented. I think it is unfortunate that it got off to that kind of a start. I regret that. I'm just saying, I would like that to be clear for the record that we weren't represented by the people out here.

Hal Richmond: I have had the pleasure of listening to you numerous times when you were on the planning and zoning commission. You make a very good presentation. Be that as it may, at this time, we have been served with a verified complaint which Mr. Winchester is certainly within his rights to do and entirely correct in doing it at this point and time. As such, the matter has now been put into litigation position. The vote was taken. There was a misunderstanding perhaps as to other people having the ability to speak. We thought Mr. Winchester was and there is nothing the board can do at this time because we have been served with a verified petition. I would like to have heard what you had to say about it though. Ya'll can join in the law suit.

Bill Piotrowski: We would not like to take that route. We came here to be heard not to threaten the board.

Audience Member: We did not come with that intention, O.K.

Commissioner Dixon: Well, somebody did. It's here.

Commissioner Watson: That just shouldn't have been done. That was way out of line. Way out of line.

Reverend Brady: I think there is a lot of paranoia on the board.

Commissioner Dixon: Sir, there is no paranoia here. We try and deal with the facts. It is a very emotional situation. You have pros and cons to deal with.

Reverend Brady: But sir, when you are presented with information and then won't

Commissioner Dixon: Sir, if I may finish. But to sit here and insert threats to the board is just uncalled for.

Audience member: It's immaterial to you what we are saying.

Reverend Brady: It wasn't a threat. It is a potential course of action to let you know that the situation will not be resolved tonight. And you took it as a threat and I see that as a paranoia on your part.

Commissioner Dixon: Mr. Winchester, Yes, because, Sir, Sir, Mr. Winchester has been in this before this body before with those same type activities.

Reverend Brady: No, he hasn't.

Commissioner Dixon: Yes, he has.

Reverend Brady: No, he hasn't.

Commissioner Dixon: Yes, he has. Maybe not for this particular cause, but

Chairman Peacock: Point of order. Let's come to a point of order here. We are not getting any where here. I think the attorney has explained it.

Reverend Brady: It's not so bad that we loose a vote. It is the arrogance of this board.

Chairman Peacock: I am sorry that you feel that way, but I don't think that we have been arrogant whatsoever.

Commissioner McGill: Mr. Chairman, I did want to say to Mr. Sherman before the vote was taken, I guess it is too late now to change that and I am not going to try to change that. But, my concern was: What did the planning and zoning commission look at this time than it looked at before?

Mr. Sherman: Absolutely nothing.

Commissioner McGill: So, nothing changed. It was 6 - 0 vote then and its 6 - 0 now. That concerns me - how we took this vote tonight. I guess it is a dead issue now, I suppose.

Commissioner Dixon: Something did change, Mr. McGill. The board.

Chairman Peacock: What's next, Mr. Sherman?

Nature's Old Fashioned Meats & Beauty Salon - Request for time extension of development approval and request for amendment to the special conditions of the development order.

On July 20, 1993, Mr. James Brown Jr., was granted approval from the BCC to open and operate a store for the retail and wholesale sale of meats and operate a beauty salon. At the time Mr. Brown was required to receive central water facilities from Talquin Electric. Subsequent to that meeting, it has been determined that the central water system is further than .25 mile from Mr. Brown's site. It has taken Mr. Brown approximately 1 year plus to get a commercial well permit from Northwest FL Water Management District. Because of the circumstances, the staff recommended that the development order be extended for a definite time (6 months) and amend the development order to allow him to use the commercial well.

A MOTION WAS MADE BY COMMISSIONER WATSON AND SECONDED BY COMMISSIONER DIXON TO APPROVE THE EXTENSION OF THE DEVELOPMENT ORDER AND AMEND THE DEVELOPMENT ORDER TO DELETE THE SPECIAL CONDITIONS REQUIRING MR. BROWN TO USE TALQUIN WATER SUPPLY.

The Chairman called for public input. There was none.

Board discussion followed.

Commissioner McGill asked if the extension request went before the planning and zoning commission. He was told that the extension request was not

QUESTION WAS CALLED BY COMMISSIONER DIXON.

THE BOARD VOTED 5 - 0 BY VOICE VOTE TO APPROVE THE EXTENSION OF THE DEVELOPMENT ORDER FOR NATURE'S OLD FASHIONED MEATS AND BEAUTY SALON AND DELETE THE SPECIAL CONDITION REQUIRING MR. BROWN TO USE TALQUIN WATER SUPPLY.

Proposed Fee Schedule for Development Orders (Attached)
Information Only - No Action

Mr. Sherman provided the board with a log which detailed the actual costs associated with the issuance of development orders. He explained that the board may adjust the fees imposed by passing a resolution to reflect the desired change.

Land Development Code Worksession Schedule (Attached)

Mr. Sherman provided each commissioner with a new schedule of worksession dates for the board to resume its review of the proposed land development code. He asked them to review the dates and advise him of any conflicts they may have.

FORMATION OF CONSTRUCTION INDUSTRY LICENSING BOARD (Attachment)

Mr. Frank Ritter was previously instructed by the board to pursue the possibility of organizing a separate board to administer the licensing of the construction industry applicants. Subsequently Mr. Ritter had conducted research and reported to the board that it could be done by ordinance. He provided the commissioners with a proposed ordinance that would accomplish forming of a board, fees collection, penalties, etc. Mr. Ritter explained that a new board would require some additional funding.

Mr. Richmond advised the board that a public hearing would be required.

Commissioner Watson stated that when he had requested Mr. Ritter to investigate forming a separate board he did not realize that additional funds would be required to implement it. He maintained the amount of time required for the Board of County Commissioners to administer the licensing is not significant enough to justify the additional cost.

Commissioner McGill questioned why the board would consider this when it had expressed a desire for more direct involvement as opposed to less involvement.

Mr. Ritter explained that he had been instructed by a commissioner to pursue the matter and his presentation was only in response to those instructions.

Commissioner Dixon questioned Mr. Ritter about the fees to be imposed. In response Mr. Ritter answered that no additional fees would be imposed.

Commissioner McGill questioned the lack of an appeal process for the applicant who might be denied.

Commissioner Dixon stated that he would object to the formation of a board if it should be primarily composed of individuals within the industry itself.

Commissioner Watson asked Mr. Ritter to provide the board with more definite cost estimate.

UPON MOTION OF COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0 BY VOICE VOTE TO TABLE THE MATTER FOR TWO WEEKS.

Mr. Ritter was instructed to consult with Mr. Richmond and add language to the proposed ordinance which would allow for a appeal process and bring it back to the board along with a detailed cost analysis to implement a separate board.

GRETNA EFFLUENT DISPOSAL FORCE MAINS

Mr. Mike Murphy of Bishop Engineers was present to speak to the board concerning the installation of the two pipe lines involved in the Gretna sewage project which were approved by the board at the March 7, 1995 meeting.

1. 10 - inch pipe-line from the Gadsden Correctional Institution to the Gretna Waste Water Treatment facility.
2. 8-inch effluent pipeline from the Gretna Waste Water Treatment plant to the disposal site in the Providence/Sawdust community.

Since the Gretna sewage treatment project was originally designed and bid, two things have occurred.

1. Installation of additional utilities (primarily telephone cables) in the route where the pipe lines were to be placed.
2. The water table has risen significantly since the original design was done. As a result, in the wetlands area, placement of the force mains in the right-of-way will be more difficult.

Bishop Engineers have discussed placing the force mains in the roadway to avoid the existing utilities. The areas which might be impacted is CR 65-A from the point that it intersects with CR 270 down to SR 12. The length of the road is approximately 6,000 ft. The pipeline should only be in the roadway for about 1,000 ft.

The cost of the project will go up because the contractor is required to replace all the base material, patch the asphalt, bring in select back fill material and then overlay the road.

Two options have been developed. Both options include putting the pipeline in the same location - in the street at a minimum. The options basically involve to what degree the road will be resurfaced after the pipeline is installed.

Option # 1: Resurfacing entire length of the road - everything from CR 270 down to DOT right-of-way the full width of the road with 1/2 inch leveling course and 1 inch of overlay. This option calls for county participation since it involves resurfacing 6,000 ft. of road but the pipe line will be in the street for 1,000 feet of the 6,000 feet. This option will cost approximately \$40,000. \$36,000 of that cost is in the cost of the overlay. Engineers are proposing that the \$36,000 be split in half between the county and the City of Gretna. The total cost to the county for resurfacing

of the 6,000 ft. would be \$18,000. The total cost to the City of Gretna would be \$22,000. The City of Gretna does not favor this option. The county would be getting 5,000 to 6,000 feet of road resurfaced for 1/2 the cost. Gretna will only be in the road for 1,000 feet.

Option # 2: Resurface only the area which will be impacted by the laying of the pipeline. There would be no cost to the county. Under this option there would be approximately 2,000 feet of the road would be resurfaced. It would be paid for by the City of Gretna. They would stay just in the edge of the road and the amount to be resurfaced would be only the western lane of the road - not the entire width of the road. That would cost the City of Gretna \$12,000. (The one lane resurfacing would be continuous from the first point of entry into the roadway to the final point of exit - regardless of whether the pipe is actually in the roadway.)

Mr. Richmond recalled to Mr. Murphy, that with the last agreement entered into between the county and Gretna, it was agreed that a proposed interlocal agreement would be forthcoming within a week. More than two weeks have elapsed and he still has not seen the interlocal agreement. He asked Mr. Murphy and City Manager Hayes if this matter would be included in the interlocal agreement.

Mr. Hayes answered the question by saying the agreement was being drawn up and he assured Mr. Richmond that he would have the agreement to review before the next commission meeting on April 4, 1995.

Chairman Peacock said he would rather this agreement to be a completely separate agreement. He then questioned Mr. Murphy regarding the route of the pipeline. He stated that he would not agree to resurfacing of only one lane of the road.

After discussion, Mr. Murphy posed a third option.

Option # 3: Gretna could resurface the entire width of the road which is impacted by the pipeline.

Commissioner Dixon stated that he was in favor of Option # 1 and let the City help pay for resurfacing of that length of road.

A MOTION WAS MADE BY COMMISSIONER DIXON AND SECONDED BY COMMISSIONER FLETCHER TO APPROVE OPTION # 1 - OVERLAYING THE ENTIRE WIDTH OF THE ROAD BETWEEN 65-A NORTH TO CR 270, (STOP SIGN TO STOP SIGN - APPROXIMATELY 6,000 FT.) BUT LIMIT THE AMOUNT OF COUNTY FUNDS TO \$18,000.00. THE MONEY IS TO BE TAKEN FROM THE TRANSPORTATION FUNDS. THIS AGREEMENT HINGES ON EXECUTION OF THE INTERLOCAL AGREEMENT WITH GRETN WITH REGARD TO THE EFFLUENT WASTE WATER DISPOSAL PROJECT.

DISCUSSION FOLLOWED.

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

STATUS OF 1994/95 ROAD AND BRIDGE PROJECTS

Mr. Doug Barkley of Bishop Engineering was present to give an update of the road and bridge projects. (attached memo)

County Road 379 and County Road 157-A: Bids are due on March 29, 1995. Bids can be awarded at meeting April 4, 1995.

Ranch Road: The holding pond which engineers had anticipated draining the storm water into was never permitted. (The county's right-of-way was abandoned in October of 1993 and the property reverted to Apalachee because they were the adjacent property owners on all sides.) In order to design the project, the county must have more right-of-way on which it can construct its own holding pond. More investigation is on-going and another update will be made on April 4.

Emergency Work (Atwater Road, Peck Betts Road, County Road 12): continuing.

Barrineau Road: Survey received and preliminary design has begun. Permitting and bid documents will follow.

Frank Smith Road: It has been determined that the county has no ownership. County is not responsible for the spill-way structure. A letter is expected from Northwest Florida Water Management within a short time stating that fact. No money will have to be spent on it.

Rich Bay Road: The survey is ongoing. Within a few weeks, the exact right-of-way should be staked out. The homeowners will be apprised when this is to take place. Estimated construction costs is \$300,000.

County Road 270 at Liberty County Line: Inspection determined that total replacement is necessary. No proposal has been submitted for engineering or consulting. Estimated construction cost is \$300,000. Any engineering and surveying studies will be in addition to the construction cost. This bridge has 5 culverts and covers a longer span than 157-A. They are half arches and are on strip foundations. The creek bed has dropped and water is going under the foundation causing the road to drop slowly. It is subject to wash out if a significant flood should occur. It can either be repaired now or wait until it washes out. It is no better or worse than several others in the county.

County Road 268 - Quincy Creek: Total replacement is necessary. Estimated construction costs is \$300,000. No proposal has been submitted for engineering or consulting. The City of Quincy will be sharing the cost on this project.

County Road 65-A: Inspection determined repairs are required. No proposal has been submitted for engineering or consulting. Cost is unknown at this time.

Commissioner Watson stated he thought the estimated costs for the bridges were \$125,000 to \$150,000.

Mr. Barkley explained those bids were for the structure only. It did not include scrapping and painting nor the dirt work, riprap, stripping etc.

Commissioner Watson asked if the above costs are in addition to the costs discussed at the R & B workshop.

Mr. Barkley stated that these figures are a continuation of those costs. The last three (CR 270, CR 268, CR65-A) were added to the running total given to the commission. They are not additional figures.

Bo Brown was asked about the status of the paving being done by Peavy Construction Company on the emergency work. He responded by saying it should have begun on Wednesday, March 15, 1995 but has been delayed from day to day. Mr. Peavy is trying to get it set up to begin on March 22, 1995.

Commissioner Watson asked what emergency works remains to be done which was not discussed by the engineer.

Mr. Brown stated that the public works department in back into the regular maintenance of the roads at this point.

Commissioner Dixon was excused for the duration of the meeting at this juncture.

BID AWARD - FIRE STATIONS FOR COONBOTTOM AND SYCAMORE VOLUNTEER FIRE DEPARTMENTS

Mr. Oliver Sellars recommended the board accept the lowest bid for the 2 metal buildings needed to construct fire stations in Coonbottom and Sycamore. The low bid was \$27,950.00 for each building from Metal Buildings, Inc. It is only a basic building which can be used for sheltering the trucks. This went through the bid committee and this is the bid committee's recommendation as well.

Commissioner Watson asked Mr. Sellars about the status of the fire department in Sycamore. Mr. Sellars stated that a location has not been determined yet. A truck has been purchased for them and now the metal building to house the truck. There has been very little community interest but he expects to see more interest now that the county has something to offer them as incentive.

Commissioner Watson stated that it was premature to be purchasing equipment for a fire department that is still not established and in a community which has demonstrated so little interest.

UPON MOTION OF COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 3 - 1 BY VOICE VOTE TO ACCEPT THE LOWEST BID FROM METAL BUILDINGS, INC. FOR TWO METAL BUILDINGS AT A COST OF \$27,950 EACH. COMMISSIONERS FLETCHER, MCGILL AND PEACOCK VOTED "AYE". COMMISSIONER WATSON VOTED "NO". COMMISSIONER DIXON WAS NOT PRESENT FOR THIS VOTE.

Commissioner Watson questioned Mr. Sellars about why the last fire truck was financed rather than purchased outright since it was included as a line item in the budget. Chairman Peacock explained that the revenue (borrowed money) was also reflected in the budget.

Commissioner Watson contended that if there was a fund balance of \$210,000 in the fire assessment fund at the end of 1993/94 it should not have been necessary to borrow money to purchase the fire truck.

Clerk Thomas concurred there was \$210,000 in fire assessment fund balance at the end of 1993/94. He went on to say that \$174,000

of that balance was budgeted in the 1994/95 budget. That left only \$36,000 as being unappropriated. At the time the truck was purchased, the money was available and could have been used to purchase the truck outright.

Commissioner Watson concluded that the county is spending \$174,000 more in this present budget than will be collected in fire assessments.

Mr. Sellars explained that the \$174,000 is being used to fund the projects that are described in the five-year plan. \$90,000 was allocated to equip the Sycamore Fire Department. \$50,000 was allocated to equip Coonbottom Fire Department. \$30,000 was allocated for Robertsville.

COUNTY MANAGER

Public Works Department Request to Keep a Second Dump Truck

Betty Miller, interim county manager told the board she had received a request from the public works department to keep a second dump truck which was supposed to be traded-in toward the purchase of the new dump trucks. They have stated the truck is needed to use in conjunction with another truck in the ditch cleaning operations. It will impact the cost of the new trucks by \$19,500. (Trade-in allowance)

Commissioner Watson urged the board to act cautiously in making this decision. He recognized the need but wanted to be certain the county could afford it and still purchase other equipment which is needed.

Mr. Bo Brown stated that the department needed a minimum of six dump trucks to keep the road crew working.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 4 - 0 BY VOICE VOTE TO APPROVE RETAINING THE SECOND 1986 DUMP TRUCK.

CONSENT AGENDA

UPON MOTION OF COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 0 TO APPROVE THE CONSENT AGENDA TO WIT:

- 1) L.S.C.A. Grant (outreach grant) \$69,454.89
- 2) Affordable Housing Meeting Minutes
- 3) Gaming and Gambling Resolution

4) Keep Gadsden Beautiful Resolution

CLERK OF COURT

Public Hearing on Advertised Budget Hearing

Clerk Thomas explained the budget changes which were the result of the board's instruction to the clerk. The amendment shows the transfer of \$615,080 money from Transportation # 1 Reserves to Transportation # 2 for capital projects in the current budget. It also reflects the transfer of \$687,201 from Transportation # 2 reserves to the Transportation # 2 budget. In addition, the amendment reflects a decrease of \$374,000 which was budgeted as revenue in the motor grader vehicle buy-back which the did not occur.

A MOTION WAS MADE BY COMMISSIONER FLETCHER AND SECONDED BY COMMISSIONER WATSON TO APPROVE THE ADVERTISED BUDGET AMENDMENT. (ATTACHED)

The chairman called for public input or discussion. There was none.

Commissioner Watson asked the clerk if the county was still safely within its means as a result of the latest decisions regarding roads and equipment purchases.

Clerk Thomas replied by saying it was close.

**QUESTION WAS CALLED BY COMMISSIONER FLETCHER.
THE BOARD VOTED 4 - 0 BY VOICE VOTE TO APPROVE THE AMENDMENT.**

Budget Amendments

Clerk Thomas explained all of the budget amendments and asked for approval.

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 4 - 0 BY VOICE VOTE TO APPROVE BUDGET AMENDMENTS 95-03-21-01 THROUGH 95-03-21-13.

Approval of Payment of County Bills

UPON MOTION OF COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 0 BY VOICE VOTE 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.

PUBLIC INPUT

Chairman Peacock asked for comments from the public. There were none.

ADJOURNMENT

There being no other business, Chairman Peacock declared the meeting adjourned.

James Peacock, Chairman

ATTEST:

Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE BOARD OF
COUNTY COMMISSIONERS, HELD IN AND
FOR GADSDEN COUNTY, FLORIDA ON APRIL
4, 1995, THE FOLLOWING PROCEEDINGS
WERE HAD, VIZ.

PRESENT: JAMES PEACOCK, CHAIRMAN
E. HENTZ FLETCHER, VICE CHAIRMAN
BILL MCGILL (Arrived late)
STERLING WATSON
EDWARD J. DIXON
HAL RICHMOND, COUNTY ATTORNEY
BETTY MILLER, INTERIM COUNTY MANAGER
NICHOLAS THOMAS, CLERK

CALL TO ORDER

Chairman Peacock called the meeting to order. Commissioner Watson led in pledging allegiance to the U.S. Flag and Commissioner Dixon led in prayer.

Chairman Peacock then introduced Representative Al Lawson who along with Representative Robert Trammel and Senator Pat Thomas was successful in obtaining a Historic Preservation Grant for Gadsden County.

REPRESENTATIVE AL LAWSON

Representative Al Lawson presented Chairman Peacock with a Florida Department of State Grant Certificate in the amount of \$500,000.00. The grant funds are to be used for the restoration of the county courthouse. He then presented the first installment check of \$125,000.

Chairman Peacock expressed the board's gratitude to Representative Lawson for his efforts in helping the county to obtain the grant. The chairman also praised Commissioner McGill for his persistence in pursuing it.

ADOPTION OF THE AGENDA

Chairman Peacock asked that the agenda be amended to move the approval of the minutes of the Construction Industry Licensing Board to the end of the agenda.

UPON MOTION OF COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 4 - 0 BY VOICE VOTE TO ADOPT THE AGENDA AS AMENDED.

APPROVAL OF MINUTES

March 3, 1995 Workshop

UPON MOTION OF COMMISSIONER WATSON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 4 - 0 BY VOICE VOTE TO APPROVE THE MINUTES OF THE MARCH 3, 1995 WORKSHOP.

March 7, 1995 Regular Meeting

UPON MOTION OF COMMISSIONER WATSON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 4 - 0 BY VOICE VOTE TO APPROVE THE MINUTES OF THE MARCH 7, 1995 REGULAR MEETING.

March 21, 1995 Regular Meeting

UPON MOTION OF COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 4 - 0 BY VOICE VOTE TO APPROVE THE MINUTES OF THE MARCH 21, 1995 REGULAR MEETING.

HAL RICHMOND - COUNTY ATTORNEY

Coonbottom Volunteer Fire Dept. Lease and Agreement (attached)

Mr. Richmond presented the Coonbottom Volunteer Fire Department lease and agreement. (The 99 year lease was provided to the commissioners for their review at a previous meeting.) Mr. Richmond asked the board to approve the lease/agreement and authorize Chairman Peacock to sign it.

UPON MOTION OF COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 4 - 0 BY VOICE VOTE TO APPROVE THE LEASE/AGREEMENT WITH THE COONBOTTOM VOLUNTEER FIRE DEPARTMENT AND AUTHORIZE CHAIRMAN PEACOCK TO SIGN IT.

Request for Confidential Meetings to Review Litigation

Mr. Richmond informed the commissioners that there are some pending legal matters coming up for review by the board. In order to meet the confidential attorney-client relationship, Florida Statute 286.011(8) exempts the Board of County Commissioners from the requirement to have its meetings open to the public and from public records requirements. The statute states that the Board of County Commissioners may meet in private session with its attorney to discuss pending litigation under the following conditions:

- 1) The attorney advises the Board at a public meeting that he desires advice;
- 2) The subject of the meeting shall be confined to settlement negotiations or strategy sessions related to litigation;
- 3) The session must be recorded by a certified court reporter;
- 5) Proper notice must be published in the newspaper with regard to the matters to be discussed.

Concurrent with Mr. Richmond's request was a similar request from Ms. Blakely of Nabors, Giblin & Nickerson. (Note: Ms. Blakely represented the County in the St. Joe Land Company law suit Case # 93-1340-CAB & 92-1243-CAB in which Judge Sauls recently ruled in favor of St. Joe Land Company.)

Mr. Richmond asked for authority to publish a notice for the confidential meeting. The issues to be discussed will be the St. Joe Land Company Suit, Gadsden Memorial/ HealthMark issue and other issues of significant pending litigation.

UPON MOTION OF COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 4 - 0 BY VOICE VOTE TO AUTHORIZE MR. RICHMOND TO ARRANGE FOR AND PUBLISH A NOTICE OF A CONFIDENTIAL MEETING WITH THE BOARD TO DISCUSS MATTERS OF SIGNIFICANT PENDING LITIGATION.

Gadsden Memorial Hospital Performance Audit Report (attached)

Mr. Richmond called attention to the performance audit report prepared by the E.J. Group, Inc. He asked the commissioners to review it before the confidential meeting and be prepared to make recommendations at that time.

He asked the board to appoint a hospital committee and give him the authority to convene a meeting of that committee to get their recommendations prior to the confidential meeting with the board. The members appointed were as follows:

Joe Woodberry, CPA
Dr. Sterling Watson, Commissioner District 2
Dr. Alma Littles, MD
Chris Moran, CPA & and County's Independent Auditor
Dr. Everett Johnson
Dr. Jessie Furlow

Mrs. Betty Miller, Interim County Manager

UPON MOTION OF COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 4 - 0 TO APPOINT THE ABOVE NAMED INDIVIDUALS TO A HOSPITAL REVIEW COMMITTEE AND AUTHORIZED MR. RICHMOND TO MEET WITH THE COMMITTEE AND GET THEIR RECOMMENDATIONS RELATING TO THE HOSPITAL ISSUES.

PLANNING AND ZONING PROJECTS (Memo Attached)

Mr. Mike Sherman, director of the department of growth management, presented the following items for consideration:

The Family Center ACLF, Inc. - Project #90PZ-1-201-2-1 Request for extension of the development order

Mrs. Ernestine Platt came before the Board on August 17, 1993 and was granted approval to expand the Family Center ACLF, Inc. from 16 beds to 24 beds. She has experienced difficulty in securing the funds to complete the expansion but now has the financing but needs more time. (The development order time frame has expired.) P & Z staff recommended approval of a six month extension of the development order.

UPON MOTION OF COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON THE BOARD VOTED 4 - 0 BY VOICE VOTE TO EXTEND THE DEVELOPMENT ORDER FOR THE FAMILY CENTER ACLF, INC - PROJECT # 90PZ-1-201-2-1 FOR 6 MONTHS.

AMENDMENT TO ORDINANCE 90 - 003 - DRAFT (attahced)

Mr. Sherman presented a draft copy of an amendment to ordinance 90-003 which he has proposed. He pointed out the changes to the original ordinance as follows:

- 1) Amend the ordinance to allow for uses in urban service areas, commercial and industrial land use categories to be approved through staff review if those activities are consistent with the comprehensive plan and are existing buildings.
- 2) The proposed amendment deletes the fee schedule set up in the ordinance. The fee schedule will be approved by a resolution of the board.

Mr. Sherman asked the Board to authorize the attorney to publish a notice of intent.

UPON MOTION OF COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 4 - 0 BY VOICE VOTE TO AUTHORIZE THE COUNTY ATTORNEY TO PUBLISH A NOTICE OF INTENT TO AMEND ORDINANCE 90 - 003 AS DESCRIBED IN THE ATTACHED PROPOSED ORDINANCE AMENDMENT.

Land Development Code Worksession Schedule (attached)

Mr. Sherman presented a proposed schedule for future worksessions dealing with the land development code. He encouraged the board members to be present at each of them.

Commissioner McGill arrived at this juncture of the meeting.

NON-AGENDAED ITEM

Citizens Appeal to North Florida Materials Handling Company - #95PZ-14-201-1-03

Mr. Sherman told the board that he has received notification of a citizens appeal of the Board's decision on the North Florida Materials Handling Company. They have asked that the board re-hear the proposal. Ordinance 90-003 allows for re-hearing provided the appeal goes through the Planning and Zoning department first. The citizens have requested to do just that. He asked the Board if they would re-hear the proposal.

Attorney Richmond advised the Board that the correct procedure would be to go back to the Planning and Zoning Commission. The Board has been served with a verified complaint by still another citizens group which requires a response within 30 days. Mr. Richmond recommended that the Board grant the re-hearing and waive the appeal requirement of going back through the Planning and Zoning Commission. He encouraged the re-hearing to be set for the next regular meeting on April 18.

UPON MOTION OF COMMISSIONER WATSON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0 BY VOICE VOTE TO GRANT A RE-HEARING ON APRIL 18, 1995 ON THE NORTH FLORIDA MATERIAL HANDLING COMPANY PROJECT AND TO WAIVE THE APPEAL REQUIREMENT OF GOING BACK TO THE PLANNING AND ZONING COMMISSION. THE

BOARD FURTHER INSTRUCTED THE P & Z STAFF TO NOTIFY THE PROPERTY OWNERS OF THE RE-HEARING.

FORMATION OF CONSTRUCTION INDUSTRY LICENSING BOARD

Mr. Frank Ritter, building official, was not present for discussion of this matter.

The board discussed the feasibility of forming a separate board to issue the construction industry licenses. It was the consensus of the Board to leave the ordinance in tact and make no changes in the way the licenses are being issued. The Board will continue to sit as the licensing board.

FINANCING FOR PUBLIC WORKS VEHICLES (7 TRUCKS)

Mr. Arthur Lawson, director of general services, presented the bids which were received in response to the RFP for financing on the new public works vehicles. He recommended that the bid be awarded to the lowest bidder - Capital City Bank/Quincy for 36 months/5.89% with annual payments of \$43,667.

UPON MOTION OF COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0 BY VOICE VOTE TO AWARD THE FINANCING FOR THE SEVEN PUBLIC WORKS VEHICLES TO CAPITAL CITY BANK/QUINCY FOR 36 MONTHS/5.89% WITH ANNUAL PAYMENTS OF \$43,667.

BID AWARD ON CR 379 AND CR 157A

Mr. Doug Barkley of Bishop Engineers presented the bids received for culvert replacement on CR 379 and CR 157A. Two bids were received. Mr. Barkley recommended the bid be awarded to Southern Concrete Construction Company in Albany, Ga. in the amount of \$303,655.

UPON MOTION OF COMMISSIONER WATSON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0 BY VOICE VOTE TO AWARD THE BID FOR CULVERT REPLACEMENT ON CR 379 AND CR 157A TO SOUTHERN CONCRETE CONSTRUCTION COMPANY IN ALBANY, GA. IN THE AMOUNT OF \$303,655.00.

Mr. Barkley stated that the bridge can be constructed in 14 days but the shop drawings must first be approved by Bishop Engineers. Also, DEP permits have to be issued before construction can begin. In reality, the construction can be accomplished in about 60 days.

It was the consensus of the board to request that CR 157A be constructed first.

Commissioner Fletcher called attention to the difference in the bids between Fairchild Florida (\$459,900) and Southern Concrete (\$303,655). The difference was \$156,245.

CULVERT REPAIR CR 270, CR 268, CR 65-A PROPOSAL FOR ENGINEERING SERVICES (attached)

Mr. Barkley submitted a proposal from Bishop Engineers for engineering services on CR 270, CR 268 and CR 65-A.

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0 BY VOICE VOTE TO AUTHORIZE BISHOP ENGINEERS TO DO THE ENGINEERING ON CR 270 AND CR 268 FOR AN AMOUNT NOT TO EXCEED \$25,200.

CURRENT STATUS OF GADSDEN COUNTY 1995 ROAD AND BRIDGE PROJECTS
(attahced)

Mr. Barkley gave the following update on the current road and bridge projects:

- 1) County Road 379 Culvert Replacement: Bid awarded; construction should be complete in 60 days.
- 2) County Road 157-A Bridge Design: Bid awarded; construction should be complete in 60 days.
- 3) Ranch Road Paving and Design: Progress has been made on determining the status of the holding pond issue with HRS. Request for information has been made to DEP but not received. Permits for emergency work still pending.
- 4) Barrineau Road: Bishop recommended proceeding with obtaining the permits but not bid it out yet. This road is the least traveled road of those needing repair.
- 5) Rich Bay Road: Survey is on-going. Total cost anticipated to be \$330,000 - based on \$140,000 per mile. The price would include shoulder work, ditches, paving (not surface treating).
- 6) County Road 270 at Liberty County Line: Engineering authorized by the Board on this date.

7) County Road 268 - Quincy Creek: Engineering authorized by the board on this date.

8) County Road 65 - A

Mr. Barkley estimated the total amount for the current projects to be \$1,442,233.

FLORIDA DEPARTMENT OF TRANSPORTATION (DOT) OFF SYSTEM BRIDGE MONEY
(attached)

Mr. Barkley gave each commissioner a copy of a DOT report dealing with the 46 structures in Gadsden County which DOT considers to be bridges. DOT regards 6 of the 46 structures to have structural deficiencies and 4 of them to be functionally obsolete.

Mr. Barkley had been asked to investigate the possibility of using FDOT money to repair the deficiencies. According to the information furnished to Mr. Barkley, he reported that it would take a minimum of 5 years to obtain the money.

Mr. Barkley recommended that the county make repairs to 65-A by June then put it on the FDOT list and request FDOT off system bridge money to make future improvements to it. He further stated that some political pressures might get 65-A placed higher on the priority list.

DEERWOOD ROAD POSSIBLE IMPROVEMENTS

Commissioner Watson reminded the commission that he had proposed at an earlier meeting to surface treat Deerwood Road. He asked if the board would approve proceeding with that project. The cost would be between \$12,000 and \$15,000.

Commissioner Watson maintained that a pilot project using slag could prove to be a considerable savings in view of the projects which are now being considered. He asked that it be done "in-house" prior to a bid being awarded on Rich Bay Road.

Commissioner Dixon questioned Commissioner Watson about what he meant by "in-house".

Commissioner Watson responded by saying that he would like to see if the county road crew could do the job with rented equipment.

Mr. Bo Brown reported that he had spoken to Leon County's road department and had been told by them that they would loan Gadsden County the equipment with which to do a slagging project.

Chairman Peacock instructed Mr. Brown to make inquiries about rented/loaned equipment and cost estimates for slagging Deerwood Road by the next meeting on April 18, 1995.

The board entertained questions from Dr. Ted Goreau about using limerock on the clay roads.

COUNTY MANAGER

Mrs. Betty Miller reported she was negotiating with an applicant for the position of public works director. She stated that she hoped to schedule a public works workshop for the second week in May after the negotiations are concluded with the applicant.

CONSENT AGENDA

UPON MOTION OF COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0 BY VOICE VOTE TO APPROVE THE CONSENT AGENDA TO WIT:

- 1) Library Video & circulation Policies
- 2) State Livestock & Crop Pavilion Lease
- 3) Fire Assessment Refund Information
- 4) Impact Fee Resolution
- 5) Quincy Square Project Grant Extension (June 30, 1995)

CLERK OF COURT

Budget Amendments Attached

Clerk Thomas reviewed each of the budget amendments and then asked the Board to approve them.

UPON MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0 BY VOICE VOTE TO APPROVE THE BUDGET AMENDMENTS 95-04-04-01 THROUGH 95-04-04-08.

Financial Reports

Clerk Thomas then gave a brief overview of the financial reports which were provided to each commissioner in the meeting agenda packets. He pointed out that the total budget was now \$20,683,000 due to the advertised budget change (recognizing

transfer from the reserves to the budget) and the addition of several grants. He stated that Transportation # 1 fund is now \$1.8 million; Transportation # 2 is now \$2.1 million; together there is now just over \$4 million that can go toward transportation costs in this 94/95 budget year.

Approval of Payment of County Bills

UPON MOTION OF COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0 BY VOICE VOTE TO APPROVE THE PAYMENT OF THE COUNTY BILLS.

DISTRICT 1 REPORT

Commissioner McGill reported the following:

- 1) The county would receive another \$375,000 from the Courthouse Preservation Grant. (In addition to the \$125,000 check which Rep. Lawson presented at this meeting.)
- 2) The status of Senate Bill 738 dealing with landfill closure costs looks good. He encouraged each commissioner to contact the legislative delegation in support of the bill. It could mean as much as \$792,000 to Gadsden County.

DISTRICT 2 REPORT

There was no report.

DISTRICT 3 REPORT

There was no report.

DISTRICT 4 REPORT

There was no report.

DISTRICT 5 REPORT

Commissioner Dixon reported that he was scheduled to testify in hearings dealing with Advance Disposal Fee (ADF) money on Wednesday, April 5, 1995. He stated that it is important for Gadsden County to lobby the Legislature to let them know how important the state money is to this county.

He reported also that the Sadowsky (SHIP) money added \$1 million to the Gadsden County Ad Valorem Tax roll last year. It is not unreasonable to think the county could lose that money if it doesn't make it known that it is significant. It should increase the documentary stamps by \$.10 which means that the amount the county receives should increase from \$300,000 to \$600,000. That means more money to build homes which will be added to the ad valorem tax roll.

Commissioner Dixon urged the commissioners to visit their legislative delegates on Wednesday, April 12.

PUBLIC INPUT

Mrs. Archie Mae Carter mentioned that she has observed a lot of new homes and remodeling of homes going on in the city. She asked why some of that activity is not taking place in the county.

Commissioner Dixon responded to her by saying that the activity she has observed is in fact programs of the county and not that of the city. The new homes are SHIP homes using county money. They are being located into the city because that is where the home owner prefers to build.

Commissioner Fletcher mentioned the rehabilitation work that is now taking place in the Shiloh Community which is also a county program.

HEALTHMARK

Commissioner Fletcher shared a clipping from the newspaper in Defuniak Springs. The headlines read "Walton officials want answers to hospital questions."

Commissioner Fletcher continued by saying that Walton County is having the same kinds of problems with their hospital as Gadsden is experiencing. That hospital is also managed by HealthMark.

ADJOURNMENT

UPON MOTION OF COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER MCGILL, THE CHAIRMAN DECLARED THE MEETING ADJOURNED.

James Peacock, Chairman

ATTEST:

Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE
CONSTRUCTION INDUSTRY LICENSING
BOARD ON APRIL 4, 1995 HELD IN AND
FOR GADSDEN COUNTY, THE FOLLOWING
PROCEEDINGS WERE HAD, VIZ.

PRESENT: JAMES PEACOCK, CHAIRMAN
E. HENTZ FLETCHER, VICE CHAIRMAN
BILL MCGILL
STERLING WATSON
HAL RICHMOND, COUNTY ATTORNEY
BETTY MILLER, INTERIM COUNTY MANAGER
NICHOLAS THOMAS, CLERK

CALL TO ORDER

Chairman Peacock called the meeting to order.

APPROVAL OF MINUTES

March 7, 1995 Meeting

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY
COMMISSIONER DIXON, THE BOARD VOTED 5 - 0 BY VOICE VOTE TO
APPROVE THE MINUTES OF MARCH 7, 1995 MEETING.

March 21, 1995 Meeting

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY
COMMISSIONER DIXON, THE BOARD VOTED 5 - 0 BY VOICE VOTE TO
APPROVE THE MINUTES OF MARCH 21, 1995 MEETING.

James Peacock, Chairman

ATTEST:

Nicholas Thomas, Clerk

AT A SPECIAL MEETING OF THE
BOARD OF COUNTY COMMISSIONERS,
HELD IN AND FOR GADSDEN COUNTY
ON APRIL 14, 1995, 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
HAL RICHMOND, COUNTY ATTORNEY
BETTY MILLER, COUNTY MANAGER

CALL TO ORDER

Chairman Peacock called the meeting to order. He stated the purpose of the meeting was to hear the Hospital Committee Recommendations and the Midway Landfill Resolution.

Commissioner McGill led in pledging allegiance to the U.S. Flag and Chairman Peacock led in prayer.

HOSPITAL COMMITTEE RECOMMENDATIONS

Commissioner Watson reported that the Hospital Committee (Sterling Watson, Betty Miller, Hal Richmond, Joe Woodberry, Dr. Furlow, Dr. Littles, Dr. Price) had come to an agreement about how the County should proceed in resolving the Board's concerns for the future of Gadsden Memorial Hospital. The consensus of the committee was to follow Dr. Johnson's recommendation to become affiliated with a major hospital. They recommended that the two hospitals in Tallahassee be asked to submit a proposal for what they could/would do with Gadsden Memorial if they were in charge of its operation.

Commissioner Watson indicated that he would not support any proposal which would close the hospital or exclude any of the local doctors from practicing there.

Commissioner Fletcher asked the Board to consider U.S. Corrections Corporation in the request for proposals. He said they have approached the Board with interest in the hospital.

Commissioner McGill stated that he did not want to limit the request for proposals to just those institutions in the vicinity. He also voiced his opinion that whoever is selected to run the hospital should have a strong marketing strategy.

Commissioner Dixon reminded the Board of the position in which Tallahassee Regional Medical Center left the County in just a few years ago. He supported keeping the hospital open and was in favor of opening up the RFP to businesses outside the vicinity. He stated that it is probably not in the best interest of area hospitals to keep Gadsden Hospital open. Gadsden County should take whatever steps necessary to guard the hospital's long term interest.

Mr. Richmond stated that HealthMark has a lease until June of 1996 with an automatic right of renewal unless the County shows cause why they it not be renewed. He reiterated that the hospital committee met pursuant to resolution of the Board to explore options based on what was presented to the Board in recent meetings. Matters of default will have to be explored by the Board at a duly noticed meeting. He advised that the Board should instruct him as to their wishes at such a meeting.

Commissioner McGill suggested that whatever successor follows HealthMark should be encouraged to maintain the current staff at the hospital.

COMMISSIONER DIXON MADE A MOTION TO MOVE FORWARD WITH AN RFP FROM VENDORS IN THE HOSPITAL AND HEALTH CARE INDUSTRY IN AN EFFORT TO PREPARE THE COUNTY FOR WHATEVER COULD HAPPEN IN JUNE OF 1996 WHEN THE HEALTHMARK'S CURRENT CONTRACT EXPIRES. THE MOTION WAS SECONDED BY COMMISSIONER FLETCHER.

DISCUSSION FOLLOWED.

THE QUESTION WAS CALLED BY COMMISSIONER FLETCHER. THE BOARD VOTED 5 - 0 IN SUPPORT OF THE MOTION.

MIDWAY LANDFILL RESOLUTION

Mr. Richmond stated that the City of Midway has presented the Board with a resolution rescinding from their original position on the proposed regional landfill which had been under consideration in Midway. He recalled that the Board had asked him to prepare a resolution stating the County's opposition to the landfill. He read the title of the resolution into the record.

Chairman Peacock called for discussion.

Commissioner Dixon stated that he had attended a meeting in Leon County where discussion of a regional landfill was a topic. There were eight sites in Leon County which were considered and then abandoned. The only consideration before them at present is focused on the Midway site.

Commissioner Dixon stated that he also attended an ARPC meeting where the regional landfill at Midway was the main discussion. He questioned the legality of Midway's vote rescindment dealing with the landfill. He said that the issue could still pose a big problem to Gadsden County. He emphasized that the resolution should be passed and the county attorney should be instructed to take whatever steps are necessary to remove Gadsden County from the list of possible sites for the regional landfill.

UPON MOTION OF COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO PASS THE RESOLUTION IN OPPOSITION OF THE PLACEMENT OF A REGIONAL LANDFILL IN GADSDEN COUNTY AND TO ALSO INSTRUCT THE ATTORNEY TO TAKE WHATEVER STEPS ARE NECESSARY TO PREVENT A REGIONAL LANDFILL FROM BEING PLACED IN GADSDEN COUNTY.

Mr. Richmond asked to amend his agenda for the next meeting to include a review of an ordinance which may assist the County in enforcing the transportation of landfill material across the roads of Gadsden County. He stated he would like to have that ordinance considered for a notice of intent for adoption of the ordinance.

ADJOURNMENT

UPON MOTION OF COMMISSIONER DIXON, THE CHAIRMAN THEN ADJOURNED THE MEETING.

James Peacock, Chairman

ATTEST:

Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE BOARD OF
COUNTY COMMISSIONERS, HELD IN AND
FOR GADSDEN COUNTY, FLORIDA ON APRIL
18, 1995, THE FOLLOWING PROCEEDINGS
WERE HAD, VIZ.

PRESENT: JAMES PEACOCK, CHAIRMAN
E. HENTZ FLETCHER, VICE CHAIRMAN
BILL MCGILL
STERLING WATSON
EDWARD J. DIXON (ARRIVED LATE)
HAL RICHMOND, COUNTY ATTORNEY
BETTY MILLER, INTERIM COUNTY MANAGER
NICHOLAS THOMAS, CLERK

CALL TO ORDER

Chairman Peacock called the meeting to order.

ADOPTION OF AGENDA

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER
WATSON THE BOARD VOTED 4 - 0 BY VOICE VOTE TO ADOPT THE AGENDA
AS PRINTED.

Commissioner Dixon arrived at this juncture of the meeting.

APPROVAL OF MINUTES

March 8, 1995

Commissioner Watson called attention to one needed correction
- Page 6, paragraph 5 - the date should be February 7th and not
February 17th.

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER
FLETCHER, THE BOARD VOTED 5 - 0 BY VOICE VOTE TO APPROVE THE
MINUTES OF MARCH 8, 1995 SPECIAL MEETING.

April 4, 1995

UPON MOTION OF COMMISSIONER WATSON AND SECOND BY COMMISSIONER
MCGILL, THE BOARD VOTED 5 - 0 TO APPROVE THE MINUTES OF THE
REGULAR MEETING OF APRIL 4, 1995.

COUNTY ATTORNEY- HAL RICHMOND

HealthMark of Quincy, Inc.

Richmond: Good evening gentlemen. Gentlemen, as you see, the first item I have tonight is on HealthMark which we have all have been familiar and spent a lot of time with over the last 60 days. On February 9, 1995, pursuant to instructions from the Board, I sent a certified letter to HealthMark of Quincy, Inc., Mr. Jon Hufstedler, notifying them that at that time the board had reason to believe that the terms of the lease agreement entered into with HealthMark had been defaulted. Specifically that pursuant to Article 12.01 paragraph D, the board finds that there has been a default by HealthMark by not maintaining its credit by payment of its obligations with reasonable promptness. Paragraph 2: Pursuant to 12.01 paragraph C, there has been a failure of HealthMark to operate the hospital in compliance with the requirements of the law. Specifically, various doctors have questioned the staffing of the hospital and the capability of the hospital to maintain and operate an obstetrical birthing unit.

Gentlemen, you have had the opportunity to review the various people who have appeared before you. I think Mr. Hall may be here with some additional financial information more current than what you have seen. I need some instructions. If you feel that the default has continued to this date, do I need to proceed with the law suit or do I need to just let it go? But, under the terms of the letter, I need some instructions from the Board as to what you wish me to do.

McGill: Mr. Chairman, when did that letter go out to Mr. Hufstedler?

Richmond: Ninth day of February, 1995. Ah, received it February 20th.

McGill: Did we provide them with a reasonable time to respond and to take necessary corrective actions?

Watson: That is what it called for.

Richmond: They have responded. They have appeared. They have furnished us various financial statements up through the 28th day of February, I believe. I don't know that we have seen anything more current than that. Mr. Hall is

here. I talked to him this afternoon. He indicated he had some more current information. If you care to entertain Mr. Hall and let him speak, that's

Peacock: Would ya'll like to hear from Mr. Hall?

Watson: I would.

Peacock: Mr. Hall.

Hall: There are two items in Mr. Richmond's letter. One was a concern about the OB unit. Everybody knows the OB unit is now closed and I don't consider that to be an issue any longer.

The other concern in the letter was the amount of accounts payable at the hospital at the time the letter was written. I appeared before the board at least twice since then explaining the cyclical nature of the hospital business. I do have updated figures as to the amount of the accounts payable at the hospital as of yesterday - through the end of business yesterday. At the time the letter was written, I don't the exact figure in front of me, the accounts payable at the hospital were up over \$600,000. There was concern about that. As of yesterday, they are down significantly. A lot of that is due to payments made by medicare/medicaid, the state and federal agencies at the hospital which the hospital gets much of its revenue from. The accounts payable at the close of business yesterday were just under \$179,000. The aging breakdown is, if you are interested in that, I can give it to you. 0 - 30 days is about \$77,000; 31- 60 days about 90, just under \$92,000; 61 - 90 days is just under \$10,000. So I believe that the stature of the accounts payable has improved substantially. Ah, we did respond in writing to Mr. Richmond's letter. We disagreed with the conclusion of the Board. Whether there was a default at the time. However though the picture was viewed at that time, I don't think there is any substantial question as we stand here today that the accounts payable situation at the hospital is much improved. Ah, and that there should be no reason to take further action against HealtMark on that basis.

Now, I'll be glad to answer any questions.

Watson: From the meeting on Friday, I gathered that some of the commissioners may be willing to consider HealthMark as an alternative in June of '96. I don't feel that way.

HealthMark, in my opinion, will not be an option in June of 96. And I think we have established enough reason not to renew that lease. However, if HealthMark - I would like to see us quietly move to June of 96 with HealthMark having the understanding that they will quietly go. That's how I feel about this. I would be very reluctant to enter into a 4 - year lease with this organization after what we have been through.

McGill: I have a question for Mr. Hall. You say, even though the accounts payable are under \$179,000, does that amount still breach the contract in terms of payment of the bills?

Hall: There is no amount set in the contract. I think the standards of the contract sets, that the lease sets, is that HealthMark will maintain its credit and pay its obligations with reasonable promptness. If the matter were presented to a judge, that would be the standard he would have to apply. It would be judged, in my opinion, it would have to be judged by the way other hospitals have handled their business. You end up with experts in the industry testifying as to whether they thought that standard had been met in this case. That is the way I see it.

Mr. Watson, Dr. Watson, to respond to your concern, I don't have authority to standing up here tonight to tell you that HealthMark will agree to, as you put it, to walk away quietly at the end of 1996. I have spoken to you, I think everyone is interested in trying to avoid a law suit. We are certainly not anxious to get into one and if you would like to for example - you have a hospital recommendation - if you want me or some representative of HealthMark to meet with that committee to try to ah, discuss the issues that you have and work towards and see if there is some middle ground, some agreement that we can come to, I would certainly recommend that and be willing to look into that.

Watson: This is my, this is where I am at.

Richmond: Commissioner, can I ask one question?

Watson: Yes, go ahead.

Richmond: Mr. Hall, didn't we discuss last week, or I approached you with the concern about whether or not HealthMark

would be willing to go peacefully and didn't you respond that no, they wouldn't.

Hall: No, sir. I didn't have that conversation. I responded to you and I'll confirm it here today, ah, that I will be happy to sit down and discuss an arrangement under which HealthMark would consider or agree not to contest the county's decision in 1996 if that decision is to renew or enter into a lease with another interest to operate the hospital. But I don't think that is something we can work out here tonight. And I don't believe Hal, that I have ever told you that it is a done deal, that no matter what happens, if the county doesn't renew that obligation or renew that lease in 1996 that there would be a law suit. I have never taken that stand.

Richmond: Well, regrettably, I misunderstood then.

McGill: But the contract expires at the end of June of 1996.

Richmond: But the only way it can be terminated is if we show cause at that point in time on the part of HealthMark. Either we show cause now or show cause then if they choose to stay.

Watson: And my position is - If we are going to go forth, I would just as well do it now instead in June of 1996.

Fletcher: Absolutely.

Watson: And if we, and if you are willing, to discuss a peaceful transition, then I would like to put off any eviction action at this point until we have not come to terms on a peaceful transition.

Hall: I have confirmed and I have authority to represent to you tonight that we are willing to sit down and discuss ah, the outlines of some arrangement under which we would agree to avoid a law suit if the county elects not to renew the lease in 1996. That is what I have said and I stand by that.

Peacock: I think that would be appropriate to do that.

Richmond: Then, you want to pass this for two weeks to give us the opportunity to explore those opportunities with the hospital committee?

Peacock: Yeah.

Richmond: That will be fine.

Watson: Is two weeks long enough you think, Doug?

Hall: Well, we can certainly report back to the Board in two weeks if it is not.

Watson: That's what I would like. I would like to see a peaceful transition. The hospital has taken a beating. I would like to get it off the front page.

Peacock: Why don't the committee meet with them then and report, the committee report back to us, the hospital and the committee report back to us in two weeks as to their findings.

Richmond: O.K.

UPDATE ON TAXES (SALES TAX AND GAS TAXES)

Notice of Intent to Re-enact Ordinances Providing for Gas Tax

Mr. Richmond asked for permission to publish a notice of intent to re-enact the ordinances involving the gas taxes which will soon expire. He explained that it is not a vote for imposition of taxes as the taxes have been in place some years. He then asked the Board to authorize him to advertise the notice of intent and to set a public hearing date.

The Ordinances referred to by Mr. Richmond are as follows:

- 1) Ordinance No. 85 - 005: Imposing \$.04 per gallon on motor fuel and special fuels sold in Gadsden County. This tax expires on August 31, 1995.
- 2) Ordinance No. 87 - 003: Imposing an additional \$.02 local option gas tax upon every gallon of motor fuel and special fuel sold in Gadsden County. It expires August 31, 1997.
- 3) Ordinance No. 87 - 011: Imposing a \$.01 discretionary sales surtax which expires December 31, 1995.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0 BY VOICE VOTE TO AUTHORIZE MR. RICHMOND TO PUBLISH A NOTICE OF INTENT TO RE-ENACT ORDINANCES 85-005 (EXPIRES AUGUST 31, 1995) AND 87-003 (EXPIRES AUGUST 31, 1997) IMPOSING LOCAL OPTION GAS TAXES.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0 BY VOICE VOTE TO AUTHORIZE MR. RICHMOND TO PUBLISH A NOTICE OF INTENT TO RE-ENACT ORDINANCE 87-011; IMPOSING A \$.01 DISCRETIONARY SALES SURTAX WHICH EXPIRES DECEMBER 31, 1995.

Solid Waste Land Fill

Mr. Richmond asked to withhold his request for the Board to consider a notice of intent for the transport of solid waste through Gadsden County. He noted that he had been contacted by an attorney representing the landfill people. Their attorney has requested that a representative of the Board meet with them to discuss their plans with regard to bringing a landfill to Gadsden County. Mr. Richmond explained to the attorney that he did not believe the Gadsden County Board would agree to the placement of a solid waste landfill in the county. Mr. Richmond was told by the landfill people that the county's tipping fees could amount to as much as \$4,000,000 annually.

Commissioner Fletcher volunteered to meet with them on the Board's behalf. He was thus appointed by Chairman Peacock.

PLANNING AND ZONING PROJECTS MIKE SHERMAN

Gadsden County EMS Substation Site - Project 95PZ-17-206-1-04

To improve the emergency medical services to the eastern portion of the County, the EMS Department petitioned the board to locate a site for the placement of a mobile office and EMS substation on the west side of SR 12, directly across from Gadsden Christian School and adjacent to Nicholson Farmhouse Restaurant.

The P & Z Commission recommended approval.

The growth management staff also recommended approval.

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0 BY VOICE VOTE TO APPROVE THE GADSDEN COUNTY EMS SUBSTATION SITE - PROJECT 95PZ-17-206-1-04 - TO BE LOCATED ON SR 12 NEAR HAVANA.

North Florida Materials Handling Company - #95PZ-14-201-1-03

Mr. Fletcher Christian of North Florida Materials Handling Company petitioned the county to allow the construction of a 2800

square foot building to operate a commercial/light industrial business operation. The business will primarily warehouse, assemble and display for sale light machinery, tools, and parts, etc. The property is designated as Agriculture 1 on the Future Land Use map of the Comprehensive Plan. Mr. Christian requested that the proposed business be permitted under the policy in the Comprehensive Plan which allows for commercial in-fill determinations by the Board of county Commissioners. The parcel is located 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. Christian Fletcher. The applicant's address is Route 4, Box 380, Havana, FL 32333. The property owner is Mr. Fletcher Christian.

On September 20, 1994, the Board of County Commissioners denied a previous request for a commercial in-fill determination.

On March 21, 1995 Mr. Christian petitioned the Board again and his project was approved by a vote of 4 - 1.

Subsequent to that approval, the Board was served with a verified complaint by one group of citizens and a request for a re-hearing from another group of residents. On April 4, 1995, the Board granted a re-hearing and waived the appeal requirement of going back through the Planning and Zoning Commission.

Speaking in opposition to the North Florida Material Handling development were:

Mr. Bill Piotrowski
Dian Sheffield
Kathy Grow
Virginia Ruff
John Esposito
Rev. Emil Brady

Rev. Brady was questioned by the board.

Commissioner Watson asked Mr. Christian to describe the kind of repairs which will be performed on the location.

Mr. Christian responded by saying preventive maintenance on forklifts and hydraulic cylinder repairs (forklift) would be performed on the location in question.

Commissioner Watson asked Mr. Christian what type of buffer he proposed to place around the perimeter of the property.

Mr. Christian stated he intended to place a 6 ft. chain-link fence and a red-top shrubbery along the fence line. When asked about outside storage, Mr. Christian replied that he might possibly display forklift outdoors during business hours but they would be returned to the building after hours but had no plans to store equipment outdoors.

Commissioner Watson stated he needed more time to consider the project.

Commissioner Dixon stated that he had not be provided any new evidence at this meeting which would persuade him to change his original vote.

Kate Brady addressed and encouraged the Board to remain consistent with the comp plan.

Rev. Brady proposed that the board table any action and circulate a questionnaire in the community which would better determine the community's understanding of the project and provide the board with an accurate measure of any opposition.

County Attorney Hal Richmond explained that the normal process for a re-hearing would be to appeal to the planning and zoning commission first and then come before the Board. Because of strong community interest, the Board granted a re-hearing and waived the requirement for them to go back to the planning and zoning commission first. (The planning and zoning commission as well as the planning and zoning staff disapproved the project on two previous occasions and going back to them in an appeal process would likely prove useless.) He call for anyone to speak who had any objections to the waiver of a re-hearing before the planning and zoning commission. There was none.

Chairman Peacock called for a motion to rescind the board's previous approval of the project.

Commissioner Watson asked Mr. Christian if there would be any storage outside the building (but inside the fence) 24 hours a day.

Mr. Christian responded "no."

Commissioner Dixon questioned Mr. Christian about storage of chemicals on site.

Mr. Christian answered by saying that DEP regulations and requirements would be met regarding storage of used oil, etc.

Chairman Peacock again called for a motion to rescind.

Commissioner Watson asked that the matter be passed for two more weeks for further investigation.

Mr. Richmond explained that in order to change the action of the board, only a commissioner who cast a vote on the prevailing side of the motion could make a motion to change that previous action of the board. Additionally Mr. Richmond cautioned the board members that they could not speak to Mr. Christian or the opposing side regarding the matter because they sit as a quasi-judicial board on the issue. The Board may communicate through the staff and they may review written communications from the public and Mr. Christian - but, it should be arranged through the staff as well.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0 BY VOICE VOTE TO CONTINUE THE HEARING UNTIL THE MAY 2, 1995.

Land Development Code Worksessions

It was the consensus of the board to have Mr. Sherman work through the county manager and arrange a half-day session in order to complete the review of the land development code.

ECONOMIC DEVELOPMENT UPDATE (Attached)

Mr. Rick McCaskill was present and briefed the board on the latest economic developments through out the county.

The 10/90 Industrial Park development is progressing. Rough roads are in place. A kick-off is expected within 30 days. Florida Trend Magazine is expected to feature it in the June edition. It should also be featured in the local newspapers very soon.

The Quincy Industrial Park is progressing. The design has begun and a public hearing has been held and is looking promising.

The Flying J Truck Stop should begin by June 1, 1995. Design for the sewage system is in progress. They expect to hire 100 people.

Englehart still expects to purchase the Floridin Company and expand its operation.

Voluntary Annexation (attached)

The City of Quincy has set out to approach 24 various county land owners about a voluntary annexation into the city limits. The county is one of the 24 land owners. (The property where the sheriff's department and the armory are located.) The annexation

would allow the city to have control of the destiny of the city's proposed industrial park.

Mr. McCaskill asked for a motion to approve the request for voluntary annexation.

Commissioner Dixon stated that he is not opposed to the annexation but he expressed some major concerns which need to be addressed with the city before a request for voluntary annexation is approved.

- 1) The City of Quincy has not involved the Board before this juncture in their plans for an industrial park. The City has not provided anything in writing to explain the city's thinking nor have they disclosed the policies which will guide the development of the park. He would like to see the City come forward with a good working relationship.
- 2) The proposed park abuts an existing neighborhood. Those residents deserve good representation on the issue from the Board.
- 3) The jurisdictional problems need to be resolved for the protection of the residents affected prior to the annexation.
- 4) The nature of the businesses which would locate into the park.
- 5) Under voluntary annexation, the Board will have no rights.

Mr. McCaskill stated that a public hearing was held at the Armory and the neighbors were encouraged to express their concerns.

Some concerns were expressed at that hearing. It was suggested that a committee would be formed to be involved in the planning for the park. A representative from the neighborhood will be included to represent their interests. He also encouraged the Board to appoint a representative to work with the committee as well.

Mr. McCaskill reminded the commissioners that he had been informing the board as the plans were developed. He added that Mike Sherman, Gadsden County Growth Management Director has been informed and involved from the early stages. He asked the Board to express what kind of involvement they would like to have in the development of the park.

Mr. Mike Sherman explained that the county will have at least three opportunities to look at the proposed development. The first step is that the City must let the County know that they are annexing the property. The County should pass a resolution either approving or denying the annexation. The county should expect that the annexation would have to meet the minimum statutory requirement for annexation. The County will have a second opportunity to review the development during the comp plan stage because they will have to change the land use category in that location. The County will be an affected party to the comp plan and can make comments to the City as well as to the Department of Community Affairs. If the land use change is permitted, the County could probably have consideration in the design of the facility through intergovernmental coordination of adjacent boundaries.

Mr. Richmond asked the Board to delay making a decision until a better understanding of the project can be made with the City.

Commissioner McGill stated that he would like to have the City take an official posture with the County regarding this issue.

Mr. Richmond was given directions to contact the City to gather adequate information with which to advise the Board regarding the voluntary annexation.

BOB BOYNTON - AREA AGENCY FOR THE AGING

Mr. Boynton stated that his agency was under a mandate from the department of elderly affairs to develop a voluntary meal delivery program. He told the Board that the agency had been using Big Bend Transit to deliver the meals to home bound, frail and disabled citizens in Gadsden County for the past two years at a cost of \$40,000 per year. In most counties, nearly all meals are delivered by volunteers.

If the transit costs could be eliminated, the \$40,000 could be used to provide meals to seniors who are nutritionally at risk and free the transit service to transport people instead.

Mr. Boynton asked the Board to endorse the meals-on-wheels project by passing a resolution which includes asking employers to allow employees to take time to deliver meals.

Hal Richmond read the resolution into the record. (Attached) He then clarified that the resolution can not be construed as a directive to county department heads.

UPON MOTION OF COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0 BY VOICE VOTE TO

**PASS THE RESOLUTION ENDORSING THE SENIOR CITIZENS PROJECT
(MEALS ON WHEELS) IN GADSDEN COUNTY.**

BID AWARD - PETROLEUM PRODUCTS 95-17 (Bids attached)

Mr. Arthur Lawson reported that 6 bids were received and evaluated by the bid committee for the Bid Number 95-17 - petroleum products. The committee has recommended award of the bid to BP Oil of Atlanta.

UPON MOTION OF COMMISSIONER WATSON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 BY VOICE VOTE TO APPROVE THE AWARD OF BID NO. 95-17 FOR PETROLEUM PRODUCTS TO BP OIL OF ATLANTA.

CDBG CONCERNS AND FINDINGS - MRS. ROSEMARY BANKS

Mrs. Rosemary Banks, Grants Administrator, reported to the Board that the CDBG program was monitored by a representative of Department of Community Affairs. As a result of that monitoring, they have noted several findings and concerns that the County must address. She explained that a finding is a specific non-compliance with federal or state regulatory department. Findings require a written response within 35 days of the receipt of the department's letter. A concern is a potential problem area that if not addressed and corrected could result in non-compliance with regulatory requirement. A written response is also required of the concerns.

Finding: Financial Management - no system is in place to justify the office supplies being charged to the grant.

Corrective Action taken:

The CDBG supplies will be stored separately from other office supplies.

Finding: Housing Rehab - The state cited the lack of a formal written policy for selecting beneficiaries.

Corrective Action taken:

The Housing Rehabilitation Policy will be amended to include the process of using "service areas" in the county until the dilapidated homes have been addressed. At such time, the county will convert to spot rehabilitation.

Finding: Temporary Relocation - At the present time, general funds are being used to pay for the maintenance costs and insurance costs related to the houses used for temporary residences while rehab is taking place for the home owner. Temporary Relocation funds can be used instead of general funds if the temporary relocation policy is amended to allow for it.

Corrective Action:

The Relocation Policy will be amended to allow for maintenance costs and insurance costs related to the temporary houses to be paid from grant funds.

Finding: Civil Rights - Section 504 Requirements. The county's self-evaluation and transition plans (assurance of access to the program by physically and mentally disabled people) do not contain all county public facilities.

Corrective Action:

The self-evaluation and transition plan will be amended to include all the public facilities including parks and the official responsible for implementation of the plan will be indicated in the plan.

Finding: Civil Rights - The administration office for the CDBG program is not accessible to disabled people.

Corrective Action:

The administration office is being relocated and a written procedures will be done to accommodate disabled citizens who wish access.

Finding: Civil Rights - The County does not employ minorities in relative proportion to its minority population.

Corrective Action:

The County will be encouraged to emphasize recruiting and employing of minorities as openings occur.

CDBG - Conflict of Interests

Mrs. Banks reviewed each of the rehabilitation applications where a conflict of interest was disclosed. She asked for a motion for each request for waiver of the disclosed conflict of interest of the Citizens Participation Committee members.

Mrs. Banks asked Commissioner Fletcher to abstain from bidding on any of the proposed rehabilitation contracts. (Commissioner Fletcher is a contractor.) He agreed to not bid on any of the contracts.

UPON MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER MCGILL THE BOARD VOTED 4 - 0 BY VOICE VOTE TO WAIVE THE CONFLICT OF INTEREST OF MRS. LOUIS THOMAS FOR THE BENEFICIARY, CATHERINE GLOVER WRIGHT (MOTHER), WHO IS RECEIVING CDBG HOUSING REHABILITATION FUNDS. COMMISSIONER FLETCHER ABSTAINED FROM VOTING.

UPON MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER MCGILL THE BOARD VOTED 4 - 0 BY VOICE VOTE TO WAIVE THE CONFLICT OF INTEREST OF MRS. LOUIS THOMAS FOR THE BENEFICIARY, HENRY GLOVER (BROTHER), WHO HAS IS RECEIVING CDBG HOUSING REHABILITATION FUNDS. COMMISSIONER FLETCHER ABSTAINED FROM VOTING.

UPON MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER WATSON THE BOARD VOTED 4 - 0 BY VOICE VOTE TO WAIVE THE CONFLICT OF INTEREST OF MRS. ARCHIE M. CARTER FOR THE BENEFICIARY, LEWIS MIMS (COUSIN), WHO HAS IS RECEIVING CDBG HOUSING REHABILITATION FUNDS. COMMISSIONER FLETCHER ABSTAINED FROM VOTING.

UPON MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER MCGILL THE BOARD VOTED 4 - 0 BY VOICE VOTE TO WAIVE THE CONFLICT OF INTEREST OF MRS. ARCHIE MAE CARTER FOR THE BENEFICIARY, LEWIS A. MIMS (COUSIN), WHO IS RECEIVING CDBG HOUSING REHABILITATION FUNDS. COMMISSIONER FLETCHER ABSTAINED FROM VOTING.

UPON MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER MCGILL THE BOARD VOTED 4 - 0 BY VOICE VOTE TO WAIVE THE CONFLICT OF INTEREST OF MRS. ARCHIE MAE CARTER FOR THE BENEFICIARY, LOUIS AND ETHEL MIMS (COUSIN), WHO IS RECEIVING CDBG HOUSING REHABILITATION FUNDS. COMMISSIONER FLETCHER ABSTAINED FROM VOTING.

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER DIXON THE BOARD VOTED 4 - 0 BY VOICE VOTE TO WAIVE THE CONFLICT OF INTEREST OF MRS. ARCHIE MAE CARTER FOR THE

BENEFICIARY, CELIA BROWN (COUSIN), WHO IS RECEIVING CDBG HOUSING REHABILITATION FUNDS. COMMISSIONER FLETCHER ABSTAINED FROM VOTING.

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER DIXON THE BOARD VOTED 4 - 0 BY VOICE VOTE TO WAIVE THE CONFLICT OF INTEREST OF MRS. ARCHIE MAE CARTER FOR THE BENEFICIARY, LILLIAN PENDLETON (COUSIN) WHO IS RECEIVING CDBG HOUSING REHABILITATION FUNDS. COMMISSIONER FLETCHER ABSTAINED FROM VOTING.

UPON MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER MCGILL THE BOARD VOTED 4 - 0 BY VOICE VOTE TO WAIVE THE CONFLICT OF INTEREST OF MRS. ARCHIE MAE CARTER FOR THE BENEFICIARY, LOUISE WYNN & ANNIE CARTER (STEP MOTHER-IN-LAW), WHO IS RECEIVING CDBG HOUSING REHABILITATION FUNDS. COMMISSIONER FLETCHER ABSTAINED FROM VOTING.

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER DIXON THE BOARD VOTED 4 - 0 BY VOICE VOTE TO WAIVE THE CONFLICT OF INTEREST OF MRS. ARCHIE MAE CARTER FOR THE BENEFICIARY, BEATRICE HOPKINS (COUSIN), WHO IS RECEIVING CDBG HOUSING REHABILITATION FUNDS. COMMISSIONER FLETCHER ABSTAINED FROM VOTING.

UPON MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER MCGILL THE BOARD VOTED 4 - 0 BY VOICE VOTE TO WAIVE THE CONFLICT OF INTEREST OF MRS. ARCHIE MAE CARTER FOR THE BENEFICIARY, QUEEN RICHARDSON (COUSIN), WHO IS RECEIVING CDBG HOUSING REHABILITATION FUNDS. COMMISSIONER FLETCHER ABSTAINED FROM VOTING.

UPON MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER MCGILL THE BOARD VOTED 4 - 0 BY VOICE VOTE TO WAIVE THE CONFLICT OF INTEREST OF MRS. ARCHIE MAE CARTER FOR THE BENEFICIARY, HATTIE & RAINEY LOCKWOOD (COUSIN), WHO IS RECEIVING CDBG HOUSING REHABILITATION FUNDS. COMMISSIONER FLETCHER ABSTAINED FROM VOTING.

UPON MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER MCGILL THE BOARD VOTED 4 - 0 BY VOICE VOTE TO WAIVE THE CONFLICT OF INTEREST OF MR. DEXTER BLACK FOR THE BENEFICIARY, ROSA L. SWEET (MOTHER), WHO IS RECEIVING CDBG HOUSING REHABILITATION FUNDS. COMMISSIONER FLETCHER ABSTAINED FROM VOTING.

UPON MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER MCGILL THE BOARD VOTED 4 - 0 BY VOICE VOTE TO WAIVE THE CONFLICT OF INTEREST OF MR. DEXTER BLACK FOR THE BENEFICIARY,

VIRGIE SWEET (STEP GRANDMOTHER), WHO IS RECEIVING CDBG HOUSING REHABILITATION FUNDS. COMMISSIONER FLETCHER ABSTAINED FROM VOTING.

UPON MOTION OF COMMISSIONER MCGILL SECOND BY COMMISSIONER WATSON THE BOARD VOTED 4 - 0 BY VOICE VOTE TO WAIVE THE CONFLICT OF INTEREST OF MRS. MILDRED MCNEAL FOR THE BENEFICIARY, MRS. MILDRED MCNEAL (SELF), WHO IS RECEIVING CDBG HOUSING REHABILITATION FUNDS. COMMISSIONER FLETCHER ABSTAINED FROM VOTING.

UPON MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER MCGILL THE BOARD VOTED 4 - 0 BY VOICE VOTE TO WAIVE THE CONFLICT OF INTEREST OF MRS. MILDRED MCNEAL FOR THE BENEFICIARY, BEVERLYN GILYARD (NEICE), WHO IS RECEIVING CDBG HOUSING REHABILITATION FUNDS. COMMISSIONER FLETCHER ABSTAINED FROM VOTING.

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER DIXON THE BOARD VOTED 4 - 0 BY VOICE VOTE TO WAIVE THE CONFLICT OF INTEREST OF MRS. MILDRED MCNEAL FOR THE BENEFICIARY, MELISSA BROWN (COUSIN), WHO IS RECEIVING CDBG HOUSING REHABILITATION FUNDS. COMMISSIONER FLETCHER ABSTAINED FROM VOTING.

UPON MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER MCGILL THE BOARD VOTED 4 - 0 BY VOICE VOTE TO WAIVE THE CONFLICT OF INTEREST OF MRS. MILDRED MCNEAL FOR THE BENEFICIARY, SOPHIE ZANDERS (COUSIN), WHO IS RECEIVING CDBG HOUSING REHABILITATION FUNDS. COMMISSIONER FLETCHER ABSTAINED FROM VOTING.

UPON MOTION OF COMMISSIONER MCGILL SECOND BY COMMISSIONER WATSON THE BOARD VOTED 4 - 0 BY VOICE VOTE TO WAIVE THE CONFLICT OF INTEREST OF MRS. MILDRED MCNEAL FOR THE BENEFICIARY, MARIE HOBLEY (COUSIN), WHO IS RECEIVING CDBG HOUSING REHABILITATION FUNDS. COMMISSIONER FLETCHER ABSTAINED FROM VOTING.

UPON MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER MCGILL THE BOARD VOTED 4 - 0 BY VOICE VOTE TO WAIVE THE CONFLICT OF INTEREST OF MRS. MILDRED MCNEAL FOR THE BENEFICIARY, LILLIE M. THOMAS (SISTER-IN-LAW), WHO IS RECEIVING CDBG HOUSING REHABILITATION FUNDS. COMMISSIONER FLETCHER ABSTAINED FROM VOTING.

UPON MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER MCGILL THE BOARD VOTED 4 - 0 BY VOICE VOTE TO WAIVE THE CONFLICT OF INTEREST OF MRS. IDELLA BARNES FOR THE

BENEFICIARY, LUERANEY HAWKINS (SISTER), WHO IS RECEIVING CDBG HOUSING REHABILITATION FUNDS. COMMISSIONER FLETCHER ABSTAINED FROM VOTING.

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER DIXON THE BOARD VOTED 4 - 0 BY VOICE VOTE TO WAIVE THE CONFLICT OF INTEREST OF MRS. IDELLA BARNES FOR THE BENEFICIARY, ROSA FRISON (SISTER), WHO IS RECEIVING CDBG HOUSING REHABILITATION FUNDS. COMMISSIONER FLETCHER ABSTAINED FROM VOTING.

UPON MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER MCGILL THE BOARD VOTED 4 - 0 BY VOICE VOTE TO WAIVE THE CONFLICT OF INTEREST OF MRS. IDELLA BARNES FOR THE BENEFICIARY, MILDRED MCNEAL (COUSIN), WHO IS RECEIVING CDBG HOUSING REHABILITATION FUNDS. COMMISSIONER FLETCHER ABSTAINED FROM VOTING.

UPON MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER MCGILL THE BOARD VOTED 4 - 0 BY VOICE VOTE TO WAIVE THE CONFLICT OF INTEREST OF MRS. IDELLA BARNES FOR THE BENEFICIARY, BEVERLYN GILYARD (COUSIN), WHO IS RECEIVING CDBG HOUSING REHABILITATION FUNDS. COMMISSIONER FLETCHER ABSTAINED FROM VOTING.

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER DIXON THE BOARD VOTED 4 - 0 BY VOICE VOTE TO WAIVE THE CONFLICT OF INTEREST OF MRS. IDELLA BARNES FOR THE BENEFICIARY, MILISSA BROWN (DAUGHTER), WHO IS RECEIVING CDBG HOUSING REHABILITATION FUNDS. COMMISSIONER FLETCHER ABSTAINED FROM VOTING.

UPON MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER MCGILL THE BOARD VOTED 4 - 0 BY VOICE VOTE TO WAIVE THE CONFLICT OF INTEREST OF MRS. IDELLA BARNES FOR THE BENEFICIARY, SOPHIE ZANDERS (SISTER), WHO IS RECEIVING CDBG HOUSING REHABILITATION FUNDS. COMMISSIONER FLETCHER ABSTAINED FROM VOTING.

UPON MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER WATSON THE BOARD VOTED 4 - 0 BY VOICE VOTE TO WAIVE THE CONFLICT OF INTEREST OF MR. CHARLESTON HOLT FOR THE BENEFICIARY, LEON & SARAH HARRISON (SISTER), WHO IS RECEIVING CDBG HOUSING REHABILITATION FUNDS. COMMISSIONER FLETCHER ABSTAINED FROM VOTING.

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER DIXON THE BOARD VOTED 4 - 0 BY VOICE VOTE TO WAIVE THE CONFLICT OF INTEREST OF MR. CHARLESTON HOLT FOR THE

BENEFICIARY, LEWIS A. MIMS (NEPHEW), WHO IS RECEIVING CDBG HOUSING REHABILITATION FUNDS. COMMISSIONER FLETCHER ABSTAINED FROM VOTING.

UPON MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER MCGILL THE BOARD VOTED 4 - 0 BY VOICE VOTE TO WAIVE THE CONFLICT OF INTEREST OF MR. CHARLESTON HOLT FOR THE BENEFICIARY, LOUIS & ESTER MIMS (EX-BROTHER-IN-LAW), WHO IS RECEIVING CDBG HOUSING REHABILITATION FUNDS. COMMISSIONER FLETCHER ABSTAINED FROM VOTING.

Authorization for request for waiver from DCA

UPON MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0 BY VOICE VOTE TO AUTHORIZE THE CHAIRMAN PEACOCK TO REQUEST A WAIVER OF THE ABOVE LISTED CONFLICTS OF INTEREST FROM THE DEPARTMENT OF COMMUNITY AFFAIRS.

New Appointment for CDBG Committee

Mrs. Banks informed the Board that Mr. William Cruse who served on the CDBG Citizen Participation Committee has died. She asked them to appoint a replacement committee member.

COUNTY MANAGER

Mrs. Miller announced the appointment of a Public Works Director. He is Mr. Majed Lugod who is a professional engineer with 20 years of management experience. We will begin on May 1, 1995.

Mrs. Miller thanked Bo Brown who has been heading the department in the absence of a director.

Commissioner Watson also expressed appreciation to Bill Adams (Bishop Engineers), Mr. Bill Randall, (retired aeronautical engineer & resident - assisted in providing information for recruitment purposes), Mr. Jim Opert (resident and experienced in training executives for Fortune 500 companies) for their assistance through the interview process for the vacancy. Additionally he complimented Mrs. Miller and Mr. Arthur Lawson who initiated the recruitment. He also thanked Bo Brown for the work he did during the interim period.

CONSENT AGENDA

UPON MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0 BY VOICE VOTE TO APPROVE THE CONSENT AGENDA TO WIT:

- 1) Library PLAN Contract
- 2) "Amnesty Day" Interlocal Agreement
- 3) "Week of the Child" Proclamation
- 4) "Juvenile Justice Week" Proclamation
- 5) Protection of Water Resources
- 6) CATO Lease Termination
- 7) Quincy Square Project Amendment
- 8) Senior Citizen Month Proclamation
- 9) Affordable Housing Meeting Minutes of February 28, 1995

CLERK OF COURT

Clerk Thomas presented the following:

Budget Amendments

UPON MOTION OF COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTE 5 - 0 BY VOICE VOTE TO APPROVE BUDGET AMENDMENTS 95-04-18-01 THRU 95-04-18-04 (WITH CORRECTION TO 95-04-18-04 TO REFLECT THE AMENDED LINE ITEM BALANCE OF 313-0313-56306 TO BE \$1,185,117.

Approval of Payment of County Bills

UPON MOTION OF COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0 BY VOICE VOTE TO APPROVE THE PAYMENT OF THE COUNTY BILLS.

DISTRICT 1 REPORT

Commissioner McGill reported that the Bill 728, dealing with landfill closure revenue, is working well through the Legislature.

Senate Bill 556 which would add costs to the County's payroll appears to be dying.

DISTRICT 2 REPORT

Commissioner Watson thanked Commissioner McGill and Commissioner Dixon for their efforts in dealing with the Legislature.

Deerwood Drive (attachment)

At the last regular meeting, Commissioner Watson was asked to prepare an analysis of what it would cost for the county to surface treat Deerwood Road (in-house). Subsequently, Commissioner Watson provided the commissioners with that information in a letter (attached).

Commissioner Watson asked the Board to take action on surface-treating the Deerwood Road.

Chairman Peacock suggested that any action be tabled until the new public works director takes over his responsibilities. He suggested that the costs had escalated to a figure that he could not support. While he agreed and supported a pilot project such as this one, he would not support it at this time, given the more pressing needs such as road stripping.

Commissioner Watson argued that the project has been delayed long enough.

COMMISSIONER FLETCHER MADE A MOTION TO SURFACE TREAT DEERWOOD DRIVE.

Discussion followed.

THE MOTION WAS SECONDED BY COMMISSIONER WATSON.

More discussion followed.

Chairman Peacock called for a vote.

THE BOARD VOTED 3 - 2 TO APPROVE THE SURFACE-TREATING OF DEERWOOD DRIVE. COMMISSIONERS FLETCHER, WATSON AND MCGILL APPROVING WITH COMMISSIONERS DIXON AND PEACOCK OPPOSING.

DISTRICT 3 REPORT

Chairman Peacock reported that Commissioner Watson has requested to be removed as the county's representative to the disadvantaged transportation committee. Commissioner Dixon agreed to serve as representative. Commissioner Dixon was appointed by Chairman Peacock.

DISTRICT 4 REPORT

There was no report.

DISTRICT 5 REPORT

Commissioner Dixon reported that the County is in jeopardy of losing the advance disposal fee due to an expiration date error made by the Senate Sub-committee on Natural Resources. Attempts will be made to have the date amended once it gets to the Senate

floor. If the attempts fail, the County could ultimately loose the Recycling Program because 70% of the revenue generated by the disposal fee goes to recycling grants.

RICHBAY ROAD

Bill Adams reported that he had talked with the surveyor regarding Richbay Road. The surveyor will finish the field work on Richbay within one week. Bishop Engineers will then review his written products. The right-of-way will be flagged within 3 weeks. There should be minimum right-of-way taken.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER WATSON, THE CHAIRMAN DECLARED THE MEETING ADJOURNED.

James Peacock, Chairman

ATTEST:

Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE
BOARD OF COUNTY COMMISSIONERS,
HELD IN AND FOR GADSDEN COUNTY,
FLORIDA ON MAY 02, 1995, 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
HAL RICHMOND, ATTORNEY
BETTY MILLER, INTERIM COUNTY MANAGER

CALL TO ORDER

Chairman Peacock called the meeting to order. Commissioner Fletcher led in pledging allegiance to the U.S. Flag. Commissioner Dixon then led in a prayer.

ADOPTION OF THE AGENDA

Chairman Peacock asked that the Mobile Home Permitting Request be withdrawn from the Building Inspection Agenda - NO. 6.

Additionally, Attorney Hal Richmond asked that Ordinance 90 - 003, be withdrawn from his agenda.

UPON MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0 BY VOICE VOTE TO APPROVE THE AGENDA AS AMENDED.

APPROVAL OF MINUTES OF APRIL 18, 1995

Attention was called to the following changes:

Page 15, paragraph 1: the words "of the Citizens Participation Committee members" should be added to the last sentence.

Page 19, paragraph 3: Under authorization for request for waiver from DCA - the motion should read "...to authorize Chairman Peacock to request a waiver of the above listed conflicts..."

Page 20, District 2 Report: It should read "Commissioner Watson thanked Commissioner McGill and Commissioner Dixon for their efforts in dealing with the Legislature. "

UPON MOTION OF COMMISSIONER WATSON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 BY VOICE VOTE TO APPROVE THE MINUTES OF THE APRIL 18, 1995 MEETING AS CORRECTED.

HAL RICHMOND, COUNTY ATTORNEY

Fire Assessment

Mr. Richmond explained that in the past, the Nabors Law Firm has prepared the methodology and fire assessments based upon the tax roll. He recalled to the commissioners that it was the intention of the board to allow the fire assessment coordinator to handle the assessment roll for this year. However, since the recent ruling of the Circuit Court Judge in favor of St. Joe Land Company in their law suit against the county, the board might need to consider retaining Nabors again since the methodology will require changes. The estimated costs involved in recalculating the assessment roll will be in the range of \$25,000 - \$30,000. He asked for the board's directions.

COMMISSIONER WATSON OFFERED A MOTION TO ADVERTISE A NOTICE OF INTENT TO REPEAL THE FIRE ASSESSMENT ORDINANCE. COMMISSIONER FLETCHER SECONDED THE MOTION.

DISCUSSION FOLLOWED.

Commissioner Dixon appealed to the board to wait until the board could fully review the consequences before repealing the ordinance. He felt the proposal was premature.

Mr. Richmond cautioned them regarding capital purchases which will require revenues regardless of the decision to repeal the assessment. A repeal of the ordinance will not affect the obligations of the county.

Commissioner Watson stated he had researched the matter and is confident there is sufficient money in the budget to cover all outstanding fire service obligations. He further stated that he would oppose continuation of the sales tax if the fire assessment is not repealed.

Commissioner Dixon called attention to the five year plan for the fire program.

QUESTION WAS CALLED BY COMMISSIONER FLETCHER.

THE BOARD VOTED 4 - 1 TO AUTHORIZE THE COUNTY ATTORNEY TO ADVERTISE A NOTICE OF INTENT TO REPEAL THE FIRE ASSESSMENT

ORDINANCE AND SET A DATE FOR A PUBLIC HEARING. COMMISSIONER DIXON CAST THE LONE DISSENTING VOTE.

UPON MOTION OF COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0 TO NOT CONTRACT WITH THE NABORS LAW FIRM TO PREPARE THE FIRE ASSESSMENT FOR NEXT YEAR.

E-911 Telephone Fee Ordinance Public Hearing Ordinance 95 - 002
attached

Mr. Richmond announced a public hearing regarding the duly noticed intent to adopt an ordinance imposing a fee to be paid by local telephone exchange subscribers which is proposed to be used to implement an emergency telephone system (E-911).

Chairman Peacock called for public input. There was none.

UPON MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 BY VOICE VOTE TO ADOPT AND ENACT THE ORDINANCE IMPOSING AN EMERGENCY TELEPHONE FEE OF \$.50 PER LINE UPON EACH INDIVIDUAL EXCHANGE LINE LOCATED IN GADSDEN COUNTY.

Gretna Interlocal Agreement

Mr. Richmond presented the board with the interlocal agreement with the City of Gretna permitting Gretna to transport the effluent from the Gretna waste water treatment facility to a disposal trench located on property owned by the City of Gretna using the county's rights-of-ways. Mr. Richmond recommended that it be approved only if the City of Gretna will amend it to include a "hold harmless" agreement in the interest of the county.

UPON MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 BY VOICE VOTE, TO APPROVE THE INTERLOCAL AGREEMENT CONTINGENT UPON THE ADDITION OF A HOLD HARMLESS CLAUSE.

E-911 Addressing and Mapping Ordinance Public Hearing Ordinance 95
-003

Mr. Richmond presented the second E-911 Addressing and Mapping Ordinance which provides for the assignment and posting of numbers to all buildings in the unincorporated areas of Gadsden County. The public hearing was duly noticed.

Chairman Peacock called for public input. There was none.

UPON MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 BY VOICE VOTE TO APPROVE AND ADOPT THE E-911 ADDRESSING AND MAPPING ORDINANCE.

PLANNING AND ZONING PROJECTS

North Florida Materials Handling Company - #95PZ-14-201-1-03

Mr. Fletcher Christian of North Florida Materials Handling Company petitioned the county to allow the construction of a 2800 square foot building to operate a commercial/light industrial business operation. The business will primarily warehouse, assemble and display for sale light machinery, tools, and parts, etc. The property is designated as Agriculture 1 on the Future Land Use map of the Comprehensive Plan. Mr. Christian requested that the proposed business be permitted under the policy in the Comprehensive Plan which allows for commercial in-fill determinations by the Board of county Commissioners. The parcel is located 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. Christian Fletcher. The applicant's address is Route 4, Box 380, Havana, FL 32333. The property owner is Mr. Fletcher Christian.

On September 20, 1994, the Board of County Commissioners denied a previous request for a commercial in-fill determination.

On March 21, 1995 Mr. Christian petitioned the Board again and his project was approved by a vote of 4 - 1.

Subsequent to that approval, the Board was served with a verified complaint by one group of citizens and a request for a re-hearing from another group of residents. On April 4, 1995, the Board granted a re-hearing (to be held on April 18, 1995) and waived the appeal requirement of going back through the Planning and Zoning Commission.

On April 18, 1995, the board continued the hearing until May 2, 1995 to allow Commissioner Watson to investigate the matter more thoroughly.

Commissioner Watson reported that he visited the site and reviewed the project more closely. He stated he was concerned about the close proximity to the church and the fact that repairs

would be occurring at the location in question. He further stated he desired to rescind his earlier approval of the project.

COMMISSIONER WATSON MADE A MOTION TO DENY THE PROJECT. COMMISSIONER FLETCHER SECONDED THE MOTION.

Commissioner McGill asked for clarification of the procedure.

Mr. Richmond stated that this hearing was a continuation of the re-hearing on the project. (The only action taken at the last meeting was to continue the re-hearing to May 2, 1995.) Before proceeding any further, Mr. Richmond stated there should be a motion to rescind the previous approval of the project.

COMMISSIONER WATSON MADE A MOTION TO RESCIND THE PRIOR ACTION OF THE BOARD TO APPROVE THE NORTH FLORIDA MATERIAL HANDLING PROJECT. COMMISSIONER FLETCHER SECONDED THE MOTION.

QUESTION WAS CALLED BY COMMISSIONER FLETCHER.

THE BOARD VOTED 4 - 1 TO RESCIND THE PRIOR APPROVAL OF THE BOARD. COMMISSIONER DIXON CAST THE LONE DISSENTING VOTE.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER MCGILL, AND QUESTION CALLED BY COMMISSIONER DIXON, THE BOARD VOTED 3 - 2 BY VOICE VOTE TO DENY THE NORTH FLORIDA MATERIALS HANDLING INC. PROJECT. COMMISSIONERS WATSON, FLETCHER AND MCGILL IN FAVOR OF THE DENIAL. COMMISSIONERS DIXON AND PEACOCK OPPOSING.

Champion Oak Estates

Residents of the Champion Oak Estates appeared before the board with 3 complaints. They are as follows:

- 1 A commercial roadway was constructed through lot 9A of the subdivision. The road has brought non-residential traffic into the neighborhood and creates a hazard to families and pets as well as allows excess wear and tear on Champion Oak Circle. Additionally they objected to the fact that the road was created by subdividing an existing recorded residential lot in violation of county ordinance.
2. Noise from gunfire adjacent to the homes which creates a potential safety hazard as well. (A hunting club adjoins the property)

3. Covenants restrictions state "no more than one single-family residence should be placed on any one numbered lot." The issuance of permits allowing multiple mobile homes on a single lot is in conflict with the community.

Mr. Sherman informed the residents prior to this meeting that the board would not and could not enforce any covenant restrictions.

He told the board that the only issue which the county could deal with was the subdivided lot which allows access to the hunting club. A lot was subdivided and given a second parcel number.

Commissioner Dixon asked Mr. Sherman to determine from the Property Appraiser why a second parcel number was assigned. He suggested that the county develop a process by which this type thing cannot occur again. He further suggested that if there is a violation, make them (the violator) aware of it.

The part of the lot which is presently functioning as a road has the original parcel number. The remainder of the parcel was assigned the second number.

Mr. Richmond advised that if there is a violation of the subdivision ordinance, a cease and desist notice can be sent to the property owner.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0 TO HAVE THE ATTORNEY TO SEND THE PROPERTY OWNER A NOTICE TO CEASE AND DESIST.

Speaking in opposition to the placement of the mobile home were Nancy Linsey and Gail Rudd.

Chairman Peacock asked Mike Sherman to investigate their complaints and the firing range of the hunt club and come back to the board.

Gloria Franklin, owner of the lot in question spoke, stated she was unaware of any deed restrictions when she placed the mobile home there.

Mr. Sherman told the board that the lot and home meet the county's subdivision codes.

Mr. Richmond told the chairman that the county has no jurisdiction if the lot and home meet the county's subdivision codes.

Mr. Bob Wilkinson asked the board to consider the safety issues with regard to the hunting club, gun fire, speeding, etc.

Comprehensive Plan amendment public hearing schedule

Mr. Sherman called attention to the memo in the board's agenda package which outlines the proposed schedule of events and dates which must take place so that the county may adopt the amendment in accordance with FL Statutes.

Land Development Worksessions

Mr. Sherman was instructed to arrange a meeting for May 17, 1995 at 1:00 p.m.

FRANK RITTER - BUILDING INSPECTION

Mr. Ritter presented a request from Mr. Paul Nicholson to designate the old Patrick's Grocery Store a historical building and waive the handicap requirement for the second floor.

UPON MOTION OF COMMISSIONER WATSON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 BY VOICE VOTE TO DESIGNATE PATRICK'S GROCERY AS A HISTORICAL BUILDING AND WAIVE HANDICAP REQUIREMENT TO THE SECOND FLOOR.

VOLUNTARY ANNEXATION OF COUNTY PROPERTY TO THE CITY OF QUINCY

MOTION WAS MADE BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER FLETCHER TO APPROVE THE PETITION FOR VOLUNTARY ANNEXATION TO THE CITY OF QUINCY.

Discussion followed.

Chairman Peacock reported that he had made inquiries of the city and was satisfied with the intentions of the City with regard to the construction of an industrial park adjacent to the county's property. (National Guard Armory and the county jail)

Commissioner Dixon stated that he was not satisfied with the information coming to him from the City. He wanted to know what the densities are, what type building facilities are going to be constructed, what types of businesses will be placed there (manufacturing, warehouses, etc.) He regarded those concerns as

significant and until he can get a general understanding of what will be taking place within the proposed park, he will continue to be apprehensive and concerned for the neighborhoods in that area.

Mr. McCaskill spoke to Commissioner Dixon's concerns saying that the city and the Industrial Development Authority are making every attempt to get community input as well as county input. He insisted that as the plans are developed for the park, the city will be sensitive to the concerns of the residents in the area. He encouraged the Board to place some degree of trust in the city to develop the park with sensitivity.

Commissioner Dixon countered that the City should be making written assurances to the county and the residents. He stated that no community or county input was sought by the city or the authority until he began making inquiries. The project concept was designed without neighborhood involvement. The city has not informed the residents that a business is already scheduled to begin its operations in the park and that it might qualify as a DIR.

Commissioner McGill suggested that the annexation agreement include some language to place some restrictions to protect the interest of the neighborhoods.

Mr. McCaskill assured the Board that it is the intent of the city staff to put businesses along the vegetative buffer that would not be noisy and would not have night time traffic - such as warehousing for service type operations.

Chairman Peacock called for public input.

Mrs. Rosemary Banks remarked that the county has just invested \$650,000 in the Joe Adams Community in paving the street and central water and rehabilitation of homes in the area. The majority of those people are elderly and take pride in their community. She reminded the commissioners that the seven acres of county owned property which is included into the annexation was reserved to be used as a holding pond for the armory and the jail.

Mrs. Roxanne Johnson stated she had attended the public hearing that she is not opposed to the progress nor incoming industry. However, she remains uncertain as to whom she should direct her concerns or potential problems.

Commissioner Dixon reminded the Board of the action just taken to deny the North Florida Handling Inc. project because of its potential impact on the neighbors. The Board was inundated with

appeals from adjacent property owners who would be impacted by one small businessman. At this meeting, the Board is seemingly unconcerned about the impact of a 350 acre park. He went on to say that the neighborhoods surrounding the proposed park are a mixture of low, middle and upper income families. Even though those residents are not present to make their positions known to the Board, the Board should still be acting in their interest in a similar fashion as they did to the North Florida Material Handling Inc. issue.

Mr. Sherman told the Board that the county will have two more opportunities to review in much more detail the progress of the industrial park as it is developed. One stage will be when the city amends its comprehensive plan. Since the County is an affected party to their amendment, it will be afforded an opportunity to comment on the amendment at the same time DCA, DEP, DOT, Game and Fresh Water Fish Commission will be invited to make comments. Any possible negative impacts caused by the change in land use from a county agricultural designation to a an industrial or whatever it becomes will be discussed at that time.

Another opportunity will be afforded to the County when Quincy actually goes through the commercial subdivision plat process or site plan process. According to their comprehensive plan, Quincy must notify the county and all developments within 1/2 mile of the boundaries of the city. They will have a specific development plan for the county to see at that time.

Commissioner Watson remarked to Commissioner Dixon while he is pointing out inconsistent votes on issues he should also recall the vote he made on the Providence Community issue.

Chairman Peacock called the commission to a point of order.

Mr. McCaskill told the Board that he is asking the county to request voluntary annexation of the county owned property. The planning of the industrial park will require at least another 3 months. The oversight committee is being organized with county resident participation. (Roxanne and Stanley Johnson) He once again urged the Board to exercise some level of trust that the City will develop the park to standards which will meet with the approval of the county and the surrounding areas. The site is approximately 400 acres but only 188 acres for industrial use.

City Manager Ken Cowen spoke to issues raised as concerns by the Board. He assured the commission that the City will be sensitive in the development process.

Commissioner Dixon asked to be appointed to the advisory committee to represent the county's interest.

Mr. McCaskill stated that it would be acceptable with the city for Commissioner Dixon to be a member of the committee.

Chairman Peacock called for a vote on the motion.

THE BOARD VOTED 5 - 0 TO APPROVE THE REQUEST FOR VOLUNTARY ANNEXATION OF THE COUNTY OWNED PROPERTY TO THE CITY. (NATIONAL GUARD ARMORY AND THE COUNTY JAIL)

COUNTY MANAGER

Public Works Director

Mrs. Miller introduced Mr. Majed Lugod as the new Public Works Director.

ADA Compliance

Mrs. Miller explained that the county should have been in compliance with the American Disabilities Act by January of 1995. At the present time, Gadsden County is not in compliance and is in jeopardy of losing some of the grant funded programs as a result of non-compliance.

The first step in getting into compliance is to have a survey prepared. Consultants have been contacted by county staff and determined that the costs for getting a survey done is \$3,600 to \$4,000. This cost was not budgeted for the present fiscal year and it must meet with Board approval.

Commissioner Watson asked why the county is so late in getting this done.

Mrs. Miller replied that the county has not had money with which to do it and it was not planned for in the budget process.

Commissioner Dixon explained that the issue has been before the Board a couple of times. No decisive action was taken because it appeared that none of the county-owned buildings could be brought into compliance because of budget constraints.

Mrs. Miller explained that the survey should make recommendations and they will take the historic significance of the buildings into consideration when making those recommendations.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 0 BY VOICE VOTE, TO APPROVE CONTRACTING WITH CONSULTANTS TO CONDUCT THE ADA COMPLIANCE SURVEY AND PREPARE THE TRANSITION PLANS AND TO PAY FOR THE SURVEY FROM CONTINGENCY FUNDS. (CHAIRMAN PEACOCK WAS NOT PRESENT FOR THIS VOTE AND VICE CHAIRMAN FLETCHER PRESIDED OVER THE VOTE.)

CONSENT AGENDA

UPON MOTION OF COMMISSIONER WATSON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 0 TO APPROVE THE CONSENT AGENDA, TO WIT:

- 1) Veterans Service Office Proclamation
- 2) Gadsden Co. CDBG AntiDisplacement & Relocation Plan
- 3) Gadsden Co. CDBG Housing Rehab Policies & Procedures Manual

(CHAIRMAN PEACOCK WAS NOT PRESENT FOR THIS VOTE. VICE-CHAIRMAN FLETCHER PRESIDED DURING THIS VOTE.)

CLERK OF COURT

Financial Reports

Clerk Thomas asked if the commissioners had any questions regarding the financial statements provided in the agenda packets. There were none.

Budget Amendments

Clerk Thomas explained the budget amendments.

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 4 - 0 BY VOICE VOTE TO APPROVE BUDGET AMENDMENTS (2) 95-05-02-01 THROUGH 95-05-02-02. (CHAIRMAN PEACOCK WAS NOT PRESENT FOR THIS VOTE. VICE-CHAIRMAN FLETCHER PRESIDED.)

Payment of County Bills

UPON MOTION OF COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 4 - 0 BY VOICE VOTE TO APPROVE THE PAYMENT OF THE COUNTY BILLS. (CHAIRMAN PEACOCK WAS ABSENT FOR THIS VOTE. VICE-CHAIRMAN FLETCHER PRESIDED DURING HIS ABSENCE)

DISTRICT 1 REPORT

Commissioner McGill asked the Board to consider surface treating the road in the Shiloh Community. He stated his reason as being that Shiloh Road has a clay base and would offer a comparison study to the sandy based Deerwood Road. The Shiloh community is also undergoing a housing rehabilitation project and a surfaced road would compliment the upgrade of that community.

Chairman Peacock questioned what this action to experiment with road surfacing would have on the five-year road plan included in the comprehensive plan.

COMMISSIONER MCGILL MADE A MOTION TO SURFACE TREAT SHILOH ROAD.

THE MOTION DIED FOR LACK OF SECOND.

Commissioner Dixon was in favor of surface treating the road because of the total rehabilitation of the neighborhood as well as the significance of the experimental study.

QUESTION WAS CALLED BY COMMISSIONER DIXON.

Commissioner Peacock interjected that he was not certain if Peavy Construction has been paid for the work done on Atwater Road, but if they have not, payment should be withheld until they correct the problems.

QUESTION WAS AGAIN CALLED BY COMMISSIONER FLETCHER.

UPON MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 4 - 1 BY VOICE VOTE TO SURFACE TREAT SHILOH ROAD.

DISTRICT 2 REPORT

Commissioner Watson yielded his time to Doug Barkley from Bishop Engineers.

Mr. Barkley gave a progress report on the county road projects. (Report attached)

DISTRICT 3 REPORT

Chairman Peacock reported that the preliminary costs for renovating the CATO building is estimated to be \$80,000.

DISTRICT 4 REPORT

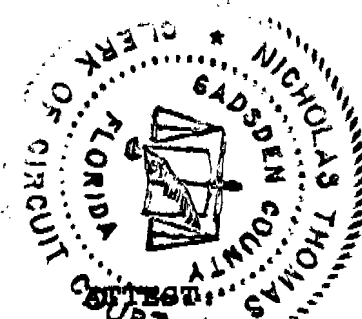
There was no report.

DISTRICT 5 REPORT

Commissioner Dixon gave a brief report on the Legislature's action. Except for the advanced disposal fee, Gadsden County has faired well.

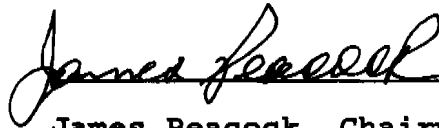
ADJOURNMENT

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER DIXON, THE CHAIRMAN DECLARED THE MEETING ADJOURNED.





Nicholas Thomas, Clerk



James Peacock, Chairman

AT A REGULAR MEETING OF THE BOARD OF
COUNTY COMMISSIONERS, HELD IN AND
FOR GADSDEN COUNTY, FLORIDA ON MAY
16, 1995, THE FOLLOWING PROCEEDINGS
WERE HAD, VIZ.

PRESENT: JAMES PEACOCK, CHAIRMAN
E. HENTZ FLETCHER, VICE CHAIRMAN
BILL MCGILL
JAMES PEACOCK
STERLING WATSON
JIM RICHMOND (for Hal Richmond county attorney)
BETTY MILLER, INTERIM COUNTY MANAGER
NICHOLAS THOMAS, CLERK

CALL TO ORDER

Chairman Peacock called the meeting to order. Commissioner McGill led in pledging allegiance to the U.S. Flag. Chairman Peacock led in prayer.

ADOPTION OF AGENDA

Chairman Peacock asked that the Facade Contract be removed from the county attorney's agenda and the Greensboro Interlocal Agreement on Building Inspections be removed from the county manager's agenda.

UPON MOTION OF COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0 BY VOICE VOTE TO APPROVE THE AGENDA AS AMENDED.

APPROVAL OF MINUTES

UPON MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0 BY VOICE VOTE TO APPROVE THE MINUTES OF MAY 2, 1995 REGULAR MEETING.

COUNTY ATTORNEY

Interim County Manager's Contract

Mr. Jim Richmond reminded the commissioners that Mrs. Betty Miller's contract as interim county manager will expire on May 22, 1995. He told the board that some action was necessary and he recommended that the board extend the terms of the current contract for six weeks to allow for time to consider options.

UPON MOTION OF COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0 BY VOICE VOTE TO EXTEND MRS. MILLER'S CONTRACT AS INTERIM COUNTY MANAGER FOR SIX WEEKS.

Ordinance Amendment - County Manger's Position

MOTION WAS MADE BY COMMISSIONER FLETCHER AND SECONDED BY COMMISSIONER WATSON TO AUTHORIZE THE COUNTY ATTORNEY TO ADVERTISE A NOTICE OF INTENT TO AMEND THE COUNTY ORDINANCE WHICH PROVIDES FOR THE COUNTY MANAGER'S POSITION.

DISCUSSION FOLLOWED.

Commissioner McGill asked to have a special meeting to discuss the proposed amendment.

Chairman Peacock indicated that the matter would be discussed at a special meeting on May 19, 1995. He assured Commissioner McGill that the advertisement to amend does not necessarily mean that the ordinance will be amended. The decision can be made at the pubic hearing.

QUESTION WAS CALLED BY COMMISSIONER MCGILL.

THE BOARD VOTED 5 - 0 BY VOICE VOTE TO APPROVE THE ADVERTISEMENT OF THE NOTICE OF INTENT TO AMEND THE COUNTY ORDINANCE WHICH PROVIDES FOR THE COUNTY MANAGER'S POSITION.

PLANNING AND ZONING PROJECTS

Sprint Cellular Phone Tower Site - Project # 95PZ-18-201-1-05

The Sprint Cellular Company of Tallahassee proposes to construct another 250 foot self-supported cellular phone tower and a 12' x 28' equipment shelter. The proposed tower will be located on the west side of US 27, just north of the Bread & Life Bakeries, and the Rock of Ages Funeral Home. The parcel is approximately .4 mile south of the Havana Town limits. The property owner is Mr. Jimmy Creamer, P.O. Box 3765, Tallahassee, FL 32315. The subject parcel is one acre. The applicant is the Sprint Cellular Company of Tallahassee. The applicant's representative is Mr. Dan Ausley, 217 John Knox Road, Tallahassee, FL 32303.

Mr. Sherman told the board that, if approved, this would be the third cellular tower. The comp plan allows an overlay district by special exception in any category for certain essential public

facilities. While it is permissible through the comp plan it does not entail that in every location.

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

The 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 WATSON TO APPROVE THE SPRINT CELLULAR PHONE TOWER PROJECT # 95PZ-18-201-1-05.

DISCUSSION FOLLOWED.

Commissioner McGill asked how often the FAA inspected the towers.

Mr. Sherman reported that the towers are built according to the standard building code and they are designed by an engineer. He could not answer the commissioner's question and yielded to the applicant who was in the audience.

A Sprint Cellular representative told Commissioner McGill that all towers are filed with FAA and all are in compliance the FAA regulations. FAA does make periodic inspections but their inspections do not follow a definite schedule.

Commissioner Fletcher asked when the towers would begin operation.

The representative stated that the Quincy tower would be operational by May 25, 1995. The Havana tower should be operational within 2 - 3 months. The Jai-alai tower could be operational by the end of the year.

QUESTION WAS CALLED BY COMMISSIONER MCGILL.

THE BOARD VOTED 5 - 0 BY VOICE VOTE TO APPROVE THE SPRINT CELLULAR TOWER PROJECT SUBJECT TO THE CONDITIONS AS STATED IN THE ATTACHED MEMO.

Watson Private Airstrip - Project #95PZ-19-203-4-5

Mr. David Watson petitioned the county to grant him approval for the development and use of a private airstrip on his property. The subject parcel is located in Section 33, Township 3N, Range

4W. The parcel is located on the south side of CR 268, approximately .5 miles from the city limits of Gretna.

Mr. Sherman reported that the property is designated as Agricultural 2. Such use is permitted by the Comprehensive Plan.

The P & Z Commission recommended approval subject to special conditions as outlined in the attached memo.

The P & Z staff recommended approval subject to special conditions listed in the attached memo.

COMMISSIONER WATSON STATED THAT HE WOULD ABSTAIN FROM VOTING BECAUSE THE APPLICANT IS HIS BROTHER.

Commissioner McGill asked if there would be any "on-location" parking requirements.

Mr. Sherman reported that he had received a plan showing the location of the airstrip on the property. There is no indication of parking locations on the plan but there is ample space for parking on the parcel. If hangers or buildings are constructed at the airstrip, they will be required to provide a site plan prior to a building permit being issued.

Commissioner Dixon asked Mr. Sherman how the county would determine how many private air strips would be adequate and what type of criteria would be used to validate where air strips should be located.

Mr. Sherman stated that he looked first to determine that the land is designated as agricultural - primarily Ag 2 or 3. The comprehensive plan does not prohibit such activity in Ag districts.

The board would be allowed to permit air strips on a case by case basis and can deny a request if it is deemed an inappropriate location.

While Commissioner Dixon did not oppose the air strip, he turned attention to a forthcoming need to establish some criteria for permitting private air strips in a responsible manner.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED BY VOICE VOTE 4 - 0 TO APPROVE THE WATSON AIRSTRIP. COMMISSIONER WATSON ABSTAINED FROM VOTING. (CONFLICT FORM FILED WITH THE MINUTES OF THIS MEETING.)

LDR Worksession

Mr. Sherman recommended that a worksession be held on May 26, 1995 at 1:00 p.m. in the courtroom for the purpose of reviewing the proposed land development regulations.

It was the consensus of the board to meet on May 26 as proposed by Mr. Sherman.

Request for extension of repair business - J.C. Kingrey and Mr. Braswell

Mr. Sherman reported to the board that Mr. J.C. Kingrey requested the county to allow him to move mobile homes onto his property which do not meet the requirements of the minimum mobile home ordinance to be repaired. Mr. Kingrey would then offer the improved mobile homes for sale.

At the present time, there are two locations in the county where used mobile homes (that do not meet the requirements of the minimum mobile home ordinance) can be moved until they are repaired. One location is in Greensboro and the other is in the Sawdust community.

Mr. Sherman stated that the request could be granted in one of two ways:

- 1) Consider it as a continuation of Mr. Kingrey's business.
- 2) Amend the comprehensive plan and designate the land as commercial land.

Mr. Kingrey spoke to the board stating that he was asking for permission to move an uninspected mobile home onto his property, repair it, then allow his son to live in the home. It was not his intention to repair it for resale. He asked the board if he has the right, as a citizen of the county and land owner, to bring an uninspected mobile home onto his property.

Commissioner Fletcher stated that he understood that Mr. Kingrey was asking for permission to bring a mobile home to his place of business, repair the home to the minimum standards, have the home inspected, then move it to another location.

Commissioner Peacock stated that he had understood the same as Commissioner Fletcher.

Chairman Peacock called attention to the county's ordinance which will not allow Mr. Kingrey to bring the mobile home into the county without being inspected first.

Commissioner Dixon asked if granting Mr. Kingrey's request would violate the spirit of the ordinance?

Mr. Sherman stated that there is a minimum standard that mobile homes must meet prior to being brought into the county. It also allows for homes in disrepair to be brought into the county for repair at a designated place. He further stated that Mr. Kingrey's property could be designated as a third location where mobile homes which do not meet the minimum criteria can be brought for repair.

Commissioner McGill interjected that the purpose of the ordinance could be defeated if the board should start designating an individual's property as a place where sub-standard mobile homes can be placed until they can be repaired sufficiently to meet the minimum standard.

Commissioner Watson stated that he thought the answer to Mr. Kingrey's request would have to be "no" for the purpose of this meeting. If the board desires to change the ordinance to accommodate such requests as Mr. Kingrey, it can be addressed at a later meeting.

Commissioner Dixon stated that if Mr. Kingrey was asking to bring a mobile home which does not meet the minimum standard for the county onto his property, the answer must be "no". On the other hand, if he is asking to operate a business which will allow him to bring sub-standard homes to his property for repair and resale, then he must request a permit as a business.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 3 - 2 BY VOICE VOTE, TO DENY MR. KINGREY'S REQUEST TO BRING A SUB-STANDARD MOBILE HOME ONTO HIS PROPERTY AND REPAIR IT FOR USE AS A HOME. COMMISSIONERS WATSON, MCGILL AND DIXON VOTED IN FAVOR OF DENIAL. COMMISSIONERS FLETCHER AND PEACOCK OPPOSED THE DENIAL.

Mr. Jim Richmond focused attention to Mr. Sherman's request for direction as to how he should advise Mr. Kingrey to proceed to accomplish what he wants to do.

Mr. Kingrey was advised to take his request to the Planning and Zoning Commission and request an amendment to the comprehensive plan which will allow him to bring sub-standard mobile homes to his business for the purpose of repairing them up to the county's standard.

Mr. Kingrey informed the board that he would be filing a law suit against the board regarding the issue.

ECONOMIC DEVELOPMENT ACTIVATES (Attached Memo)

Mr. Rick McCaskill gave a brief update on the economic development activities throughout the county.

PUBLIC WORKS

Mr. Jed Lugod, public works director, requested the board to waive the procurement policy and approve the purchase of a roadpatcher, Wildcat Model RP0005 (Cab-Chassis 1989 Mack Model MS300P) on a sole source basis. He indicated that bids were obtained on road patching equipment previously but the board decided to take no action on those pieces of equipment.

He reported that he has recently investigated a Wildcat RP005 and found it be superior to other equipment in area of safety and other areas. It can be operated by one person if necessary. It is more economical to operate and will provide a superior patch.

Other benefits of the purchase of this piece of equipment is that it is a used demonstrator model and will save the county \$45,000 as opposed to a new patcher. It will be available immediately for use in the county whereas a new one would take up to six months for delivery.

Additionally, Mr. Lugod stated that the Wildcat RP0005 is the only roadpatcher where the power for patching equipment is independent of the engine functions and the patching equipment can also be put on a new truck if necessary.

A MOTION WAS MADE BY COMMISSIONER WATSON AND SECONDED BY COMMISSIONER DIXON TO APPROVE THE PURCHASE OF THE WILDCAT MODEL RP005 AND TO WAIVE THE PROCUREMENT POLICY.

Commissioner Fletcher stated that he believed that the road department needed other equipment more than it needs a roadpatcher - such as a back-hoe and something with which to load the dump trucks.

Mr. Lugod agreed with Commissioner Fletcher that the department is in need of other equipment as well as the roadpatcher. He went on to say that the existing patching operations is a 3-man operation which also requires trucks to carry patching materials to the working site. This roadpatcher will

require less man power and provide a more efficient way of patching the road.

Mr. Lugod further stated that he is evaluating all the road equipment and he will be coming back to the board for support for other purchases once the evaluation is completed.

Commissioner Fletcher called attention to the fact that the State Department of Transportation is patching roads with the same operation as Gadsden County is presently using. He could not support spending \$75,000 for a pot-hole patcher when the department does not have a decent front-end loader to use with the new dump trucks.

Mr. Lugod countered by saying that the county is already expending as much money in wasted material and additional labor with the current method as the cost of the new equipment. He assured the board that the purchase will pay for itself in savings of material and manpower within 2 - 3 years.

Commissioner McGill asked if a maintenance contract is included with the equipment.

Mr. Lugod stated that the equipment is still under warranty but not on the truck.

Chairman Peacock agreed that the department needed a patching machine but could not agree to spend the money for it at this time in light of the building renovations for which the costs are yet to be determined.

COMMISSIONER FLETCHER MADE A MOTION TO TABLE ACTION ON THE PURCHASE OF THE ROADPATCHER.

Discussion followed.

Commissioner Dixon stated that there will always be differences of opinions about how to approach operating the public works department and procurement of equipment. He supported the purchase of the roadpatcher but asked Mr. Lugod to provide him with the complete cost associated with the machine including the operator.

Commissioner Fletcher called attention to the fact that the county owns 7 motor graders but only has 2 qualified operators on the payroll.

Commissioner McGill shared concerns regarding operational costs. (Driver, gas, oil, tires, etc.) He stated that the equipment would further enable the county with the ability and effort to do road improvement. He further stated that the health, safety and welfare of the county residents must be maintained and the improvements must continue.

Commissioner Dixon stated that the road patcher was included in the budget along with the mission statement to begin the process of improving the public works department through equipment, manpower and concentration of finances on rebuilding the infrastructure of Gadsden County. This equipment will only be the beginning. The county hired the engineer to do a job and he encouraged the board to move forward.

Chairman Peacock stated that he was opposed to a pot-hole patcher from the beginning.

Commissioner Watson stated there were two questions to consider: 1) Does the county have a need to patch pot-holes? The answer was "yes". 2) Is the present operation working and is the county pleased with the current work? The answer was that the present operation using cold patch is not working well.

CHAIRMAN PEACOCK CALLED FOR A SECOND TO THE MOTION TO TABLE.

Commissioner McGill asked Attorney Jim Richmond to clarify the proper procedure.

Attorney Richmond stated that the motion to table takes priority because it is a motion to table what is on the floor.

THE MOTION TO TABLE DIED FOR A LACK OF A SECOND.

Chairman Peacock called for a vote on the motion to purchase the roadpatcher.

THE BOARD VOTED 3 - 2 TO APPROVE THE PURCHASE OF THE ROADPATCHER WILDCAT MODEL RP005 ON SOLE SOURCE BASIS AND TO WAIVE THE PROCUREMENT POLICY. COMMISSIONERS WATSON, MCGILL AND DIXON VOTED "AYE". COMMISSIONERS FLETCHER AND PEACOCK VOTED "NAY".

Progress of CR 65 A North

Mr. Mike Murphy appeared before the board and requested permission to revert back to the original permit to place Gretna's force main along the county's right-of-way on 65 A rather than

under the pavement. (The county commission granted permission for the force main pipes to be installed under a portion of the highway contingent upon some cost sharing for resurfacing of roadway that would have impacted. Subsequent to that approval, it has been learned that the force main will not have to be placed under the pavement.)

Chairman Peacock asked why it was changed back to the original plans.

Mr. Murphy reported that they experienced great difficulty in getting a price estimate. Once an estimate was received, it was far exceeded the estimate used in reaching the decision to place the line in the road.

UPON MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO ALLOW THE CITY OF GRETN A TO PLACE THE FORCE MAINS IN THE COUNTY'S RIGHT-OF-WAY AS ORIGINALLY PERMITTED (SUBJECT TO ALL PREVIOUS CONDITIONS) AND THAT THE CONTRACTORS RETURN THE COUNTY ROAD TO ITS ORIGINAL CONDITION OR BETTER.

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO RESCIND THE MOTION TO BUDGET \$18,000 FOR ROAD IMPROVEMENT FOR CR 65-A.

Miscellaneous Road Projects

Deerwood Road

Mr. Lugod reported that the survey and permitting was done on Deerwood Road and work had begun to surface-treat the road but the road grader broke down. Repairs will be made to the grader and work will begin again promptly. Other equipment will be rented to accomplish the surface treatment.

Shiloh Road

Right-of-ways must be secured before work can begin. Design calculations and permitting will be forthcoming.

STATUS REPORT OF CURRENT ROAD AND BRIDGE PROJECTS

Doug Barkley of Bishop Engineers was present and gave the board an update of the current road and bridge projects. (See attached report.)

Commissioner Fletcher stated that he had been assured by the contractors that 379 would begin on May 17, 1995, and asked why the work had been delayed.

Mr. Barkley reported that he was told by the contractors that the crews which had been scheduled for the 379 project had to be moved to sites in Georgia where emergency conditions existed because of heavy rainfalls. The work was contracted to be completed within 120 days and it is expected to be finished well within that timeframe.

COUNTY MANAGER

Mrs. Miller reminded the commissioners of the special meeting to be held on Friday, May 19, 1995, 1:00 p.m. in the courtroom. The subjects to be discussed will be present and future office space needs, facade contract for the CATO building and the county manager ordinance.

CONSENT AGENDA

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

- 1) Local Government's Right to Manage Water Resources Resolution
- 2) Prescribed Burning Resolution
- 3) Emergency Mgmt. Preparedness Asst. Grant Modification
- 4) Child Support Contract - DOR/Sheriff BZE-17
- 5) Quincy-Gadsden County Airport Authority Financial Statements

CLERK OF CIRCUIT COURT

Budget Amendments

Clerk Thomas presented 3 budget amendment resolutions and requested approval.

UPON MOTION OF COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE BUDGET AMENDMENTS 95-05-16-01 THROUGH 95-05-16-03.

Approval of Payment of County Bills

UPON MOTION OF COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE PAYMENT OF THE COUNTY BILLS.

DISTRICT 1 REPORT

Commissioner McGill apologized for not being able to provide information on SB 738 regarding the land fill closure reimbursement. He stated he had been out of town last week and was unable to ascertain the information before coming to the board meeting.

Appointment of Morris Thomas to the Industrial Development Authority

UPON MOTION OF COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0 BY VOICE VOTE TO APPROVE COMMISSIONER MCGILL'S APPOINTMENT OF MORRIS THOMAS OF MIDWAY TO THE INDUSTRIAL DEVELOPMENT AUTHORITY.

DISTRICT 2 REPORT

There was no report.

DISTRICT 3 REPORT

There was no report.

DISTRICT 4 REPORT

Re-Appointment of George Johnson to the Industrial Development Authority

Commissioner Fletcher re-appointed George Johnson to the Industrial Development Authority.

UPON MOTION OF COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0 BY VOICE VOTE TO RE-APPOINT GEORGE JOHNSON TO THE INDUSTRIAL DEVELOPMENT AUTHORITY.

DISTRICT 5 REPORT

Legislative Accomplishments

Commissioner Dixon reported the following had occurred in the Legislature:

- 1) Small counties can now use waste tire grants for any solid waste related purposes.
- 2) All state agencies (DEP etc.) can now recognize the administrative and fiscal impacts of rules on small counties. The agencies can tier rules when they create disproportionate impacts. Such as charges for pulling ditches etc.
- 3) A Rural Economic Development Revolving Loan Fund was created to loan money to small counties who are attempting big infrastructure projects.
- 4) A pilot matching grant program for Rural Economic Development was approved.
- 5) The ADF money used to fund recycling plan was killed and revived. A waste tire fund revenue will be used to fund the recycling activities. Gadsden County should get \$200,000 this year. Recycling grants should be fine for one more year.
- 6) \$250,000 was appropriated for the Small County Technical Assistance Program.
- 7) A cultural arts touring program for small counties was approved.
- 8) The ex-parte communication bill was passed granting citizens access to the local officials sitting as quasi-judicial boards on issues. The county must enact an ordinance or resolution removing the presumption of prejudice.
- 9) DCA was authorized to delegate small scale plan amendments review and approval to local government.
- 10) Statutory reclassification of roads process was set up so that the county must agree to accept roads from the state. They can no longer just give it to the counties. They must also provide money to the county up front to maintain the roads given to the counties.

ADJOURNMENT

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

James Peacock, Chairman

ATTEST:

Nicholas Thomas, Clerk

AT A SPECIAL MEETING OF THE BOARD OF
COUNTY COMMISSIONERS HELD IN AND FOR
GADSDEN COUNTY, FLORIDA ON MAY 19,
1995, THE FOLLOWING PROCEEDINGS WERE
HAD, VIZ.

PRESENT: JAMES PEACOCK, CHAIRMAN
E. HENTZ FLETCHER, VICE CHAIRMAN
STERLING WATSON
BILL MCGILL
EDWARD J. DIXON
NICHOLAS THOMAS, CLERK
JIM RICHMOND, ATTORNEY
MRS. BETTY MILLER, INTERIM COUNTY MANAGER

OTHERS PRESENT: LARRY ARRINGTON, FACILITATOR
HERB MARLOW, FACILITATOR
JENNIFER ERDMAN, QUINCY MAINSTREET REPRESENTATIVE
BILL ADAMS, CONSULTANT ENGINEER
DICK LEE, CONSULTANT ARCHITECT

CALL TO ORDER

The meeting was called to order by Chairman James Peacock. He then turned the meeting over to Ms. Betty Miller, Interim County Manager.

Mrs. Miller stated the purpose of the special meeting was to discuss the present and future office space needs. She introduced Mr. Larry Arrington and Mr. Herb Marlow as the facilitators for the afternoon meeting. (Consultants with the Small Counties Technical Assistance Program.)

Mr. Arrington began by asking each commissioner what they hoped to accomplish from the day's meeting.

Commissioner McGill:

- 1) Determine how soon the county offices can be renovated to accommodate entire county government staff and thus eliminate the need to rent office space.
- 2) Determine what the renovations will cost and determine a way to provide the funds for the renovations.

Commissioner Watson:

- 1) Gain information.
- 2) Get answers to questions.

- 3) Identify the decisions which have to be made regarding office space.

Interim County Manager Betty Miller had no comments.

Chairman Peacock:

- 1) Begin the process of making a 10-year plan for the office space for the county.
- 2) Explore revenue options.

Commissioner Fletcher:

- 1) Information only - determine the facts and clarify the decisions to be made.
- 2) How to spend the \$500,000 courthouse historic preservation grant. Where to locate the courthouse functions during the renovations.

Clerk Thomas had no comment.

Mrs. Miller introduced Bill Adams as the county's consultant engineer for the courthouse project and Dick Lee who is the architect (subcontracted by Bishop Engineers) for the courthouse project.

Mr. Arrington summarized the commissioners concerns as being an overall space needs problem.

- 1) Courthouse & renovations thereof.
- 2) The use and possible renovations of the other county owned buildings.
- 3) How leased space ties into the county owned property.

Mr. Herb Marlow asked if there was a projection for population growth over the next 10 years.

It was determined that dramatic growth is not anticipated and the need for increased county government services would be minimal.

Courthouse Issue:

How to renovate it.

How to spend the grant money.

Other County Buildings:

CATO

Diana Shop

Fletcher-Cantey

Barnett Bank Building possibilities

Old county jail -

It was determined to be unusable. It contains asbestos and lead contents. It is expected to be demolished.

County Administration Building

Courthouse Issue:

Wiring: The electrical engineer checked the wiring. The transformer is working at three times its capacity. It is a minor miracle that the building has not burned down. The consultants view the wiring as a primary problem.

If work should begin on the wiring problems, physical outages will occur making it necessary to relocate the occupants temporarily.

The Clerk's computer demands particular attention and consideration.

Plumbing: Plumbing needs are closely associated with the ADA requirements. No other comments were made.

Roof: The shingle portion of the roof was re-roofed 2 years ago. There are no active leaks in that portion of the roof at this time.

Around the outside of the building is a six ft. deep well which catches rain water. It is covered with flashing. That flashing is patched and weak and needs to be replaced early in the renovation process.

Cupola: The wood portion of the cupola and the area beneath it is beginning to rot. The tin portion is rusting and is leaking. The windows are loose.

ADA: The courthouse will never be completely brought up to ADA requirements. The design is too old - open stairwells; lack of fire walls, etc. True public contact use of the

building would make it necessary to install sprinklers for fire protection. Even with historical exemptions, there will still be barriers and problems upon completion of the renovation. With some provisos (circulation pattern changes, etc.) it can be used. All bathrooms, office doors, booths, counters must be changed to ADA specifications for public contact. The immediate requirements are: All light switches must be moved down; all door labels must be moved down and be put into braille; all doors must have a lever operated handle with less than 2 lbs. force required; any heavy door must have a closer.

Waterproofing: No comments were made.

Finishes: No comments were made.

H/AC: No comments were made.

Mr. Adams explained that no real estimate has yet been determined as to the cost for renovation of the courthouse but he offered an "off-the-cuff" figure of \$2.5 to \$ 3 million.

The \$500,000 grant must be used within one year making it necessary to immediately decide how it will be spent.

The Board agreed to the following:

- 1) A phasing priority for the courthouse renovation should be set.
- 2) The courthouse would continue to be used for some purpose.
- 3) The most practical and common sense use of the \$500,000 grant would be to spend it on wiring.
- 4) A phase-plan for the balance of the renovation of the courthouse should be developed with a description of the needs and rough costs estimates developed for those needs.

The board instructed Mr. Adams to prepare a proposal to develop a design to proceed with re-wiring of the courthouse (for present users) and bring it back to the board for approval at the June 6th meeting. He was further instructed to prepare a proposal to develop estimated numbers for the remaining renovations.

Once the sequence for the renovation can be established, application for additional grant funds can be made. The renovation can be staggered over a number of years.

OTHER COUNTY BUILDINGS

Issue: Cost of renovating both floors of the Jefferson St. Buildings

The second floors must be dismantled and replaced if they are to be used as office space. It will not support an office load otherwise. It can only be used for storage at present.

Mr. Adams recommended combining the 3 buildings to make them one building.

An estimate to renovate the three buildings - both floors would be approximately \$3 million. (one floor would cost \$1.5 million.)

A new 15,000 ft. building - one floor could be constructed at a cost of \$90 per sq ft.

Issue: Grant application for the renovation of the buildings.

Ms. Erdman of Mainstreet Quincy briefed the Board about available grants which could be applied for which could largely fund the renovation costs related to the Jefferson St. buildings.

Discussion followed.

UPON MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER MCGILL THE BOARD VOTED 5 - 0 TO AUTHORIZE JENNIFER ERDMAN OF MAINSTREET TO APPLY FOR A GRANT TO RENOVATE THE CATO, DIANA AND FLETCHER BUILDINGS PROVIDED THAT THE \$80,000 RENOVATION OF THE CATO BUILDING OR THE PURCHASE OF THE FLETCHER BUILDING OR IN KIND SERVICES CAN BE CONSIDERED THE COUNTY MATCH PORTION OF THE GRANT.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER MCGILL THE BOARD VOTED 4 - 0 TO AUTHORIZE THE CHAIRMAN TO SIGN THE CONTRACT WITH TUPELO CONSTRUCTION AND TO PROCEED ON THE CATO BUILDING FACADE AT A COST OF \$58,000. COMMISSIONER FLETCHER ABSTAINED FROM VOTING PENDING CONSULTATION WITH THE BOARD ATTORNEY REGARDING A POSSIBLE CONFLICT OF INTEREST. IT WAS LATER DETERMINED THAT HE HAD NO CONFLICT AND HE CAST A VOTE OF "NAY" WHICH CHANGED THE BOARD VOTE TO 4 - 1.

Issue: Renovation of the CATO building.

Discussion followed regarding whether to proceed with the renovation of the CATO building as previously discussed at other board meetings. A floor plan for the renovation was presented. (The Grants Department is expected to occupy the building upon completion.)

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER FLETCHER THE BOARD VOTED 4 - 1 TO PROCEED WITH THE \$80,000 RENOVATION OF THE FIRST FLOOR OF THE CATO BUILDING. COMMISSIONER WATSON CAST THE LONE DISSENTING VOTE.

Clerk Thomas asked the Board for instructions regarding where to take the \$80,000 from in the budget. He was instructed to take it from general funds contingency.

ADJOURNMENT

Chairman Peacock declared the meeting adjourned.

James Peacock, Chairman

ATTEST:

Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE BOARD OF
COUNTY COMMISSIONERS ON JUNE 6, 1995
HELD IN AND FOR GADSDEN COUNTY,
FLORIDA, THE FOLLOWING PROCEEDINGS
WERE HAD, VIZ.

PRESENT: JAMES PEACOCK, CHAIRMAN
E. HENTZ FLETCHER, VICE-CHAIRMAN (Arrived Late)
BILL MCGILL (Arrived Late)
STERLING WATSON
EDWARD DIXON
NICHOLAS THOMAS, CLERK
BETTY MILLER, INTERIM COUNTY MANAGER
HAL RICHMOND, COUNTY ATTORNEY

CALL TO ORDER

Chairman Peacock called the meeting to order. Commissioner Dixon led in pledging allegiance to the U.S. Flag and Commissioner Watson led in prayer.

APPROVAL OF MINUTES

May 16, 1995 Regular Meeting

UPON MOTION OF COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 3 - 0 BY VOICE VOTE TO APPROVE THE MINUTES OF MAY 16, 1995 MEETING. (Commissioners Fletcher and McGill were not present for this vote.)

May 19, 1995 Special Meeting

UPON MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 3 - 0 BY VOICE VOTE TO APPROVE THE MINUTES OF MAY 19, 1995 MEETING. (Commissioners Fletcher and McGill were not present for this vote.)

PLANNING AND ZONING ISSUES

Wayside Farms Subdivision Request to Name Streets

Mr. Mike Sherman reported that he had been contacted by Mr. Jorge Valdes with a request from Wayside Farms Subdivision Homeowners Association to name several unnamed streets in their subdivision. The association agreed to provide the road signs for private streets. All affected property owners were notified by mail of the proposed street names as well and the time and date of this meeting.

Chairman Peacock asked the audience if there was anyone present who opposed the naming of the streets. There was no response.

UPON MOTION OF COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5- 0 BY VOICE VOTE TO APPROVE THE NAMES OF THE STREETS IN WAYSIDE FARMS SUBDIVISION AS THEY APPEAR IN THE ATTACHED MEMO.

Request by Vicky Dillard to Extend Development Order

Mr. Sherman reported that Mr. Vicky Dillard had received a permit to open a diner in February, 1993. Subsequently Mr. Dillard has been unable to complete the construction and requested a six month extension of the development order.

P & Z Staff recommended approval.

UPON MOTION OF COMMISSIONER WATSON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO APPROVE SIX MONTH EXTENSION OF THE DEVELOPMENT ORDER FOR RICKY DILLARD.

Notification of Department of Community Affairs (DCA) objections to Gadsden Comprehensive Plan Amendments (Report attached)

Mr. Sherman reported that he had received notification from DCA that they objected to most of the changes and amendments to the Comprehensive Plan which were approved and submitted by the Board.

He went on to say that he has subsequently met with DCA and is presently working on a response to their objections.

There is a 60 day time frame for the county to adopt an amendment then submit that amendment to DCA. The 60 days will soon be over. Mr. Sherman stated that he had been assured by DCA that the 60 days time frame is not a substantial issue and if the time to prepare the amendment should exceed 60 days, there should be no problem. He then told the Board, he would like to prepare the necessary changes and get it to DCA and get a notice of intent to find the plan in compliance and negotiate with them rather than suffer sanctions which would make it necessary to do a remedial amendment.

EMS Facility - Havana Ambulance

Mr. Sherman reported that the site of the Havana EMS Station has been moved 500 ft. north of the original property. It provides better access than the first site considered. A lease has been obtained at no cost to the county.

ADOPTION OF THE AGENDA

Chairman Peacock amended the agenda as follows:

- 1) County Attorney's Agenda:
 - a) Remove the Rich Bay Road issue
 - b) Allow discussion of the HealthMark issue to be the first;
 - c) Add a request to advertise a notice of intent to amend ordinance 75 - 006 to provide for no possession of alcoholic beverages in public parks in Gadsden County.
- 2) County Manager's Agenda:
 - a) Amendment to the soil conservation agreement of January 17, 1995 allowing an additional project to the agreement.

UPON MOTION OF COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 BY VOICE VOTE TO APPROVE THE AGENDA AS AMENDED ABOVE.

COUNTY ATTORNEY'S AGENDA

HealthMark

Mr. Richmond recalled for the Board that he had sent a letter of default to HealthMark (per Board's instructions) and the Board has met numerous times since then. A special committee was formed to act in the county's interests in dealing with HealthMark. Several meetings have been held by the special committee with HealthMark but have been unsuccessful in resolving the matter.

Mr. Richmond told the Board that HealthMark has announced their intentions to stay under all circumstances. He asked for directions on how he should proceed.

Commissioner Watson stated that he felt the Board should proceed with the eviction of HealthMark from the Gadsden Memorial Hospital.

A MOTION WAS MADE BY COMMISSIONER WATSON AND SECONDED BY COMMISSIONER FLETCHER TO PROCEED WITH THE EVICTION OF HEALTHMARK FROM GADSDEN MEMORIAL HOSPITAL.

DISCUSSION FOLLOWED.

Commissioner McGill asked what had changed with regard to HealthMark's standing since the board's decision to allow them to continue to operate until June 1996.

Commissioner Watson stated that he was agreeable to allow HealthMark to continue to operate until June 1996 if they would assure a smooth transition to another management company at that time. Subsequently, it has become apparent that HealthMark intends to exercise the four-year renewal option in the contract and would offer a smooth transition only if the Board would agree to pay them five years of management fees.

Commissioner Watson stated that he had been contacted by a hospital vendor who had experienced a great deal of trouble getting payment from HealthMark very recently. He questioned HealthMark's ability to pay their bills and stated that he did not believe anything had changed financially or in the quality of care. He went on to say that while there is sufficient cause to terminate the agreement, he proposed that action be taken now.

Commissioner McGill questioned whether HealthMark could exercise the renewal option at their will.

Attorney Richmond clarified that the renewal lease can be terminated only upon cause. If HealthMark chooses to renew, they may unless the county can justify the termination.

Commissioner Fletcher questioned Lee Lupton (HealthMark's Comptroller) concerning HealthMark's financial statement. (attached)

Commissioner Dixon asked that the issue be tabled and convene a legal confidential meeting to discuss the matter.

Chairman Peacock stated that he could not support eviction at this time without someone else ready to operate the hospital - the hospital should be kept open at all costs. He then gave a historical account of how HealthMark came to manage the hospital and how close the county came to having to close the hospital. He proposed that the board negotiate a peaceful settlement with HealthMark. He also proposed that an advisory board meet once a month and then report to the Board regarding the health care assessment as well as financial condition of the hospital.

Chairman Peacock reminded the Board that FDLE had made a investigation into the hospital 2 years ago and found no wrong doing. He further stated that he was not impressed with the study

performed by EJ Group on the hospital - pointing out that they had only interviewed individuals who were disgruntled with HealthMark. The study recommended evicting HealthMark but cited very few reasons.

In closing, Chairman Peacock remarked that he had received many telephone calls from people who were supportive of HealthMark and assured him that numerous patients do receive good care from the hospital.

Commissioner McGill asked who would determine whether or not the hospital is operating satisfactorily?

Commissioner Dixon stated that the Board must have some reason for termination of the contract. He recognized that the situation is precarious but thought eviction and its consequences requires more consideration. He again asked the board to convene a legal meeting at which time the board can be advised in greater detail. He opposed a vote to evict until such time as the Board can fully understand all the ramifications of the contract renewal and possible eviction of HealthMark.

Commissioner Watson stated that he would support having a legal meeting. He addressed several issues raised by Chairman Peacock. 1) He stated that he was not remotely interested in closing the hospital but he felt the hospital could not survive 5 more years with the present management. 2) Negotiations can not begin with another management company as long as HealthMark is there unless the county is in a court posture. It is either get into a court posture now or in June of 1996.

Chairman Peacock countered that he would prefer to get into the court posture in June of 1996 after HealthMark has repaid the remaining \$180,000.00 they owe the county.

Commissioner Fletcher cautioned that if the decision is delayed until then, HealthMark could leave without notice and create a situation which could cost the hospital it's license. He concurred with Commissioner Dixon about the legal meeting.

Chairman Peacock agreed to postpone action until a private meeting could be arranged.

**COMMISSIONER WATSON WITHDREW HIS MOTION TO EVICT HEALTHMARK.
COMMISSIONER FLETCHER WITHDREW HIS SECOND.**

UPON MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 BY VOICE VOTE TO CONVENE A

**CONFIDENTIAL MEETING OF THE BOARD TO DISCUSS THE LEGAL MATTERS
SURROUNDING THE HOSPITAL/HEALTHMARK ISSUE.**

PUBLIC HEARINGS

Mr. Richmond announced a public hearing on four proposed ordinance amendments.

- 1) Repeal of the assessment portion of the fire protection ordinance.
- 2) Extension of the one-cent infrastructure sales tax.
- 3) Extension of the \$.02 local option gas tax.
- 4) Extension of the \$.04 local option gas tax.

Commissioner Dixon asked that a specific percentage of the sales tax or a set amount be set aside to insure adequate funds for the continuation of fire protection.

Discussion followed.

\$.01 Sales Tax

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0 BY VOICE VOTE TO APPROVE ORDINANCE 95 - 006 (EXTENSION OF ORDINANCE 87-011) CONTINUING THE IMPOSITION OF A SALES TAX OF ONE PERCENT TO BE USED FOR PUBLIC WORKS PROJECTS, FIRE PROTECTION AND SUPPRESSION, AND OTHER PUBLIC PURPOSES.

\$.02 Local Option Gas Tax Extension

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 BY VOICE VOTE TO ADOPT ORDINANCE 95-005 WHICH AMENDS 87-003 PROVIDING FOR THE EXTENSION OF THE \$.02 LOCAL OPTION GAS TAX.

\$.04 Local Option Gas Tax Extension

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0 BY VOICE VOTE TO ADOPT ORDINANCE 95-004 WHICH AMENDS 85-005 PROVIDING FOR THE EXTENSION OF THE \$.04 LOCAL OPTION GAS TAX.

Repeal of Assessment Portion of the Fire Assessment Ordinance

UPON MOTION OF COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0 BY VOICE VOTE TO

**REPEAL THE ARTICLE 2 OF THE FIRE ASSESSMENT ORDINANCE 92 - 001
FOR THE NEXT FISCAL YEAR. (ASSESSMENT PORTION ONLY)**

Interim County Manager's Employment Contract

**UPON MOTION OF COMMISSIONER WATSON AND SECOND BY COMMISSIONER
FLETCHER, THE BOARD VOTED 5 - 0 BY VOICE VOTE TO APPROVE THE
EMPLOYMENT CONTRACT FOR THE INTERIM COUNTY MANAGER, BETTY
MILLER. (ATTACHED)**

RESOLUTION - ALLOWING SHERIFF TO GRANT GAIN TIME FOR COUNTY INMATES

Mr. Richmond presented a sample resolution used by Jefferson County allowing the Sheriff to grant gaintime allowances for county inmates. The resolution has been reviewed by the sheriff and the county judge and they have approved its contents.

**UPON MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER
FLETCHER, THE BOARD VOTED 5 - 0 BY VOICE VOTE TO AUTHORIZE THE
COUNTY ATTORNEY TO PREPARE A RESOLUTION ALLOWING THE SHERIFF
TO GRANT GAIN TIME FOR COUNTY JAIL INMATES. THE RESOLUTION
SHOULD BE BROUGHT BACK TO THE BOARD FOR FORMAL ADOPTION.**

Champion Oaks Subdivision

Mr. Richmond recalled to the commissioners that on May 2, 1995 the residents of Champion Oaks Subdivision had appeared before the board requesting intervention dealing with a 60 ft. lot in their subdivision which had been deeded as a right-of-way by which adjacent property owners could use to access their property. (The board instructed the attorney to send a cease and desist letter if he found there was a violation of the subdivision ordinance.) Discussions with property owners brought about an agreement where the lot is now being deeded back and an easement will be granted. The county will have no jurisdiction of the easement.

Mr. Richmond stated that after a review of the Champion Oaks issue and the county ordinances, given the circumstances, he pointed out that it is not a county problem. Champion Oaks is a private subdivision - there are home owner rights and private individual's rights but because it does not conflict with the subdivision ordinance or the comprehensive plan, there are no county rights. While he recognized there is a problem, it is not a problem that the county can expend funds on to proceed against individuals. He stated there was no action the county could take.

USCC and the County Jail

Mr. Richmond told the board there had been some discussion about the appropriateness of privatizing the operation of the Gadsden County Jail. He asked the board for the authority to develop an RFP for the potential privatization of the jail operations.

Chairman Peacock stated for the record, that discussions of privatization of the jail operations was initiated by Sheriff Woodham. While he did not necessarily agree with the issue, he would agree to look at the possibility.

UPON MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0 BY VOICE VOTE TO AUTHORIZE AN RFP FOR THE PRIVATIZATION OF THE COUNTY JAIL OPERATIONS.

Champion Oaks Subdivision

Commissioner McGill asked Mr. Brian Tharpe to speak to the Board about the Champion Oaks Subdivision's concerns. There is opposition to having commercial use access to property.

Mr. Richmond attempted to clarify the county's position. He explained that the Monroes sold a lot then took a deed back for a 60 ft. easement through the subdivision into their property on the back side of the subdivision. There is no county ordinance on the books which covers the situation. The county's investigation proved that there was no evidence of public commercial activity (within the meaning of the comprehensive plan) to such extent that they would need to register for a land change, etc. It is a private legal matter which should be handled through the civil court.

Commissioner McGill asked if the use of the road could be restricted from commercial use?

Mr. Richmond explained again, that if there is a commercial business on the property and there is evidence of it, then there may be some violation of the ordinance and the comprehensive plan.

While there is speculation that people are using it for a private hunting club or rifle/pistol range but the county's investigation did not show any evidence of commercial activity occurring on the property. The homeowners do have rights and they need to enforce them. The County Commission or the P & Z Commission is not the correct forum to which the homeowners should address their problem.

Mr. Brian Tharpe addressed the board and presented each commissioner with a handout which outlined the commitment which was made to homeowners association by the other property owners. He

encouraged the board to take steps to prevent such a situation from happening again possibly take measures to regulate easements. He voiced a concern dealing with getting reliable information from county departments. He also voiced concern that Mr. Richmond is also the attorney for Bobby D. Monroe.

Commissioner Dixon told Mr. Tharpe that a county law would have to be violated before the county could get involved.

Mr. Richmond told Mr. Tharpe that the law provides a number of recourses which the association can pursue - injunctions, etc.

Request for Amendment to Ordinance 75-006 (Alcoholic Beverages)

Mr. Richmond reported that he has been requested to pursue an amendment to Ordinance 75-006 to prevent the use of alcoholic beverages in parks and public property owned by Gadsden County. He asked for authority to publish a notice of intent to adopt an amendment to the ordinance.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0 TO AUTHORIZE THE ATTORNEY TO PUBLISH A NOTICE OF INTENT TO AMEND ORDINANCE 75-006 MAKING IT ILLEGAL TO POSSESS ALCOHOLIC BEVERAGES ON ANY COUNTY OWNED PROPERTY.

BIDS FOR RE-ROOFING COUNTY BUILDINGS

Mr. Arthur Lawson presented three bids for re-roofing the CATO building and recommended that it be awarded to WENCO, Inc. of Tallahassee, FL for \$27,200.

UPON MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 BY VOICE VOTE TO AWARD THE BID TO WENCO, INC. OF TALLAHASSEE FOR \$27,200.

EXTENSION OF ANNUAL LEAVE DEADLINE

Mrs. Miller reported that the public works department still has a number of employees with an annual leave balance greater than 240 hours. The board had previously approved an extension provided that they reduce the hours to below 240 hours by the end of June. Due to subsequent rainfalls and shortage of personnel, the department has been unable to reduce the hours by the deadline. She asked for approval for an extension until the end of the year with the understanding that an effort be made to get the hours reduced to 240 by the end of December.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0 BY VOICE VOTE, TO APPROVE EXTENSION OF THE DEADLINE TO DECEMBER 31, 1995 FOR THE PUBLIC WORKS DEPARTMENT TO REDUCE THE ANNUAL LEAVE BALANCES TO BELOW 240 HOURS.

JAIL ROOF REPAIR

Mrs. Miller reported the Sheriff had contacted the Board last November concerning a leak in the roof of the jail. At that time the county manager was asked to contact the architect who designed the building and to get pertinent information then report back to the board. The board could then make a decision about a direction in which to proceed.

Since then, the roof has been inspected and a estimated cost of repair was quoted at \$13,000. The county attorney wrote to the supplier of the roofing materials advising them of the leaks and asked them to defray some of the costs for the repairs. They agreed to furnish the materials for the repairs. The company that installed the original roof will install the new material for \$3,200. The building official has recommended that the county accept their offer provided that they provide a warranty and instruct the maintenance staff about how to properly maintain the roof.

Mrs. Miller asked for approval of the installation and guidance regarding which fund from which to take the money.

Commissioner Fletcher reported that he had looked at the roof. He stated that if the county could get a warranty consistent with the warranty the county had when the jail was built, the money would be well spent.

UPON MOTION COMMISSIONER DIXON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO APPROVE THE JAIL'S ROOF REPAIRS AT A COST OF \$3,200 AND TO TAKE THE MONEY FROM THE GENERAL FUND CONTINGENCY.

Sheriff's Request for Reimbursement of \$45,730.00

Mrs. Miller relayed a request from Sheriff Woodham asking for \$45,730 to reimburse him for monies he had expended for vehicles and equipment as described in the attached memo.

Mrs. Miller asked for a spokesperson from the Sheriff's office to explain the request. There was no one present.

Chairman Peacock suggested that the matter be tabled until the Sheriff could be present to defend his request.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 3 - 2 BY VOICE VOTE TO DENY THE SHERIFF'S REQUEST FOR \$45,730. COMMISSIONERS WATSON, DIXON AND MCGILL VOTED IN FAVOR OF THE DENIAL. COMMISSIONERS FLETCHER AND PEACOCK VOTED OPPOSING THE DENIAL.

Amendment to the Co-operative Agreement with the Soil Conservation District

Mrs. Miller explained that the Board approved an agreement with the Soil Conservation District in which they have agreed to provide funds to the county to correct problems that involved soil erosion. Subsequent to the signing of the original agreement, they have agreed to help repair culverts on 379A at a cost of \$24,800.00

Mrs. Miller asked the Board to amend the January 17, 1995 agreement to include the 379-A project.

UPON MOTION OF COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0 BY VOICE VOTE TO APPROVE THE AMENDMENT TO THE CO-OPERATIVE AGREEMENT WITH THE SOIL CONSERVATION DISTRICT TO INCLUDE THE 379-A ROAD PROJECT IN THE AMOUNT OF \$24,800.

CONSENT AGENDA - (10 ATTACHMENTS)

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

- 1) School Bus Shelter Permit
- 2) Emergency Food Assistance Contract FY 95/96
- 3) Preliminary Grant Applications for
 - a) Recycling
 - b) Litter Prevention
 - c) Waste Tire
 - d) Small County Solid Waste
- 4) Shanks High School Track Team Proclamation
- 5) Library Literacy Program Grant Denial
- 6) Conflict of Interest Waiver - CDBG Grant
- 7) Monitoring Report - CDBG Grant

CLERK OF CIRCUIT COURT

State Revenue Sharing Application

Clerk Thomas presented the State Revenue Sharing Application and asked the Board to approve the Chairman's signature.

UPON MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0 BY VOICE VOTE TO APPROVE THE CHAIRMAN'S SIGNATURE ON THE STATE REVENUE APPLICATION.

Budget Amendment Resolutions

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0 BY VOICE VOTE TO APPROVE THE BUDGET AMENDMENTS # 95-06-02-01 THROUGH 95-06-02-11.

Approval of Payment of County Bills

UPON MOTION OF COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0 BY VOICE VOTE TO APPROVE THE PAYMENT OF THE COUNTY BILLS.

DISTRICT 1 REPORT

There was no report.

DISTRICT 2 REPORT

Status of Gretna's Effluent Waste Water Project

Commissioner Watson asked the status of the interlocal agreement with the City of Gretna.

Attorney Richmond stated that the original agreement with the hold harmless agreement is ready for signature. As soon as the agreement is signed by both Gretna and Gadsden County, the escrow account will be established and it will be monitored.

Chairman Peacock stated that he has been advised that Gretna still has not applied to DEP for the AWT Permit.

Commissioner Dixon asked Bishop Engineering to make a status report to Chairman Peacock.

Mr. Marcus Edwards asked the Board to insist that Gretna install additional valves and T's in central locations on the highway for future users of the water being transferred through the pipeline.

Mrs. Miller was instructed to relay to Mr. Mike Murphy the Board's concerns including Mr. Edwards request.

Confidential Meeting

Mr. Richmond told the Board he would arrange the confidential meeting and advise the commissioners accordingly.

DISTRICT 3 REPORT

Chairman Peacock asked Mr. Lugod about the status of the road stripping projects. He stated that highway 268 and 269 in Chattahoochee needs stripping as quickly as possible.

Mr. Lugod responded that the machine was working and work has begun on CR 159. The operator of the road stripping machine had to be relocated to a more urgent job site caused by rainfall.

DISTRICT 4 REPORT

Commissioner Fletcher read part of the proclamation honoring the Shanks High Track Team. He commended Shanks High for winning the State Championship in Track.

DISTRICT 5 REPORT

Commissioner Dixon passed out handouts to the commissioners which provided updated information on the state legislative bills affecting Gadsden County.

He remarked that the SHIP funds are expected to be \$266,595 which is \$15,000 more than last year.

ADJOURNMENT

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

James Peacock, Chairman

ATTEST:

Nicholas Thomas, Clerk

AT A SPECIAL MEETING OF THE BOARD OF
COUNTY COMMISSIONERS HELD IN AND FOR
GADSDEN COUNTY, FLORIDA ON JUNE 7,
1995, AT THE INMAN AGRICULTURAL
CENTER, 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
BETTY MILLER, INTERIM COUNTY MANAGER
JIM RICHMOND, ATTORNEY FOR HAL RICHMOND

CALL TO ORDER

Chairman Peacock called the meeting to order. He stated the purpose of the meeting was to review and act upon the recommendations of the courthouse planning committee which met on June 6, 1995. He then turned the meeting over to Interim County Manager Betty Miller who served as chairman of the committee.

UPDATE ON COUNTY BUILDING PROJECTS

Mrs. Miller briefed the Board on the building projects as follows:

Cato Building

The fixture removal and the facade construction has begun. The roof construction bid was approved by the Board on June 6, 1995.

Fletcher Cantey Building & Diana Shop Building

The grant application requesting \$679,000 for restoration and renovation has been submitted to the Secretary of State.

Americans with Disabilities Act (ADA) Survey

The ADA survey is presently being conducted. The results should be forthcoming within two weeks.

Courthouse Historic Preservation Grant

Mrs. Miller presented the recommendation of the Courthouse Committee as to how to proceed with the courthouse renovations using the \$500,000 grant. The recommendations were as follows:

Roof Repair Recommendation

The committee recommended that the Board authorize repair to the roof as a priority then proceed with electrical renovation as grant funds allow.

The recommendation was based on the assumption that the Courthouse will never completely meet the code compliances. Once the roof is repaired, it would eliminate further damages and potential hazards created by the leaking roof. Following adequate repairs, continued deterioration should not be a problem for a number of years.

Code Compliance Recommendation

The committee recommended some of the less expensive modifications (that would accomplish some of the code compliances) should be made as quickly as possible - do the bare minimum requirements.

Study of Space Needs - Present & Future Recommendation

The committee recommended that the Board ask Lee & Bridges and Bill Adams to conduct a confirmation of space needs using the data from two previous studies (1980 and 1989) and update it to current needs and future needs (year 2005) considering the ADA requirements.

Mrs. Miller presented the following facts to justify this recommendation:

1. Based on the two previous space needs studies, the County needs twice the amount of space as presently provided for operations of the courthouse for the offices which are currently located in the courthouse.
2. The county offices are presently housed in eight different buildings which has resulted in inefficient government.
3. The county is presently paying \$35,808.84 annually for space outside county buildings. That is in excess of any money which is paid from grant funds for space.
4. Renovations of old buildings costs more per square foot than building a new building.

(When asked, Mr. Bill Adams gave an "off-the-cuff" cost estimate for the study to be \$20,000.)

Future Use of the Courthouse Recommendation

The committee recommended that the future use of the Courthouse should be historical in nature.

DISCUSSION OF THE RECOMMENDATIONS

Chairman Peacock opened the recommendations for discussion.

Commissioner McGill asked for clarification of the committee's justification in making the roof repair a priority over the electrical work.

Mrs. Miller explained that the Board had previously voted to repair the electrical problems inside the courthouse first and the roof repair second. The committee rationalized that a leaking roof could create a greater hazard to the electrical problems if left unaddressed. If the electrical problems were made prior to roof repairs, leaks could also cause hazards and/or damages to the new electrical modifications.

Mrs. Miller further explained that once the \$500,000 grant has been exhausted, it is the intention of the Board to apply for other restoration grants to continue the renovation effort. If subsequent grants should not be forthcoming, rewiring a deteriorating building could prove to be an unwise use of the money. If the roof is repaired first, and no future grants are received, the deterioration would at least be minimized.

Commissioner McGill asked if the Board should agree to pursue the renovation according to the committee's recommendation, would code compliance ever be accomplished?

Mrs. Miller indicated that some minimal compliances could be accomplished rather inexpensively (such as the accessibility element.) She stated that if the Board should ultimately determine that the courthouse offices must continue to function where they are, code compliance efforts would have to be addressed more comprehensively.

Commissioner Fletcher asked why the cost estimate for electrical repairs was reduced from \$500,000 to \$60,000.

Bill Adams (Bishop Engineering) replied that the \$60,000 reflected the cost of only the critical portion which would be

replaced. (The transformer and the incoming service.) \$60,000 should bring the courthouse into major electric code compliance but no rewiring inside the rooms of the courthouse can be accomplished for the \$60,000.

Commissioner Watson remarked that he believed the recommendations to be a good plan.

Chairman Peacock agreed that the recommendations were good. He could see the future use of the courthouse only as being historical in nature.

Commissioner Watson Mrs. Miller what she expected to accomplish at the conclusion of the meeting.

Mrs. Miller answered by saying that she would expect approval/disapproval to proceeding with modifications to the courthouse (using the historic grant) as outlined in the committee's recommendation and also to approve/deny the confirmation of updated space needs study.

Bill Adams explained that the study done in 1989 was fairly detailed. That work would not need to be redone. The study included five-year and ten-year projections of the space needs. The county is now at the end of the five year period. He proposed that the task at this point would be to determine what the current space needs are in 1995, review the projected space needs as reported in the 1989 study, then compare them to see how close the county has come to the projection model. Once that can be established, cost estimates can be demonstrated. From that point, they can determine a plan of direction and details can be formulated.

Commissioner Watson stated that he was not sure that a \$20,000 study would be wise spending.

Building Inspector Frank Ritter gave the Board a rough estimate and breakdown of the renovation costs for the Jefferson Street buildings. It totaled \$812,000 for 20,000 square feet of office space. The figures were calculated for inclusion in the grant application.

Mrs. Miller stated that the grant was submitted to the Secretary of State. She continued by saying if the county should get the grant funds, it would be July of 1996 before the money would be received.

Commissioner Dixon asked why the cost estimate can not get closer than a 25% accuracy.

Mr. Adams replied that the engineers were not working from detailed plans of exact counts, fixtures, light sockets, etc. Without detailed plans, that is as close as an estimate can possibly be.

Mr. Jed Lugod, public works director, added that it had been his professional experience that conceptual plans can run up to a 40% variation.

Commissioner Dixon then stated that even if the renovation of the vacant buildings is accomplished, the county may again be at capacity and still need more space. He followed with the question "How real does it become, that this would become an unnecessary step?" He suggested that a new building may be the better choice.

Mrs. Miller stated that absent of the grant funds availability, the renovation would not necessarily be the recommendation of the planning committee.

Commissioner Fletcher suggested that a metal building with concrete walls would accomplish more square feet of space much cheaper than renovation of the downtown property.

Commissioner Dixon stated that as much as he is enamored with the historical significance of the downtown buildings, he thought it might be more pragmatic to plan for a new building at some point in time. He questioned the reliability of the estimates presented for the renovation of the buildings.

Mrs. Miller reminded the Board that the only space requirements submitted at this meeting is that the county presently needs twice as much space as it is currently using. A recommendation to use the old buildings would be premature at this point. She urged the Board to pursue the space study before contemplating action any kind.

Chairman Peacock suggested that the Board establish a priority as to renovation versus new buildings.

Commissioner Dixon asked the Board to decide the future use of the Courthouse. That decision would give more definite direction in determining space needs and all that would follow.

Commissioner Watson stated that he believed the Board to be in agreement regarding a new building. A new building is a necessity

at some point. The question for consideration now is when to build and how to fund it.

Commissioner Dixon asked for a consensus of agreement as to the future use of the Courthouse.

Mr. Lugod interjected that the Courthouse would not be eligible for grant money unless it is designated historical. He said it is obvious that the Courthouse will never meet the space needs. Doubling the space may also not meet the needs. All the buildings in question need to be designated historical.

Mr. Lugod continued by saying that in the event a new building should be constructed, the buildings can house the county staff in the interim period. He urged them to seriously consider the needs of 5 - 7 years from now, define exactly what will be needed and document it so that it can be given to the architect to effect a proper planning. Otherwise, the county could end up with a new building years from now that is improperly planned and inadequate.

Commissioner Watson stated that a bond issue would certainly be the mechanism of choice for funding a new building. He said he could not support a bond issue until the hospital bond is paid.

Commissioner McGill questioned the reliability of the square footage needs as stated at this meeting. He then asked if the County owned property on which a new building could be constructed.

Clerk Thomas introduced Chief Judge Phil Padavano and asked him to make comments.

Judge Padavano stated that he did not wish to make any comments with regard to a new building versus renovation but he was pleased that discussions were taking place. He did ask to be considered in planning the courtroom facilities. He felt that judges could offer some ideas about courtroom designs which would function most efficiently in court proceedings. He added that luxury was not necessary.

A MOTION WAS MADE BY COMMISSIONER DIXON AND SECONDED BY COMMISSIONER WATSON FOLLOW THE RECOMMENDATIONS OF THE COURTHOUSE PLANNING COMMITTEE AS SUBMITTED IN THE ATTACHED REPORT FOR USE OF THE \$500,000 HISTORIC PRESERVATION GRANT FOR THE COURTHOUSE.

DISCUSSION FOLLOWED.

QUESTION WAS CALLED BY COMMISSIONER FLETCHER.

Commissioner Dixon asked the staff to bring the project in at or below budget and complete it timely.

THE BOARD VOTED 5 - 0 BY VOICE VOTE TO APPROVE THE ABOVE STATED MOTION.

SPACE NEEDS STUDY

Commissioner Dixon urged the Board to be mindful of the time frame as described by Mr. Lugod. (5 - 7 years to plan and implement the plan.) and the all possibilities for financing the plan.

Chairman Peacock focused attention of the need to reach a decision regarding the issue of authorizing the space needs study.

Mr. Lugod stated that the basic element in the sequence of any type of construction is to know exactly what the needs at the time the building will be completed. To skimp on the basic element will ultimately result in a poor plan. The most costly mistakes of a project occur as a result of poor planning up front. He stated that the study is essential. The cost of the study can be negotiated, but the process of starting the building is to define exactly what the needs are at the time of the building completion and how long that building will be used so that additional space can be available for expansion.

Commissioner Dixon stated that government efficiency and greater citizen access dictates that all county offices be housed in close proximity to each other. He supported paying for a space needs study and a well defined plan to accomplish the needs.

Assistant State Attorney Richard Combs stated that his office was adequate at the time it moved into the current building. However, it is no longer adequate and he does expect to expand again soon. One aspect he asked the Board to consider is that his office is not handicap accessible. He was of the opinion that at some point in the near future he would expect the county might be forced to provide them an alternate space which meets the ADA standards.

Mr. Combs further stated that a committee on which he served last year had recommended construction of a judicial complex in a place other than the courthouse. The need for a new building was many years ago - long past due.

Commissioner Dixon agreed that the problem has been long-standing and welcomed the results of the proposed study and a plan.

Mr. Lugod made another appeal for the Board to approve the study and plan.

Mr. Bill Adams stated that the study done in 1989 seems to be on target as far as tracking its projections.

UPON MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 1 BY VOICE VOTE TO AUTHORIZE MR. LUGOD TO PREPARE A NEEDS ANALYSIS OF SPACE REQUIREMENTS FOR THE COUNTY FOR NOW AS WELL AS AN APPROPRIATE YEAR IN THE FUTURE THEN REPORT BACK TO THE BOARD WITH THE COST OF HAVING THE ANALYSIS PREPARED. COMMISSIONER WATSON CAST THE LONE DISSENTING VOTE.

ANNEX # 1 LEASE - TAX COLLECTOR AND THE PROPERTY APPRAISER

UPON MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0 TO AUTHORIZE MRS. MILLER TO NEGOTIATE A LEASE ON THE ANNEX # 1 FOR AS LONG AS POSSIBLE BUT WITH A RELEASE CLAUSE IN THE EVENT THE COUNTY SHOULD RELOCATE THE OFFICES.

There being no other business, the Chairman declared the meeting adjourned.

James Peacock, Chairman

ATTEST:

Nicholas Thomas, Clerk

AT A SPECIAL MEETING OF THE BOARD OF
COUNTY COMMISSIONERS HELD IN AND FOR
GADSDEN COUNTY, FLORIDA ON JUNE 7,
1995, AT THE INMAN AGRICULTURAL
CENTER, 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
BETTY MILLER, INTERIM COUNTY MANAGER
JIM RICHMOND, ATTORNEY FOR HAL RICHMOND

CALL TO ORDER

Chairman Peacock called the meeting to order. He stated the purpose of the meeting was to review and act upon the recommendations of the courthouse planning committee which met on June 6, 1995. He then turned the meeting over to Interim County Manager Betty Miller who served as chairman of the committee.

UPDATE ON COUNTY BUILDING PROJECTS

Mrs. Miller briefed the Board on the building projects as follows:

Cato Building

The fixture removal and the facade construction has begun. The roof construction bid was approved by the Board on June 6, 1995.

Fletcher Cantey Building & Diana Shop Building

The grant application requesting \$679,000 for restoration and renovation has been submitted to the Secretary of State.

Americans with Disabilities Act (ADA) Survey

The ADA survey is presently being conducted. The results should be forthcoming within two weeks.

Courthouse Historic Preservation Grant

Mrs. Miller presented the recommendation of the Courthouse Committee as to how to proceed with the courthouse renovations using the \$500,000 grant. The recommendations were as follows:

Roof Repair Recommendation

The committee recommended that the Board authorize repair to the roof as a priority then proceed with electrical renovation as grant funds allow.

The recommendation was based on the assumption that the Courthouse will never completely meet the code compliances. Once the roof is repaired, it would eliminate further damages and potential hazards created by the leaking roof. Following adequate repairs, continued deterioration should not be a problem for a number of years.

Code Compliance Recommendation

The committee recommended some of the less expensive modifications (that would accomplish some of the code compliances) should be made as quickly as possible - do the bare minimum requirements.

Study of Space Needs - Present & Future Recommendation

The committee recommended that the Board ask Lee & Bridges and Bill Adams to conduct a confirmation of space needs using the data from two previous studies (1980 and 1989) and update it to current needs and future needs (year 2005) considering the ADA requirements.

Mrs. Miller presented the following facts to justify this recommendation:

1. Based on the two previous space needs studies, the County needs twice the amount of space as presently provided for operations of the courthouse for the offices which are currently located in the courthouse.
2. The county offices are presently housed in eight different buildings which has resulted in inefficient government.
3. The county is presently paying \$35,808.84 annually for space outside county buildings. That is in excess of any money which is paid from grant funds for space.
4. Renovations of old buildings costs more per square foot than building a new building.

(When asked, Mr. Bill Adams gave an "off-the-cuff" cost estimate for the study to be \$20,000.)

Future Use of the Courthouse Recommendation

The committee recommended that the future use of the Courthouse should be historical in nature.

DISCUSSION OF THE RECOMMENDATIONS

Chairman Peacock opened the recommendations for discussion.

Commissioner McGill asked for clarification of the committee's justification in making the roof repair a priority over the electrical work.

Mrs. Miller explained that the Board had previously voted to repair the electrical problems inside the courthouse first and the roof repair second. The committee rationalized that a leaking roof could create a greater hazard to the electrical problems if left unaddressed. If the electrical problems were made prior to roof repairs, leaks could also cause hazards and/or damages to the new electrical modifications.

Mrs. Miller further explained that once the \$500,000 grant has been exhausted, it is the intention of the Board to apply for other restoration grants to continue the renovation effort. If subsequent grants should not be forthcoming, rewiring a deteriorating building could prove to be an unwise use of the money. If the roof is repaired first, and no future grants are received, the deterioration would at least be minimized.

Commissioner McGill asked if the Board should agree to pursue the renovation according to the committee's recommendation, would code compliance ever be accomplished?

Mrs. Miller indicated that some minimal compliances could be accomplished rather inexpensively (such as the accessibility element.) She stated that if the Board should ultimately determine that the courthouse offices must continue to function where they are, code compliance efforts would have to be addressed more comprehensively.

Commissioner Fletcher asked why the cost estimate for electrical repairs was reduced from \$500,000 to \$60,000.

Bill Adams (Bishop Engineering) replied that the \$60,000 reflected the cost of only the critical portion which would be

replaced. (The transformer and the incoming service.) \$60,000 should bring the courthouse into major electric code compliance but no rewiring inside the rooms of the courthouse can be accomplished for the \$60,000.

Commissioner Watson remarked that he believed the recommendations to be a good plan.

Chairman Peacock agreed that the recommendations were good. He could see the future use of the courthouse only as being historical in nature.

Commissioner Watson Mrs. Miller what she expected to accomplish at the conclusion of the meeting.

Mrs. Miller answered by saying that she would expect approval/disapproval to proceeding with modifications to the courthouse (using the historic grant) as outlined in the committee's recommendation and also to approve/deny the confirmation of updated space needs study.

Bill Adams explained that the study done in 1989 was fairly detailed. That work would not need to be redone. The study included five-year and ten-year projections of the space needs. The county is now at the end of the five year period. He proposed that the task at this point would be to determine what the current space needs are in 1995, review the projected space needs as reported in the 1989 study, then compare them to see how close the county has come to the projection model. Once that can be established, cost estimates can be demonstrated. From that point, they can determine a plan of direction and details can be formulated.

Commissioner Watson stated that he was not sure that a \$20,000 study would be wise spending.

Building Inspector Frank Ritter gave the Board a rough estimate and breakdown of the renovation costs for the Jefferson Street buildings. It totaled \$812,000 for 20,000 square feet of office space. The figures were calculated for inclusion in the grant application.

Mrs. Miller stated that the grant was submitted to the Secretary of State. She continued by saying if the county should get the grant funds, it would be July of 1996 before the money would be received.

Commissioner Dixon asked why the cost estimate can not get closer than a 25% accuracy.

Mr. Adams replied that the engineers were not working from detailed plans of exact counts, fixtures, light sockets, etc. Without detailed plans, that is as close as an estimate can possibly be.

Mr. Jed Lugod, public works director, added that it had been his professional experience that conceptual plans can run up to a 40% variation.

Commissioner Dixon then stated that even if the renovation of the vacant buildings is accomplished, the county may again be at capacity and still need more space. He followed with the question "How real does it become, that this would become an unnecessary step?" He suggested that a new building may be the better choice.

Mrs. Miller stated that absent of the grant funds availability, the renovation would not necessarily be the recommendation of the planning committee.

Commissioner Fletcher suggested that a metal building with concrete walls would accomplish more square feet of space much cheaper than renovation of the downtown property.

Commissioner Dixon stated that as much as he is enamored with the historical significance of the downtown buildings, he thought it might be more pragmatic to plan for a new building at some point in time. He questioned the reliability of the estimates presented for the renovation of the buildings.

Mrs. Miller reminded the Board that the only space requirements submitted at this meeting is that the county presently needs twice as much space as it is currently using. A recommendation to use the old buildings would be premature at this point. She urged the Board to pursue the space study before contemplating action any kind.

Chairman Peacock suggested that the Board establish a priority as to renovation versus new buildings.

Commissioner Dixon asked the Board to decide the future use of the Courthouse. That decision would give more definite direction in determining space needs and all that would follow.

Commissioner Watson stated that he believed the Board to be in agreement regarding a new building. A new building is a necessity

at some point. The question for consideration now is when to build and how to fund it.

Commissioner Dixon asked for a consensus of agreement as to the future use of the Courthouse.

Mr. Lugod interjected that the Courthouse would not be eligible for grant money unless it is designated historical. He said it is obvious that the Courthouse will never meet the space needs. Doubling the space may also not meet the needs. All the buildings in question need to be designated historical.

Mr. Lugod continued by saying that in the event a new building should be constructed, the buildings can house the county staff in the interim period. He urged them to seriously consider the needs of 5 - 7 years from now, define exactly what will be needed and document it so that it can be given to the architect to effect a proper planning. Otherwise, the county could end up with a new building years from now that is improperly planned and inadequate.

Commissioner Watson stated that a bond issue would certainly be the mechanism of choice for funding a new building. He said he could not support a bond issue until the hospital bond is paid.

Commissioner McGill questioned the reliability of the square footage needs as stated at this meeting. He then asked if the County owned property on which a new building could be constructed.

Clerk Thomas introduced Chief Judge Phil Padavano and asked him to make comments.

Judge Padavano stated that he did not wish to make any comments with regard to a new building versus renovation but he was pleased that discussions were taking place. He did ask to be considered in planning the courtroom facilities. He felt that judges could offer some ideas about courtroom designs which would function most efficiently in court proceedings. He added that luxury was not necessary.

A MOTION WAS MADE BY COMMISSIONER DIXON AND SECONDED BY COMMISSIONER WATSON FOLLOW THE RECOMMENDATIONS OF THE COURTHOUSE PLANNING COMMITTEE AS SUBMITTED IN THE ATTACHED REPORT FOR USE OF THE \$500,000 HISTORIC PRESERVATION GRANT FOR THE COURTHOUSE.

DISCUSSION FOLLOWED.

QUESTION WAS CALLED BY COMMISSIONER FLETCHER.

Commissioner Dixon asked the staff to bring the project in at or below budget and complete it timely.

THE BOARD VOTED 5 - 0 BY VOICE VOTE TO APPROVE THE ABOVE STATED MOTION.

SPACE NEEDS STUDY

Commissioner Dixon urged the Board to be mindful of the time frame as described by Mr. Lugod. (5 - 7 years to plan and implement the plan.) and the all possibilities for financing the plan.

Chairman Peacock focused attention of the need to reach a decision regarding the issue of authorizing the space needs study.

Mr. Lugod stated that the basic element in the sequence of any type of construction is to know exactly what the needs at the time the building will be completed. To skimp on the basic element will ultimately result in a poor plan. The most costly mistakes of a project occur as a result of poor planning up front. He stated that the study is essential. The cost of the study can be negotiated, but the process of starting the building is to define exactly what the needs are at the time of the building completion and how long that building will be used so that additional space can be available for expansion.

Commissioner Dixon stated that government efficiency and greater citizen access dictates that all county offices be housed in close proximity to each other. He supported paying for a space needs study and a well defined plan to accomplish the needs.

Assistant State Attorney Richard Combs stated that his office was adequate at the time it moved into the current building. However, it is no longer adequate and he does expect to expand again soon. One aspect he asked the Board to consider is that his office is not handicap accessible. He was of the opinion that at some point in the near future he would expect the county might be forced to provide them an alternate space which meets the ADA standards.

Mr. Combs further stated that a committee on which he served last year had recommended construction of a judicial complex in a place other than the courthouse. The need for a new building was many years ago - long past due.

Commissioner Dixon agreed that the problem has been long-standing and welcomed the results of the proposed study and a plan.

Mr. Lugod made another appeal for the Board to approve the study and plan.

Mr. Bill Adams stated that the study done in 1989 seems to be on target as far as tracking its projections.

UPON MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 1 BY VOICE VOTE TO AUTHORIZE MR. LUGOD TO PREPARE A NEEDS ANALYSIS OF SPACE REQUIREMENTS FOR THE COUNTY FOR NOW AS WELL AS AN APPROPRIATE YEAR IN THE FUTURE THEN REPORT BACK TO THE BOARD WITH THE COST OF HAVING THE ANALYSIS PREPARED. COMMISSIONER WATSON CAST THE LONE DISSENTING VOTE.

ANNEX # 1 LEASE - TAX COLLECTOR AND THE PROPERTY APPRAISER

UPON MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0 TO AUTHORIZE MRS. MILLER TO NEGOTIATE A LEASE ON THE ANNEX # 1 FOR AS LONG AS POSSIBLE BUT WITH A RELEASE CLAUSE IN THE EVENT THE COUNTY SHOULD RELOCATE THE OFFICES.

There being no other business, the Chairman declared the meeting adjourned.

James Peacock, Chairman

ATTEST:

Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE
CONSTRUCTION INDUSTRY LICENSING
BOARD, HELD IN AND FOR GADSDEN
COUNTY, FLORIDA ON JUNE 20, 1995, THE
FOLLOWING PROCEEDINGS WERE HAD, VIZ.

PRESENT: JAMES PEACOCK, CHAIRMAN
E. HENTZ FLETCHER, VICE CHAIRMAN
BILL MCGILL (ARRIVED LATE)
HAL RICHMOND, COUNTY ATTORNEY
BETTY MILLER, INTERIM COUNTY MANAGER
NICHOLAS THOMAS, CLERK

ABSENT: STERLING WATSON

CALL TO ORDER

Chairman Peacock called the meeting to order. Commissioner Dixon led in pledging allegiance to the U.S. Flag and Chairman Peacock followed with a prayer.

George Mark Gerrell - Pool Contractor

UPON MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 3 - 0 TO APPROVE THE LICENSING OF GEORGE MARK GERRELL AS A POOL CONTRACTOR. (COMMISSIONERS WATSON AND MCGILL WERE NOT PRESENT FOR THIS VOTE.)

ADJOURNMENT

UPON MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 3 - 0 TO ADJOURN THE MEETING.

James Peacock, Chairman

ATTEST:

Nicholas Thomas, Clerk

AT A SPECIAL MEETING OF THE
BOARD OF COUNTY COMMISSIONERS
HELD IN AND FOR GADSDEN COUNTY,
FLORIDA ON JUNE 28, 1995, THE
FOLLOWING PROCEEDINGS WERE HAD,
VIZ.

PRESENT: JAMES PEACOCK, CHAIRMAN
E. HENTZ FLETCHER, VICE-CHAIRMAN
BILL MCGILL
STERLING WATSON
NICHOLAS THOMAS, CLERK
JIM RICHMOND FOR HAL RICHMOND

ABSENT: EDWARD J. DIXON

CALL TO ORDER

Chairman Peacock called the meeting to order.

PURPOSE

Chairman Peacock stated the purpose of the meeting as follows:

1. Adopt a resolution designating an animal control officer and setting procedures for enforcing Ordinance # 88-004
2. Approve four budget amendments
3. Adopt emergency ordinances dealing with extension of the gasoline taxes.

He then turned the meeting over to Jim Richmond.

ANIMAL CONTROL RESOLUTION 95-06-28-01 (Attached)

Mr. Richmond explained there had been a recent incident in the county where a dog had attacked a child and caused some serious harm. The County's animal control ordinance and the statutes relating to animal control, appear to be inadequate to deal with the situation at hand. It has become apparent that the County needs to clarify and add to the ordinance terms of provisions for procedures - hearings etc. Appellate decisions under the FL Statutes have held that restricting a dog or destroying a dog is destroying a property right and therefore the dog owner must be afforded a hearing and the possibility of appeal prior to any action. Ordinance 88-004 provides for the promulgation of rules to effect its purpose.

Mr. Richmond presented a resolution which establishes rules of procedure for enforcing Ordinance 88-004. The resolution provides the procedures as required by FL Statute 767.10 as well. Additionally the resolution appoints animal control authority for Gadsden County.

Commissioner McGill posed a question to Chairman Peacock regarding a procedural matter of the meeting - the adoption of the agenda.

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 3- 0 TO ADOPT THE AGENDA. (Commissioner Fletcher was not present for this vote.)

Commissioner McGill suggested that any references made to the to the animal control officer should be by title rather than by a personal name.

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 3 - 0 BY VOICE VOTE, TO ADOPT THE RESOLUTION PERTAINING TO ANIMAL CONTROL AS COVERED BY COUNTY ORDINANCE 88-004. (Commissioner Fletcher was not present for this vote.)

BUDGET AMENDMENTS

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 3 - 0 BY VOICE VOTE, TO APPROVE THE BUDGET AMENDMENTS 95-06-28-01 THROUGH 95-06-28-04. (Commissioner Fletcher was not present for this vote.)

RECESS

Chairman Peacock asked that the record reflect the absence of Commissioner Dixon. He then declared a recess awaiting the arrival of Commissioner Fletcher.

CALL TO ORDER

Chairman Peacock called the meeting back to order and stated for the record that the press was notified of this meeting by fax and by telephone.

ORDINANCE # 95-007 (Repeal of 95-004 and amending Ordinance 85-005) \$.04 Gas Tax Extension ORDINANCE #95-008 (Repeal of 95-005 and amending 87-003) for \$.02 Gas Tax Extension

Mr. Richmond explained that the Department of Revenue (DOR) had notified the county that the language of the gas tax extension ordinances was not sufficient for them to continue to collect the taxes. The distribution formula used in the ordinances needed to be changed and in place by July 1, 1995 so that no interruption of the collection occurs. On that basis, Mr. Richmond stated that new ordinances were drawn up repealing the ordinances adopted on June 6, 1995 and reworded to include the language requested and required by the DOR for distribution purposes.

Mr. Richmond continued by saying since notification of this matter was only received on June 27, 1995, the two ordinances were to be passed under the emergency procedures provided for in FL Statutes 125.66(3). The emergency being that funding resources would be lost if they were not passed thus would place the county in jeopardy of loosing basic and necessary services to provide for the safety of the citizens of Gadsden County.

Mr. Richmond then asked the Board to vote declaring the situation an emergency situation.

UPON MOTION OF COMMISSIONER WATSON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 0 BY VOICE VOTE, TO DECLARE THE ABOVE DESCRIBED SITUATION AN EMERGENCY.

UPON MOTION OF COMMISSIONER WATSON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 0 BY VOICE VOTE, TO ADOPT ORDINANCE 95-007 (REPEALING 95-004).

UPON MOTION OF COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 0 BY VOICE VOTE, TO ADOPT ORDINANCE 95-008 (REPEALING 95-005).

ADJOURNMENT

UPON MOTION OF COMMISSIONER WATSON AND SECOND BY COMMISSIONER
FLETCHER, THE CHAIRMAN DECLARED THE MEETING ADJOURNED.

James Peacock, Chairman

ATTEST:

Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE BOARD OF
COUNTY COMMISSIONERS, HELD IN AND
FOR GADSDEN COUNTY, FLORIDA ON JULY
18, 1995, THE FOLLOWING PROCEEDINGS
WERE HAD, VIZ.

PRESENT: JAMES PEACOCK, CHAIRMAN
E. HENTZ FLETCHER, VICE CHAIRMAN
BILL MCGILL
JAMES PEACOCK
STERLING WATSON
EDWARD J. DIXON
HAL RICHMOND, COUNTY ATTORNEY
BETTY MILLER, INTERIM COUNTY MANAGER
NICHOLAS THOMAS, CLERK

CALL TO ORDER

The meeting was called to order by Chairman Peacock.

ADOPTION OF AGENDA

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

APPROVAL OF MINUTES

June 7, 1995 Special Meeting

UPON MOTION OF COMMISSIONER WATSON AND SECOND BY COMMISSIONER
MCGILL, THE BOARD VOTED 5 - 0 BY VOICE VOTE TO APPROVE THE
MINUTES OF THE JUNE 7, 1995 SPECIAL MEETING.

June 20, 1995 Construction Industry Licensing Board

UPON MOTION OF COMMISSIONER WATSON AND SECOND BY COMMISSIONER
DIXON, THE BOARD VOTED 5 - 0 BY VOICE VOTE TO APPROVE THE
MINUTES OF THE JUNE 20, 1995 CONSTRUCTION INDUSTRY LICENSING
BOARD MEETING.

June 20, 1995 Regular Meeting

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER
DIXON, THE BOARD VOTED 5 - 0 BY VOICE VOTE TO APPROVE THE
MINUTES OF THE JUNE 20, 1995 REGULAR MEETING.

June 28, 1995 Special Meeting

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0 BY VOICE VOTE TO APPROVE THE MINUTES OF THE JUNE 28, 1995 SPECIAL MEETING.

COUNTY ATTORNEY

Request for Proposals (RFP) for Privatization of the Gadsden County Jail

Mr. Richmond reported to the Board that he had been told that a private company is interested in operating the Gadsden County Jail. Mr. Richmond suggested that the Board advertise an RFP to ascertain if other parties might be interested. He then called attention to an incomplete RFP (attached) for their consideration. He asked for directions noting that the Board must act quickly because of the budgetary constraints for the next fiscal year.

Commissioner Dixon commented that he would like to see the RFP require each submitter to include a statement as to how much savings to the County could be accomplished by privatization of the jail operations.

Commissioner McGill asked if the submitters to the RFP would be allowed to examine the current operational budget for the county jail.

Mr. Richmond indicated that the budget is a matter of public record and should be made available to all interested parties. He suggested that the Clerk and the Sheriff should work together to provide a packet of detailed information for that purpose.

Commissioner McGill then asked if a fee could be imposed upon those submitting a proposal as a means of authenticating their capability.

Mr. Richmond stated that he thought the request itself would require substantial information which would validate the submitter's capability of fulfilling their proposal.

Mr. Arthur Lawson interjected that in most circumstances where a fee is imposed, the unsuccessful bidders' money would be returned to them after the bid is awarded.

Commissioner Watson stated he could see no reason to impose fees to those submitting proposals.

It was the consensus of the Board to authorize Mr. Richmond to design an RFP and bring it back for Board approval on August 1, 1995.

PUBLIC HEARING - Ordinance Regulating Alcoholic Beverages
(Attached)

Mr. Richmond read the title of the proposed ordinance # 95-009 amending Ordinance 75-006. It was as follows:

AN ORDINANCE AMENDING GADSDEN COUNTY ORDINANCE NUMBER 75-006 REGULATING THE SALE, MANUFACTURE AND DISTRIBUTION OF ALCOHOLIC BEVERAGES, AND PROHIBITING THE CONSUMPTION THEREOF UPON PUBLIC STREETS, AND PROVIDING PENALTIES; PROVIDING THAT THE CONSUMPTION OF ALCOHOLIC BEVERAGES BE PROHIBITED IN AND UPON ALL LANDS AND BUILDINGS OWNED OR HELD BY GADSDEN COUNTY OR ANY SUBDIVISION THEREOF WITHIN THE UNINCORPORATED AREAS OF GADSDEN COUNTY; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Chairman Peacock called for public comment. There was none.

UPON MOTION OF COMMISSIONER WATSON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 BY VOICE VOTE TO APPROVE AND ADOPT ORDINANCE 95-009 AS WRITTEN AND AMENDING ORDINANCE # 75-006.

Flood Plain Ordinance

Mr. Richmond explained that the Community Assistance Visit (CAV) conducted by the Department of Community Affairs (DCA) revealed the need to amend the county's floodplain ordinance (91-002) to include changes to reflect the 1989 changes made by the National Flood Insurance Program (NFIP) regulations by the Federal Emergency Management Agency. (A sample ordinance was provided in the meeting agenda packets.) He asked for authority to advertise a Notice of Intent to amend the flood plain ordinance and to prepare the amendment as recommended by DCA.

UPON MOTION OF COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0 BY VOICE VOTE TO AUTHORIZE THE COUNTY ATTORNEY TO ADVERTISE A NOTICE OF INTENT TO AMEND THE COUNTY'S FLOODPLAIN ORDINANCE AND TO AMEND THE ORDINANCE AS RECOMMENDED BY DCA.

UNAGENDAED ITEM

Ulysis Blackshire - Proposed Subdivision Plat

Mr. Richmond presented the Board with a subdivision plat proposed by Mr. Ulysis Blackshire. He explained that Mr. Blackshire has been notified that the use of his property is not in compliance with the county's comprehensive plan. Discussion revealed the following facts:

- 1) Mr. Blackshire placed 5 trailers on a piece of his property two years ago. (The comp plan allows for density waivers of immediate family members down to a minimum of one acre or one-half acre.)
- 2) Mr. Blackshire signed an application (and had it notarized) stating that the occupants of the trailers were his immediate family members.
- 3) The trailers were initially placed on the property legally.
- 4) The immediate family members did occupy the trailers at one time but have since moved away.
- 5) Mr. Blackshire is now renting the trailers for profit. Investigation by county staff revealed that the residents are no longer immediate family members.
- 6) Mr. Blackshire has taken advantage of the family "loop-hole" in the comprehensive plan and has circumvented the ordinance.
- 7) Mr. Blackshire is presently not in compliance with the county's comprehensive plan and was duly noticed by the county attorney in June, 1995.
- 8) Since notification of non-compliance, Mr. Blackshire has attempted to get the land subdivided to meet compliance.

Mr. Richmond asked for directions from the board as how he should proceed.

Commissioner Watson stated that Mr. Blackshire should be required to move the trailers.

Commissioner Dixon suggested that Mr. Blackshire be fined a stiff penalty but allow him to move forward with getting into compliance.

Mr. John Clark introduced himself as the surveyor of the piece of property. He related that Mr. Blackshire is diligently attempting to get into compliance with the subdivision ordinance.

Mr. Mike Sherman, planning and zoning director, spoke to the Board stating that he would like to see Mr. Blackshire come into compliance and as long as he is moving forward with getting a subdivision approved, he would not object to allowing the trailers to remain on the property.

Chairman Peacock asked what steps Mr. Blackshire had taken to get approved as a subdivision.

Mr. Sherman stated that Mr. Blackshire has provided a conceptual plat and it appears that he is attempting to come into compliance. (Mr. Sherman had not determined that the conceptual plan is in order.) He noted for the record that adjacent property owners have complained and have asked that Mr. Blackshire be required to move the trailers.

Mr. John Clark reminded the Board that there are families living in the trailers who would be innocently displaced and penalized if the Board required the homes to be moved. He asked that Mr. Blackshire be allowed to move forward expeditiously and not impact the innocent occupants.

Mr. Richmond stated that the ordinance provides for penalties as described by Commissioner Dixon.

Mr. Sherman read from the ordinance:

"Any person or entity deemed to be in violation of the ordinance shall be charged with a misdemeanor and if convicted shall be punished by fine not to exceed \$500 or imprisonment for a term not to exceed 60 days or both such fine and imprisonment."

Mr. Richmond informed the Board that such action would require filing of a criminal complaint by the State Attorney. He then suggested that Mr. Blackshire be notified that he must get into compliance within 30 days or face the penalties. He added that the Board can review the matter again on August 15, 1995.

Mr. Sherman stated that this type situation can be avoided in the future by requiring the immediate family to whom the exemption

is granted to homestead the property and provide proof of the homestead. That process would require a method of verification to be worked out with the Property Appraiser.

UPON MOTION OF COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 3 - 2, BY VOICE VOTE, TO SEND MR. BLACKSHIRE WRITTEN NOTICE THAT HE IS IN VIOLATION OF THE COUNTY'S SUBDIVISION ORDINANCE AND THE COMPREHENSIVE PLAN AND ALLOW HIM 30 DAYS TO GET THE PROPERTY INTO COMPLIANCE. THE BOARD WILL REVIEW THE PROGRESS ON AUGUST 15, 1995 FOR FURTHER DETERMINATION. COMMISSIONERS WATSON AND MCGILL OPPOSED THE MOTION.

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 2 - 3, BY VOICE VOTE, TO IMMEDIATELY IMPOSE A FINE OF \$500 AND THEN GIVE HIM 30 DAYS TO COME INTO COMPLIANCE. THE MOTION FAILED WITH COMMISSIONERS MCGILL AND WATSON VOTING "YES"; COMMISSIONERS PEACOCK, FLETCHER AND DIXON VOTING "NO".

GADSDEN MEMORIAL HOSPITAL - HEALTHMARK FINANCIAL REPORTS

Donna Gatch - Hospital Administrator

Mrs. Gatch introduced herself and told the Board of her goals as the hospital's new administrator. They are as follows:

- 1) Patients and Their Care
- 2) Physical Appearance of the Hospital (inside and outside)
Cleanliness will be a priority. An executive housekeeper with hospital experience has been hired to oversee attainment of this goal.
- 3) Full Medical Staff Commitment to "Confidence-Building" in the Hospital - An endeavor is being made to develop an open and honest relationship with all staff members and build a good rapport with each physician.
- 4) Reduction of the Accounts Payable - The disproportionate share was received last week and the finance staff has been aggressively paying bills since then.

Mrs. Gatch highlighted the projects she is presently addressing.

- 1) Air-conditioning system: A large number of units are older and need repair. The maintenance engineer is in

the process of removing and repairing each of the units.

- 2) Chemical Proportioner: The hospital is in need of a machine which when filled with disinfectants will automatically release the required amounts of chemicals to clean patient areas. Two are currently being installed - one in the operating room and one in another area of the hospital.
- 3) Reorganization of the Gadsden Memorial Advisory Board: One member will be reporting directly to the Board of County Commissioners on a regular basis.
- 4) Marketing Strategy Plan: A new plan is now in place.

Mrs. Gatch concluded her remarks with an invitation for each of the commissioners to visit the hospital.

Jim Brewer - Comptroller of Gadsden Memorial

Mr. Jim Brewer reported that he had joined the hospital on July 1, 1995. He gave the Board a brief overview of the hospital's financial status. He pointed out that the hospital made a \$128,000 profit in March; \$64,000 loss in April; and a \$23,000 profit in May.

Mr. Brewer then noted that the accounts payables have been reduced from \$383,000 in March to \$164,000 as of this date. (attached)

Mr. Brewer invited questions from the Board.

Commissioner Dixon noted that the cash flow appears to be low. Mr. Brewer indicated that the \$64,000 loss in April caused the cash to be short.

Mr. Brewer then stated that the disproportionate share check amounted to \$170,000 for the quarter but only \$142,000 was received by the hospital. The federal government withheld their portion. The money was used to reduce the payables.

Commissioner McGill referred to page 1 - "Expenses" of the financial statement and asked Mr. Brewer to explain what "other" entails.

Mr. Brewer explained that it meant supplies and other expenses that go into running the nursing section of the business.

Commissioner McGill expressed his desire for more detailed information relating to "other" expenses. He then questioned what occurred to cause the margin of profit in May as opposed to a \$64,000 loss in April.

Mr. Brewer explained it was mostly due to increased revenue plus some marginal reduction in expenses.

PLANNING AND ZONING ISSUES

Land Development Code Worksession and Public Hearing Dates

Mr. Mike Sherman asked the Board to set a date for the final worksession for the land development code and also a date for the public hearing for the adoption of the code.

It was the consensus of the Board to hold the worksession on July 26, 1995 in the courtroom. The public hearing was set for August 15, 1995. Mr. Sherman was instructed to prepare appropriate advertisements.

CITIZENS REQUEST TO BE HEARD

Mr. Stewart Parsons, Attorney - Request to Amend County Ordinance 90-003 (Mobile homes inspection requirements) (Attachment)

Mr. Parsons informed the Board he was representing Mr. J.C. Kingry who is requesting that Ordinance 90-006 be amended so as to permit an individual to bring a mobile home into the county for the purpose of renovations or repairing it so that it will comply with standards when inspected. He also requested the deletion of 600 square feet requirement for mobile homes.

Chairman Peacock questioned Mr. Parsons regarding a similar ordinance for the City of Chattahoochee for whom he is the City Attorney.

Chairman Peacock explained that Mr. Kingry could go through the Planning and Zoning process to get a land use designation change to allow him to bring a mobile home into the county, then repair it and have it inspected.

Attorney Parsons asked how it would be different than bringing in an old house - an old house doesn't require an inspection or permit to bring it in and a building permit can be obtained to bring it up to standards until an occupancy permit is issued.

Mr. Ritter stated that when a house is moved into the county, it is inspected for code compliance. A sub-standard house can be moved then brought up to code.

Mr. Parsons stated that there appears to be discrimination against mobile home owners. He suggested that the ordinance should be amended to allow a sub-standard mobile homes to be treated exactly as sub standard houses outside the county: 1) Have the mobile home inspected & certified as capable of being brought up to standard; 2) issue a permit to bring it into the county; 3) then assign a time frame within which the corrections must be made; 4) then finally have it inspected and permitted for residential use.

Likewise, Mr. Parson thought the square footage requirement for mobile homes could also be considered discrimination.

Commissioner Dixon asked if Mr. Kingry was asking to bring one home in or many homes into the county.

Mr. Kingry responded and said it was his original intention to bring one mobile home, repair it, then occupy it.

Commissioner Dixon took exception to Mr. Parsons remark that a mobile home should be treated the same as a house. He stated that a mobile home is agile and can be moved far more easily than a house. A mobile home is more like a car than a house because of its upward mobility. He stated that he could see no need to amend the ordinance.

Commissioner Watson stated that he could not see any reason to change the ordinance but he did point out some hipocracy by the Board's actions. He stated that Mr. Kingry had been honest with the Board even though his request had been denied whereas, earlier in this meeting, the Board allowed another applicant to circumvent the ordinance by being dishonest and he was not even penalized.

Commissioner McGill agreed with Commissioner Watson.

Further discussion followed with Mr. Kingry but no action was taken.

ROAD AND BRIDGE PROJECTS

Mr. Doug Barkley gave a brief status report of the current road and bridge projects. (Report attached)

1. County Road 379 Culvert Replacement: Should be open to traffic by the end of July.
2. County Road 157A Bridge Design: Should be paved and nearing completion by the end of July.
3. Ranch Road Paving and Design: DEP and DPR Permit information has been received and investigations have begun.
4. Emergency Work:
 - A. Atwater Road Culvert Repair - Repaired.
 - B. Peck Betts Road - Repaired.
 - C. County Road 12 Culvert Repair - Repaired.
 - D. Frank Smith Road - Mr. Lugod has written a letter to Northwest Florida Water Management District that should end the issue which they had with replacing the culvert and obtaining a permit. At this point, the Soil Conservation Service will be coming in within the next couple of months to stabilize the slopes of the dam. The county can then pave over it.
5. Rich Bay Road: Mr. Barkley and Commissioner McGill met with residents on Saturday, July 15, 1995. They seemed happy with the drawings. Survey complete, preliminary design proceeding.
6. Barrineau Road: Permits have not been submitted. They should be forwarded to the county for signatures the week of July 18.
7. County Road 270 at Liberty County Line: Permits have not been submitted. They should be forwarded to the county for signatures the week of July 18.
8. County Road 268 - Quincy Creek: Permits have not been submitted. They should be forwarded to the county for signatures the week of July 18. Mr. Barkley suggested the the County resume serious discussions with the City of Quincy regarding a cost sharing of the project.
9. County Road 65-A: Change order for repairs submitted for approval. Bishop Engineers recommended that a change order be approved to allow Southern Concrete (who is doing the work on 379 and 157A) to begin the repairs at a cost of \$81,658.00. The method of construction is to drive micro piles (with a subcontractor from Orlando); pressure grout into the holes underneath the culverts; stabilize the holes; put up new guard rails; place new rip rap to prevent further erosion; then pave

over the culvert. Mr. Barkley continued by saying if the repairs are not done soon, the culvert will have to be closed to traffic and the next flood will completely damage it. If complete damage is allowed to occur, the costs for repair will rise to \$150,000.

The original contract price with Southern Concrete for CR 379 and CR 157A was \$400,000. The bids came in much lower and with the change order of \$81,658.00, the contract will still only be \$385,313 which is below the original estimate of \$400,000.

Mr. Barkley asked for a vote on the change order.

A MOTION WAS MADE BY COMMISSIONER FLETCHER AND SECONDED BY COMMISSIONER WATSON TO APPROVE THE CHANGE ORDER TO ALLOW SOUTHERN CONCRETE TO REPAIR THE DAMAGE ON CR 65-A IN THE AMOUNT OF \$81,658.00.

**DISCUSSION FOLLOWED.
QUESTION WAS CALLED BY COMMISSIONER MCGILL.**

THE BOARD VOTED 5 - 0 BY VOICE VOTE IN FAVOR OF THE MOTION AS STATED ABOVE.

10. Deerwood Lane: Project is ongoing with the County.
11. Shiloh Road: Engineers found it necessary to obtain permits and the actual design in order to pave Shiloh Road (because of the narrow rights-of-way.) Work can not continue without a survey of the road. Cost of the survey is \$4,750.00 He asked for a vote to approve the survey.

UPON MOTION OF COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0 BY VOICE VOTE TO APPROVE THE SURVEY OF SHILOH ROAD WITH RICHARD MATTHEWS & ASSOCIATES FOR \$4,750.00.

Commissioner Watson asked Mr. Barkley what were the costs of the permits on Barrineau Road.

Mr. Barkley responded that the permit itself cost \$100.00 and is good for 5 years. The actual engineering and the surveying which was done 6 months ago (at the same time as 379 and 157A.) The total cost was between \$5,000 and \$6,000.00.

Commissioner Watson questioned whether the county should pursue repairing Barrineau Road.

Commissioner McGill asked what the cost would be for surface treating Shiloh Road.

Mr. Barkley could not answer the question stating that it would depend on the final cost of Deerwood Lane.

David Hines - Julian Webb & Associates
City of Quincy CDBG Project - Parking Lot

Mr. Hines introduced himself as the project manager for CDBG City of Quincy Commercial Revitalization project. He referenced a letter sent to the County Commission by City Manager Ken Cowen in June regarding a request for "in-kind" services (labor, equipment, fill dirt, etc.) from the County toward the proposed parking lot behind the courthouse annex building facing Highway 90. He stated that the City of Quincy has allocated \$50,000.00 of the grant for the project.

Chairman Peacock told Mr. Hines that the Board could not make such a commitment as negotiations regarding the annex buildings are pending.

ECONOMIC DEVELOPMENT (Attachment)

Mr. Rick McCaskill gave a brief update of the economic development activities in the County for May and June.

EMERGENCY MEDICAL SERVICES (EMS)

Wage and Hour Investigation of EMS (Report attached)

Mr. Tommy Baker presented the Board with the results of the wage and hour investigation of the EMS Department. He summarized the report by saying that EMS has been found in violation of the wage and hour laws and will be required to change the pay system to a 14 day payroll and 40 hour week and overtime. The County is also being required to pay "overtime back pay" for a two year time period. The back pay is estimated to be about \$75,000.00.

Mr. Baker noted that the Clerk's finance department had offered to assist in calculating the back pay wages.

Mr. Baker then requested that the county attorney review the matter to assure that the County is in compliance and to determine if there is an appeal option.

COUNTY MANAGER

Request to Advertise for Engineering Services

Mrs. Betty Miller requested authorization to advertise for proposals for engineering services. After completing the competitive negotiation process, the County can enter into an engineering contract with the successful bidder, then work from a work order method.

UPON MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0 BY VOICE VOTE TO AUTHORIZE THE INTERIM COUNTY MANAGER TO ADVERTISE FOR PROPOSAL FOR ENGINEERING SERVICES.

Intensive Prevention Program (Letter Attached)

Mrs. Miller called attention to a letter from Latina Germany, Intensive Prevention Specialist. In the letter, she points out that the grant Contract MT611 will not be renewed for another year and as of July 20, 1995 the grant will no longer be in effect.

According to Jim Williams, the contract manager, the excess funds of \$6,111.43 became general revenue to the County as of July 1, 1995 but they should be used to continue the prevention program. The excess funds could continue her salary through September 22, 1995.

Mrs. Miller asked for Board approval to continue Ms. Germany's services until the excess funds expire.

UPON MOTION OF COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0 BY VOICE VOTE TO CONTINUE MS. GERMANY'S SERVICES AS INTENSIVE PREVENTION SPECIALIST UNTIL THE GRANT CONTRACT FUNDS EXPIRE.

Public Works Budget Workshop

Mrs. Miller told the Board she would be contacting each of them to set a date for a budget workshop for the public works department.

Commissioner Dixon asked when the budget would be prepared for the Board to review.

Ms. Miller indicated that a copy of the budget should be delivered to them on July 24th.

CONSENT AGENDA

UPON MOTION OF COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE CONSENT AGENDA TO WIT:

- 1) Contract for Credit and Collection Services with I.C. System for EMS Accounts
- 2) Certificate of Need for Gadsden County EMS
- 3) Contract for Services - Willie Banks to perform housing rehabilitation feasibility inspections for the CDBG program retroactive to June 1, 1995.
- 4) Request for Reimbursement of \$2,000 in Moving Expenses for Public Works Director
- 5) CSX Railroad Reimbursement Agreement Resolution- Grade Crossing Traffic Control Devices on Ray Road DOT Job Number 500-6933; RR Mile post SP-821.01 DOT/AAR Crossing Number 625692-V
- 6) Write Off of EMS Accounts - Administrative rule which authorizes the County to adjust accounts without approval of the Office of The Controller. Write off was previously approved by Board on June 20, 1995.
- 7) City of Quincy Voluntary Annexation Ordinance No. 832 - Ordinance annexing County Owned Property to the City.

CLERK OF COURT

Clerk Thomas commented on a remark made by Mr. Kingry relevant to Child Support Enforcement. He informed the Board of a new law which authorizes the Clerk of Court to suspend the drivers license of an individual when he/she becomes delinquent with child support payments. When arrearages accumulate to more than a certain dollar amount, the Clerk is required to notify the delinquent support parent that he/she has 15 days in which to bring the court ordered payments current. If the past due amount is not paid timely, the Clerk is allowed to record judgements against the parent. Any other enforcement measures are initiated by the Department of Revenue.

Financial Statements (Attached)

Clerk Thomas briefly reviewed the financial statements provided to the commissioners in the agenda packets pointing out that the financial condition of the County is good overall. He stated, however, it will be necessary to advertise a budget change to allow for amendments to the EMS fund, transportation funds and the law library fund.

Commissioner McGill asked what the total costs on the advertised changes will be.

Clerk Thomas answered by saying the EMS will require \$75,000 which can be taken from the EMS reserves, but, if there is a revenue shortfall to EMS, it will then be necessary to transfer some general funds to cover the deficit. The transportation #1 fund can be adjusted by transferring some of the reserve money which was placed into transportation # 2 fund earlier in the year. General funds could also be transferred to correct the transportation # 1 as well the law library fund.

Budget Amendments

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE BUDGET AMENDMENT NUMBERS 95-07-18-01 THROUGH 95-07-18-08.

Approval of Payment of County Bills

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE PAYMENT OF THE COUNTY BILLS.

DISTRICT 1 REPORT

There was no report.

DISTRICT 2 REPORT

Commissioner Watson asked the Board to start focusing attention to the litter through-out the County. He asked what measures were available to the County to get it cleaned up.

Mrs. Miller told him there is a litter program operated by the Sheriff's Department and that litter complaints are handled by the County's code enforcement officer. Also, Mr. Lugod, public works director, has advertised for supervisors for inmate crews to oversee a litter pickup program.

Commissioner Dixon interjected that the City of Quincy is also experiencing the same type problems. He suggested that the County offer "free pick-up days" for the larger items such as appliances.

Commissioner Watson suggested that the Board find a way to penalize litter violators.

DISTRICT 3 REPORT

There was no report.

DISTRICT 4 REPORT

There was no report.

DISTRICT 5 REPORT

Commissioner Dixon reported that the Association of Counties is now offering commercial paper loans to counties for public works projects. He stated further that they were offering up to \$ 5 to \$10 million with no little or no interest.

ADJOURNMENT

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

James Peacock, Chairman

ATTEST:

Nicholas Thomas, Clerk

AT A SPECIAL MEETING OF THE BOARD OF
COUNTY COMMISSIONERS HELD IN AND FOR
GADSDEN COUNTY, FLORIDA ON JULY 28,
1995 THE FOLLOWING PROCEEDINGS WERE
HAD, VIZ.

PRESENT: JAMES PEACOCK, CHAIRMAN
E. HENTZ FLETCHER, VICE-CHAIRMAN
BILL MCGILL
STERLING WATSON
EDWARD J. DIXON
BETTY MILLER, INTERIM COUNTY MANAGER
CONNIE MCLENDON, FINANCE DIRECTOR (DEPUTY CLERK)
MURIEL STRAUGHN, DEPUTY CLERK

CALL TO ORDER

Chairman Peacock called the meeting to order stating the purpose of the meeting was to review the proposed budget for FY 95-96. He then turned the meeting over to Mrs. Miller.

Presentation of 95-96 Proposed Budget

Mrs. Miller called attention to the first draft of the tentative budget document. She introduced Mr. Chris Moran of Purvis, Gary & Company as the County's budget consultant then turned the meeting over to him.

Chris Moran

Mr. Moran began by saying that he had taken the budget requests which were submitted from department heads to use to produce the document. Those requests were keyed into a chart of accounts for the various fund types. Each department head submitted a budget for operating expenses and capital outlay.

Mr. Moran pointed out the following facts about the preliminary budget.

- 1) Personal services listed in the preliminary budget reflect the cost actually incurred as of May 31, 1995. Any positions added since that time are not included in the proposed budget.
- 2) All fund balances in individual funds are shown as revenue in the proposed budget leaving no fund balances in individual funds other than in the general fund. (The Board could decide to change that and keep fund balances in each individual funds and make larger transfers from general fund to balance the budget.)

- 3) No grants are budgeted in the proposed budget. Further analysis of the grants will be verified with the Clerk's office before including them in the next draft of the budget. (No grant funded positions are included in this budget either.)
- 4) There is no amount budgeted for the operation of the jail. (Awaiting instructions from the Board.)
- 5) The Clerk's budget for the fee supported departments is not included in the budget. The only part of the Clerk's budget included is the part that is funded by the Board.
- 6) The Tax Collectors budget is not included. (He is a fee based officer.)
- 7) The budget for the hospital enterprise fund is not included.
- 8) It is based on the general fund using a current millage rate of 9.538 mills.
- 9) There are no provisions in the budget for outside financing for capital outlay. All capital projects are based on cash expenditures.

Mr. Moran told the Board that they should conclude this workshop having adopted a tentative budget and a tentative millage rate. The Property Appraiser must be informed by August 4, 1995 of the tentative millage rate.

Mr. Moran called attention to Page 2 which shows the proposed revenue by fund type versus the proposed expenditures. It indicates a surplus/deficit. The surplus/deficits are not based on any type of cash carry forward. It shows which funds are self sufficient and which funds are creating a deficit.

The local option sales tax revenue remains in the debt service fund. It can be moved at the Board's discretion.

The Budget was divided into 4 broad categories:

- 1) Operating Expenses
- 2) Personal Services
- 3) Capital Outlay
- 4) Debt Service

Mr. Moran then asked for questions from the Board explaining that he was available to them as a technical advisor to offer information as needed.

Chairman Peacock called for questions.

Commissioner Dixon stated that he did not like the format as well as last years budget. His concerns were as follows:

- 1) There is no budget for the jail included in the document.
- 2) No line item information from the Sheriff even though his budget went from \$1.2 million to \$1.9 million without any line items.
- 3) The budget is not set up by programs.
- 4) The Board has been put into the position of voting on the budget without knowing the full picture.

Mrs. Miller interjected that she had talked with the Sheriff and he is expected to produce a line item budget request for law enforcement and corrections by next week. She further stated that she is proceeding with the RFP for operation of the jail.

Mrs. Miller suggested that budget workshops be held on each Friday to first review the budgets supported by the general fund and the outside agency requests. Workshops could then be held for the special revenue funds at a later date. She noted that she will be prepared with recommendations for each of them. She concluded by saying that public works could be discussed last after fund availability can be determined.

Commissioner Dixon stated that he would prefer to discuss public works budget first rather than last.

Discussion followed regarding how to proceed.

Commissioner McGill stated he would like to see the departments start from a zero based budget next year. He voiced another concern about the exclusion of grant funded positions from the budget. He then questioned the Clerk's positions which are funded by the Board - if they are fully funded by the County Commission, shouldn't they be accountable to the Board?

Mr. Moran directed the Board's attention to page 164 which shows a transfer of \$503,383 of which \$454,940 is for personal services. Some of that money is certainly for fully funded

positions, but they are accountable only to the Clerk. That is part of his statutory obligations to provide services to the Board of County Commissioners. The Board has certain obligations to the Clerk that it must fulfill - the finance office and the county court operations. It is set out by the Florida Statutes. Just because they are funded by the Board does not make them the Board's positions or accountable to the Board.

Mr. Moran explained that constitutional officers are very different than department heads. They are elected officials and they have certain statutory obligations and deadlines. They also have statutory rights in as much as what they have to provide to the Board.

Commissioner Dixon asked if the Property Appraiser's budget included a pay increase for its employees.

Mr. Moran indicated that it did include a 4% increase in wages.

Commissioner Dixon stated that he did not want to approve a budget for the Property Appraiser's budget which included a pay increase unless all other county employees are given an increase. The other commissioners agreed.

Commissioner Dixon added that he would like to see the rate of pay for correctional officers and other underpaid positions brought up to a level comparable to the surrounding counties.

ADOPTION OF TENTATIVE MILLAGE RATE

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO SET THE TENTATIVE MILLAGE RATE AT 10 MILLS.

ADOPTION OF THE TENTATIVE BUDGET

A MOTION WAS MADE BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER WATSON TO APPROVE THE TENTATIVE BUDGET.

DISCUSSION FOLLOWED.

Commissioner Dixon voiced dissatisfaction with approving a budget which included pay increases for the Property Appraiser's office when no others have been given.

Mrs. Miller stated that upon a directive from the Board, she would inform the Department of Revenue that the Board was not approving a pay increase at this time.

Ms. Marsha King of the Property Appraiser's office stated that she could submit a budget without pay increases and then amend it at a later date if they Board should award raises later in the budget process.

COMMISSIONER FLETCHER WITHDREW HIS MOTION. COMMISSIONER WATSON WITHDREW HIS SECOND.

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0 TO ADOPT THE TENTATIVE BUDGET EXCLUDING ANY PAY INCREASES TO ANYONE.

Commissioner Dixon asked that the county manager and the personnel services work to develop a step pay plan for those departments where pay scales seem to be deficient.

BUDGET WORKSHOP

The next budget workshop was set for August 4, 1995 at 2:00 p.m.

Mrs. Miller was given instructions to go through the budget and be prepared to make her recommendations at the next workshop.

Commissioner Watson asked Mr. Moran if the sales tax revenue can be taken out of debt service.

Mr. Moran stated that \$259,000 must stay in debt service. (October, November and December collections) \$750,000 + will be unrestricted beginning in January. \$1 million is in reserve for debt service. None of it will be released until the final debt service payment is made.

Mr. Moran was instructed to budget the fire protection program with the projected revenue from the sales tax and eliminate the transfer from the general fund to fire protection. Whatever is over and above the level of funding needed for fire protection (\$350,000) should be placed into the road and bridge department.

PUBLIC HEARING

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO HOLD A PUBLIC HEARING TO ADOPT THE TENTATIVE BUDGET ON SEPTEMBER 18, 1995 AT 6:00 P.M.

ADJOURNMENT

There being no other business the meeting was adjourned.

James Peacock, Chairman

ATTEST:

Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE
CONSTRUCTION INDUSTRY LICENSING
BOARD HELD IN AND FOR GADSDEN
COUNTY, FLORIDA ON AUGUST 1, 1995,
THE FOLLOWING PROCEEDINGS WERE HAD,
VIZ.

PRESENT: JAMES PEACOCK, CHAIRMAN
E. HENTZ FLETCHER, VICE CHAIRMAN
JAMES PEACOCK
STERLING WATSON
HAL RICHMOND, COUNTY ATTORNEY
BETTY MILLER, INTERIM COUNTY MANAGER
NICHOLAS THOMAS, CLERK

ABSENT: BILL MCGILL (Excused)

CALL TO ORDER

The meeting was called to order by Chairman Peacock.

APPROVAL OF LICENSE APPLICATIONS

William M. Burnette - Roofing Contractor

UPON MOTION OF COMMISSIONER WATSON AND SECOND BY COMMISSIONER
FLETCHER, THE BOARD VOTED 4 -0 BY VOICE VOTE TO APPROVE THE
LICENSING OF WILLIAM M. BURNETTE AS A ROOFING CONTRACT.

Edward H. McCarty - Roofing Contractor

UPON MOTION OF COMMISSIONER WATSON AND SECOND BY COMMISSIONER
FLETCHER, THE BOARD VOTED 4 -0 BY VOICE VOTE TO APPROVE THE
LICENSING OF EDWARD H. MCCARTY AS A ROOFING CONTRACT.

Mark Sumner - Master Plumber

UPON MOTION OF COMMISSIONER WATSON AND SECOND BY COMMISSIONER
DIXON, THE BOARD VOTE 4 - 0 BY VOICE VOTE TO APPROVE THE
LICENSING OF MARK SUMNER AS A MASTER PLUMBER.

ADJOURNMENT

UPON MOTION OF COMMISSIONER WATSON AND SECOND BY COMMISSIONER
FLETCHER, THE CHAIRMAN ADJOURNED THE MEETING.

James Peacock, Chairman

ATTEST:

Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE BOARD OF
COUNTY COMMISSIONERS, HELD IN AND
FOR GADSDEN COUNTY, FLORIDA ON
SEPTEMBER 5, 1995, THE FOLLOWING
PROCEEDINGS WERE HAD, VIZ.

PRESENT: JAMES PEACOCK, CHAIRMAN
E. HENTZ FLETCHER, VICE CHAIRMAN
BILL MCGILL
STERLING WATSON
EDWARD J. DIXON
HAL RICHMOND, COUNTY ATTORNEY
BETTY MILLER, INTERIM COUNTY MANAGER
NICHOLAS THOMAS, CLERK

CALL TO ORDER

Chairman Peacock called the meeting to order.

ADOPTION OF THE AGENDA

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO ADOPT THE AGENDA AS PRESENTED. (Commissioner Dixon was not present for this vote.)

APPROVAL OF MINUTES

July 28, 1995 Special Meeting

UPON MOTION OF COMMISSIONER WATSON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 0, BY VOICE VOTE TO APPROVE THE MINUTES OF JULY 28, 1995. (Commissioner Dixon was not present for this vote.)

August 1, 1995 Construction Industry Licensing Board

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER MCGILL THE BOARD VOTED 4- 0, BY VOICE VOTE, TO APPROVE THE MINUTES OF THE AUGUST 1, 1995 CONSTRUCTION INDUSTRY LICENSING BOARD. (Commissioner Dixon was not present for this vote.)

August 1, 1995 Regular Meeting

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 0, BY VOICE VOTE TO APPROVE THE MINUTES OF THE AUGUST 1, 1995 REGULAR MEETING. (Commissioner Dixon was not present for this vote.)

August 15, 1995 Regular Meeting

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE MINUTES OF THE AUGUST 15, 1995 REGULAR MEETING. (Commissioner Dixon was not present for this vote.)

COUNTY ATTORNEY

Public Hearing - Flood Plain Ordinance

Hal Richmond presented the Flood Plain Ordinance for adoption. He read the title of the ordinance into the record. He stated that the hearing had been duly noticed and advertised.

Chairman Peacock called for public comments. There were no remarks or questions.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 0, BY VOICE VOTE TO ADOPT THE FLOOD PLAIN ORDINANCE AS PRESENTED. COPY ATTACHED. (Commissioner Dixon was not present for this vote.)

SHIP Agreement and Special Assessment Lien

Mr. Richmond called attention to the SHIP Agreement and Special Assessment Lien with the recent modifications. He pointed out one change which provides that it is a second lien on property subject to the HUD/FHA under Title II. This was necessitated for the grant funding. The new lien has been approved by the local banks involved in the SHIP Program. He asked for a resolution to approve the adoption of the SHIP Agreement and Assessment Lien.

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE A RESOLUTION ADOPTING THE NEW SHIP AGREEMENT AND SPECIAL ASSESSMENT LIEN AS DESCRIBED BY THE COUNTY ATTORNEY.

EMS Overtime Back Pay Issue

Mr. Richmond reported that he had conversation with Mr. Tommy Baker of EMS regarding the back pay due to EMS employees. (As a result of the investigation of Gadsden County EMS by the U. S. Department of Labor, the finance staff has recalculated the wages due to EMS employees for the period July, 1993 through July 1995. The new computations were performed as per the instructions of the Dept. of Labor. The total amount due to EMS employees in back pay is \$98,423.30.) The Board approved payment of \$98,423.00 on August 15, 1995. Since that approval, Commissioner Fletcher asked to

Board to consider pursuing an appeal with Wage an Hour Agency.

Mr. Richmond stated that he believed the county to be legally responsible for the wages as previously approved for payment. He advised the County to pay the money at such time as demand is made or that is appropriate to pay it.

Commissioner Dixon arrived at this juncture of the meeting.

PLANNING AND ZONING

Date for Public Hearing - Land Development Code

Growth Management Director Mike Sherman requested the Board to set a date for public hearing to adopt the land development code for the Comprehensive Plan. It was the consensus of the Board to set the public hearing for October 17, 1995.

Trammel Environmental Services

Mr. Sherman informed the Board that his office has received a request for proposal from Trammel Environmental Services for assistance in the citing of the proposed Big Bend Gas Pipeline. He further stated that the P & Z Department did not have sufficient funding to allow for this service. He asked for directions from the Board.

It was the consensus of the Board that any actions would premature at this point in time. There was also consensus that Big Bend Pipeline should be asked to pay for the consulting services for the pipeline proposal, but the County should award the contract to an agency of their choosing.

Hal Richmond added that the Board would also need to employ attorneys with some expertise in working with pipelines. That cost should also be passed on to Big Bend Pipeline. This type arrangement can be made by some agreement with Big Bend.

Blackshear Update

Mr. Sherman reported that Mr. Blackshear has complied with the request from the Board to submit an application for consideration of a mobile home subdivision. The Planning Commission will review the conceptual plat at their September meeting.

Shaw Farms Subdivision - Branch Mahaffey

Mr. Sherman called the Board's attention to the Shaw Farms Subdivision. The BCC approved the preliminary plat for the subdivision in 1992. It was extended for 18 months in February 1994. The preliminary plat approval has expired and it appears that the final infrastructure improvements have not been completed. He asked for directions from the Board. He offered two options:

- 1) end approval of the preliminary plat.
- 2) Extend the approval for an additional period of time to be determined.

Mr. Sherman stated that Mr. Mahaffey had been sent a letter informing him that matter would be on this meetings agenda and requested that he have a representative at the meeting.

Chairman Peacock asked if anyone was present to speak for Mr. Mahaffey. There was no response.

Hal Richmond asked if Mr. Mahaffey had been given proper notice. Mr. Sherman responded that the letter was sent to Mr. Mahaffey on August 21, 1995.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO VOID THE PRELIMINARY PLAT APPROVAL OF THE SHAW FARMS SUBDIVISION.

Mr. Sherman added that Mr. Mahaffey could submit a new application if he chooses to continue with development of the subdivision.

Public Hearing Date for Developments of Regional Impact (DRI) Amendments

Mr. Sherman reported that Big Bend Pipeline has submitted a Notice of Proposed Change (NOPC) of the DRI. This change will add an additional land use category to the existing development order for the DRI. A public hearing must be set to consider the proposed change. Based on statutory requirements for advertisement and review by the BCC, the meeting of the October 17 is the soonest regularly scheduled meeting that the Board can consider the issue. He then asked for directions.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON TO SET A PUBLIC HEARING ON OCTOBER 17, 1995 FOR DRI AMENDMENTS TO BE CONSIDERED.

*****NON AGENDAED ITEM*****

10/90 Commerce Park - Gadsden Station

Mr. Sherman reported that Gadsden Station has also requested to change their DRI. They would like to take a few parcels out of the DRI which are not developable. Their application was submitted on August 28, 1995.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO HOLD A PUBLIC HEARING FOR THE GADSDEN STATION DRI AMENDMENT ON OCTOBER 17, 1995.

JED LUGOD - PUBLIC WORKS DIRECTOR

Mr. Lugod was not present. Mrs. Miller presented his request to purchase a 28 foot boom mower at a cost \$17,500.

Clerk Thomas stated that if could be done from Transportation # 2 funds if it was approved by the Board.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY DIXON, THE BOARD VOTE 5 - 0, BY VOICE VOTE, TO APPROVE THE PURCHASE OF A 28 FOOT BOOM MOWER AS DESCRIBED IN THE ATTACHED MEMO.

ROAD AND BRIDGE PROJECT UPDATE

Mr. Doug Barkley gave a brief update on all road and bridge projects. They are as follows:

CR 379 Guardrail are installed. Road should open on this date - September 5, 1995. There is still some striping and signage to be done.

CR 157-A Guardrail are installed. Road should open on this date - September 5, 1995.

The contractor has requested partial payment on the 379 and a57-A. He stated that the project is 87% complete. The amount is \$126,186.00 for 379 and \$138,994.50 for 157-A. He recommended that the request for payment be made.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE TO APPROVE THE PAYMENT TO SOUTHERN CONCRETE FOR \$126,186.00 FOR CR 379 AND \$138,994.50 FOR CR 157-A.

Ranch Road DEP permit information has been obtained and redesign is ongoing. Bo Brown is looking for

less expensive way to repair the road.

Rich Bay Road Investigation into the design of the road. There has been a slight delay because Mr. Lugod is looking for a way to trim down the costs of the paving.

Barrineau Road Permits submitted. DEP inspected on August 29th. Design is complete. Engineers are awaiting comments.

CR 270 at Liberty County Line
Permits have been submitted. The design is complete. Awaiting a grant application package.

CR 268 - Quincy Creek
Permits have been submitted. The design is complete. Awaiting a grant application package.

CR 65-A
The grout subcontractor completed his work. 72 cubic yards of grout into the voids of the bridge. It was budgeted at 150 cubic yards. The project came in \$6,000 under budget. The grout subcontractor has submitted a invoice for payment. The subcontractor has offered a discount of \$402.00 if the payment is remitted by September 8, 1995. Mr. Barkley stated that he is 99% certain that the voids are filled.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 4 - 1, BY VOICE VOTE, TO APPROVE THE PAYMENT OF \$27,600 TO THE SUBCONTRACTOR ON SEPTEMBER 8, 1995. COMMISSIONER WATSON CAST THE LONE DISSENTING VOTE.

Shiloh Road Survey is in. Mr. Barkley requested payment for the survey in the amount of \$4,750.00.

UPON MOTION OF COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, THE APPROVE PAYMENT OF \$4,750 FOR THE SURVEY OF SHILOH ROAD TO RICHARD MATTHEWS.

MANAGEMENT SERVICES

Mr. Arthur Lawson presented a recommendation from the Bid Committee to award the bid for the renovation of the CATO building

to Talquin Construction in the amount of \$32,260.00. (Bid sheet attached)

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE BID COMMITTEE'S RECOMMENDATION AND AWARD THE RENOVATION OF THE CATO BUILDING TO TALQUIN CONSTRUCTION COMPANY IN THE AMOUNT OF \$32,600.

COUNTY MANAGER

Appointment to Affordable Housing Partnership Committee and to the Affordable Housing Advisory Committee

Mrs. Betty Miller related a request from Mrs. Rosemary Banks to appoint a commissioner to the Affordable Housing Advisory Committee and the Affordable Housing Partnership Committee.

UPON MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO APPROVE APPOINTMENT OF COMMISSIONER WATSON TO THE AFFORDABLE HOUSING ADVISORY COMMITTEE AND COMMISSIONER PEACOCK TO THE AFFORDABLE HOUSING PARTNERSHIP COMMITTEE.

Historic Preservation Grant Application Status - Diana Shop and Fletcher Cantey Building

Mrs. Miller reported that the State will be reviewing the application for the grant submitted by Gadsden County for the renovation of the Jefferson Street buildings. The review will be held September 11. On September 12, 5:30 - 7:30 a reception will be held at the R A Gray Building for local people to attend. She encouraged all commissioners and others to attend.

Special Meeting - September 6, 1995 - 2:00 p.m.

Mrs. Miller reminded the Board of the special meeting to discuss the budget to be held in the courtroom at 2:00 p.m.

CONSENT AGENDA

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0 BY VOICE VOTE TO APPROVE THE CONSENT AGENDA TO WIT:

- 1) Mosquito Control Annual Certified Budget (Attached)
- 2) Florida Sesquicentennial Committee Request for Insurance Coverage. (attached)
- 3) Dental Proposal (Attached)

- 4) EMS County Award Grant (Attached)
- 5) FY95-96 Recycling Grant (Attached)
- 6) FY95-96 Small County Solid Waste Grant (Attached)
- 7) FY95-96 Emergency Mgmt. Preparedness & Assistance Grant (Attached)
- 8) Special Assessment Lien - for the record (Attached)
- 9) Quincy's Volunteer Annexation Ordinance Amendment - for the Record (Attached)

CLERK OF CIRCUIT COURT

Public Hearing - Advertised Budget Change

Clerk Thomas presented the Advertised Budget Change and asked that a public hearing be convened for its approval. He then explained why the budget change was necessary.

Chairman Peacock asked for public input on the budget change. There was none. He then asked for a motion for approval.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE ADVERTISED BUDGET CHANGE.

Budget Amendments

Clerk Thomas referred to the budget amendments in the agenda packet and asked if there were any questions from the Board.

Mrs. Miller stated that she had a concern about the General Fund Housing Program submitted by Mrs. Miller. She asked that the Board approve the transfer the necessary amounts to cover the negative balances in the line items. Another amendment will be submitted at a later date for any additional transfers. She stated that it would be approximately \$1,800 to cover the negative balances.

Clerk Thomas suggested that they pull that amendment (95-09-05-07) and resubmit it at the next meeting.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE BUDGET AMENDMENTS 95-09-05-01 THROUGH 95-09-05-06 AND 95-09-05-08 THROUGH 95-09-05-22. (ATTACHED)

Payment of County Bills

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO

APPROVE THE PAYMENT OF THE COUNTY BILLS.

DISTRICT 1 REPORT

Ambulance Need at Havana High School Football Games

Commissioner McGill requested that the Board approve placing an ambulance in Havana for football games.

Chairman Peacock stated that Mr. Baker has been apprised of that need and is expected to respond to the request.

CR 270 at the Railroad Crossing

Commissioner McGill reported that he has received complaints about repairs needed at the railroad crossing at CR 270.

Mrs. Miller stated she would advise Mr. Lugod of the problem and have him investigate.

Road and Bridge

Commissioner McGill reported that he had received many good comments on the work done by the Road and Bridge Department recently. He jokingly noted one negative comment about some of the lines being wavy.

DISTRICT 2 REPORT

There was no report.

DISTRICT 3 REPORT

There was no report.

DISTRICT 4 REPORT

There was no report.

DISTRICT 5 REPORT

Commissioner Dixon reported he had noticed the good job the Road and Bridge Department has done with stripping in District 5.

Waste Reserve Funds

He recalled to the Board that it was made known at the Small County Coalition that money might be forthcoming from the waste reserves. DEP should be sending application for Gadsden to

Gadsden County Board of County Commission
September 5, 1995 Regular Meeting

complete. Gadsden could get as much as \$ 1 million.

ADJOURNMENT

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

James Peacock, Chairman

ATTEST:

Nicholas Thomas, Clerk

AT A WORKSHOP OF THE BOARD OF
COUNTY COMMISSIONERS, HELD IN AND
FOR GADSDEN COUNTY, FLORIDA ON
SEPTEMBER 6, 1995, THE FOLLOWING
PROCEEDINGS WERE HAD, VIZ.

PRESENT: JAMES PEACOCK, CHAIRMAN
E.H. (HENTZ) FLETCHER, VICE CHAIRMAN
STERLING WATSON
EDWARD J. DIXON
BILL MCGILL
BETTY MILLER, INTERIM COUNTY MANAGER
MURIEL STRAUGHN, DEPUTY CLERK

CALL TO ORDER

Chairman Peacock called the meeting to order at 2:00 p.m. stating that the purpose of the meeting was to work on the budget for FY95/96. He stated for the record that the meeting had been duly noticed.

Chairman Peacock then turned the meeting over to Mrs. Miller.

Mrs. Miller recalled that each commissioner had been delivered a copy of the proposed budget for FY95/96 a week previous to this meeting. She pointed out adjustments as follows:

Addition to the revenue:

\$9,805.00 Commodity Food Grant
Mental Health Alcohol funding
Additional funding for Supervisor of Elections
Additional money for county buildings insurance
Transfer to the Drug Abuse fund \$15,179
Mosquito Control Transfer

Deleted from the budget:

\$ 800.00 Capital Outlay
TRIM Notice expenses (included twice in the first draft)
Legal Services removed - No funding recommended
Property Appraiser's personal services (included twice on the first draft)

Library Cut

Mental Health - Baker Act

Adjustments to mental health - alcohol

Fine and Forfeiture Insurance which was already included in the Sheriff's budget

With the above stated adjustments, Mrs. Miller reported that the expenditures over the revenue \$513,051. She added that if she would be allowed to use whatever amount of the fund balance which would equal to the 5% revenue cushion, it would bring the expenditures to only \$31,582 over revenue.

Mrs. Miller reported that the Sheriff has cut his budget by \$120,000. With that amount added back to the budget, it brought the budget revenue to \$88,418 over the expenditures.

Mrs. Miller then told the Board that the general fund unappropriated fund balance is approximately \$1.3 million. She then listed items for the Boards consideration:

- 1) employee salary increases
- 2) increase the general fund contingency (\$150,000 in the budget)
- 3) veteran services officer has requested to be increased to 1/2 time position

Mrs. Miller asked for directions.

Commissioner Peacock asked that a 3% raise be added to the proposed budget for the county employees.

No other business was discussed nor action taken.

AT A SPECIAL MEETING OF THE BOARD OF
COUNTY COMMISSIONERS, HELD IN AND
FOR GADSDEN COUNTY, FLORIDA ON
SEPTEMBER 18, 1995, THE FOLLOWING
PROCEEDINGS WERE HAD, VIZ.

PRESENT: JAMES PEACOCK, CHAIRMAN
E. HENTZ FLETCHER, VICE CHAIRMAN
BILL MCGILL
STERLING WATSON
EDWARD J. DIXON
HAL RICHMOND, COUNTY ATTORNEY
BETTY MILLER, INTERIM COUNTY MANAGER
CONNIE MCLENDON, DEPUTY CLERK

CALL TO ORDER

Chairman Peacock called the meeting to order and turned the meeting over to Mrs. Miller.

Additions To Proposed Budget for FY 95-96

Mrs. Miller provided each commissioner with the latest copy of the amended proposed budget. It included the changes requested and approved by the Board at the last budget workshop and others. The changes are listed below:

- 1) 3% employee raises for Property Appraiser's budget.
- 2) 3% employee raises for Veterans Service budget and the additional 1/4 position for Chester Brown
- 3) Secretarial position for County Manager's budget
- 4) 3% employees raises for library
- 5) Additional \$22,970 to the grant funding added to Community Development budget to cover salaries through the end of the fiscal year 95/96.
- 6) Add \$35,000 contingency for jail repairs (revenue - fund balance in the fire service fund- formerly jail bond fund balance)
- 7) Add \$40,000 contingency for possible location of a fire station in the St. Hebron area (revenue source - fund balance in the fire service fund formerly jail bond fund balance)

Chris Moran indicated that the amended proposed budget will require approximately \$100,000 of the general fund reserves to get it into balance.

Commissioner Fletcher pointed out that the budget also reflects in excess of \$112,000 in capital expenditures which are not normal re-occurring expenses. No reserve money will be used

for operating expenses.

Mr. Moran stated that there is deficit spending of the Primary Health Care fund, Solid Waste fund and the debt service on the jail bond. Each of those will be eliminated at the end of the 95/96 fiscal year. Those funds will free up \$150,000 in garbage franchise fees and Primary Health Care rent which will allow for unrestricted use of that revenue in subsequent years.

Commissioner Dixon asked Mrs. Miller to explain how the additional money added to the Community Development fund will be used.

Mrs. Miller explained that the Community Development department has seven or eight different budgets. The total amount of money needed for continued operation (administrative costs) of the department is \$22,970,00 greater than the sum of all of the administrative allowances in each of the budgets. The \$22,970 covers one-half of Mrs. Banks salary and a portion of other administrative items.

Commissioner Dixon called attention to the successful programs provided by the Community Development and hailed it as worthy of additional funding. The County gets the indirect and direct tax base advantage.

Public Comments

Chairman Peacock called for public comments. There were none.

General Operations - Millage Rate

UPON MOTION OF COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0 BY VOICE VOTE TO SET THE MILLAGE RATE FOR THE TENTATIVE GENERAL OPERATING BUDGET FOR 1995/96 AT 10 MILLS.

Debt Service - Millage Rate

UPON MOTION OF COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO SET THE MILLAGE RATE FOR THE DEBT SERVICE MILLAGE AT 1.428 MILLS.

Date of the Final Budget Hearing - October 2, 1995

Chairman Peacock reminded the Board that the final budget public hearing will be held on October 2, 1995 at 6:00 p.m.

Commissioner Dixon asked if he could get the detailed budget

Gadsden County Board of County Commissioners
September 18, 1995 Special Meeting
Page 3 of 3

information from the Sheriff which he had requested a number of times.

Chairman Peacock stated that he would make a request.

Adoption of the Tentative Operating Budget for FY 95/96

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO ADOPT THE TENTATIVE OPERATING BUDGET FOR GADSDEN COUNTY AS PRESENTED (ATTACHED) FOR FY 95-96.

Commissioner Watson asked Mrs. Miller to obtain a copy of the Sheriff's detailed budget before October 2, 1995.

ADJOURNMENT

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER WATSON, THE CHAIRMAN DECLARED THE MEETING ADJOURNED.

James Peacock, Chairman

ATTEST:

Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE BOARD OF
COUNTY COMMISSIONERS, HELD IN AND
FOR GADSDEN COUNTY, FLORIDA ON
SEPTEMBER 19, 1995, THE FOLLOWING
PROCEEDINGS WERE HAD, VIZ.

PRESENT: JAMES PEACOCK, CHAIRMAN
E. HENTZ FLETCHER, VICE CHAIRMAN
BILL MCGILL
EDWARD J. DIXON
STERLING WATSON
HAL RICHMOND, COUNTY ATTORNEY
BETTY MILLER, INTERIM COUNTY MANAGER
NICHOLAS THOMAS, CLERK

CALL TO ORDER

Chairman Peacock called the meeting to order. Commissioner Watson led in pledging allegiance to the U.S. Flag and Chairman Peacock led in prayer.

ADOPTION OF THE AGENDA

UPON MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO ADOPT THE AGENDA AS PRINTED.

APPROVAL OF MINUTES

September 5, 1995 Construction Industry Licensing Board

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE TO APPROVE THE MINUTES OF THE SEPTEMBER 5, 1995 CONSTRUCTION INDUSTRY LICENSING BOARD.

September 5, 1995 Regular Meeting

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE MINUTES OF SEPTEMBER 5, 1995 REGULAR MEETING.

COUNTY ATTORNEY

Mr. Hal Richmond presented the following items for the Board's consideration.

Lease - A & P Building (Property Appraiser and Tax Collector Offices)

Mr. Richmond explained that the new lease with Ms. Louise W. Spears calls for a one-year term for the A & P Building at a cost of \$1, 500 per month, cost of living index and 4 - 5 one-year extensions of the lease.

UPON MOTION OF COMMISSIONER WATSON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE LEASE OF THE A & P BUILDING WITH MS. LOUISE SPEARS AT A COST OF \$1,500 PER MONTH.

Citizen's Request for Change of Election Process For County Commissioners

Before Mr. Richmond introduced Mr. Dick D'Alemberte he stated that he needed to do more research as to the county's legal standpoint before offering the Board advice on the issue of changing the election process.

Mr. D'Alemberte explained that the Florida Statutes outlines a method of election of County Commissioners.

- 1) Run in district and elected by district
- 2) Run in district and elected countywide

Mr. D'Alembert stated that according to the Florida Association of Counties, there are 35 counties in Florida which elect their commissioners at large; 25 counties elect them one man/one district; and 7 have a combination of the two processes. He asked the Board to call for an election on the matter pursuant to Chapter 124.

A MOTION WAS MADE BY COMMISSIONER WATSON AND SECONDED BY COMMISSIONER FLETCHER TO LEAVE THE PROCESS OF ELECTING COUNTY COMMISSIONERS AS IT IS.

DISCUSSION FOLLOWED.

QUESTION WAS CALLED BY COMMISSIONER FLETCHER.

THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE MOTION.

PLANNING AND ZONING ISSUES (P & Z)

Mr. Mike Sherman, growth management director, presented the following development review items.

Rock Ministries - Project # 95PZ-23-206-1-7

Reverend James List and the Rock Ministries International have petitioned the County for a development permit to construct and operate a religious ministry office and a conference center. The property is owned by the Rock Ministries International.

The P & Z Commissioner recommended approval subject to conditions listed in the attached memo.

The P & Z staff recommended approval subject to conditions listed in the attached memo.

Mr. Sherman pointed out the requirement to have the septic tank approved and a permit for commercial waste water flows from HRS. He also stated that an engineers report certifying that the property is outside the flood base. Any buildings would have to be constructed to the standard building code.

Discussion followed.

Commissioner McGill voiced concerns about possibility of flooding on the property.

Commissioner Fletcher stated that he is familiar with the piece of property and knows personally that the property does flood.

Mr. List told the Board that he is aware of the problems with the property. He explained that he has worked with FEMA staff and environmental staff and they have established the flood bench mark. He was informed that if the property is raised to a level that is above the flood zone set by FEMA, that it is permissible to proceed to develop.

Mr. List assured the Board that he would comply with the requirements for development. The property has already been raised once and will be raised even more.

Hal Richmond advised that a special condition be added to release the County from liability if flooding should occur.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE PROJECT SUBJECT TO ALL CONDITIONS IN THE ATTACHED MEMO AND A SPECIAL CONDITION THAT THE COUNTY BE RELEASED FROM LIABILITY ASSOCIATED WITH ANY/ALL FUTURE FLOOD OR FLOOD RELATED

INCIDENTS INVOLVING THE PROPERTY AND THAT ALL TECHNICAL REQUIREMENTS FOR ITS DEVELOPMENT BE MET BY THE APPLICANT.

Beaver Lake Campground, Inc. Project #95PZ-23-203-4-7

Mr. Ron Ellis and Beaver Lake Campground Inc. have petitioned the County for a development permit to expand their number of camping spaces from the present 30 to a total of 51, and for the construction of a 30' by 60' screen room on the premisses.

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.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE TO APPROVE THE DEVELOPMENT PERMIT FOR BEAVER LAKE CAMPGROUND, INC. SUBJECT TO THE SPECIAL CONDITIONS AS LISTED IN THE ATTACHED MEMO.

Red Bay Place - Project 95PZ-24-201-1-9

Mr. Ulysses Blackshear has petition the County for a mobile home subdivision. The parcel of land is at the intersection of CR 153 and Rich Bay Road in District 1. The parcel is approximately 2.6 acres.

The P & Z Commission recommended denial of the petition and that mobile homes be removed from the property prior to any consideration of any other conceptual plats.

The staff recommended adherence to the commission's recommendation.

Discussion followed.

A MOTION WAS MADE BY COMMISSIONER WATSON AND SECONDED BY COMMISSIONER FLETCHER TO DENY THE PETITION.

DISCUSSION FOLLOWED.

Mr. John Clark spoke on behalf of Mr. Blackshear. He stated that he was perplexed by some of the statements which have been made regarding the parcel. He further stated there are 4 mobile homes and a house on the property with 3 septic tanks which were

permitted for the 5 households by HRS. He asked the Board to consider the families living on the property.

Commissioner Dixon reminded the Board that Mr. Blackshear was doing what the Board instructed him to do at a previous meeting. He stated that he had no problem with approving the project based on the guidelines established by the Board.

THE BOARD VOTED 4 - 1 TO DENY THE PROJECT. COMMISSIONER DIXON CAST THE LONE DISSENTING VOTE.

Quincy Food Store - Vegetable Distribution Center Project # 95PZ-22-203-4-7

Claire Duchemin, attorney for Quincy Food Store, petitioned the County for a permit to operate a vegetable distribution center at the corner of Bostick Road and US 90. The property is designated commercial.

P & Z Commission and staff recommendation was for approval subject to the special conditions as listed in the attached memo.

Commissioner Dixon asked for more information specifically the site plan.

Mr. Sherman provided the site plan for the Board's review.

A MOTION WAS MADE BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER WATSON TO DENY THE PROJECT.

DISCUSSION FOLLOWED.

Ms. Duchemin spoke to the Board on behalf of her unnamed client. She stated that for a number of years during the tomato season, the produce people move into different sections of the County to do their trading. She explained that while there are no buildings on the property site, the transactions which occur on the property are commercial in nature. (Large truck full of tomatoes buy and sell large trucks of tomatoes.)

The first time her client was aware that this business site is considered a development by the County and is subject to its permitting requirements was in July when a notice of violation was sent to him. Since receipt of the violation, she has worked to resolve the problems in an effort to avoid any kind of litigation and to come to grips with the County's requirements.

The P & Z 's concerns are regulation of ingress and egress to the highways (Bostick Road and U.S. 90), security measures taken on the site and sanitary conditions.

Ms. Duchemin stated that she believed that her client has answered all of the issues with the exception of the construction of bathroom facilities. Bathrooms cannot be constructed before the transactions begin on September 21. Her client is willing to enter into some license agreement by which the bathrooms at the Quincy Food Store can be made available to any vendors or purchasers of produce at the designated area. As to a bathroom facility for handicapped people, her client is willing to construct them if they can be allowed to use the Quincy Food Store bathrooms for this season only.

Ms. Duchemin asked the Board to approve the development plan (with the understanding that she is conceding that it is a development for the purposes of this proceeding only) and allow them to use the bathroom facilities (by written license agreement) on the adjacent property owned by Quincy Food Stores.

Chairman Peacock asked when the application was made.

Mr. Sherman stated that the original application was made in early August.

Commissioner Fletcher added that the Florida Department of Agriculture provides a place for this type of transactions at the State Farmer's Market.

THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO DENY THE PROJECT.

Courthouse Renovation Project - Authority for County Manager to Enter into Agreement with Bishop Engineers, Inc. to Begin Courthouse Renovation

Mr. Sherman asked the Board to allow the County Manager to enter into an agreement with Bishop Engineers so that they could begin the work required for renovation of the courthouse. He explained that eventually the County would want to use the county engineer at such time one is selected. He reminded them that it is a grant and some progress must be demonstrated so as not to jeopardize the funds.

UPON MOTION OF COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER WATSON THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO AUTHORIZE THE COUNTY MANAGER TO ENTER INTO SOME AGREEMENT WITH BISHOP ENGINEERING, INC TO BEGIN THE WORK ON COURTHOUSE

RENOVATION PROJECT UNTIL SUCH TIME AS A COUNTY ENGINEER CAN BE SECURED.

TRANSMITTAL PUBLIC HEARING - COMPREHENSIVE PLAN AMENDMENTS

Mr. Sherman told the Board that they could recommend any of the following:

- 1) not to transmit any one or all of the amendments;
- 2) recommend approval of the amendment and transmittal of it to the State;
- 3) transmit any and all to the State for review.

Mr. Sherman stated that the local P & Z Commission and the P & Z staff has recommended that the Board transmit all of the amendments to the state for their consideration, comments and recommendations. Whatever is transmitted to the State will come back to the County Commission for an "adoption public hearing." At such time the Board will make the decision to adopt or not to adopt any particular plan amendment.

Proposed Amendment 95-002(1) - Dr. Ray Sheline, Owner

The site of the proposed change in land use is located at the intersection of U.S. 90 and Selman Road. The City limits line intersects the property, approximately 200 feet east of the property line. The parcel itself is approximately 28 acres with 20.7 acres MOL located within the County limits. This portion of the parcel is designated Agriculture 3 on the use map.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE TO RECOMMEND APPROVAL OF THE PROJECT AND TRANSMIT THE PROPOSED AMENDMENT 95-02(01) TO FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS FOR THEIR CONSIDERATION AND COMMENTS.

Proposed Amendment 95-02(02) - Dr. Ray Sheline, Owner

The site of the proposed change in land use is located northeast of US 90 and adjacent to the south side of the Quincy Creek with in the Gadsden County limits. The site consists of a total of 393 acres. This includes rural residential and agriculture 3 categories. The proposed land use classification for the 393 acres site is mining.

UPON MOTION OF COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO RECOMMEND APPROVAL OF THE PROJECT AND TRANSMIT THE PROPOSED

**AMENDMENT 95-02(02) TO FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS
FOR THEIR CONSIDERATION AND COMMENTS.**

Proposed Amendment 95-02(3) - Dr. Ray Sheline

The site of the proposed change in land use is located northeast of US 90 and approximately two miles south of SR 12. The site consists of a total of 680 acres. This includes rural residential, agriculture 2 and 3 categories. The proposed land use classification for the 680 acres site is mining.

UPON MOTION OF COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0 , BY VOICE VOTE, TO RECOMMEND APPROVAL OF THE PROJECT AND TRANSMIT THE PROPOSED AMENDMENT TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS FOR THEIR RECOMMENDATIONS AND COMMENTS.

Proposed Amendment 95-02(4) - Mr. and Mrs. Banks

The Banks have requested that the county change the land use category for their property from the agriculture 3 land use category to the agriculture 1 category. The site consists of a total of 83 acres.

UPON MOTION OF COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO RECOMMEND APPROVAL OF THE PROJECT AND TRANSMIT THE AMENDMENT TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS.

Proposed Plan Amendment 95-02(5) - Gadsden County Board of Commissioners

On the original future land use map which was adopted on November 26, 1991, the area in Section 9 and 10 of Township N, Range W was designated as Agriculture 1. Agriculture 1 permits a density of 1 dwelling unit per five acres. The land use map designation at the time of the adoption did not reflect the actual conditions on the map, nor has it reflected the continued development patterns for this area. Therefore, to have the actual development patterns from previously subdivided parcels and family homestead property, P & Z staff recommended that the subject areas be redesignated to more accurately reflect the real conditions.

Chairman Peacock called for public comments. There were none.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 BY VOICE VOTE TO RECOMMEND APPROVAL OF THE PROJECT AND TRANSMIT PROPOSED PLAN

**AMENDMENT 95-01(5) TO DEPARTMENT OF COMMUNITY AFFAIRS FOR
CONSIDERATION AND COMMENTS.**

Proposed Plan Amendment 95-02(6) - Big Bend Pipeline and Terminal

Big Ben Pipeline and Terminal Company, Inc. has approached the County to consider the establishment of a corridor to lay a petroleum gasoline pipeline with the end of the corridor being in Tract "A" of the Gadsden Station DRI. The proposed pipeline corridor will contain a 10" diameter pipeline. The County's Comprehensive Plan permits the establishment of public uses, including pipelines by special exception approval from the Board of County Commissioners. Even so, discussions with Florida Department of Community Affairs (DCA) determined that an amendment to the comprehensive plan should be done. The corridor would need to have a 35 ft. easement.

P & Z Commission recommended transmittal to DCA for consideration and comments.

P & Z Staff recommended transmittal to DCA for consideration and comments.

Chairman Peacock called for public comments.

Listed below are the people who spoke in opposition to the proposed pipeline amendment.

David Croley
Tony Arnold
Mark Becker
Greg Jubinski
Bob Ratcliff
Michael Dorian
Michelle Dorian
Daniel Cox
Leslie Dewey
Martha Koonce
Lorene McRae
Elizabeth McRae
Claudia Montague
James Hinson
D.W. Borland
Marion Laslie
David Queen
Terry Phillips
Melonie (last name unknown)
Rick Sprinkles

Manley Fuller
Jim Knight
David Theriac
Hugh Moreland
Kent Wimmer
Sherrill Thompson
Chris Richards

Listed below are those who spoke in favor of transmitting the proposed amendment to DCA.

Rick McCaskill, Gadsden County Chamber of Commerce
Guyte McCord, Big Bend Pipeline
John Ballentine, Big Bend Pipeline
Tom Kwader, Hydrogeologist

A MOTION WAS MADE BY COMMISSIONER WATSON AND SECONDED BY COMMISSIONER FLETCHER TO TRANSMIT PROPOSED AMENDMENT # 95-02(6) TO FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS FOR THEIR CONSIDERATION AND COMMENTS. THE BOARD WOULD WITHHOLD ANY APPROVAL OF THE PROJECT PENDING THE COMMENTS FROM DCA.

DISCUSSION FOLLOWED.

Commissioner McGill recalled the mission statement which the Board adopted only a few weeks ago. That mission statement provided for the protection and welfare of the Gadsden County residents. He stated that he was not certain that placement of the proposed pipeline would be in keeping with the adopted mission statement. Furthermore he recalled that Midway incorporated to protect itself from unwanted development such as a pipeline.

Commissioner McGill stated that he felt that the emotion of fear was very high among the citizens which would be affected by the pipeline placement. He did not feel that government should force a community to accept something which could pose such a threat to the safety and well being of a community.

He opposed transmitting the proposed amendment to DCA.

Chairman Peacock stated that he did not feel that the Board could make a decision on its own. He was in favor of transmitting the proposed amendment to DCA for their review and comments.

Chairman Peacock then called for a vote.

**COMMISSIONER MCGILL VOTED "NAY".
COMMISSIONER WATSON VOTED "YES".**

CHAIRMAN PEACOCK VOTED "YEA".
COMMISSIONER FLETCHER VOTED "YEA".
COMMISSIONER DIXON VOTED "YEA".

**MOTION CARRIED 4 - 1. COMMISSIONER MCGILL CAST THE LONE
DISSENTING VOTE.**

ECONOMIC DEVELOPMENT

Mr. Rick McCaskill was present to address the Board but due to the lateness of the hour, he directed their attention to the memo outlining the economic development activities within the County. He invited the commissioners to contact him by phone if they had questions or concerns.

ROAD AND BRIDGE UPDATE

Mr. Doug Barkley reported that CR 379, 157A and 65-A were all open for traffic. All other updates were listed in a report included in the agenda packages.

The Board had no questions.

CITY OF QUINCY PARKING LOT - CDBG GRANT

Mr. David Hines of Julian Webb and Associates was present to negotiate an agreement with the County to allow the unpaved area south of the county buildings on the block bounded by Jefferson, Adams, Crawford and Madison Streets to be used as downtown parking lot. The lot would benefit county citizens and also improve accessibility to the county buildings in the area.

Mr. Hines stated that the City of Quincy has asked the County to provide grading of the parking area, road base and compaction, grading of stormwater pond and installation of stormwater control box and connection of storm drain. No advance money outlay would be required by the County - only labor and equipment costs at the time of construction.

Mrs. Miller stated that she had met with Jed Lugod, the public works director to discuss the issue. Mr. Lugod estimated that the work the public works department could perform would cost the County approximately \$10,000 to \$12,000. The county's forces can provide the grading of the parking area, road base and compaction (with the City paying for the road base materials but using county trucks to transport it) and grading of the stormwater pond.

Mrs. Miller stated that this project is assuming that some type of county building will be added to the vacant area near the buildings. The proposed parking lot will leave ample space for county expansion.

UPON MOTION OF COMMISSIONER WATSON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTE 5 - 0 TO APPROVE THE JOINT EFFORT WITH THE CITY OF QUINCY TO PAVE THE AREA SOUTH OF THE COUNTY BUILDINGS. THE COUNTY AGREES TO PROVIDE THE GRADING OF THE PARKING AREA, ROAD BASE AND COMPACTION (WITH THE CITY PAYING FOR THE ROAD BASE MATERIALS BUT USING COUNTY TRUCKS TO TRANSPORT IT) AND GRADING OF THE STORMWATER POND. THE CITY SHOULD PROCEED WITH OBTAINING COSTS FOR THE PAVING PROJECTS AND NOTIFY THE COUNTY WHEN THE FIGURES ARE COMPLETE.

MANAGEMENT SERVICES

Mr. Arthur Lawson addressed the Board to ask for clarification of the action taken on September 5, 1995 regarding the purchase of a boom mower. The recommendation of September 5, 1995 did not specifically request that the Board waive the procurement policy in order to purchase the equipment. Subsequently a protest has been filed by a competing vendor. The Public Works Director recommended the Alamo mower which is \$100.00 higher than the MoTrim mower. Mr. Lawson asked the board to either waive the procurement policy or rescind their prior action and bid the boom mower.

Commissioner Fletcher called attention to the Ford New Holland bid which stated "No counter weight added". MoTrim's bid stated that they would mount the mower to the Board's specifications.

Commissioner Fletcher then stated that he called MoTrim South to see if the counter weights were included in their proposal. MoTrim stated that counter weights were included at a value of \$500.00. He then suggested that the Board go to bid.

Jim Richmond told the Board that they could waive the bid procedure if it is in the best interest of the health, safety and well being of Gadsden residents. If the bid procedure is waived, there must be a specific finding that it is done to further those interests of the residents. Otherwise, the bid procedure must apply. He advised them to rescind the former vote and go out for bid for the mower.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO RESCIND THE ACTION TO PURCHASE THE BOOM MOWER AS APPROVED ON SEPTEMBER 5, 1995.

MOTION WAS MADE BY COMMISSIONER DIXON TO WAIVE THE PROCUREMENT POLICY AND PURCHASE THE ALAMO MOWER FROM FORD NEW HOLLAND WITH WEIGHTS INCLUDED AT A PRICE OF \$17,400.

Once again, Mr. Richmond told the Board if they waive the procurement policy, they would risk a law suit. His advice was to go forward with the bid process.

THE MOTION DIED FOR LACK OF SECOND.

UPON MOTION OF COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 3 - 2 TO GO OUT FOR BID FOR A BOOM MOWER. COMMISSIONERS FLETCHER, MCGILL AND PEACOCK VOTING IN FAVOR; COMMISSIONERS DIXON AND WATSON OPPOSING.

Rehabilitation Estimator/Inspector Bid Award

Mr. Lawson reported that Mrs. Banks has recommended that the Board review and award the Rehabilitation Estimator/Inspector bid to Willie Earl Banks or Edward Cox based on their bid amount (both bid \$700.00), experience and accessibility to the program. There were lower bidders but they did not apparently understand the responsibilities and time involved in rehab.

Commissioner Watson asked if the low bidders were qualified.

Mr. Lawson answered that one of the lower bidders, Dick Edwards Consulting, already has the SHIP contract. He reported that Mrs. Banks did not want to award the rehab bid to him because of his time constraints.

The Home Tech Services, Inc. was the next low bidder. Because the person making that bid lives in Dothan, AL, Mrs. Banks did not believe he would be as accessible as the program would require.

Mrs. Banks made inquiries of Mr. Dan Halpern and found there were concerns raised by previous employers and his references were unfavorable. Mrs. Banks did not feel that Mr. Halpern would be suited for the program.

Discussion followed.

Mr. Halpern was present and asked to address the Board. He stated that he has lived in Tallahassee for 13 years, he graduated from FSU, he is self employed and has a carpentry sub-contractors license. He stated that he felt that he had bid responsibly and felt that his references would check out favorably. He told the Board that he has done this type work before and has the time to complete the program. He stated that he would waive his fee until

all the homes were completed to prove his good intentions and confidence that he could accomplish the work.

Chairman Peacock questioned the reasons for not awarding the bid to the lowest bidder - Mr. Halpern.

It was the consensus of the Board to pass this matter until it can be discussed with Mrs. Banks.

COUNTY MANAGER

Chattahoochee Construction and Demolition Landfill

Mrs. Miller referenced a memo provided in the agenda packages dealing with the C & D Landfill.

Gadsden County was initially quoted a price of \$1,500 from Bishop Engineers to submit the application for the landfill permit.

They later received information from FDEP indicating that the permitting requirements for C & D have increased significantly. Mike Murphy had advised that the cost would be \$19,200 for the 10 acre site and \$36,300 for the entire 40 acre site.

Discussions with the City of Chattahoochee revealed that they are not interested in the landfill unless it could be permitted as a Class III landfill. The costs for upgrading it to a Class III landfill is approximately \$28,200.

Mrs. Miller recommended that it would be in the County's best interest to close the landfill unless the City of Chattahoochee is willing to take over complete permitting and operation of the landfill. Regardless, the County will need to request another extension of the permitting or an extension to continue to operate until closure requirements are met.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER FLETCHER THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO AUTHORIZE THE COUNTY MANAGER TO WRITE A LETTER TO THE CITY OF CHATTAHOOCHEE EXPLAINING THAT THE COUNTY INTENDS TO CLOSE THE LANDFILL UNLESS THEY ARE WILLING TO TAKE IT OVER AND UPGRADE IT TO A CLASS III LANDFILL. IN THAT EVENT, THE COUNTY WOULD PAY THEM THE \$5,000 IT WOULD SPEND FOR THE CLOSURE PERMIT AND DEED THE 10 ACRE SITE TO THE CITY. IF THE CITY DOES NOT RESPOND BY A TIME CERTAIN, THE BOARD WILL PURSUE CLOSING THE LANDFILL.

Discussions revealed that the liability would still belong to the County regardless of who holds the permit.

Historical Preservation Grant for Jefferson St. Buildings

Mrs. Miller reported that Gadsden County was ranked no. 26 on its application for a grant for renovation of the two county owned buildings on Jefferson St. No. 26 is within the fundable ranging.

Letters of appreciation will be sent to all those who helped in soliciting the grant. The funding level was approved at \$400,000.

Standard Contract for HRS to Operate the Gadsden County Health Department

Mrs. Miller asked the Board to approve the standard contract with HRS to operate the County Health Department from October 1, 1995 through September 30, 1996. It includes the \$70,000 funding approved for them in the tentative budget.

UPON MOTION OF COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE CONTRACT WITH HRS TO OPERATE THE GADSDEN COUNTY HEALTH DEPARTMENT.

Florida Sesquicentennial Committee Request for Funding

Mrs. Miller reported that she had received a request from the Florida Sesquicentennial Committee for Gadsden County for \$1,500 to defray costs associated with planned activities to celebrate Florida's 150th anniversary of statehood. The Youthbuild intends to construct a replica of a tobacco barn and tobacco shade depicting the tobacco era in Gadsden County. The display will be constructed so that it can be disassembled, stored and reassembled as needed. It will be used in the Sesquicentennial Parade on October 6, 1995 and in the Festival of Lights parade in Tallahassee in December.

Mrs. Miller stated that there is sufficient money in the County Manager's budget which can be transferred if the Board should approve it.

UPON MOTION OF COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE TRANSFER OF \$1,500 FROM THE COUNTY MANAGER'S BUDGET TO FLORIDA SESQUICENTENNIAL COMMITTEE FOR GADSDEN COUNTY.

Value Adjustment Board Meeting

Mrs. Miller reminded the commissioners of the Value Adjustment Board meeting to be held on September 21, 1995 at 2:00 p.m.

(Chairman Peacock, Commissioner Watson and Commissioner Dixon were appointed to this Board)

Airport Authority Appointment

UPON MOTION OF COMMISSIONER WATSON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPOINT DON SIRMONS TO SERVE AS GADSDEN COUNTY APPOINTMENT TO THE AIRPORT AUTHORITY.

CONSENT AGENDA

UPON MOTION OF COMMISSIONER WATSON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE CONSENT AGENDA TO WIT:

- 1) EMS Write-Off of Bad Debts (attached)
- 2) Chattahoochee Ambulance Agreement (attached)
- 3) Small County Coalition Resolution (attached)
- 4) 1996 Library State Aid Grant Application (attached)
- 5) Interlocal Fire Services Agreements (attached)
- 6) Employment Agreement for Jail Physician - Dr. Ramos (attached)
- 7) FY95-96 Litter Grant Application (attached)
- 8) FY95-96 Waste Tire Grant Application (attached)
- 9) FY95-96 Keep Florida Beautiful Grant Application (attached)
- 10) Library Literacy Grant Extension - for the record (attached)

CLERK OF COURT

Budget Amendments

Clerk Thomas presented 13 budget amendments for approval.

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE BUDGET AMENDMENTS 95-09-19-01 THROUGH 95-09-19-13.

Approval of Payment of County Bills

UPON MOTION OF COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE PAYMENT OF THE COUNTY BILLS.

ADJOURNMENT

THERE BEING NO OTHER BUSINESS, CHAIRMAN PEACOCK ADJOURNED THE MEETING.

James Peacock, Chairman

ATTEST:

Nicholas Thomas, Clerk

AT A SPECIAL MEETING OF THE VALUE
ADJUSTMENT BOARD, HELD IN AND FOR
GADSDEN COUNTY, FLORIDA ON SEPTEMBER
21, 1995, THE FOLLOWING PROCEEDINGS
WERE HAD, VIZ.

PRESENT: JAMES PEACOCK, CHAIRMAN BCC
STERLING WATSON, DISTRICT 2, BCC
EDWARD J. DIXON, DISTRICT 5, BCC
MRS. BONNIE HOLT, DISTRICT 5, GADSDEN COUNTY SCHOOL BOARD
MRS. KATHERINE JAMES, DISTRICT 1, GADSDEN COUNTY SCHOOL BOARD
HAL RICHMOND, COUNTY ATTORNEY
GEORGE HAMILTON, GADSDEN COUNTY PROPERTY APPRAISER
MARSHA KING, DEPUTY PROPERTY APPRAISER
ALEX HINSON, ATTORNEY FOR PROPERTY APPRAISER
MURIEL STRAUGHN, DEPUTY CLERK OF COURT

CALL TO ORDER

Chairman Peacock called the meeting to order and introduced each board member.

St. Joe Land & Development

Petition was withdrawn by applicant on September 20. 1995.

Peter J. Clancey for Easley, McCaleb & Associates Petition #95-003

Statements of the Petitioner

Mr. Peter J. Clancy was present on behalf of Easley, McCaleb & Associates regarding parcel # 3-12-2N-4W-0000-00233-0100 (Quincy Plaza Shopping Center.)

Mr. Clancey stated that he felt the property was assessed outside the range of a reasonable appraisal. He further stated that he did not believe that proper consideration had been given to the income from the said property.

After preliminary discussions with the Property Appraiser prior to this hearing, Mr. Clancey amended his petition to request that the value be set at \$1,750,000.

Mr. Clancey stated that the **cost approach** should be used when a property is new, or for special use properties where other market data is not available, and when there is not sufficient evidence to support another approach to value. Mr. Clancey stated that his agency placed little weight on the value indicated by this approach because of the difficulty in determining depreciation due to the age of the shopping center. (It was built in 1976.)

Mr. Clancey then stated that as for the **Sales Comparison Approach** to Value, he found only one recent similar sale in and around Quincy. He argued that one sale is not sufficient to determine a value nor was the one sale comparable until it is adjusted downward to properly reflect the older age and vacancy problems experienced by Quincy Plaza. Based on that fact, Mr. Clancey determined that a value by Sales Comparison is not useful due to a lack of market data.

Lastly, Mr. Clancey stated that he believed the **Income Approach** should be considered as the best indicator of value for commercial, income-producing properties, which in this case in this analysis and most weight should be given to the value indicated by this approach.

Mr. Clancey introduced a copy of the property record card as evidence that the income approach was not considered by the Property Appraiser when assessing its value. The card had a section calling for an income statement which was left blank which indicates that income was not given due consideration.

Based on the information described and listed below, Mr. Clancey estimated the market value of the subject property as of January 1, 1995 to be \$1,750,000.00.

- 1) Statement of net operating income for the year which ended December 31, 1994 - financial record of company
- 2) Rent roll report for the 01/11/95 and 01/03/94 - financial record of company
- 3) Winn Dixie Lease Abstract - financial record of company
- 4) U.S. Community Shopping Centers publication pages 128-130
- 5) Real Estate Outlook, a publication by Valuation Advisory Services.
- 6) Reconciliation of Value - Prepared by Mr. Clancey
- 7) Income Analysis - Prepared by Mr. Clancey

Statements for Property Appraiser

Alex Hinson, Attorney for George Hamilton stated that the FL Statutes say that the Property Appraiser has to consider nine different factors in valuing property. Highest & best use, location, market, income, cost replacement, etc.

The best approach is usually the market approach. (A willing buyer versus a willing seller.) That type sale does not occur very often for shopping centers. However, in this case, not only was there a sale, it was just across the street. Mr. Hamilton could not ignore the sale in his value determination.

The improvement to the Winn Dixie was another factor which Mr. Hamilton could not ignore.

A normal vacancy rate is 8 - 10 %. This shopping center has a 30% vacancy rate which could be an indication of poor management but should not affect the value of the property. Mr. Hamilton requested copies of the leases to verify income considerations. They were not provided.

FINDING OF FACTS:

Mr. Hamilton considered the all the information provided to him by Mr. Clancey to determine the income value of the property. (He asked for copies of the leases but was not furnished them for his consideration.)

A high vacancy rate should be considered a result of poor management and not a matter of property value.

\$1,300,000.00 in improvements were made to the shopping center.

The sale of another shopping center in the near vicinity of the property in questions sold for \$3,138,858 last year and had to be considered. It was valued at \$28.59 per square ft. at the time of sale. That dollar amount applied Quincy Associates Limited 95,536 sq. ft. would result in the value would be placed at \$2,731,000. Mr. Hamilton reduced the value to \$2,500,871.

CONCLUSION OF LAW

The Property Appraiser derived at the value of the shopping center considering all the factors required by the FL Statutes. The appraisal of the property was determined to be fairly assessed.

UPON MOTION BY COMMISSIONER WATSON AND SECONDED BY COMMISSIONER DIXON THE BOARD VOTED 5 - 0, BY VOICE VOTE TO ACCEPT THE VALUE OF THE PROPERTY APPRAISER ON PARCEL NO 3-12-2N-4W-0000-00233-0100 - QUINCY PLAZA SHOPPING CENTER.

Darrin Mitchell - Petition # 95-003-VAB Parcel NO. 3-07-2N-3W-0730-00000-1130 Sasser Funeral Home

Petitioner was given due notice but did not appear and petition was not considered by the Board.

UPON MOTION OF COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0 TO APPROVE THE VALUE AS ASSESSED BY THE PROPERTY APPRAISER.

III. NOTICE OF DISAPPROVAL OF APPLICATION FOR HOMESTEAD EXEMPTION BY THE PROPERTY APPRAISER

95-004-VAB Mitchell, Corlyn C.

FINDING OF FACT:

Applicant does not live on the property. Applicant's son was once the owner of record and lived on the property. The son suffered a head injury in 1993 and signed a quick claim deed to his mother, Mrs. Mitchell. The son is now growing trees on the property. The applicant conceded that she was not entitled to homestead exemption.

CONCLUSION OF LAW:

Applicant did not, in good faith, make the property claimed as homestead his permanent residence as of January 1, 1995.

Applicant was present but withdrew her request for homestead exemption.

The following taxpayers were notified by the Property Appraiser on June 28, 1995 that their application for homestead exemption was disapproved. A copy of the Notice of Disapproval was filed with the Clerk of Court. Certified mail notices of the Value Adjustment Hearing were sent to each of them but they did not appear to contest the disapproval.

UPON MOTION OF COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE FINDINGS OF THE PROPERTY APPRAISER ON PETITIONS NO. 95-004-VAB THROUGH 95-028-VAB TO WIT:

95-005-VAB Letchworth, Gary

Applicant did not appear.

Certified mail returned by U.S. Post Office stating "Moved - left no forwarding address."

FINDING OF FACT:

There is no dwelling on the property.

CONCLUSION OF LAW:

Applicant did not, in good faith, make the property claimed as homestead his permanent residence as of January 1, 1995. Applicant did not meet the statutory requirements for homestead.

95-006-VAB Bruce and Deborah Miller

FINDING OF FACT:

Applicant does not reside on the property.

Certified mail sent to 7106 Lennox Drive, New Port Richie, FL 34653

CONCLUSION OF LAW:

Applicant did not, in good faith, make the property claimed as homestead his permanent residence as of January 1, 1995.

95-007-VAB **Bostick, Ben and Katherine**

FINDING OF FACT:

Applicant does not live on property.

Certified Mail notice sent to 805 Bourbon St., Donaldsonville, Ga. 31745

On September 20, 1995, applicant phoned Clerk's office to say he will not contest the disapproval.

CONCLUSION OF LAW:

Applicant did not, in good faith, make the property claimed as homestead his permanent residence as of January 1, 1995. Applicant did not meet the statutory requirements for homestead.

95-008-VAB **Daniels, Roscoe and Fannie**

FINDING OF FACT:

Applicant is receiving homestead exemption on another property at Lake Laurie.

CONCLUSION OF LAW:

Applicant did not, in good faith, make the property claimed as homestead his permanent residence as of January 1, 1995. Does not meet the statutory requirement for homestead exemption.

95-009-VAB **Posner, Steven H. & Gail**

FINDING OF FACT:

Applicants do not live at this location. Certified mail returned undeliverable.

CONCLUSION OF LAW:

Applicant did not, in good faith, make the property claimed as homestead his permanent residence as of January 1, 1995. Does not meet the statutory requirements for homestead exemption.

95-010-VAB **Land, Joe Anne and Gary Edward**

FINDING OF FACT:

Applicant not the owner of record. Certified mail returned undeliverable.

CONCLUSION OF LAW:

Applicant did not, in good faith, make the property claimed as homestead his permanent residence as of January 1, 1995. Does not meet the statutory requirements for homestead exemption.

95-011-VAB **McKee, Michael E.**

FINDING OF FACT:

Site inspection revealed that no one lives on this property.

CONCLUSION OF LAW:

Applicant did not, in good faith, make the property claimed as homestead his permanent residence as of January 1, 1995. Does not meet the statutory requirements for homestead exemption.

95-012-VAB **Doughty, Connie Lynn**

FINDING OF FACT:

Applicant does not live at this address. Certified Mail returned undeliverable.

CONCLUSION OF LAW:

Applicant did not, in good faith, make the property claimed as homestead his permanent residence as of January 1, 1995. Does not meet the statutory requirements for homestead exemption.

95-013-VAB **Williams, Willie and Eula**

FINDING OF FACT:

There is no dwelling on this property.

CONCLUSION OF LAW:

Applicant did not, in good faith, make the property claimed as homestead his permanent residence as of January 1, 1995. Does not meet the statutory requirements for homestead exemption.

95-014-VAB **Harper, Michelle L.**

FINDING OF FACT:

Applicant does not reside at this location.

CONCLUSION OF LAW:

Applicant did not, in good faith, make the property claimed as homestead his permanent residence as of January 1, 1995. Does not meet the statutory requirements for homestead exemption.

95-015-VAB **Brown, Marie and James Jr.**

FINDING OF FACT:

Applicant does not reside at this address.

CONCLUSION OF LAW:

Applicant did not, in good faith, make the property claimed as homestead his permanent residence as of January 1, 1995. Does not meet the statutory requirements for homestead exemption.

95-016-VAB **Hester, Hayward and Sandra**

FINDING OF FACT:

Applicant does not reside at this address.

CONCLUSION OF LAW:

Applicant did not, in good faith, make the property claimed as homestead his permanent residence as of January 1, 1995. Does not meet the statutory requirements for homestead exemption.

95-017-VAB **Dyson, James W.**

FINDING OF FACT:

Applicant does not reside at this address.

CONCLUSION OF LAW:

Applicant did not, in good faith, make the property claimed as homestead his permanent residence as of January 1, 1995. Does not meet the statutory requirements for homestead exemption.

95-018-VAB **Webber, David and Maria**

FINDING OF FACT:

Applicant does not reside at this address

CONCLUSION OF LAW:

Applicant did not, in good faith, make the property claimed as homestead his permanent residence as of January 1, 1995. Does not meet the statutory requirements for homestead exemption.

95-019-VAB **Metcalf, James**

FINDING OF FACT:

Applicant does not reside at this address.

CONCLUSION OF LAW:

Applicant did not, in good faith, make the property claimed as homestead his permanent residence as of January 1, 1995. Does not meet the statutory requirements for homestead exemption.

95-020-VAB **Strickland, Terry**

FINDING OF FACT:

This property sold on July 7, 1994.

CONCLUSION OF LAW:

Applicant is not owner of record, therefore does not meet statutory requirement for homestead exemption.

95-021-VAB Cunningham, Willie and Van

FINDING OF FACT:

Applicant does not reside at this address. Certified mail returned undeliverable.

CONCLUSION OF LAW:

Applicant did not, in good faith, make the property claimed as homestead his permanent residence as of January 1, 1995. Does not meet the statutory requirements for homestead exemption.

95-022-VAB Tharp, Mark and Leslie

FINDING OF FACT:

Applicant does not live on this property.

CONCLUSION OF LAW:

Applicant did not, in good faith, make the property claimed as homestead his permanent residence as of January 1, 1995. Does not meet the statutory requirements for homestead exemption.

95-023-VAB Witterstaeter, Steve and Ellen

FINDING OF FACT:

Applicant does not reside at this address.

CONCLUSION OF LAW:

Applicant did not, in good faith, make the property claimed as homestead his permanent residence as of January 1, 1995. Does not meet the statutory requirements for homestead exemption.

95-024-VAB **Coffey, Sidney**

FINDING OF FACT:

Applicant does not reside at this location.

CONCLUSION OF LAW:

Applicant did not, in good faith, make the property claimed as homestead his permanent residence as of January 1, 1995. Does not meet the statutory requirements for homestead exemption.

95-025-VAB **Hendry, Royce Herbert**

FINDING OF FACT:

Applicant does not reside at this location. Certified mail returned undeliverable.

CONCLUSION OF LAW:

Applicant did not, in good faith, make the property claimed as homestead his permanent residence as of January 1, 1995. Does not meet the statutory requirements for homestead exemption.

95-026-VAB **Keith E. Schentzel**

FINDING OF FACT:

Applicant does not reside at this address.

CONCLUSION OF LAW:

Applicant did not, in good faith, make the property claimed as homestead his permanent residence as of January 1, 1995. Does not meet the statutory requirements for homestead exemption.

95-027-VAB **Shivers, Taletha Nicole**

Petition withdrawn by applicant prior to hearing.

95-028-VAB **Kornegay, Steve**

Request granted by Property Appraiser prior to hearing.

III. LATE-FILED HOMESTEAD EXEMPTIONS

All of the following requests were granted by the Property Appraiser prior to hearing date. The granting of the homestead exemptions had no impact on the tax roll for FY 1995-96. They are listed for informational purposes only.

95-029-VAB	Spradlin, Edgar F. & Mary F.
95-030-VAB	Williams, Vickie Posner
95-031-VAB	Sutphin, Ruth Jeanne
95-032-VAB	Gorman, Rhett F.
95-033-VAB	Wilson, S. Shawn
95-034-VAB	Goulds, Diane
95-035-VAB	Reeves, Charles
95-036-VAB	White, Clyde W.
95-037-VAB	Hinson, James
95-038-VAB	Fassett, Ruth M.
95-039-VAB	Rose, Rhonda Lynn
95-040-VAB	Fauble, Richard
95-041-VAB	Ayers, Jacqueline M. & W. Bryan
95-042-VAB	Houck, Thomas M.
95-043-VAB	Roberts, Barbara H.
95-044-VAB	Long, Sandra L.
95-045-VAB	Brewer, Marion
95-046-VAB	Dupont, Patricia
95-047-VAB	McKinnie, Teresa
95-048-VAB	Chapman, Paula
95-049-VAB	Shivers, Taletha Nicole
95-050-VAB	Compton, Mary R.
95-051-VAB	Whitfield, Virginia
95-052-VAB	Shaw, James E.
95-053-VAB	Malloy, Richard
95-054-VAB	Roberts, Catherine & Sam
95-055-VAB	Andrews, Janice
95-056-VAB	Sego, James & Lori T.
95-057-VAB	Martinez, Harry
95-058-VAB	Dodson, Emmerdell
95-059-VAB	Williams, Vanessa
95-060-VAB	Zuber, Wanda
95-061-VAB	Harris, Jamie R. & Arthur

IV. RECESS

There being no other business, Chairman Peacock declared the meeting recessed until October 3, 1995.

V. RECONVENEMENT

Chairman Peacock reconvened the meeting of the Value Adjustment Board.

UPON MOTION FO COMMISSIOENR _____ AND SECOND
BY COMMISSIONER _____, THE BOARD VOTED
_____ TO _____ TO APROVE THE MINUTES OF SEPTEMBER 21,
1995.

James Peacock, Chairman

ATTEST:

Nicholas Thomas, Clerk

AT A SPECIAL MEETING OF THE BOARD OF
COUNTY COMMISSIONERS, HELD IN AND
FOR GADSDEN COUNTY, FLORIDA ON
OCTOBER 2, 1995, THE FOLLOWING
PROCEEDINGS WERE HAD, VIZ.

PRESENT: JAMES PEACOCK, CHAIRMAN
E. HENTZ FLETCHER, VICE CHAIRMAN
BILL MCGILL
EDWARD J. DIXON
STERLING WATSON
BETTY MILLER, INTERIM COUNTY MANAGER
MURIEL STRAUGHN, DEPUTY CLERK

CALL TO ORDER

The meeting was called to order by Chairman Peacock. He stated the purpose of the meeting was to hear public comments and answer questions relating to the budget for 1995/96.

PUBLIC INPUT

Recognized for comments and questions were the following people:

Dr. Cooksey
Rev. Gus Salters
Ms. Selee Brown
Chris Kohke
Pat Spencer
Mrs. Gene Spencer
Tylos M. Wynn
Nolen Hancock
Harvey Sweeney
Archie Mae Carter
Unidentified audience member
Unidentified audience member
Unidentified audience member

After one hour of questions and comments, Chairman Peacock closed public input and turned the meeting over to Mrs. Miller.

INTERIM COUNTY MANAGER

Mrs. Miller called attention to the last revision of the budget which included all the changes requested at the last budget workshop on September 18, 1995. She added that there are two

additions which need to be approved and incorporated into the budget before a vote is taken at this meeting. They are as follows:

- 1) General Fund - Adjust the line item for liability insurance, debt service for the liability insurance and insurance on debt service. The net result will be an increase of \$27,762.00 for the General Fund.
- 2) County Transportation # 2 - Adjust the ending carry-forward amount on the road projects to decrease it by \$459.00.

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER FLETCHER THE BOARD VOTED 5 - 0 BY VOICE VOTE TO APPROVE THE INTERIM COUNTY MANAGERS RECOMMENDATIONS FOR ADDITIONS TO THE BUDGET FOR FY 95/96.

Resolution - Adoption of the Millage - County Budget

Mrs. Miller explained that the proposed millage of 10 mills for FY 95/96 is an increase of 4.841% over the millage of 9.538 levied last year. It is an actual increase of .462 mills.

Mrs. Miller read the resolution into the record.

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE RESOLUTION SETTING THE MILLAGE AT 10 MILLS FOR THE GADSDEN COUNTY BUDGET FOR FY 1995/96.

Resolution - Adoption of Hospital Millage

Mrs. Miller then read the resolution setting the hospital millage at 1.428 mills for payment on the bond debt.

UPON MOTION OF COMMISSIONER WATSON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO APPROVE THE RESOLUTION SETTING THE HOSPITAL MILLAGE AT 1.428 FOR FY 1995-96.

Adoption of the Budget for 1995-96

Chairman Peacock asked for a motion to adopt the budget at \$24,899,438.

A MOTION WAS MADE BY COMMISSIONER WATSON AND SECONDED BY COMMISSIONER MCGILL TO ADOPT THE BUDGET FOR 1995-96 FOR \$24,899,438.

Mr. Chris Moran, County Auditor, explained that the \$24,899,438 includes all the fund transfers of so it is actually a 16 million dollar budget.

THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE BUDGET AT \$24,899,438.

Commissioner Dixon stated that he has not received any of the information requested on the Sheriff's budget.

Chairman Peacock stated that he called the Sheriff and visited him and all his concerns have been resolved. He suggested that any of the members could do the same.

Commissioner Dixon stated his objections to not having received the information which he has repeatedly requested. He further objected to having received the latest revised copy of the budget upon arriving at this meeting without ample time to study it before being asked to approve it. He explained that he had returned his notebook and the budget to the Interim County Manager and requested that she prepare and provide the revised copy to him. He received a loose-leaf copy upon his arrival just prior to the meeting.

Mrs. Miller interjected that she had experienced problems with the copier which delayed the completion of the budget documents. She assured him however, that the budget is only a reflection of the changes made at the tentative budget hearing.

Commissioner Dixon stated that he expected to make that determination for himself. He also expected to be able to ask questions concerning the budget but could not as a result of not being able to review it ahead of time. The time frame set for its delivery to him was not met by the manager's office.

Commissioner Watson insisted that Commissioner Dixon was misrepresenting what has happened with regard to the issue.

Chairman Peacock called for a point of order. He instructed the commissioners with questions or objections to the budget to get Mrs. Miller after the meeting. He added that the budget can be amended at any time.

UPON MOTION OF COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER MCGILL, THE CHAIRMAN DECLARED THE MEETING ADJOURNED.

James Peacock, Chairman

ATTEST:

Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE BOARD OF
COUNTY COMMISSIONERS, HELD IN AND
FOR GADSDEN COUNTY, FLORIDA ON
OCTOBER 3, 1995, THE FOLLOWING
PROCEEDINGS WERE HAD, VIZ.

PRESENT: JAMES PEACOCK, CHAIRMAN
E. HENTZ FLETCHER, VICE CHAIRMAN
BILL MCGILL
EDWARD J. DIXON
STERLING WATSON
HAL RICHMOND, COUNTY ATTORNEY
BETTY MILLER, INTERIM COUNTY MANAGER
NICHOLAS THOMAS, CLERK

CALL TO ORDER

The meeting was called to order by Chairman Peacock. Commissioner Watson led in pledging allegiance to the U.S. Flag and Commissioner Dixon led in prayer.

ADOPTION OF AGENDA

Commissioner McGill questioned if the minutes of the affordable housing committee (on the consent agenda) should be signed. It was the consensus of the Board that Mrs. Miller should speak with Mrs. Banks regarding the issue.

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED BY 5 - 0, BY VOICE VOTE, TO APPROVE THE AGENDA AS PRINTED.

APPROVAL OF MINUTES

September 18, 1995 Special Meeting

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE MINUTES OF SEPTEMBER 18, 1995 SPECIAL MEETING.

September 19, 1995 Regular Meeting

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE MINUTES OF SEPTEMBER 19, 1995 REGULAR MEETING.

COUNTY ATTORNEY

Disclosure of Discussions

Pursuant to the Court decision in the Snyder Case, Mr. Richmond filed for public record disclosures of discussions held with various commissioners on the Big Bend Pipeline issue.

County Managers Employment Agreement

Mr. Richmond stated that he has reviewed the new contract with Mrs. Miller as County Manager. He found it to be in proper form and correct in content. He called for questions.

Commissioner McGill questioned how it relates to the County Manager Ordinance.

Mr. Richmond responded by saying the ordinance sets out the powers of the county manager. The employment agreement which has always been used in Gadsden County merely adopts the ordinance which gives the authority as laid out in the ordinance.

Commissioner McGill stated that he understood that the ordinance set forth specific qualification requirements for the county manager that must be met. He then asked if the Board could vote to waive the requirements of the ordinance.

Mr. Richmond stated that he was not sure of the specific requirements but the Board could waive them.

Commissioner McGill then referred to page 3 of the agreement which specifies that she could revert back to her old position if the Board should choose to remove her from the position of county manager. He asked if that type clause was normal.

Mr. Richmond stated that the contract was similar to the contract entered into with Mrs. Miller when she was employed as the interim manager. It has been normal to tailor and include specific termination conditions to the manager depending upon where they come from and the responsibilities expected of them. This agreement provides for Mrs. Miller to return to her former position. It is possible that a position would have to be created for her in the event that her duties as manager should end.

Commissioner Dixon asked if this agreement calls for Mrs. Miller to become the county manager or extends the interim agreement.

Mr. Richmond answered that she is becoming the county manager in the new agreement.

Commissioner Dixon stated that he would have preferred to have a workshop on the matter. He went on to say that he would like to have Section 9 clause A removed from the contract.

Chairman Peacock stated that all other county manager contracts have included six months severance pay. He felt that the job security of her old position was comparable to severance pay.

Commissioner Dixon stated that while Mrs. Miller was an interim manager, it was fair and proper for her to have the job security of her former position. However, she now has stepped into the profession of a management position, it is no longer the appropriate measure.

Chairman Peacock called attention to the fact that Gadsden County has never had a manager to step into the position at only \$35,000 per year. He went on to say that she has been performing the duties of the county manager long before she took the job as interim manager. Her experience in the office certainly qualifies her for the job.

Mr. Richmond advised the Chairman to entertain a motion on the issue before further discussion ensued.

A MOTION WAS MADE BY COMMISSIONER WATSON AND SECONDED BY COMMISSIONER FLETCHER TO APPROVE THE EMPLOYMENT AGREEMENT WITH MRS. BETTY MILLER AS COUNTY MANAGER.

DISCUSSION FOLLOWED.

Commissioner Dixon made note of the following facts:

- 1) This is an upper management position. It should have been advertised.
- 2) If the Board should agree not to advertise the position, it should at least opened it to other qualified "in-house" personnel - such as other department heads.
- 3) No resume or application was included with the contract for review of her qualifications - such as supervisory experience, educational background, background checks, etc.
- 4) While Mrs. Miller has done a credible job, he does have some problems with the performance of the office of the manager - timely delivery of materials; reorganization which has taken place without knowledge of the Board; inability to get credible information from the manager's office.

- 5) No other applicant would be guaranteed a job if his/her job performance was inadequate. Mrs. Miller should take the same risk as any other manager.

Mrs. Miller asked that any action on the contract be delayed until the next meeting.

Commissioner Watson stated he had no problem with taking action on the issue at this meeting.

Commissioner McGill stated that he would like to make certain that any action taken at this meeting complies with the ordinance adopted by the Board. He further stated that he feels that Mrs. Miller can certainly handle the position but wants the County to be protected from any lawsuits which could arise from the issue.

QUESTION WAS CALLED BY COMMISSIONER FLETCHER.

Commissioner Watson stated that he has kept apprised of county business for the last 5 years and seen business deteriorate over that span of time. He went on to say that he has seen progress during the last year with Mrs. Miller's administration. He further stated that she has performed the job well.

THE BOARD VOTED 3 - 1, BY VOICE VOTE TO APPROVE THE EMPLOYMENT CONTRACT FOR MRS. MILLER. COMMISSIONERS WATSON, FLETCHER AND PEACOCK VOTED "YES". COMMISSIONER DIXON VOTED "NO". COMMISSIONER MCGILL ABSTAINED FROM VOTING STATING HIS REASON TO BE THAT HE DESIRED TO FOLLOW MRS. MILLER'S REQUEST TO DELAY ACTION ON THE MOTION. MOTION CARRIED.

Notice of Intent to Adopt Ordinance - Contractor Licenses
(Attached)

Mr. Richmond asked for authority to publish a notice of intent for the County to adopt an ordinance establishing a licensing program to regulate contractors in Gadsden County. He read the title of the ordinance into the record. This ordinance updates the current ordinance, sets up a licensing board, provides for appeals, provides penalties, etc.

A MOTION WAS MADE BY COMMISSIONER DIXON AND SECONDED BY COMMISSIONER WATSON TO AUTHORIZE THE COUNTY ATTORNEY TO PUBLISH A NOTICE OF INTENT TO HOLD A PUBLIC HEARING ON THE PROPOSED ORDINANCE ON NOVEMBER 7, 1995.

Some questions were raised by Commissioner McGill concerning the citizens ability for appeal of the Board's decision.

Commissioner Fletcher suggested that the County Attorney do more investigation.

Mr. Richmond explained there is a time constraint involved with the ordinance. He asked the Board to move forward with the authority to publish and he would research their concerns and insure that all concerns are resolved at the public hearing prior to adoption on November 7, 1995.

QUESTION WAS CALLED BY COMMISSIONER FLETCHER.

THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE MOTION.

ROAD AND BRIDGE PROJECTS (Update attached)

Mr. Doug Barkley gave a brief update of the road and bridge projects throughout the County.

FEDERAL GRANTS FOR C.R. 268 AND C.R. 270

Mr. Barkley told the Board that the Federal EDA requires a fish and wildlife survey and pile borings and geotechnical analysis in order to qualify for the grant funds on CR 268 and CR 270. He presented proposals from Garlick Environmental Associates, Inc. for the fish and wildlife survey for \$1,657.50 and Ardaman & Associates, Inc. for the pile borings and geotechnical analysis for \$7,282.50. (Attached) He asked for approval.

UPON MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 4 - 1 TO APPROVE THE PROPOSAL FROM GARLICK ENVIRONMENTAL ASSOCIATES, INC. FOR THE FISH AND WILDLIFE SURVEY FOR \$1,657.50 AND ARDAMAN & ASSOCIATES, INC. FOR THE PILE BORINGS AND GEOTECHNICAL ANALYSIS FOR \$7,282.50. COMMISSIONER FLETCHER CAST THE LONE DISSENTING VOTE.

Commissioner McGill asked Mr. Jed Lugod, public works director, when work on Rich Bay Road could begin.

Mr. Lugod told the Board he would have a proposal for the Board's consideration very soon.

Commissioner Fletcher made mention of a letter received by the Board from Bill Adams which stated "the voids noticed by Commissioner Fletcher are voids between the larger size rip rap." Commissioner Fletcher clarified to Mr. Adams that he had taped his arm sticking a 4 ft. stick up under the bridge foundation and the void is still there.

COUNTY MANAGER

Resolution - proposed ISO insurance Rating System

Mrs. Miller told the Board of a request from Citrus County to support their action to have the implementation of the proposed insurance service office (ISO) insurance rating system delayed until more local governments can have input into the development process.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO PASS A RESOLUTION URGING THE STATE INSURANCE COMMISSIONER TO DELAY IMPLEMENTATION OF THE PROPOSED ISO INSURANCE RATING SYSTEM INDEFINITELY, UNTIL SUCH TIME AS LOCAL GOVERNMENTS CAN HAVE INPUT INTO THE DEVELOPMENT PROCESS.

Request for Award of Rehabilitation Estimator/Inspector to Edward Cox

Mrs. Miller reported that Mrs. Rosemary Banks has asked that the board take action on awarding the contract for rehabilitation estimator/inspector for the community development department to Edward Cox. She stated that she supports Mrs. Banks request.

UPON MOTION OF COMMISSIONER WATSON SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE CONTRACT AWARD FOR REHABILITATION ESTIMATOR/INSPECTOR TO EDWARD COX FOR THREE MONTHS PERFORMANCE CONTRACT. AT THE END OF THREE MONTHS IF THE PERFORMANCE IS SATISFACTORY, IT CAN BE CONTINUED FOR THE REMAINDER OF THE TERM.

Engineering Proposals

Mrs. Miller reported that the committee reviewing engineering proposals for the engineering contract with the County has not completed its analysis. They will be prepared to present 3 proposals for Board action at the next meeting.

CONSENT AGENDA

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

- 1) NARC Grant Agreement 95/96 DCA 96-CJ-3S-02-30-01-180; Gadsden Sheriff's Narcotics Unit
- 2) Harbor Branch Environmental Laboratory service agreement to provide groundwater sampling and analysis for Chattahoochee and Gadsden East landfills from October 1, 1995 - September 30, 1996

- 3) Affordable Housing Partnership meeting minutes of August 29, 1995
- 4) Waste Management notification of increase of tipping fees at Quincy Transfer Station (Increased from \$46.00 per ton to 448.00 per ton.)
- 5) U.S. Department of Housing and Urban Development letter of acceptance of the Gadsden County SHIP Program Guidelines - for the record.
- 6) Florida Department of Agriculture and consumer Services - Division of Forestry Annual Report FY 94/95

CLERK OF COURT

Budget Amendments

UPON MOTION OF COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE AMENDMENTS 95-10-03-01 THROUGH 95-10-03-07.

RATIFICATION OF PAYMENT OF COUNTY BILLS

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5- 0, BY VOICE VOTE, TO APPROVE THE PAYMENT OF THE COUNTY BILLS.

DISTRICT 1 REPORT

Commissioner McGill stated that he wanted to see ground moving machines on Rich Bay Road before 1996 - no matter what. He then reported that he would attend the Governor's Conference on October 10, 1995.

DISTRICT 2 REPORT

Commissioner Watson asked the Board to take a position on the community resident houses that DOC has given approval for North Florida Education to place in the County. He does not feel that it is something the County should allow. He stated that he feels that placement of inmates a house in a regular subdivision poses many safety concerns.

Chairman Peacock stated that he concurs that Commissioner Watson but he has found that the Board has no control of the matter.

COMMISSIONER FLETCHER MADE A MOTION TO BRING A RESOLUTION OPPOSING PLACEMENT OF THE INMATE HOMES IN A REGULAR

SUBDIVISION. COMMISSIONER DIXON SECONDED THE MOTION. THE BOARD VOTED 5 - 0 BY VOICE VOTE TO SUPPORT THE RESOLUTION.

DISTRICT 3 REPORT

Chairman Peacock had no report.

DISTRICT 4 REPORT

Commissioner Fletcher recalled that the Board denied a permit for Quincy Food Stores to operate a agricultural market at the corner of Bostick Road and US 90. He reported that they have simply moved across the street and continued operation. He asked the Board to empower Planning and Zoning to check to see if they are operating legally and shut the operation down if they are not.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO EMPOWER THE PLANNING AND ZONING DEPARTMENT TO INVESTIGATE THE AGRICULTURAL MARKETING TRANSPIRING ACROSS THE STREET FROM THE QUINCY FOOD STORE AND SHUT THEM DOWN IF THEY ARE NOT OPERATING LEGALLY.

DISTRICT 5 REPORT

Commissioner Dixon had no report.

ADJOURNMENT

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER FLETCHER, THE CHAIRMAN DECLARED THE MEETING ADJOURNED.

James Peacock, Chairman

ATTEST:

Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE BOARD OF
COUNTY COMMISSIONERS, HELD IN AND
FOR GADSDEN COUNTY, FLORIDA ON
OCTOBER 17, 1995, THE FOLLOWING
PROCEEDINGS WERE HAD, VIZ.

PRESENT: JAMES PEACOCK, CHAIRMAN
E. HENTZ FLETCHER, VICE CHAIRMAN
EDWARD J. DIXON (ARRIVED LATE)
STERLING WATSON
HAL RICHMOND, COUNTY ATTORNEY
BETTY MILLER, INTERIM COUNTY MANAGER
NICHOLAS THOMAS, CLERK

ABSENT: BILL MCGILL - EXCUSED

CALL TO ORDER

Chairman Peacock called the meeting to order. Commissioner Fletcher led in pledging allegiance to the U. S. Flag. Chairman Peacock then led in prayer.

ADOPTION OF AGENDA

UPON MOTION OF COMMISSIONER WATSON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 3 - 0, BY VOICE VOTE, TO ADOPT THE AGENDA AS WRITTEN.

APPROVAL OF MINUTES

October 2, 1995 Public Hearing

UPON MOTION OF COMMISSIONER WATSON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 3 - 0, BY VOICE VOTE, TO APPROVE THE MINUTES OF OCTOBER 2, 1995.

October 3, 1995 Regular Meeting

UPON MOTION OF COMMISSIONER WATSON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 3 - 0, BY VOICE VOTE, TO APPROVE THE MINUTES OF OCTOBER 3, 1995.

COUNTY ATTORNEY

Mr. Hal Richmond had nothing to present.

PLANNING AND ZONING ISSUES

Growth Management Director Mike Sherman presented the following items:

Quail Rise Subdivision Phase II & III Preliminary Plat Review
91PZ-17-1-03

Mr. Charles Harvey petitioned the County for preliminary plat consideration for Phase II & III of Quail Rise Subdivision. The engineer and surveyor of record is Broward Davis and Associates. The project surveyor is Mr. Richard White, PLS. Mr. White was also the surveyor on Phase I. The project engineer is Mr. Roger Wynn, PE.

The project is located on CR 111, just east of US 27 on the Florida-Georgia State line. The subject property considered for preliminary plat is located east of the Phase I of the Quail Rise Subdivision. The area is designated rural residential on the Comprehensive Plan Future Land Use Map.

The developer requested that he be allowed to build surface treated roads rather than asphalt roads within the subdivision.

The P & Z staff recommended approval of the project subject to the special conditions as listed in the attached memo.

The Planning Commission meeting which was scheduled to consider this project was cancelled due to Hurricane Opal, therefore there was no recommendation from them.

UPON MOTION OF COMMISSIONER WATSON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 3 - 0, BY VOICE VOTE, TO APPROVE THE PRELIMINARY PLAT APPROVAL OF QUAIL RISE SUBDIVISION PHASE II AND III. THE DEVELOPER WAS ALSO GRANTED APPROVAL TO SURFACE TREAT THE STREETS WITHIN THE SUBDIVISION SUBJECT TO THEM MEETING THE REQUIREMENTS OF THE GADSDEN PUBLIC WORKS DEPARTMENT STANDARDS.

(Commissioner Dixon arrived at this juncture of the meeting at 6:10 p.m.)

Resolution - to amend Gadsden Station DRI development order to remove 6.04 acres from the DRI

*Original Development Order no. 93PZ-19-206-1-7 issued on July 21, 1993.
95PZ-02-206-1-01*

Mr. Sherman presented a resolution for the Board's consideration. The resolution is necessary to remove a portion of the acreage which is presently included in the Gadsden Station DRI. The amendment is not related to the Big Bend Pipeline or gasoline terminal projects. It will clarify the previous development order which was issued for the DRI.

The P & Z staff recommended approval. There was no recommendation from the P & Z Commission.

Commissioner Dixon asked if the County would loose any control over the land use regulations by allowing the property to be excluded from the DRI.

Mr. Sherman replied that the County would not loose any control regarding permitting developments, etc.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE RESOLUTION TO AMEND GADSDEN STATION DRI DEVELOPMENT ORDER TO REMOVE 6.04 ACRES.

Request to Schedule Public Hearing to Establish Additional Land Use Category in Gadsden Station DRI (Petroleum Storage Terminal)

Mr. Sherman reported that Big Bend Pipeline had withdrawn their request to hold a public hearing until a later time.

ECONOMIC DEVELOPMENT

Mr. Rick McCaskill highlighted the County's economic development activities for the month of September. He pointed out that Florida State University has leased the old recording studio at Gadsden Station. It will used by their School of Theater.

Mr. McCaskill reported that American Jai-Alai is presently making repairs to their building and they expect to do some televised horse racing, dog racing, jai-alai and other parimutuel games on video feeds. They also plan to have live games by the first of 1996.

Chairman Peacock asked Mr. Sherman if Jai-Alai has been through the P & Z permitting process.

Mr. Sherman reported that they have requested to be on the November agenda. He further stated that they have been told they must apply for a new permit because the facility has been closed for more than one year.

Chairman Peacock reported that Talquin Electric had turned on the electricity at the facility without the knowledge of the P & Z Department.

Mr. Frank Ritter, building inspector, stated that the County has had a verbal understanding with Talquin for a number of years whereby any building which has been vacant for more than one year, must be inspected for electrical purposes and get re-permitted prior to having electricity restored.

It was the consensus of the Board to have the building inspector issue a stop work order to Jai-Alai until they have been through the permitting process with the County.

Additionally, Mr. Ritter was instructed to speak to Talquin Electric regarding a written agreement which would require a permit prior to having electricity restored to any facility.

Other items discussed as listed in the attached memo.

ROAD AND BRIDGE UPDATE

Mr. Doug Barkley of Bishop Engineers reported the status of the R & B projects. He stated that CR 379, CR 157A and CR 65-A are complete and a request for final payment will be presented on November 7, 1995.

Commissioner Fletcher stated that he is not satisfied that CR 65-A has been properly repaired.

Mr. Barkley invited any and all of the commissioners to join him when final inspections are made of the three projects listed above.

Other updates on R & B projects are listed in the attached memo.

GADSDEN MEMORIAL HOSPITAL

Mrs. Donna Gatch reported to the Board regarding the progress being made at the hospital:

- 1) Positive feed-back from local businesses and residents.
- 2) Hospital Advisory Board has met 2 times and has assumed a very active role in administrative services of the hospital. It will meet monthly. (The Commissioners were asked to submit names of nominees to the advisory board.)

- 3) Air-conditioning units in patient rooms and offices have been reconditioned. Major repairs to central air-conditioning and heating system have been made.
- 4) The hospital fed and housed numerous stranded travelers during the wake of Hurricane Opal.
- 5) The hospital is continuing to upgrade the services offered. The Intensive Care Unit will be re-opening. An out-patient dental surgery clinic will soon be available. (Contract with Dr. Barber of Gadsden Medical Center)
- 6) Gadsden Home Health Care just celebrated third anniversary.
- 7) A fund raising garage sale was held to benefit the food bank of the Gadsden Home Health Care. This provides food for home bound patients.
- 8) WCTV filmed a very positive human interest story regarding the hospital's home health care program and the patients it serves.
- 9) The hospital has recruited 4 new registered nurses, 3 new paramedics, 3 new licensed practical nurses, a medical records director and 2 new housekeepers.

Mrs. Gatch concluded her report by extending an invitation to each commissioner to visit and offer their comments and suggestions.

Mr. Jim Brewer, hospital finance director, addressed questions from the board. In response to Commissioners Watson, he reported that the YTD management fee charges are \$336,628 through the end of August 1995 but nothing has been paid as of that date.

Commissioner Watson asked that the management fees charged and paid be listed as a line item in their financial reports.

Commissioner Dixon asked if any progress has been made on developing an RFP for the management of the hospital.

Mrs. Miller replied that nothing has been done thus far but she would begin to proceed with it immediately.

COUNTY MANAGER

Chattahoochee C & D Landfill

Mrs. Miller reported that the City Council of Chattahoochee responded the County's inquiry regarding C & D Landfill. The letter indicated that they are not interested in assuming responsibility for the landfill. Her recommendation was to proceed with closing the landfill. (It has been closed since October 1, 1995.) She asked for directions noting that the permits to reopen it would be more than \$19,000 for the 10 acre site and \$38,000 for the 20 acre site. The closing permit will be \$5,000.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO CLOSE THE C & D LANDFILL.

Chairman Peacock stated that the County would be receiving grant funds which can be used to pay landfill closure fees. Information should be coming from the State very soon regarding the grant funds.

Small County Coalition Appointment

Mrs. Miller reported that she had received correspondence from the Small County Coalition requesting that each member county elect two representatives to serve on their Board of Directors and appoint a county staff person to serve as the liaison to the Coalition.

It was the consensus of the Board for Commissioner Dixon and Commissioner Watson to serve on the Board of Directors and Mrs. Miller to serve as the liaison.

Havana Library Lease

Mrs. Miller reported that she has received a letter from Mr. John Olson of Olson Insurance & Financial Services requesting an increase to \$2,170.64 in rent payments for the Havana Library. The increase is based on increase in property taxes, insurance cost and the annual CPI-U index as per the lease agreement.

UPON MOTION OF COMMISSIONER WATSON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE INCREASE IN RENT PAYMENT TO OLSON INSURANCE & FINANCIAL SERVICES TO \$2,170.64 AND INCREASE OF \$62.36.

CONSENT AGENDA

UPON MOTION OF COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 4 - 0 BY VOICE VOTE TO APPROVE THE CONSENT AGENDA TO WIT:

- 1) Resolution - Proposed ISO Insurance Rating
Requesting State Insurance Commissioner to delay
implementation of the ISO Insurance Rating System until
local governments can have input into the development
process.

CLERK OF COURT

Tax Collector's Annual Report

Clerk Thomas presented the annual report for Dale Summerford, Tax Collector. Mr. Summerford returned \$37,019.48 in excess fees collected in 1994-95 to the Board of County Commissioners.

1994/95 Budget Amendments

UPON MOTION OF COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE BUDGET AMENDMENTS 95-10-17-01 THROUGH 95-10-17-03.

1995/96 Budget Amendments

UPON MOTION OF COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTE 4 - 0, BY VOICE VOTE, TO APPROVE BUDGET AMENDMENTS 95-10-17-04 THROUGH 95-10-17-05.

Ratification of Payment of County Bills

UPON MOTION OF COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE PAYMENT OF THE COUNTY BILLS.

COMMISSIONER'S REPORTS

There were no reports.

ADJOURNMENT

There being no other business, the Chairman adjourned the meeting.

Gadsden County Board of County Commissioners
October 17, 1995 Regular Meeting

James Peacock, Chairman

ATTEST:

Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE BOARD
OF COUNTY COMMISSIONERS HELD IN AND
FOR GADSDEN COUNTY, FLORIDA ON
NOVEMBER 7, 1995, 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
BETTY MILLER, COUNTY MANAGER
HAL RICHMOND, COUNTY ATTORNEY

CALL TO ORDER

Chairman Peacock called the meeting to order.

ADOPTION OF THE AGENDA

Mrs. Miller asked that Mr. Mitch Owens of H.R. Hough & Company be added to the County Attorney's agenda to discuss possible refinancing of the hospital bonds. She then asked to add a request from the City of Gretna to the County Manager's Agenda.

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE TO APPROVE THE AGENDA AS AMENDED ABOVE.

APPROVAL OF MINUTES

October 17, 1995 Regular Meeting

A MOTION WAS MADE BY COMMISSIONER MCGILL AND SECONDED BY COMMISSIONER DIXON TO APPROVE THE MINUTES OF OCTOBER 17, 1995.

Commissioner Watson asked that the minutes be amended to include a verbatim record of the discussion with Mr. Brewer regarding the hospital's payment of management fees to HealthMark (page 5).

COMMISSIONER MCGILL AMENDED HIS MOTION TO APPROVE THE MINUTES WITH THE ADDITION AS REQUESTED BY COMMISSIONER WATSON. THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE MOTION AS AMENDED.

COUNTY ATTORNEY

A & P Lease Agreement (Annie Ruth Spears and Gadsden County for the office space for Property Appraiser and Tax Collector)

UPON MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 BY VOICE VOTE TO APPROVE THE LEASE AGREEMENT WITH MRS. ANNIE RUTH SPEARS FOR OFFICE SPACE USED BY THE PROPERTY APPRAISER AND TAX COLLECTOR.

PUBLIC HEARING - ORDINANCE ESTABLISHING A LICENSING PROGRAM TO REGULATE CONTRACTORS AND CREATING CONSTRUCTION INDUSTRY LICENSING BOARD

Mr. Richmond stated that the proposed Contractors Licensing Ordinance had been duly noticed and advertised for a hearing on the proposed ordinance at this meeting. He explained the purpose of the ordinance and read the title into the record.

Chairman Peacock called for public questions or comments. There were none.

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE PROPOSED CONTRACTOR'S LICENSING ORDINANCE AND PRESENTED. (95-011)

REFINANCING OF HOSPITAL BONDS

Mr. Mitch Owens of W.R. Hough and Company made a brief presentation to the Board explaining that the County could save \$20,000 per year in ad valorem taxes to refinance the hospital bonds which were originally issued in 1986 and refinanced in 1987. He presented each commissioner with a written proposal. (Attached)

UPON MOTION OF COMMISSIONER AND SECOND BY COMMISSIONER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO ALLOW W.R. HOUGH AND COMPANY TO PROCEED WITH PREPARATIONS TO REFINANCE THE HOSPITAL BONDS.

Mr. Owens indicated to the Board that he should be able to present them with documentation to begin the refinancing by the next board meeting on November 21, 1995.

PLANNING AND ZONING ISSUES

Mr. Mike Sherman presented only one project for approval by the Board.

Sycamore Volunteer Fire Department Station 95PZ-35-201-11-1

The Gadsden County Fire Services Division requested site approval for a volunteer fire department station. The proposed development is located in the triangular area of the intersection of CR 270 and CR 269. The parcel is located in Section 9, Township 2 North, Range 6 West. The parcel designated for the development of the fire station is approximately 1.06 acres.

The P & Z staff recommended approval subject to special conditions as outlined in the attached memo.

The P & Z Commissioner recommended approval subject to the special conditions as outlined in the attached memo.

UPON MOTION OF COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE SYCAMORE VOLUNTEER FIRE DEPARTMENT STATION PROJECT SUBJECT TO THE SPECIAL CONDITIONS AS OUTLINED IN THE ATTACHED MEMO.

ECONOMIC DEVELOPMENT REPORT

Mr. Rick McCaskill reported to the Board as to the progress of the Road Fund Project near the interchange of I-10 and U.S. 90 called Fortune Center. He reported that he has been informed that there is some money available for possible use on this project. He stated that the Industrial Development has applied for \$288,000 from the State of Florida. The developer will absorb the remainder of the cost for the construction. There should be no cost to the County but it will be a county road.

ROAD AND BRIDGE PROJECTS

Mr. Doug Barkley gave a brief status report on the road and bridge projects. (Attached)

FINAL PAYMENT REQUEST

Mr. Barkley reported that County Road 379 culvert replacement, County Road 157-A bridge design and County Road 65-A had been completed. He then asked for approval for final payment.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE FINAL PAYMENT FOR COUNTY ROAD 379 CULVERT REPLACEMENT, COUNTY ROAD 157-a BRIDGE DESIGN AND COUNTY ROAD 65-A.

Biological Investigation Payment on County Road 270 and 268

UPON MOTION OF COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0 BY VOICE VOTE, TO APPROVE THE PAYMENT FOR A BIOLOGICAL INVESTIGATION ON COUNTY ROAD 270 AND 268.

BID COMMITTEE RECOMMENDATION

28 Ft. Boom Mower

Mr. Arthur Lawson presented the Bid Committee's recommendations for the purchase of a 28 ft. Boom mower. (Report attached)

UPON MOTION OF COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 4 - 1, BY VOICE VOTE, TO APPROVE THE PURCHASE OF A 28 FT. ALAMO BOOM MOWER FROM FORD NEW HOLLAND OF TALLAHASSEE, FL FOR \$15,394.95. COMMISSIONER FLETCHER CAST THE LONE DISSENTING VOTE.

COUNTY MANAGER

Designation of Agency to Receive Florida Arts License Plate Proceeds

Mrs. Miller stated that she has received correspondence from FL Secretary of State requesting that the County designate some local agency to receive proceeds from the sale of the Florida Arts License Plate. She went on to explain the criteria that must be met by the agency to receive the proceeds. Quincy Recreation Department, Quincy Music Theater and Art in Gadsden were all advised of the available proceeds. Art in Gadsden made the only request for the proceeds.

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO DESIGNATE ART IN GADSDEN TO RECEIVE THE PROCEEDS OF THE FLORIDA ARTS LICENSE PLATE SALES.

Request from Gadsden County Senior Citizens - 2 used vehicles

Mrs. Miller informed that Board that Gadsden Senior Citizens has requested that the County donate 2 used vehicles to them for use in the Meals on Wheels Program. She stated that the vehicles no longer have any value and she recommended that the titles be transferred to the Senior Citizens.

UPON MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO MAKE A SPECIFIC FINDING THAT THE 2 VEHICLES HAVE ABSOLUTELY NO MARKET VALUE AND DONATED THEM TO THE SENIOR CITIZENS OF GADSDEN COUNTY. THE TITLES SHOULD BE TRANSFERRED TO THEM AS SOON AS POSSIBLE.

Selection of Engineering Firm

Mrs. Miller called attention to a report from the Engineering Selection Committee's review and ranking of those firms who made a bid for the County's engineering/consulting business. (Attached) She asked the Board to rank the firms to their liking. She recommended that once the ranking is made and approved by the Board, the County enter into an agreement with the two top ranked firms. The selection committee could then continue with negotiations.

Commissioner Watson asked that Bishop Engineers be moved to the second position indicating that he has been pleased with Bishop's past work.

Commissioner McGill asked that Bishop Engineers be ranked in the number one position.

Commissioner Dixon stated that he was compelled to accept the selection committee's recommendations.

A MOTION WAS MADE BY COMMISSIONER DIXON TO ACCEPT THE ENGINEERING SELECTION COMMITTEE'S RECOMMENDATION FOR RANKING OF THE FIRMS WHICH MADE A BID FOR THE COUNTY'S ENGINEERING SERVICES.

DISCUSSION FOLLOWED. THE MOTION DIED FOR LACK OF A SECOND.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 3 - 2, BY VOICE VOTE, TO RANK THE FIRMS AS FOLLOWS: NO. 1 - BISHOP ENGINEERS; NO. 2 Kounde, SPRECHER AND ASSOCIATES; NO. 3 GREENMAN-PETERSON, INC. COMMISSIONERS DIXON AND WATSON CAST THE DISSENTING VOTES.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5-0, BY VOICE VOTE, TO INSTRUCT THE SELECTION COMMITTEE TO PROCEED WITH CONTRACT NEGOTIATIONS WITH BISHOP ENGINEERS AND KUNDE, SPRECHER AND ASSOCIATES AND BRING BACK CONTRACTS WITH BOTH FIRMS FOR THE BOARD'S FINAL APPROVAL.

Gadsden County Engineering Work Authorization No. 1
For Bridge Replacement for County Road 268 at Quincy Creek and
County Road 270 at Crooked Creek.

Mrs. Miller reported that negotiations for the engineering services for the above project has been accomplished with Bishop Engineering at a cost not to exceed \$42,000. She asked the Board to approve the agreement.

UPON MOTION OF COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE ENGINEERING WORK ORDER WITH BISHOP ENGINEERS FOR \$42,000 ON THE COUNTRY ROAD 268 AND COUNTRY ROAD 270 BRIDGE REPLACEMENT PROJECTS.

Gadsden County Courthouse Renovation - 1995

Mrs. Miller presented another work order for engineering services for the courthouse renovation project. The negotiated price with Bishop Engineers was \$39,450.00. She asked for the Board's approval.

UPON MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE TO APPROVE THE ENGINEERING WORK ORDER WITH BISHOP ENGINEERS FOR \$39,450 FOR THE COURTHOUSE RENOVATION PROJECT.

Public Works Policy Workshop

Mrs. Miller asked the Board to set a workshop whereby the Board can reach some agreement regarding policies for doing work for on private driveways, roads, culverts, municipality requests for services, etc.

It was the consensus of the Board to schedule a special meeting for Monday, November 20, 1995 at 5:00 p.m.

Chairman Peacock asked Mrs. Miller to pull together all the information she could find which deals with current policies and have them available for discussion and possible changes for the special meeting. He then asked Mr. Richmond to have any and all pertinent Florida Statutes available to advise the Board at the special meeting.

Request from City of Gretna to Provide Building Inspections for 30 days

UPON MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE COUNTY BUILDING INSPECTION DEPARTMENT TO PROVIDE BUILDING INSPECTION SERVICES FOR THE CITY OF GRETN A FOR 30 DAYS, CONTINGENT UPON AN AGREEABLE FINANCIAL ARRANGEMENT FOR THE COUNTY.

CONSENT AGENDA

UPON MOTION OF COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE TO APPROVE THE CONSENT AGENDA, TO WIT:

- 1) Centrex Services Agreement
- 2) County Travel Policy Amendment
- 3) Radio Tower - Gadsden County School Board
- 4) FY95-96 Keep Florida Beautiful Grant Agreement
- 5) Drunk and Drugged Driving Prevention Month Resolution
- 6) Preventing Falls Among Elders Proclamation

CLERK OF COURT

Annual Report - Sheriff and Clerk

Clerk Thomas presented the Annual Report for the Office of the Clerk of Circuit Court and for the Sheriff. (Copy for the record)

New Year Budget Amendments

UPON MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE TO APPROVE BUDGET AMENDMENTS 95-11-07-01 THROUGH 95-11-07-12.

Old Year Budget Amendments

UPON MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE BUDGET AMENDMENTS 95-11-07-13 THROUGH 95-11-07-28.

RATIFICATION OF PAYMENT OF COUNTY BILLS

UPON MOTION OF COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE PAYMENT OF THE COUNTY BILLS.

DISTRICT 1 REPORT

Commissioner McGill reported that some weeks ago he attended a budget meeting regarding budget cuts. Since that time he has learned that Florida stands to lose roughly 10 billion dollars by the year 2002 in federal money. That figure did not include Medicare cuts, welfare cuts, basic education, etc. , therefore is not likely a valid projection. He went on to say that Florida could lose as much as 12 billion dollars and should begin to brace for a downturn in the economy throughout the State of Florida.

Commissioner McGill referenced a memo he passed out prior to the meeting. He asked them to study it and provide their input to him for discussion at the next meeting.

DISTRICT 2 REPORT

Commissioner Watson recalled that at the last meeting he asked Mr. Brewer of HealthMark how much money had accrued in management fees due to HealthMark. In the open meeting, Mr. Brewer replied that none of the management fees had been paid to HealthMark.

Commissioner Watson stated for the record that he knew at the time that Mr. Brewer's statement was not correct but he did not challenge it in the public forum. He further stated that he followed up with Mr. Brewer by phone and asked for information regarding the exact year to date figures HealthMark had been paid in management fees. He remarked that he was disappointed in the lengthy response time it took to get the requested information.

Commissioner Watson asked the Board to send a letter to Mr. Brewer requesting HealthMark to clearly identify the management fees charged and the management fees paid (contract to date) as a part of the routine financial statements which they provide to the Board.

DISTRICT 3 REPORT

There was no report.

DISTRICT 4 REPORT

There was no report.

DISTRICT 5 REPORT

Commissioner Dixon reiterated Commissioner McGill's remarks regarding future federal funding. He stated that it is very difficult to project how the Federal Block Grants will affect the future of the State and the County. He further stated that at the

Association of Counties meeting, he learned that cuts can be expected for indigent care and the rural hospital subsidies.

Among other things, Commissioner Dixon told the Board of new legislation called "Save Our Seniors" which proposes a cap for ad valorem taxes on senior citizens. If that should pass, it could cost Gadsden County upward of \$100,000 per year in taxable valuations. Commissioner Dixon encouraged all commissioners to stay abreast of the changes and get prepared to deal with the changes.

ADJOURNMENT

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

James Peacock, Chairman

ATTEST:

Nicholas Thomas, Clerk

AT A SPECIAL MEETING OF THE COUNTY
COMMISSIONERS HELD IN AND FOR
GADSDEN COUNTY, FLORIDA ON NOVEMBER
20, 1995, THE FOLLOWING PROCEEDINGS
WERE HAD, VIZ.

PRESENT: JAMES PEACOCK, CHAIRMAN
E. HENTZ FLETCHER, VICE-CHAIRMAN
BILL MCGILL
STERLING WATSON
EDWARD DIXON
NICHOLAS THOMAS, CLERK
HAL RICHMOND, COUNTY ATTORNEY
BETTY MILLER, COUNTY MANAGER

CALL TO ORDER

Chairman Peacock called the meeting to order and announced the purpose of the special called meeting was to review current policies dealing with roads as well as the level of maintenance to be performed on public and private roads by the Gadsden County Public Works Department. He then opened discussion regarding the current policies.

Level of Maintenance of Unpaved Roads and Culvert Installations

Chairman Peacock began the discussion by saying that according to current policies, the County has been performing work on private roads. He raised the following questions:

1. What is the definition of a private road?
2. Should those "private" roads be maintained/graded by permit or should they graded at all?
3. How many private roads have been maintained by the County for more than 4 years?

Chairman Peacock then pointed out that Gadsden County does not own the right-of-way for 30% of the dirt roads in Gadsden County yet they have been maintained by the Public Works Department for more than 4 years.

COMMISSIONER FLETCHER MADE A MOTION THAT THE COUNTY SHOULD CONTINUE TO MAINTAIN ALL UNPAVED ROADS WHICH HAVE BEEN MAINTAINED FOR USE BY THE PUBLIC FOR MORE THAN FOUR YEARS WHETHER THE COUNTY OWNS TITLE TO THE RIGHT OF WAY OR NOT.

COMMISSIONER MCGILL SECONDED THE MOTION.

DISCUSSION FOLLOWED.

Commissioner Dixon asked Commissioner Fletcher to define exactly what the motion entailed.

Mr. Bo Brown asked the Board to explain to what extent "maintain" is intended - simply grading the roads or grading, repairing and improving them?

Commissioner Fletcher replied that the department should continue to maintain the roads in the fashion to which they have maintained them in the past.

Commissioner Dixon addressed the liability of the County relative to road maintenance. He called attention to the road standards the County has imposed on itself. He stated that it is impossible to adequately maintain a road to which the County does not own the right-of-way, yet the County bears the same liability if the maintenance is continued. He further stated that he felt that if the County is agreeable to continue the maintenance, the community should be obligated to deed the right-of-way to the County so that it can be maintained properly and bring it up to standard. Otherwise, the County should not continue to maintain them.

Chairman Peacock challenged Commissioner Dixon's statements by saying that many of the roads which are being maintained do meet the County's specification for roads, yet the right-of-way is not owned by the County.

Commissioner Dixon suggested that the County Attorney be instructed to find pertinent case law to support the County's position.

COMMISSIONER FLETCHER CALLED FOR THE QUESTION.

Commissioner McGill asked if the present practices of the County are in compliance with the Florida Statutes.

Mr. Richmond stated that if the County should adopt a new policy requiring land owners to deed the right-of-ways as a prerequisite to continued maintenance of their roads, that the burden of doing the surveys and right-of-way determination be placed on the landowner and not the County.

Mr. Richmond advised the Board as to the following:

- 1) If a determination is reached at this meeting that the Public Works Department has been illegally repairing roads or not repairing them to sufficient standards, it could open a door to liability questions.
- 2) The motion made by Commissioner Fletcher is nothing more than a ratification of past practices to this point in time. A determination of which roads should be maintained in the future should be made on a road by road basis.
- 3) If the Board should make a determination at this meeting that it needs to curtail services because of insufficiency of money, the Board should ascertain which roads are not public roads on an individual basis and not by adoption of a broad policy.

Commissioner Fletcher asked for a vote on the motion.

Chairman Peacock suggested that the motion be amended to allow the operation of road maintenance to be continued according to the Florida Statutes.

COMMISSIONER FLETCHER WITHDREW HIS MOTION.

COMMISSIONER FLETCHER MADE A MOTION THAT THE COUNTY CONTINUE TO MAINTAIN THE ROADS THAT HAVE BEEN MAINTAINED BY STATUTE FOR THE LAST FOUR YEARS DEFINED BY WHAT HAD BEEN MAINTAINED IN THE PAST.

THE MOTION DIED FOR LACK OF A SECOND.

Discussion continued.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 1, BY VOICE VOTE, THAT THE COUNTY CONTINUE TO MAINTAIN THE ROADS THAT HAVE BEEN MAINTAINED BY STATUTE FOR THE LAST FOUR YEARS. COMMISSIONER WATSON CAST THE LONE DISSENTING VOTE.

Permits for Maintaining Private Roads

A MOTION WAS MADE BY COMMISSIONER WATSON TO DISCONTINUE SCRAPING PRIVATE ROADS WHICH REQUIRE A PERMIT. COMMISSIONER DIXON SECONDED THE MOTION.

DISCUSSION FOLLOWED.

Mr. Richmond advised the motion would effectively repeal County Ordinance 71-003. Since it has not been specifically advertised for a public hearing, any action should be delayed until it can be duly advertised and public participation is allowed.

COMMISSIONER WATSON AMENDED HIS MOTION TO AUTHORIZE THE COUNTY ATTORNEY TO ADVERTISE A NOTICE OF INTENT TO REPEAL ORDINANCE 71-003.

DISCUSSION FOLLOWED.

THE BOARD VOTED 3 - 2, BY VOICE VOTE, TO AUTHORIZE THE COUNTY ATTORNEY TO PUBLISH A NOTICE OF INTENT TO REPEAL ORDINANCE 71-002 ON DECEMBER 5, 1995. COMMISSIONERS WATSON, MCGILL AND DIXON VOTED "AYE"; COMMISSIONERS FLETCHER AND PEACOCK VOTED "NO".

County Roads Through Municipalities

This issue is covered by the Florida Statutes. It was the consensus of the Board to make determinations on a case by case basis should any exceptions arise.

Culvert - Installation

Chairman Peacock called for discussions regarding installation and maintenance of culverts. (Assuming there is a county right-of-way.)

This portion of the proceedings has been recorded verbatim per request.

Peacock: I have had instances to come up on a county road where there is a culvert that needs replacing. Now, I have been told that if they will buy the culvert, we'll carry the dirt and install it. But in my opinion, that is a county problem and the county's culvert and it is the county's responsibility to replace it. Now, am I right or wrong? It is on a county road.

Bo Brown: It's a private drive way.

Peacock: How far back does the drive way go? Does it start at the ditch or does it start on the other side of the ditch?

Bo Brown: When they build a house, they request to have a culvert installed in their private driveway.

Peacock: I understand that. Then it becomes, then it becomes county property. Don't we maintain it?

Dixon: The drive-way?

Peacock: No, the culvert.

Brown: The only reason we put a culvert in there is so they can get across the ditch.

Peacock: Alright. Whose responsibility is it to maintain that culvert. To keep it unstopped.

Brown: It is our responsibility to keep the water flowing. But it is the homeowner's responsibility to put the drive-way in.

Peacock: I am saying once it is installed and meets specifications, whose going to maintain it?

Brown: We will maintain the drive-way that is on the right-of-way.

Peacock: Then your right-of-way in a lot of cases, whenever you cross that ditch, the county right-of-way, (and we've got deeds to some of it, some of it we hadn't), it will go as far as from here to that bench over there.

Brown: It could be 5 ft. or it could be 30 ft.

Peacock: Then you going to tell the man when the culvert is gone that he has got to replace it at his cost?

Brown: You are talking about a drive-way there, you are not talking about a culvert.

Peacock: Well, you own the land from the edge to the

Brown: Yea, but we don't own the drive-way.

Peacock: You don't follow me Bo. You going to take his culvert out then not let him have a way in?

McGill: Wait now. If the culvert is on public property,

Peacock: No, this is on county property. The culvert is on county property.

McGill: That's the same thing. County property and public property.

Peacock: Yeah. I'm getting public and private mixed up.

McGill: If it is, I'm going to send the County a bill. I just paid \$250 to put one in. If it is county property, you owe me \$250. Now let me understand you clearly so I can write my bill out just right. You say, if it is on county or public owned property, it is the County's responsibility?

Dixon: To maintain it.

Peacock: To maintain it. Not to install it, no.

Dixon: Mr. Chairman, I think we are looking at this wrong. The County gives you the right, the opportunity, the privilege, of using its right-of-way to access your house.

Peacock: To cross that culvert to get to your house.

Dixon: That drive way belongs to you.

McGill: The county goes across it, it maintains the drive-way. We should.

Peacock: No, we'll maintain the culvert once it's installed.

Dixon: That's your driveway.

McGill: You said so.

Dixon: I said we shouldn't. I don't know what they are doing, but we shouldn't. Unless it is doing something to that culvert, I mean in terms of water etc. There must be some kind of county purpose for maintaining that driveway, is what I am saying. I won't put no absolutes on it because there are times when we might have for some other reason.

McGill: I see what you're saying. I won't send you a bill now. I'll just wait til later on. When you make another decision, I will send it then.

Peacock: Let's talk about culverts, ya'll getting off. We are not into driveways. We know the County is not going to maintain them.

- Dixon: What I am saying is that culvert belongs to the homeowner. Not the County. It is our responsibility to maintain it in order to maintain the flow of water whenever.
- Peacock: What you going to do if something goes wrong with the culvert, I'm saying. When you go there and install a second one, are you going to charge the man that owns it for installing it.
- Watson: We are not going to be - I don't want them installing any of them. None. Zero.
- Peacock: We have been.
- Watson: I know, but we need to quit.
- Peacock: Why?
- Watson: We don't have the time.
- Dixon: Cause the folks start to think they are ours.
- Peacock: I'll tell you what. In the last year or so, our time has really went somewhere.
- Watson: The problem though, Mr. Peacock, is over the past 8 years, our road department has gone somewhere too. And that is straight to you know where. And it is because we are doing more than what we should be doing, and we are not keeping up with what we should be doing.
- Peacock: All I can say to that is - 4 years ago, 5 years ago, our roads, road machines were grading the roads on the average of every 14 days. It certainly not doing that now. Not in my district.
- Dixon: It has never been that way in my district.
- Brown: It's because they hadn't had 3 hurricanes straight in a row.
- Peacock: How long, how long is these hurricanes going to keep one man off the road machine.
- Brown: Another thing, we had 72 employees. We just recently got 51 men.

Peacock: You got 51 now and you got brand new machines and back then you was operating with old ones.

Brown: We got new machines, but its more machines that would count.

Fletcher: You don't operate the ones you've got Bo.

Brown: That's right. We can't operate the ones we've got because we don't have operators for them.

Fletcher: Hire them!

Peacock: I'll tell you yall!

Brown: Get me some money to hire them.

Fletcher: I did. We gave you a million, over a million dollars in your operating budget this year to hire people with. Hire them.

Brown: We need people and we need some money to pay them.

Fletcher: You got it. Hire them.

Watson: Hold on. That is neither here nor there - whether we should be putting them in or not if you've got plenty of people.

Peacock: If you take some of them out of them trucks that's riding around the County not working, and put them out there on a grader, you might get something graded.

Brown: They are doing a job.

Dixon: Mr. Chairman.

Watson: You get back to this.

Peacock: O.K. Let's get back to this.

Watson: We get back to the proper use of the gas tax money and installing culverts. Is it proper to be using gas tax money to be doing this private work? The answer is no.

McGill: I paid for mine.

Richmond: You paid for yours. That is a closer question than private roads.

- Dixon: What, but, I mean, that to me now, would be considered right-of-way work. I mean, to maintain the right-of-way, to maintain the flow of water, all of that is for the public good.
- Richmond: If you have private contractors putting culverts in a public right-of-way, what happens if they don't put it in right? It creates more problems. It ought to be done by someone who knows what they are doing and how it fits into the county system. That is the only justification.
- Dixon: Or either done by somebody who knows what they are doing or inspected by someone who knows what they are doing.
- Richmond: That may be.
- Dixon: That's a way to get away from that. If, for the County to still maintain the regulation of the installation of culverts.
- Watson: There are culverts going in but we are not regulating. The problem is going to be
- Dixon: Right, but we should be regulating them because, if the water backs up, we are responsible for it. Now, even if we don't do,
- Watson: I think Mr. Sherman could tell us how, I know they inspected my culvert site or somebody did. I had to stick a little flag up in the drive-way.
- Dixon: We should inspect them whether we install them or not. But that goes back to another thing. If there are vendors out there who can do it, then, and we serve no purpose in the market other than to undercut private enterprise, we shouldn't be doing it. Come on. Haven't we all been reading in the newspaper about how America is getting back to smaller government. More and more with their dollars. If they are out there, there are vendors out there that will do it, let them do it. What purpose do we serve by installing culverts. Just tell me. I want to know.
- Peacock: I ain't got no problem with letting vendors do it. But we need, the Board needs to make up our mind which way we want to go on it. They haven't done it in the past. In some cases we go out there and install one and then 3 weeks later when someone comes in wanting one, we tell

them "no, we can't do it". We need to be consistent with what they are doing.

Dixon: Well, I offer a motion Mr. Chairman if I am in order.

Peacock: You are in order.

A MOTION WAS MADE BY COMMISSIONER DIXON TO DECLINE ANY FUTURE REQUESTS TO INSTALL CULVERTS FOR PRIVATE CONSUMPTION BUT MAINTAIN THE RESPONSIBILITY OF INSPECTING ALL INSTALLED CULVERTS IN GADSDEN COUNTY. THE MOTION WAS SECONDED BY COMMISSIONER WATSON.

Mr. Sherman voiced concern that the County does not have a manual which defines the County's specifications for private installation of culverts.

QUESTION WAS CALLED BY COMMISSIONER FLETCHER.

THE BOARD VOTED 4 - 1 IN FAVOR OF THE MOTION. COMMISSIONER FLETCHER CAST THE LONE DISSENTING VOTE.

An unidentified member of the audience asked for clarification on the motion.

Chairman Peacock explained that the motion would effectively eliminate the responsibility of the Gadsden County Public Works Department to install culverts for private use.

Other County Departments

Mr. Lugod stated that his budget is derived from the gasoline taxes and the Florida Statutes are very clear on how the gas taxes may be spent. He asked that whenever the Road and Bridge Department is requested to perform tasks not related to roads and bridges that it be approved by the Board and specify from where the money will come because he cannot use the gas tax money to pay those types of expenses.

Mr. Lugod then pointed out that his department is charged with a tremendous responsibility and yet it is very short in resources. He emphasized the need to concentrate on the main issues facing the County.

Commissioner Dixon acknowledged there are obvious reasons Mr. Lugod's frustrations.

Commissioner Watson stated that just because things have been done a certain way in the past, is not sufficient reason to continue doing it.

Mrs. Miller indicated that the Road and Bridge Department has, in the past, performed such tasks as hauling voting machines to precincts; digging out an area for a parking lot for the Sheriff; trimming trees for SHIP tour of homes, etc.

Attorney Richmond stated that if the Road and Bridge Department is expected to perform such miscellaneous chores, the money needs to be derived from a source other than the gas tax.

Commissioner Dixon stated that there should be some mechanism in place to charge those types of expenses to the department requesting the services.

Attorney Richmond stated that in the past, those expenses have been charged to the various departments using the services.

ADJOURNMENT

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

James Peacock, Chairman

ATTEST:

Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE BOARD OF
COUNTY COMMISSIONERS, HELD IN AND
FOR GADSDEN COUNTY, FLORIDA ON
NOVEMBER 21, 1995, THE FOLLOWING
PROCEEDINGS WERE HAD, VIZ.

PRESENT: JAMES PEACOCK, CHAIRMAN
E. HENTZ FLETCHER, VICE CHAIRMAN
BILL MCGILL
JAMES PEACOCK
STERLING WATSON
HAL RICHMOND, COUNTY ATTORNEY
NICHOLAS THOMAS, CLERK

ABSENT: BETTY MILLER, COUNTY MANAGER

CALL TO ORDER

Chairman Peacock called the meeting to order. Commissioner Watson led in pledging allegiance to the U.S. Flag. Chairman Peacock then led in prayer.

ADOPTION OF THE AGENDA

Chairman Peacock asked to amend the agenda by putting the election of the new chairman and vice-chairman (No. 4) to the end of the agenda (No.13)

UPON MOTION OF COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER WATSON THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO AMEND THE AGENDA AS STATED ABOVE.

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO ADOPT THE AGENDA AS AMENDED.

APPROVAL OF MINUTES

November 7, 1995 Construction Industry Licensing Board

UPON MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE MINUTES OF THE NOVEMBER 7, 1995 CONSTRUCTION INDUSTRY LICENSING BOARD.

November 7, 1995 Regular Meeting

UPON MOTION OF COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0, BY VOICE VOTE TO

APPROVE THE MINUTES OF THE REGULAR MEETING OF NOVEMBER 7, 1995.

COUNTY ATTORNEY

PUBLIC HEARING - BUILDING CODE ORDINANCE

Mr. Hal Richmond announced a public hearing for the adoption of the Standard Building Code - 1994 Edition, Standard Gas Code - 1994 Edition, Standard Mechanical Code - 1994 Edition, Standard Plumbing Code - 1994 Edition, National Electrical Code - 1993 Edition, CABO One and Two Family Dwelling Code - 1995 Edition with Addition of Section 1606 of the Standard Building Code - 1994 Edition, NFPA 101 Life Safety Code - 1994 Edition, and the 1994 Standard Fire Prevention Code. This new ordinance repeals 85-012 and 91-001. He read the title of the ordinance into the record then called for public comments.

Chairman Peacock called for comments from the audience and the Board. There was no opposition to the ordinance.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE AND ADOPT THE BUILDING CODE ORDINANCE AS PRESENTED.

HOSPITAL BOND REFINANCING

Mr. Bob Olive, Attorney from Bryant, Miller & Olive, P.A. asked the Board to authorize the Clerk to advertise a Notice of Intent to adopt an ordinance for refinancing of the hospital bonds.

UPON MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO AUTHORIZE THE COUNTY CLERK TO ADVERTISE THE NOTICE OF INTENT TO ADOPT A NEW ORDINANCE PROVIDING FOR THE ISSUANCE NOT TO EXCEED \$4,750,000 OF GADSDEN COUNTY, FLORIDA GENERAL OBLIGATION HOSPITAL REFUNDING BONDS, SERIES 1995, WHICH WILL BE PAYABLE FROM THE NET REVENUES OF THE GADSDEN COUNTY HOSPITAL AND ALSO PAYABLE FROM AD VALOREM TAXATION, AND WHICH WILL BE ISSUED FOR THE PURPOSE OF CURRENTLY REFUNDING ALL OF THE OUTSTANDING GADSDEN COUNTY, FLORIDA GENERAL OBLIGATION HOSPITAL REFUNDING BONDS, SERIES 1987 WHICH WERE ISSUED TO ADVANCE REFUND THE GADSDEN COUNTY, FLORIDA GENERAL OBLIGATION HOSPITAL BONDS, SERIES 1982 WHICH WERE ISSUED TO FINANCE THE ACQUISITION OF A SITE FOR AND THE CONSTRUCTION AND EQUIPPING OF THE GADSDEN COUNTY HOSPITAL; PROVIDING FOR THE LEVY OF NECESSARY AD VALOREM TAXES; PROVIDING FOR OTHER COVENANTS WITH RESPECT TO THE BOND

HOLDERS; PROVIDING CERTAIN OTHER MATTERS IN CONNECTION THEREWITH; AND PROVIDING AN EFFECTIVE DATE.
Special Meeting - December 7, 1995 - 1:00 p.m.

UPON MOTION OF COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0 TO SET A SPECIAL MEETING ON DECEMBER 7, 1995 AT 1:00 P.M. FOR THE PURPOSE OF AWARDING THE HOSPITAL BONDS.

Resolution - Hospital Bonds

UPON MOTION OF COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0 TO ADOPT A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF GADSDEN COUNTY, FLORIDA AUTHORIZING AND APPROVING THE DISTRIBUTION OF A PRELIMINARY OFFICIAL STATEMENT IN CONNECTION WITH THE COUNTY'S NOT TO EXCEED \$4,750,000 GENERAL OBLIGATION HOSPITAL REFUNDING BONDS, SERIES 1995; AUTHORIZING THE CHAIRMAN TO DEEM SUCH PRELIMINARY OFFICIAL STATEMENT FINAL EXCEPT FOR CERTAIN PERMITTED OMISSIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

PLANNING AND ZONING ISSUES

Mr. Mike Sherman, growth management director, presented the following projects for final approval.

267 Development Company Project #95PZ-30-207-11-4

Mr. Sam Rudd and Mr. Larry Morey of the 267 Development Company petitioned the County for a development order for the construction of a convenience store and fast-food restaurant. The location of the proposed development is at the southeast corner of the intersection of CR 267 and CR 267A. The subject parcel is approximately 2.26 acres. The owner of the property is G.W. Byrd. et.al.

The planning department staff recommended approval subject to special conditions listed in the attached memo.

The Planning Commission recommended approval subject to special conditions as listed in the attached memo.

Mr. Richmond advised the Board to withhold any action on the project until a later meeting allowing him time to study case law pertinent to this type project. He called attention to the fact that there is a church within 1,000 ft. of the proposed site which could cause some controversy.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO TABLE THE ISSUE UNTIL A LATER MEETING.

Harris Flea Market - Project #95PZ - 31-205-11-4

Mr. Charles Harris petitioned the County for a development order for the development of a site and construction of a building to conduct and operate a flea market. Proposed flea market will operate on weekends only. The site is located on the south side of US 90 approximately .30 of a mile west of the intersection of US 90 and CR 274 (Bostick Road). The proposed site for development is approximately 13 acres + or -, with 410 feet of road frontage on US 90.

The planning staff recommended approval.

The Planning Commissioner recommended approval.

A MOTION WAS MADE BY COMMISSIONER WATSON AND SECONDED BY COMMISSIONER FLETCHER, TO APPROVE THE HARRIS FLEA MARKET.

DISCUSSION FOLLOWED REGARDING THE REQUEST TO OPERATE VEGETABLE DISTRIBUTION (PINHOOKING) OPERATING.

QUESTION WAS CALLED BY COMMISSIONER MCGILL.

THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE PROJECT SUBJECT STRICT ADHERENCE TO THE SPECIAL CONDITIONS AS LISTED IN THE DEVELOPMENT ORDER.

Strauss Variance Request - Project #95PZ-32-205-11-5

Mr. Fred Strauss requested a front setback variance from the requirements of the county land development code. During construction of his garage, Mr. Strauss, built a portion of the garage in the designated setback area. Mr. Strauss requested a variance of approximately 23 feet from the 35 foot setback requirement. The parcel is not in a recorded subdivision. The parcel is located in Section 27, Township 1 North, Range 4 West. The southern boundary of the property is adjacent to Lake Talquin.

The planning staff recommended approval.

The Planning Commission recommended approval.

UPON MOTION OF COMMISSIONER WATSON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE SET BACK VARIANCE FOR FRED STRAUSS SUBJECT TO THE SPECIAL CONDITIONS AS LISTED IN THE ATTACHED MEMO.

American Jai - Lai - Project #95PZ-33-204-11-3

American Jai - Lai, Inc. petitioned the County for a permit to re-open the former Big Bend Jai-Alai Fronton. The applicant requested approval from the County for wagering on simulcasts of dog and horse racing and Jai-Alai. The proposed commercial activity is located at the former Big Bend Jai-Alai Fronton. The parcel of land is located adjacent to CR 270A, south of the I-10 interchange. The applicant is American Jai-Alai, Inc. The applicants representative is Mr. Luvie Pitts. The applicant's address is American Jai-Alai., Rt. 1 Box 1251, Chattahoochee, FL. 32324.

The planning staff recommended approval subject to the special conditions as listed in the attached memo.

The Planning Commission recommended approval subject to the special conditions listed in the attached memo.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 1, BY VOICE VOTE, TO APPROVE THE AMERICAN JAI-LAI PROJECT. COMMISSIONER WATSON CAST THE LONE DISSENTING VOTE.

Morgan/Lambert Subdivision - Project #95PZ-34-201-11-1

Mr. Paul Morgan, III petitioned the County for conceptual plat consideration for the Morgan/Lambert Subdivision. The surveyor of record is Mr. John Clark, III, PLS.

The planning staff recommended approval subject to the special conditions as listed in the attached memo.

The Planning Commission recommended approval subject to the special conditions as listed in the attached memo.

UPON MOTION OF COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE TO APPROVE THE CONCEPTUAL PLAT FOR THE MORGAN/LAMBERT SUBDIVISION SUBJECT TO THE SPECIAL CONDITIONS AS LISTED IN THE ATTACHED MEMO.

Carla Harrison Variance Request - Project #95PZ-36-207-11-5

Ms. Carla Harrison requested a front setback variance from the requirements of the county land development code. Ms. Harrison has moved a mobile home onto her property and set up. The mobile home has been placed within the required 35' designated setback area. Ms. Harrison requested a variance of approximately 23 feet from the front setback requirement. The parcel is not in a recorded subdivision. The parcel is located in Section 19, Township 3 North, Range 3 West. The parcel is located in District 5, approximately .10 mile east of Armstead Rd.

The planning staff recommended approval subject to the special conditions as listed in the attached memo.

The Planning Commission recommended approval subject to the special conditions as listed in the attached memo.

UPON MOTION OF COMMISSIONER WATSON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE HARRISON VARIANCE.

Fisherman's Headquarters - Project #95PZ-37-207-11-5

Mr. Richard Keel petitioned the Board for a development order for the development of a convenience/grocery store and fisherman's supply store. The proposed development is located at the northwest corner of the intersection of CR 267 and CR 65B. The parcel is located in Section 48 of the Little River Subdivision. The proposed site for development of the commercial store area is approximately 2 miles + or -.

The planning staff recommended approval subject to the special conditions as listed in the attached memo.

The Planning Commission recommended approval subject to the special conditions as listed in the attached memo.

UPON MOTION OF COMMISSIONER AND SECOND BY COMMISSIONER THE BOARD VOTED 5 - 0 TO APPROVE THE FISHER'S HEADQUARTERS PROJECT SUBJECT TO THE SPECIAL CONDITIONS AS LISTED IN THE ATTACHED MEMO.

CITY OF QUINCY PARKING LOT - CDBG GRANT

Mr. David Hines of Julian Webb & Associates briefed the Board on the progress of the Courthouse annex parking lot. He asked the Board to authorize him to seek a stormwater permit for the project.

A MOTION WAS MADE BY COMMISSIONER FLETCHER AND SECONDED BY COMMISSIONER WATSON TO AUTHORIZE JULIAN WEBB AND ASSOCIATES TO SEEK A STORMWATER PERMIT FOR THE COURTHOUSE ANNEX PARKING LOT PROJECT.

Discussion followed.

Commissioner Dixon voiced concern that Mr. Lugod had not been more involved in the project on the County's behalf.

COMMISSIONER FLETCHER CALLED THE QUESTION.

CHAIRMAN PEACOCK CALLED FOR VOTE. THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE MOTION AS STATED ABOVE.

ECONOMIC DEVELOPMENT

Mr. Rick McCaskill, Executive Director of Gadsden Chamber of Commerce, reported that Gadsden County was awarded \$288,000 from the Road Fund Grant to pave a road in Fortune Park. He then reported that the Flying J Truck stop will be closing very soon.

Other economic development updates are listed in the attached memo.

COUNTY MANAGER

County Manager Betty Miller was not present.

CONSENT AGENDA

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

- 1) **Appointment of Construction Industry Licensing Board and Board of Adjustment & Appeals**
Dick Lee - 3 years
William N. McMillan - 2 years
Michael Francis - 3 years
Rev. James O. Caldwell (Alternate) - 1 year
James Brown, Jr. - 2 years
Wallace Ellis - member at large - 1 year
Tony Colvin - 2 years
Odis Lyons - 3 years
Henry P. Black - 1 year

- 2) Contractor's Application and Certificate for Payment No. 2 (\$12,031.20) Tupelo Construction - Facade Renovation to CATO Building (attached)
- 3) Approval for Payment to Talquin Construction for Cato Building framing and electric - \$12,500. (attached)
- 4) EMS Write-off for Bad Debts (attached)
- 5) SHIP Assessment Liens (attached)
Mary Johnson
Alberta Wilder
Florine Thomas
- 6) NARC Grant Final Project Report FY 94-95
95-CJ-1Z-02-30-01-163

CLERK OF COURT

FY 94/95 Financial Statements

Clerk Thomas presented the year end financial statement indicating that the County had a good year financially.

Budget Amendments

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE BUDGET AMENDMENTS 95-11-21-01 THROUGH 95-11-21-03.

Ratification of Payment of County Bills

UPON MOTION OF COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE PAYMENT OF THE COUNTY BILLS.

ELECTION OF NEW CHAIRMAN

UPON MOTION OF COMMISSIONER WATSON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE COMMISSIONER FLETCHER AS THE BOARD'S CHAIRMAN.

Commissioner Peacock turn the gavel over to the new Chairman Fletcher.

ELECTION OF VICE CHAIRMAN

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE COMMISSIONER MCGILL AS THE BOARD'S VICE-CHAIRMAN.

DISTRICT 1 REPORT

Commissioner McGill reminded the Board of the proposal he had provided to each of them at the last meeting. He urged them to make their comments known to him.

DISTRICT 2 REPORT

Commissioner Watson had no report.

DISTRICT 3 REPORT

Commissioner Peacock had no report.

DISTRICT 4 REPORT

Chairman Fletcher had no report.

DISTRICT 5 REPORT

Commissioner Dixon reminded the members of the upcoming legislative conference to be held in Tallahassee. He encouraged each commissioner to attend and actively participate.

Commissioner Watson asked Commissioner Dixon to brief him on the issues to which they should be particularly attentive.

Commissioner Dixon pointed out the rising Medicaid costs to the County and the terrific impact it has on the County's Budget.

ADJOURNMENT

There being no other business, Chairman Fletcher declared the meeting adjourned.

James Peacock, Out-going Chairman

ATTEST:

Nicholas Thomas, Clerk

4. **AMERICAN JAI - LAI - Project #95PZ-33-204-11-3**

SUMMARY OF PROPOSED ACTIVITY

The Gadsden County Board of County Commissioners have been petitioned by American Jai-Alai, Inc. for a permit to re-open the former Big Bend Jai-Alai Fronton. The applicant is requesting approval from the County for wagering on simulcasts of dog and horse racing and Jai-Alai. The proposed commercial activity is located at the former Big Bend Jai-Alai Fronton. The parcel of land is located adjacent to CR 270A, south of the I-10/CR 270A interchange. The applicant is **American Jai-Alai, Inc.** The applicants representative is Mr. Luvie Pitts. The applicant's address is American Jai-Alai, Inc., Rt 1, Box 1251, Chattahoochee, FL 32324.

A. COMMENTS/NOTES

- (1) The parcel is situated in a Commercial land use category. This is designated on the Future Land Use Map. The parcel of land which is devoted to the gaming operations is approximately 4.5 acres with 12 acres designated for parking.
- (2) The original Jai-Alai operation opened in January 27, 1978 and closed in 1991.
- (3) A package wastewater treatment facility will be used for treatment of wastewater effluent generated from the facility.
- (4) Central water services are not available to serve the development, therefore, a deep well must be used.
- (5) Traffic access is from CR 270A. There is presently one driveway.
- (6) 1080 parking spaces area available.

B. SPECIAL CONDITIONS

- (1) Wastewater permits from the FDEP must be obtained by the applicant, prior to operation of the facility. If a septic tank system will be used for wastewater treatment, HRS permits must be obtained by the applicant.
- (2) Permits from the HRS for potable water services must be obtained prior to operation of the facility.

- (3) License and permits must be obtained from the Department of Business and Professional Regulations, Division of Parimutuel Wagering.
- (4) Parking lot shall be cleaned and sealed. Parking spaces must be restriped. Handicap parking facilities shall be provided according to the Standard Building Code. Applicant proposes to provide twelve (12) handicap parking spaces. Standard Building code requires twelve (12).
- (5) Existing stormwater management areas must be maintained.
- (6) Building improvements as may be required by the Building Official shall be followed.

C. **PLANNING STAFF RECOMMENDATION**

APPROVAL, subject to the above listed conditions.

PLANNING COMMISSION RECOMMENDATION

APPROVAL, subject to the special conditions.

GADSDEN COUNTY
DEPARTMENT OF GROWTH MANAGEMENT
DIVISION OF PLANNING
5 EAST JEFFERSON STREET
POST OFFICE BOX 1799
QUINCY, FLORIDA
TELEPHONE (904) 875-8663

12 acres parking
200K\$
35 TOTAL -
23 ACRES

DEVELOPMENT PERMIT APPLICATION

1. AMERICAN JAI-ALAI, INC
NAME OF DEVELOPMENT

2. Type of Development/Business proposed:

- ☒ Commercial
☐ Industrial
☐ Commercial/Residential
☐ Residential

3. Proposed Development:

- a. ☐ Subdivide land into lots for sale
b. ☐ Subdivide land and construct site built homes
c. ☐ Designation of lots for rent
d. ☐ Establish a Mobile Home Park
e. ☐ Develop a Commercial operation/business
f. ☐ Develop a Industrial operation/business
g. ☒ Initiate a commercial business in an existing facility
h. ☐ Request for Variance
i. ☐ Other

4. Site Plan

A site plan showing proposed and existing roads, number of lots or units, lots design and acreage, natural features such as streams, water bodies, wetlands, flood prone areas, existing buildings and adjacent land uses. Also include section, township, and range, parcel account number, as assigned by the Property Appraiser's office and total acreage of the site. A smaller map should be included with the site plan to show the relative location of the site. Include a north arrow and thirty (30) copies of the site plan should be submitted with the application.

— TO BE PROVIDED

5. Environmental considerations

The adequacy of sanitary sewer and potable water is determined by the Gadsden County Environmental Health Department. These areas of concern must be coordinated with that Department.

a. The water for this development will be provided by:

- ☐ Well
☐ Central Water System
☒ PRIVATE SYSTEM

b. The sewage for this development will be provided by:

- ☐ Septic Tank
☐ Central Sewage System
☒ PACKAGE PLANT

c. Is the whole site or any part of it adjacent to or in a designated flood prone or wetland area? (These maps are available for review in the

Division of Planning)

☒ No
☐ Yes

If yes, what steps will be taken to mitigate the potential negative effects?

d. Provisions for stormwater management as well as erosion and sedimentation control during construction are required. (Chapter 17-25, Regulation of Stormwater Discharge, Florida Department of Environmental Regulation (D.E.R.)). Briefly describe control measures to be taken during and after construction. A permit from D.E.R. may be required. Contact that Department at (904) 488-3704 for information. A development will not receive final approval until this matter is addressed.

6. Are there any known historical or archaeological sites in the property?

☒ No
☐ Yes

If yes, what steps will be taken to preserve these sites?

7. Are there any provisions for dedicated open or recreational space?

☒ No
☐ Yes

If yes, please indicate the area on the required site plan.

8. Is there adequate space for a vegetative or other type of buffer between this use and the adjacent if determined to be necessary?

☒ No
☒ Yes - IF NECESSARY

If yes, please indicate the area and type buffer on the required site plan.

9. Are there any deed or any other typed of restrictions that would conflict with the proposed use of this property?

☒ No
☐ Yes

If yes, please explain.

DEVELOPMENT REVIEW PROCESSING FEES

- A. Conceptual (Initial Application) - \$350.00
B. Preliminary Plat Review - \$250.00
 Each lot over 10 - \$10.00
C. Final Plat Review - \$150.00

Proposals to use a property, to establish a business or change a business or any other application including request for a variance, which does not require Preliminary or Final Plat review, where only approval and agreements are necessary - \$350.00.

ORDINANCE FEES

- 90-002 - Subdivision Ordinance for Gadsden County - \$5.00 each.
90-003 - Development Review Code for Gadsden County - \$2.50 each.
89-001 - Mobile Home Park Regulation for Gadsden County - \$2.50 each.

- Development Review Information for Gadsden County - \$1.00 each.
- Other Applicable Regulation Ordinances - \$2.50 each.

Initial development applications and fees (for conceptual review) must be received fifteen (15) working days prior to the meeting of the Planning and Zoning Commission in order to be processed as outlined in the Gadsden County Subdivision Ordinance #90-002. The Commission meeting is held the first Wednesday of each month at 6:00 P.M. The applicant or their representative must attend the meeting. If the applicant or a representative is unable to attend the meeting notification must be provided to the Division of Planning and Zoning at least eight (8) hours prior to the meeting or the application fee is forfeited.

"I understand it is the responsibility of the developer to obtain all permits and comply with requirements of all agencies having jurisdiction in the proposed development. It is further acknowledged that failure to comply with development procedures set forth in the Development Review Process (County Ordinance #90-002 and #90-003, shall be prima facie evidence to support recourse action contained in Ordinance #90-002."

American JAL-4141 COMP 904-442-4111
 APPLICANT NAME (Print) TELEPHONE NO. (Home and Work)

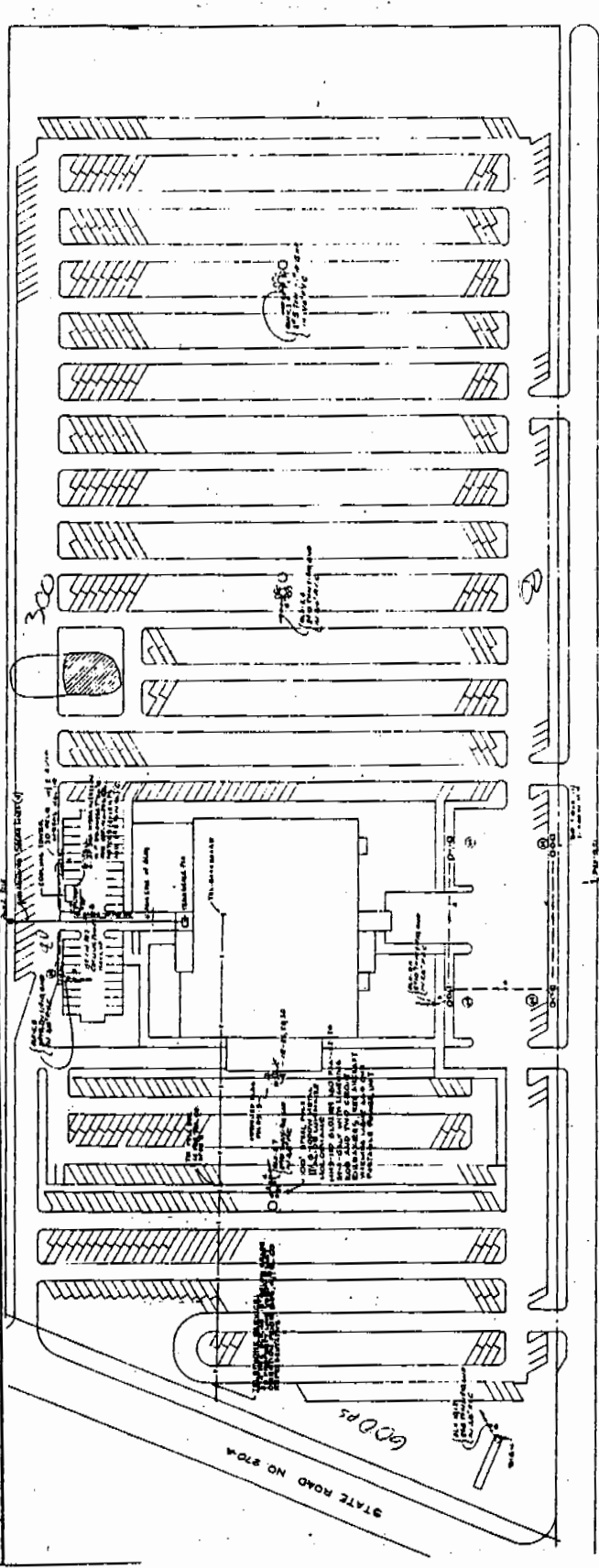
RT 1 Box 1251 Chaff: F132324
 APPLICANT ADDRESS

Lewie Pett Supt. 10-13-95
 APPLICANT SIGNATURE DATE

Contact Reference Numbers:

Department of Environmental Regulation -----(904) 488-3704
 Department of Environmental Health -----(904) 875-7200
 Division of Building Inspections -----(904) 875-8665
 Division of Planning and Zoning -----(904) 875-8663
 Northwest Florida Water Management District --- (904) 539-5999

ELECTRICAL		LEGEND		NOTES	
1	SWITCH	2	SWITCH	3	SWITCH
4	SWITCH	5	SWITCH	6	SWITCH
7	SWITCH	8	SWITCH	9	SWITCH
10	SWITCH	11	SWITCH	12	SWITCH
13	SWITCH	14	SWITCH	15	SWITCH
16	SWITCH	17	SWITCH	18	SWITCH
19	SWITCH	20	SWITCH	21	SWITCH
22	SWITCH	23	SWITCH	24	SWITCH
25	SWITCH	26	SWITCH	27	SWITCH
28	SWITCH	29	SWITCH	30	SWITCH
31	SWITCH	32	SWITCH	33	SWITCH
34	SWITCH	35	SWITCH	36	SWITCH
37	SWITCH	38	SWITCH	39	SWITCH
40	SWITCH	41	SWITCH	42	SWITCH
43	SWITCH	44	SWITCH	45	SWITCH
46	SWITCH	47	SWITCH	48	SWITCH
49	SWITCH	50	SWITCH	51	SWITCH
52	SWITCH	53	SWITCH	54	SWITCH
55	SWITCH	56	SWITCH	57	SWITCH
58	SWITCH	59	SWITCH	60	SWITCH
61	SWITCH	62	SWITCH	63	SWITCH
64	SWITCH	65	SWITCH	66	SWITCH
67	SWITCH	68	SWITCH	69	SWITCH
70	SWITCH	71	SWITCH	72	SWITCH
73	SWITCH	74	SWITCH	75	SWITCH
76	SWITCH	77	SWITCH	78	SWITCH
79	SWITCH	80	SWITCH	81	SWITCH
82	SWITCH	83	SWITCH	84	SWITCH
85	SWITCH	86	SWITCH	87	SWITCH
88	SWITCH	89	SWITCH	90	SWITCH
91	SWITCH	92	SWITCH	93	SWITCH
94	SWITCH	95	SWITCH	96	SWITCH
97	SWITCH	98	SWITCH	99	SWITCH
100	SWITCH	101	SWITCH	102	SWITCH
103	SWITCH	104	SWITCH	105	SWITCH
106	SWITCH	107	SWITCH	108	SWITCH
109	SWITCH	110	SWITCH	111	SWITCH
112	SWITCH	113	SWITCH	114	SWITCH
115	SWITCH	116	SWITCH	117	SWITCH
118	SWITCH	119	SWITCH	120	SWITCH
121	SWITCH	122	SWITCH	123	SWITCH
124	SWITCH	125	SWITCH	126	SWITCH
127	SWITCH	128	SWITCH	129	SWITCH
130	SWITCH	131	SWITCH	132	SWITCH
133	SWITCH	134	SWITCH	135	SWITCH
136	SWITCH	137	SWITCH	138	SWITCH
139	SWITCH	140	SWITCH	141	SWITCH
142	SWITCH	143	SWITCH	144	SWITCH
145	SWITCH	146	SWITCH	147	SWITCH
148	SWITCH	149	SWITCH	150	SWITCH
151	SWITCH	152	SWITCH	153	SWITCH
154	SWITCH	155	SWITCH	156	SWITCH
157	SWITCH	158	SWITCH	159	SWITCH
160	SWITCH	161	SWITCH	162	SWITCH
163	SWITCH	164	SWITCH	165	SWITCH
166	SWITCH	167	SWITCH	168	SWITCH
169	SWITCH	170	SWITCH	171	SWITCH
172	SWITCH	173	SWITCH	174	SWITCH
175	SWITCH	176	SWITCH	177	SWITCH
178	SWITCH	179	SWITCH	180	SWITCH
181	SWITCH	182	SWITCH	183	SWITCH
184	SWITCH	185	SWITCH	186	SWITCH
187	SWITCH	188	SWITCH	189	SWITCH
190	SWITCH	191	SWITCH	192	SWITCH
193	SWITCH	194	SWITCH	195	SWITCH
196	SWITCH	197	SWITCH	198	SWITCH
199	SWITCH	200	SWITCH	201	SWITCH
202	SWITCH	203	SWITCH	204	SWITCH
205	SWITCH	206	SWITCH	207	SWITCH
208	SWITCH	209	SWITCH	210	SWITCH
211	SWITCH	212	SWITCH	213	SWITCH
214	SWITCH	215	SWITCH	216	SWITCH
217	SWITCH	218	SWITCH	219	SWITCH
220	SWITCH	221	SWITCH	222	SWITCH
223	SWITCH	224	SWITCH	225	SWITCH
226	SWITCH	227	SWITCH	228	SWITCH
229	SWITCH	230	SWITCH	231	SWITCH
232	SWITCH	233	SWITCH	234	SWITCH
235	SWITCH	236	SWITCH	237	SWITCH
238	SWITCH	239	SWITCH	240	SWITCH
241	SWITCH	242	SWITCH	243	SWITCH
244	SWITCH	245	SWITCH	246	SWITCH
247	SWITCH	248	SWITCH	249	SWITCH
250	SWITCH	251	SWITCH	252	SWITCH
253	SWITCH	254	SWITCH	255	SWITCH
256	SWITCH	257	SWITCH	258	SWITCH
259	SWITCH	260	SWITCH	261	SWITCH
262	SWITCH	263	SWITCH	264	SWITCH
265	SWITCH	266	SWITCH	267	SWITCH
268	SWITCH	269	SWITCH	270	SWITCH
271	SWITCH	272	SWITCH	273	SWITCH
274	SWITCH	275	SWITCH	276	SWITCH
277	SWITCH	278	SWITCH	279	SWITCH
280	SWITCH	281	SWITCH	282	SWITCH
283	SWITCH	284	SWITCH	285	SWITCH
286	SWITCH	287	SWITCH	288	SWITCH
289	SWITCH	290	SWITCH	291	SWITCH
292	SWITCH	293	SWITCH	294	SWITCH
295	SWITCH	296	SWITCH	297	SWITCH
298	SWITCH	299	SWITCH	300	SWITCH



SITE PLAN

SCALE 1/8" = 1'-0"

RICHARD C. REILLY

ENGINEER

11 HARRISDALE, FLORIDA

PHONE 341-8341

BIG BEND JAI-ALAI FRONTON

FLORIDA

GADSDEN COUNTY

DATE 9/27/76

PROJECT SITE PLAN

CLIENT JAI-ALAI FRONTON

LOCATION BIG BEND, FLORIDA

DESIGNER R. C. REILLY

DATE 9/27/76

PROJECT SITE PLAN

CLIENT JAI-ALAI FRONTON

LOCATION BIG BEND, FLORIDA

DESIGNER R. C. REILLY

**GADSDEN COUNTY
BOARD OF COUNTY COMMISSIONERS**

Betty Miller
County Manager

Hal Richmond
County Attorney

Michael Sherman
Director

5 East Jefferson Street
Post Office Box 1799
Quincy, Florida 32353
Telephone (904) 875-8663
Telefax (904) 875-8655

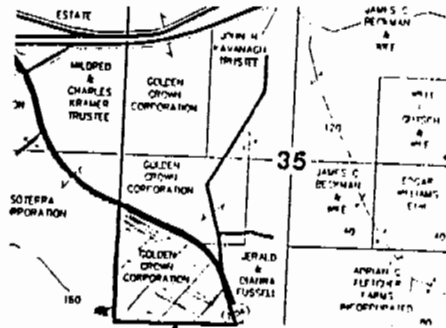
William McGill
District 1
Sterling Watson
District 2
James Peacock
District 3
Hentz Fletcher
District 4
Edward Dixon
District 5

**DEPARTMENT OF GROWTH MANAGEMENT
Division of Planning/ Division of Building Inspection
Division of Code Enforcement**

October 20, 1995

NOTICE OF DEVELOPMENT

This NOTICE is to inform you of the following development, which may lie within 1000 feet of your property. The Gadsden County Board of County Commissioners have been petitioned by American Jai-Alai, Inc. for a permit to re-open the former Big Bend Jai-Alai Fronton. The applicant is requesting approval to conduct simulcasting off-site betting (dogs and horses) and Jai-Alai.



The Planning Commission will hold a public hearing to review and receive public comment on this development on Wednesday, November 1, 1995 at 6:00 PM. The County Commission will hold a public hearing on the proposal on November 21 at 6:00 PM. Both Public Hearings will be held at the Gadsden County Courthouse, second floor courtroom, 10 East Jefferson Street in Quincy. If you have any questions in regards to this proposed project, contact the Planning Department directly at (904) 875-8663.

Sincerely,

Michael Sherman, Director
Department of Growth Management

c: F I L E

AT A REGULAR MEETING OF THE BOARD OF
COUNTY COMMISSIONERS, HELD IN AND
FOR GADSDEN COUNTY, FLORIDA ON
NOVEMBER 21, 1995, THE FOLLOWING
PROCEEDINGS WERE HAD, VIZ.

PRESENT: JAMES PEACOCK, CHAIRMAN
E. HENTZ FLETCHER, VICE CHAIRMAN
BILL MCGILL
JAMES PEACOCK
STERLING WATSON
HAL RICHMOND, COUNTY ATTORNEY
NICHOLAS THOMAS, CLERK

ABSENT: BETTY MILLER, COUNTY MANAGER

CALL TO ORDER

Chairman Peacock called the meeting to order. Commissioner Watson led in pledging allegiance to the U.S. Flag. Chairman Peacock then led in prayer.

ADOPTION OF THE AGENDA

Chairman Peacock asked to amend the agenda by putting the election of the new chairman and vice-chairman (No. 4) to the end of the agenda (No.13)

UPON MOTION OF COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER WATSON THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO AMEND THE AGENDA AS STATED ABOVE.

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO ADOPT THE AGENDA AS AMENDED.

APPROVAL OF MINUTES

November 7, 1995 Construction Industry Licensing Board

UPON MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE MINUTES OF THE NOVEMBER 7, 1995 CONSTRUCTION INDUSTRY LICENSING BOARD.

November 7, 1995 Regular Meeting

UPON MOTION OF COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0, BY VOICE VOTE TO

APPROVE THE MINUTES OF THE REGULAR MEETING OF NOVEMBER 7, 1995.

COUNTY ATTORNEY

PUBLIC HEARING - BUILDING CODE ORDINANCE

Mr. Hal Richmond announced a public hearing for the adoption of the Standard Building Code - 1994 Edition, Standard Gas Code - 1994 Edition, Standard Mechanical Code - 1994 Edition, Standard Plumbing Code - 1994 Edition, National Electrical Code - 1993 Edition, CABO One and Two Family Dwelling Code - 1995 Edition with Addition of Section 1606 of the Standard Building Code - 1994 Edition, NFPA 101 Life Safety Code - 1994 Edition, and the 1994 Standard Fire Prevention Code. This new ordinance repeals 85-012 and 91-001. He read the title of the ordinance into the record then called for public comments.

Chairman Peacock called for comments from the audience and the Board. There was no opposition to the ordinance.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE AND ADOPT THE BUILDING CODE ORDINANCE AS PRESENTED.

HOSPITAL BOND REFINANCING

Mr. Bob Olive, Attorney from Bryant, Miller & Olive, P.A. asked the Board to authorize the Clerk to advertise a Notice of Intent to adopt an ordinance for refinancing of the hospital bonds.

UPON MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO AUTHORIZE THE COUNTY CLERK TO ADVERTISE THE NOTICE OF INTENT TO ADOPT A NEW ORDINANCE PROVIDING FOR THE ISSUANCE NOT TO EXCEED \$4,750,000 OF GADSDEN COUNTY, FLORIDA GENERAL OBLIGATION HOSPITAL REFUNDING BONDS, SERIES 1995, WHICH WILL BE PAYABLE FROM THE NET REVENUES OF THE GADSDEN COUNTY HOSPITAL AND ALSO PAYABLE FROM AD VALOREM TAXATION, AND WHICH WILL BE ISSUED FOR THE PURPOSE OF CURRENTLY REFUNDING ALL OF THE OUTSTANDING GADSDEN COUNTY, FLORIDA GENERAL OBLIGATION HOSPITAL REFUNDING BONDS, SERIES 1987 WHICH WERE ISSUED TO ADVANCE REFUND THE GADSDEN COUNTY, FLORIDA GENERAL OBLIGATION HOSPITAL BONDS, SERIES 1982 WHICH WERE ISSUED TO FINANCE THE ACQUISITION OF A SITE FOR AND THE CONSTRUCTION AND EQUIPPING OF THE GADSDEN COUNTY HOSPITAL; PROVIDING FOR THE LEVY OF NECESSARY AD VALOREM TAXES; PROVIDING FOR OTHER COVENANTS WITH RESPECT TO THE BOND

HOLDERS; PROVIDING CERTAIN OTHER MATTERS IN CONNECTION THEREWITH; AND PROVIDING AN EFFECTIVE DATE.
Special Meeting - December 7, 1995 - 1:00 p.m.

UPON MOTION OF COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0 TO SET A SPECIAL MEETING ON DECEMBER 7, 1995 AT 1:00 P.M. FOR THE PURPOSE OF AWARDING THE HOSPITAL BONDS.

Resolution - Hospital Bonds

UPON MOTION OF COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0 TO ADOPT A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF GADSDEN COUNTY, FLORIDA AUTHORIZING AND APPROVING THE DISTRIBUTION OF A PRELIMINARY OFFICIAL STATEMENT IN CONNECTION WITH THE COUNTY'S NOT TO EXCEED \$4,750,000 GENERAL OBLIGATION HOSPITAL REFUNDING BONDS, SERIES 1995; AUTHORIZING THE CHAIRMAN TO DEEM SUCH PRELIMINARY OFFICIAL STATEMENT FINAL EXCEPT FOR CERTAIN PERMITTED OMISSIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

PLANNING AND ZONING ISSUES

Mr. Mike Sherman, growth management director, presented the following projects for final approval.

267 Development Company Project #95PZ-30-207-11-4

Mr. Sam Rudd and Mr. Larry Morey of the 267 Development Company petitioned the County for a development order for the construction of a convenience store and fast-food restaurant. The location of the proposed development is at the southeast corner of the intersection of CR 267 and CR 267A. The subject parcel is approximately 2.26 acres. The owner of the property is G.W. Byrd. et.al.

The planning department staff recommended approval subject to special conditions listed in the attached memo.

The Planning Commission recommended approval subject to special conditions as listed in the attached memo.

Mr. Richmond advised the Board to withhold any action on the project until a later meeting allowing him time to study case law pertinent to this type project. He called attention to the fact that there is a church within 1,000 ft. of the proposed site which could cause some controversy.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO TABLE THE ISSUE UNTIL A LATER MEETING.

Harris Flea Market - Project #95PZ - 31-205-11-4

Mr. Charles Harris petitioned the County for a development order for the development of a site and construction of a building to conduct and operate a flea market. Proposed flea market will operate on weekends only. The site is located on the south side of US 90 approximately .30 of a mile west of the intersection of US 90 and CR 274 (Bostick Road). The proposed site for development is approximately 13 acres + or -, with 410 feet of road frontage on US 90.

The planning staff recommended approval.

The Planning Commissioner recommended approval.

A MOTION WAS MADE BY COMMISSIONER WATSON AND SECONDED BY COMMISSIONER FLETCHER, TO APPROVE THE HARRIS FLEA MARKET.

DISCUSSION FOLLOWED REGARDING THE REQUEST TO OPERATE VEGETABLE DISTRIBUTION (PINHOOKING) OPERATING.

QUESTION WAS CALLED BY COMMISSIONER MCGILL.

THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE PROJECT SUBJECT STRICT ADHERENCE TO THE SPECIAL CONDITIONS AS LISTED IN THE DEVELOPMENT ORDER.

Strauss Variance Request - Project #95PZ-32-205-11-5

Mr. Fred Strauss requested a front setback variance from the requirements of the county land development code. During construction of his garage, Mr. Strauss, built a portion of the garage in the designated setback area. Mr. Strauss requested a variance of approximately 23 feet from the 35 foot setback requirement. The parcel is not in a recorded subdivision. The parcel is located in Section 27, Township 1 North, Range 4 West. The southern boundary of the property is adjacent to Lake Talquin.

The planning staff recommended approval.

The Planning Commission recommended approval.

UPON MOTION OF COMMISSIONER WATSON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE SET BACK VARIANCE FOR FRED STRAUSS SUBJECT TO THE SPECIAL CONDITIONS AS LISTED IN THE ATTACHED MEMO.

American Jai - Lai - Project #95PZ-33-204-11-3

American Jai - Lai, Inc. petitioned the County for a permit to re-open the former Big Bend Jai-Alai Fronton. The applicant requested approval from the County for wagering on simulcasts of dog and horse racing and Jai-Alai. The proposed commercial activity is located at the former Big Bend Jai-Alai Fronton. The parcel of land is located adjacent to CR 270A, south of the I-10 interchange. The applicant is American Jai-Alai, Inc. The applicants representative is Mr. Luvie Pitts. The applicant's address is American Jai-Alai., Rt. 1 Box 1251, Chattahoochee, FL. 32324.

The planning staff recommended approval subject to the special conditions as listed in the attached memo.

The Planning Commission recommended approval subject to the special conditions listed in the attached memo.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 1, BY VOICE VOTE, TO APPROVE THE AMERICAN JAI-LAI PROJECT. COMMISSIONER WATSON CAST THE LONE DISSENTING VOTE.

Morgan/Lambert Subdivision - Project #95PZ-34-201-11-1

Mr. Paul Morgan, III petitioned the County for conceptual plat consideration for the Morgan/Lambert Subdivision. The surveyor of record is Mr. John Clark, III, PLS.

The planning staff recommended approval subject to the special conditions as listed in the attached memo.

The Planning Commission recommended approval subject to the special conditions as listed in the attached memo.

UPON MOTION OF COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE TO APPROVE THE CONCEPTUAL PLAT FOR THE MORGAN/LAMBERT SUBDIVISION SUBJECT TO THE SPECIAL CONDITIONS AS LISTED IN THE ATTACHED MEMO.

Carla Harrison Variance Request - Project #95PZ-36-207-11-5

Ms. Carla Harrison requested a front setback variance from the requirements of the county land development code. Ms. Harrison has moved a mobile home onto her property and set up. The mobile home has been placed within the required 35' designated setback area. Ms. Harrison requested a variance of approximately 23 feet from the front setback requirement. The parcel is not in a recorded subdivision. The parcel is located in Section 19, Township 3 North, Range 3 West. The parcel is located in District 5, approximately .10 mile east of Armstead Rd.

The planning staff recommended approval subject to the special conditions as listed in the attached memo.

The Planning Commission recommended approval subject to the special conditions as listed in the attached memo.

UPON MOTION OF COMMISSIONER WATSON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE HARRISON VARIANCE.

Fisherman's Headquarters - Project #95PZ-37-207-11-5

Mr. Richard Keel petitioned the Board for a development order for the development of a convenience/grocery store and fisherman's supply store. The proposed development is located at the northwest corner of the intersection of CR 267 and CR 65B. The parcel is located in Section 48 of the Little River Subdivision. The proposed site for development of the commercial store area is approximately 2 miles + or -.

The planning staff recommended approval subject to the special conditions as listed in the attached memo.

The Planning Commission recommended approval subject to the special conditions as listed in the attached memo.

UPON MOTION OF COMMISSIONER AND SECOND BY COMMISSIONER THE BOARD VOTED 5 - 0 TO APPROVE THE FISHER'S HEADQUARTERS PROJECT SUBJECT TO THE SPECIAL CONDITIONS AS LISTED IN THE ATTACHED MEMO.

CITY OF QUINCY PARKING LOT - CDBG GRANT

Mr. David Hines of Julian Webb & Associates briefed the Board on the progress of the Courthouse annex parking lot. He asked the Board to authorize him to seek a stormwater permit for the project.

A MOTION WAS MADE BY COMMISSIONER FLETCHER AND SECONDED BY COMMISSIONER WATSON TO AUTHORIZE JULIAN WEBB AND ASSOCIATES TO SEEK A STORMWATER PERMIT FOR THE COURTHOUSE ANNEX PARKING LOT PROJECT.

Discussion followed.

Commissioner Dixon voiced concern that Mr. Lugod had not been more involved in the project on the County's behalf.

COMMISSIONER FLETCHER CALLED THE QUESTION.

CHAIRMAN PEACOCK CALLED FOR VOTE. THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE MOTION AS STATED ABOVE.

ECONOMIC DEVELOPMENT

Mr. Rick McCaskill, Executive Director of Gadsden Chamber of Commerce, reported that Gadsden County was awarded \$288,000 from the Road Fund Grant to pave a road in Fortune Park. He then reported that the Flying J Truck stop will be closing very soon.

Other economic development updates are listed in the attached memo.

COUNTY MANAGER

County Manager Betty Miller was not present.

CONSENT AGENDA

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

- 1) **Appointment of Construction Industry Licensing Board and Board of Adjustment & Appeals**
Dick Lee - 3 years
William N. McMillan - 2 years
Michael Francis - 3 years
Rev. James O. Caldwell (Alternate) - 1 year
James Brown, Jr. - 2 years
Wallace Ellis - member at large - 1 year
Tony Colvin - 2 years
Odis Lyons - 3 years
Henry P. Black - 1 year

- 2) Contractor's Application and Certificate for Payment No. 2 (\$12,031.20) Tupelo Construction - Facade Renovation to CATO Building (attached)
- 3) Approval for Payment to Talquin Construction for Cato Building framing and electric - \$12,500. (attached)
- 4) EMS Write-off for Bad Debts (attached)
- 5) SHIP Assessment Liens (attached)
Mary Johnson
Alberta Wilder
Florine Thomas
- 6) NARC Grant Final Project Report FY 94-95
95-CJ-1Z-02-30-01-163

CLERK OF COURT

FY 94/95 Financial Statements

Clerk Thomas presented the year end financial statement indicating that the County had a good year financially.

Budget Amendments

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE BUDGET AMENDMENTS 95-11-21-01 THROUGH 95-11-21-03.

Ratification of Payment of County Bills

UPON MOTION OF COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE PAYMENT OF THE COUNTY BILLS.

ELECTION OF NEW CHAIRMAN

UPON MOTION OF COMMISSIONER WATSON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE COMMISSIONER FLETCHER AS THE BOARD'S CHAIRMAN.

Commissioner Peacock turn the gavel over to the new Chairman Fletcher.

ELECTION OF VICE CHAIRMAN

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE COMMISSIONER MCGILL AS THE BOARD'S VICE-CHAIRMAN.

DISTRICT 1 REPORT

Commissioner McGill reminded the Board of the proposal he had provided to each of them at the last meeting. He urged them to make their comments known to him.

DISTRICT 2 REPORT

Commissioner Watson had no report.

DISTRICT 3 REPORT

Commissioner Peacock had no report.

DISTRICT 4 REPORT

Chairman Fletcher had no report.

DISTRICT 5 REPORT

Commissioner Dixon reminded the members of the upcoming legislative conference to be held in Tallahassee. He encouraged each commissioner to attend and actively participate.

Commissioner Watson asked Commissioner Dixon to brief him on the issues to which they should be particularly attentive.

Commissioner Dixon pointed out the rising Medicaid costs to the County and the terrific impact it has on the County's Budget.

ADJOURNMENT

There being no other business, Chairman Fletcher declared the meeting adjourned.

James Peacock, Out-going Chairman

ATTEST:

Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE BOARD OF
COUNTY COMMISSIONERS, HELD IN AND
FOR GADSDEN COUNTY, FLORIDA ON
DECEMBER 5, 1995, THE FOLLOWING
PROCEEDINGS WERE HAD, VIZ.

PRESENT: E. HENTZ FLETCHER, CHAIRMAN
BILL MCGILL, VICE CHAIRMAN
JAMES PEACOCK
STERLING WATSON
EDWARD J. DIXON
HAL RICHMOND, COUNTY ATTORNEY
BETTY MILLER, INTERIM COUNTY MANAGER
NICHOLAS THOMAS, CLERK

CALL TO ORDER

The meeting was called to order by Chairman Fletcher. Commissioner Watson led in pledging allegiance to the U.S. Flag and Commissioner Dixon led in prayer.

ADOPTION OF AGENDA

Mrs. Miller asked to amend the agenda to include a payment request for Peavy and Sons.

UPON MOTION BY COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO ADOPT THE AGENDA AS AMENDED ABOVE.

APPROVAL OF THE MINUTES

November 20, 1995 Special Meeting
November 21, 1995 Regular Meeting

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE MINUTES OF NOVEMBER 20, 1995 SPECIAL MEETING AND NOVEMBER 21, 1995 REGULAR MEETING.

COUNTY ATTORNEY

Public Hearing - Hospital Bond Ordinance

Mr. Richmond opened a public hearing for the purpose of adopting a new ordinance (duly advertised) to provide for the refinancing the hospital bonds. He then read the title of the ordinance into the record. He called for public comments. There was no response.

Chairman Fletcher called for any public opposition. No comments being offered, the Chairman called for a motion.

UPON MOTION BY COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE ADOPTION OF THE ORDINANCE 94 - 014 (REFERENCED ABOVE) PROVIDING FOR THE ISSUANCE OF NOT EXCEEDING \$4,750,000 OF GADSDEN COUNTY, FLORIDA GENERAL OBLIGATION HOSPITAL REFUNDING BONDS, SERIES 1995.

DeLanzo V. Gadsden County

Mr. Richmond told the Board he had received a settlement offer in the case of DeLanzo V. Gadsden County from Timothy Daniel Padgett Law Office. He explained the circumstances which led to the proposed settlement as follows:

A road drainage problem existed causing Mr. DeLanzo's land to be washed away by water coming across the county roadway. At the instruction of County staff, ASCS placed sand bags at the site. Those sandbags spilled onto 1600 sq. feet of Mr. DeLanzo's property. Those bags later became concrete creating an unpleasant sight. It would cost \$10,000 to return the land to its former state. It will be cheaper for the County to buy the 1600 sq. feet from Mr. DeLanzo and settle the suit rather than removing the concrete.

Mr. Richmond stated that the settlement provides for payment of \$1,500 for the land taken by the County, construction of a privacy fence to serve as a buffer at County expense, readjustment of the tax bill as a result of the loss of the land, payment of \$4,000 in legal fees, payment of \$1,000 in engineering fees.

Mr. Richmond's recommendations was to accept the proposed settlement.

A MOTION WAS MADE BY COMMISSIONER WATSON AND SECONDED BY COMMISSIONER PEACOCK TO ACCEPT THE TERMS OF THE SETTLEMENT OFFER IN THE CASE OF DELANZO VS. GADSDEN COUNTY.

DISCUSSION FOLLOWED.

Commissioner Dixon took particular note of the fact that the agreement calls for the attorney to make 500% more than the land owner.

Mr. Richmond explained that while it is unfortunate, the present imminent domain law allows for it to occur. He added that

the Department of Transportation has been trying to effect a change for several years. Regardless, the offer was made on Mr. DeLanzo's behalf and the County can accept it.

QUESTION WAS CALLED BY COMMISSIONER PEACOCK.

THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO ACCEPT THE TERMS OF THE SETTLEMENT OFFER.

DISC Village Dispute

Mr. Jim Richmond told the Board of a dispute which exists between the County and DISC Village. He explained it as follows:

DISC Village and the County have operated under an agreement regarding grant funding and matching funds and the use of labor to match funds. The County's matching funds are derived from drug related fines assessed and collected through the court system.

There was an informal written agreement (Letter attached) reached whereby DISC Village would make up any deficiencies in the matching funds needed over and above the collected fines. In return the County was to provide certain things for them. DISC Village paid the deficiencies for FY 92/93 and FY 93/94. They were billed \$21,000+ for the FY 94/95 deficiency but have refused to pay.

DISC Village has been mailed a letter asking them to discuss possible settlement of the dispute. In addition, their attorney was contacted by phone and was requested to ascertain from DISC Village whether they would be interested in talking about some type of settlement.

Mr. Jim Richmond then reported that there has been no communication with DISC Village in the last two weeks. He stated that the County's only option at this juncture is to proceed with a law suit.

Commissioner Dixon asked if there was any information available to the Board regarding the dispute.

Mr. Hal Richmond stated that he has received documentation which will be made available to the Board.

Mr. Jim Richmond explained that the County had allowed DISC Village the use of the Adams-Sasser Building at no cost to them. In turn, DISC Village rented one room to the Juvenile Justice Grant and were billing the County \$300.00 for that office space even

though the County owned the building. County staff realized In July they were being billed for rent of office space it actually owned and the rental payments were promptly stopped. DISC Village contends that the County owes them rent from July until November 22, 1995 when they moved out of the building.

A MOTION WAS MADE BY COMMISSIONER WATSON AND SECONDED BY COMMISSIONER MCGILL TO AUTHORIZE THE COUNTY ATTORNEY TO PROCEED WITH FILING A LAW SUIT AGAINST DISC VILLAGE TO RECOVER \$21,970.44 (DIFFERENCE BETWEEN FINES COLLECTED AND THE REQUIRED MATCH) FOR DRUG ABUSE GRANT FY 1994/95.

Discussion followed.

QUESTION WAS CALLED BY COMMISSIONER PEACOCK. THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE MOTION.

ECONOMIC DEVELOPMENT AGREEMENT

Mr. Richmond gave a brief explanation of the agreement with Florida Department of Commerce, Division of Economic Development. The agreement provides \$288,260 to Gadsden County of behalf of Excel Millwork & Moulding, Inc. The money is to be used to help defray the costs of construction of Fortune Boulevard to the Excel Millwork and Moulding site in the Fortune Center in Midway. (The contents and terms of the agreement were not stated at the meeting but is offered here for clarification for the record. The County must match \$82,700 - this will be met by ownership of the right-of-way; the developer is to contribute \$208,740; the grant will provide \$288,260 bringing the total cost of the project to \$579,700. It should be completed within 5 months from the start of construction.)

Mr. Richmond stated that he had reviewed the agreement and it found it to be proper in form and content. He then asked for authority for the Chairman to enter into the agreement.

A MOTION WAS MADE BY COMMISSIONER WATSON AND SECONDED BY COMMISSIONER MCGILL TO AUTHORIZE CHAIRMAN FLETCHER TO EXECUTE THE AGREEMENT.

An unidentified audience member asked for an explanation of the project.

Mr. Rick McCaskill spoke briefly explaining that the site is a 25 acre development in Midway. Excel Millwork & Moulding, Inc. has agreed to locate to the center if the street can be constructed. Otherwise, the company will relocate to Georgia.

QUESTION WAS CALLED. THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO AUTHORIZE THE CHAIRMAN TO SIGN THE AGREEMENT.

ESCAMBIA BOND PROGRAM

Mr. Hal Richmond recalled that Gadsden County entered into the Escambia Bond Program in December of 1994. He explained there is now a new bond program with additional funds available. It will be necessary to conduct another public hearing (TEFRA) and to apply for the additional bond funds. At the TEFRA Hearing a resolution must be adopted. The Resolution would approve an interlocal agreement between the County and the Escambia County Housing Finance Authority which specifically delegates all administrative, monitoring and financial responsibility to the Escambia HFA; authorize the Escambia County HFA to operate within the boundaries of Gadsden County; and approve the use of private activity allocation in the program.

Commissioner Watson called attention to a letter received from Mrs. Mohr of Capital City Bank which states that the County paid a commitment fee of \$22, 300 to reserve funds under the 1995 issue. He could not recall making such a payment and asked if others on the Board remembered.

Mrs. Miller replied that she did not think that the County made such a payment.

Chairman Fletcher recalled approving the Bond Program but did not remember this payment specifically.

Commissioner Watson stated that he did recall that it was said that there would be no financial responsibility from the County whatsoever. He asked to have the information in Mrs. Mohr's letter verified. (letter attached)

Mrs. Miller asked that action be delayed until Mrs. Rosemary Banks can answer questions regarding the issue.

A MOTION WAS MADE BY COMMISSIONER WATSON AND SECONDED BY COMMISSIONER MCGILL TO TABLE ANY ACTION ON THE BOND ISSUE UNTIL MRS. BANKS COULD BE PRESENT.

DISCUSSION FOLLOWED.

Mr. Richmond stated there are time constraints which must be met if the Board expects to participate in the bond issue.

THE BOARD VOTED 5 - 0 TO TABLE THE ESCAMBIA BOND ISSUE.

COUNTY MANAGER

Payment Request - Peavy Construction Company

Mrs. Miller presented an invoice from Peavy & Son Construction Company explaining that it was for asphalt and additional work which was beyond the contracted amount for emergency road projects. (March of 1995) The amount is \$56,599.90. She stated that Mr. Lugod has inspected the work and negotiated the bill down from the original invoice amount of \$75,000. She recommended approval of payment.

UPON MOTION OF COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO PAY PEAVY AND SON \$56,599.90 FOR THE ADDITIONAL WORK PERFORMED IN ADDITION TO THE CONTRACTED EMERGENCY ROAD PROJECTS.

PLANNING AND ZONING ISSUES

267 Development Company (Restaurant & Convenience Store) - Project #95PZ-30-207-11-5

Mr. Sam Rudd and Mr. Larry Morey of the 267 Development Company have petitioned the County for a development order for the construction of a convenience store and fast-food restaurant. The location of the proposed development is at the southeast corner of the intersection of CR 267 and CR 267A. The subject parcel is approximately 2.26 acres. The owner of the property is G. w. Byrd. et.al.

This project was presented at the last meeting. Mr. Richmond asked the Board at that time to delay action on the request until he could ascertain more information from the petitioner. He voiced some concerns regarding the close proximity of the proposed site to a church in the area. According the County Ordinance, beer and wine cannot be sold within a 1,000 feet of a church. However, there are other establishments in that area who were "grandfathered in" who do sell wine or beer.

Mr. Richmond indicated that he had made an attempt to get specific information regarding the project but as of this date has not received it.

Mr. Sherman told the Board that the petitioner had been notified by letter and by phone of this meeting date and of the concerns described by the attorney.

Chairman Fletcher asked if the petitioners were present. They were not.

A MOTION WAS MADE BY COMMISSIONER WATSON AND SECONDED BY COMMISSIONER MCGILL TO DENY THE PROJECT.

Discussion followed.

Commissioner Dixon and Mr. Richmond asked that the project be passed until the next meeting.

COMMISSIONER DIXON CALLED THE QUESTION.

THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO DENY THE 267 DEVELOPMENT PROJECT REQUEST.

Magnolia Glen Subdivision - Preliminary Plat Amendment

Village Developers, L.C. received preliminary plat approval from the Board in March, 1995 for of a cluster development - Magnolia Subdivision. It is part of the overall plan for the Farms at Quincy.

The developers now desire to make some minor changes to the approved preliminary plat. These changes include:

1. Reconfiguration of the paved roadway. This reconfiguration will allow many of the existing large trees on-site to be preserved.
2. A request for flexible building setbacks for construction of the dwelling units. This flexible setback will allow for the home sites to be designed around the trees on-site as well as create a village appearance.

Mr. Bill Crawford described how the development would achieve a country theme. He reviewed a graphic display of the development and explained the need for flexible set backs.

Craig Huffman, architect of the development, expanded on Mr. Crawford's description of the development.

Chairman Fletcher asked Mr. Sherman for his recommendations.

Mr. Sherman stated that the code allows him no flexibility at all. He asked the Board to authorize him to look at each lot individually and come back to the Board with a recommendation with specific set back variances on a case by case basis.

A MOTION WAS MADE BY COMMISSIONER WATSON TO ALLOW MR. SHERMAN TO WORK WITH THE DEVELOPERS OF MAGNOLIA GLEN TO FORMULATE A DEVELOPMENT PLAN WITH FLEXIBLE SETBACKS AND BRING IT BACK TO THE BOARD FOR FINAL APPROVAL.

Mr. Richmond advised that the motion is not necessary as the direction is already a staff function.

Commissioner Watson withdrew his motion.

Mr. Sherman was instructed to open dialogue and come to an agreeable plan with the developers and then come back to the board for further approval.

Comprehensive Plan Amendment Withdrawal (95-02 (6))

Mr. Sherman reported that he had received a request from Big Bend Pipeline and Terminal Company requesting that the County remove the amendment 95-02 (6) from the Amendments which are under review by the Department of Community Affairs. This amendment would have established a gas pipeline corridor on the land use map.

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0 TO WITHDRAW THE PIPELINE CORRIDOR AMENDMENT (95-02(6)) FROM THE AMENDMENTS SUBMITTED TO DCA FOR APPROVAL.

There were several questions and remarks from audience members who voiced apprehensions and concerns about the possibility of the placement of a pipeline and tank farm in the Midway area in the future. They were reassured by Hal Richmond and Chairman Fletcher that the consensus of the Board was to inform Big Bend Pipeline that they will not consider the pipeline issue again.

Code Enforcement Violation - Placement of Mobile Homes without Permit

Mr. Sherman informed the Commission of violations which have occurred with respect to the mobile home ordinance. He asked the Board to give him some direction as how to proceed.

Commissioner Dixon expressed his frustration in dealing with this problem recalling one incident with Mr. James Kingry. He reminded the members that the Board voted to deny Mr. Kingry a waiver of the permit process to bring substandard mobile homes to his property where he intended to repair the homes to meet the requirements of the county ordinance. In spite of the denial, Mr. Kingry moved a substandard home to his property, paid a fine, then proceeded with rehabilitation. He has now moved other substandard mobile homes to his property. Commissioner Dixon said that it appears that the County cannot stop him.

Commissioner McGill asked what penalties are provided in the ordinance for violators.

Mr. Sherman stated that the violator could be fined up to \$500 and/or 60 days in jail.

Mr. Richmond answered by saying that the Board must initiate any action.

Commissioner Dixon asked why no one informed the Board when Mr. Kingry brought the first substandard home into the County. He then asked who allowed him to leave it once it was discovered.

Commissioner Peacock stated that no one allowed it. Mr. Kingry brought the home in without the knowledge of the county staff.

Commissioner Dixon asked who was responsible after it became known that the home was on Mr. Kingry's property, and who then allowed it to remain.

Commissioner Watson concurred with Commissioner Dixon.

Commissioner Peacock called for a point of order. Then he suggested that Mr. Kingry should be present for the discussion.

Commissioner Dixon recanted that it is a matter of policy which has not been followed. He further stated that the County's authority has been maligned because Mr. Kingry deliberately did not comply with the regulations nor has he been forced to be accountable. He then insisted on being told who was responsible for the allowing the homes to remain in the County.

Mr. Sherman stated that the home is not occupied. He stated that he felt that the ordinance does not provide any authority to demand that homes be moved when they have been found to be in violation when the penalty has been paid. He further stated that

Mr. Kingry is working on it without a permit, but he paid a fine of \$500 and in essence the ordinance has been followed.

Mr. Richmond stated that the ordinance provides for a criminal penalty for violation of the ordinance. A complaint must be filed with the State Attorney, the violator must be arrested and brought to court. He further stated that there has not been a prosecution against Mr. Kingry under the ordinance. The ordinance provides for civil remedies in the form of an injunction which could demand removal or pay a civil penalty ordered by a judge.

Chairman Fletcher suggested that the staff be instructed to provide the facts surrounding the incident and discuss it at a later meeting - specifically who made the decision on behalf of the County in this matter. The attorney was asked to look into the legal aspects for the violation and report back to the Board as well.

Mr. Richmond cautioned the Board that the courts are clogged and prosecutors do not like to deal with ordinances. Even when the state attorney is agreeable to prosecute, the judges do not like to deal with them in the criminal system.

CLERK OF COURT

Resolution Authorizing New Chairman's Signature on Bank Signature Card

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0 , BY VOICE VOTE, TO APPROVE THE RESOLUTION AUTHORIZING THE CHAIRMAN'S SIGNATURE ON THE BANK SIGNATURE CARD.

Old Year Budget Amendments

UPON MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0, BY VOICE VOTE TO APPROVE THE OLD YEAR BUDGET AMENDMENTS. (95-12-05-01 THROUGH 95-12-05-22)

New Year Budget Amendments

UPON MOTION OF COMMISSIONER WATSON AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE NEW YEAR BUDGET AMENDMENTS. (95-12-05-23 THROUGH 95-12-05-36)

Ratification of Payment of County Bills

UPON MOTION OF COMMISSIONER WATSON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE PAYMENT OF THE COUNTY BILLS.

Retirement Reception

Clerk Thomas announced that he is sponsoring a retirement reception on December 18 at 5:00 p.m. for Mr. Richard Bronson, courthouse groundskeeper, and Mrs. Jessie Lee Joyner, deputy clerk in the civil division of the Clerk's office. He invited all of them join the Clerk's staff in paying tribute to two fine county employees. Mr. Bronson has been with the County 10 years and is 77 years old. Mrs. Joyner has been with the Clerk's office for more than 16 years.

DISTRICT 1 REPORT

Commissioner McGill asked the Board to authorize the county attorney to prepare a resolution relative to the economic development information which he supplied to the Board at an earlier meeting. He asked that the Board be prepared to take action on the resolution at the next regular meeting.

DISTRICT 2 REPORT

There was no report.

DISTRICT 3 REPORT

There was no report.

DISTRICT 4 REPORT

There was no report.

DISTRICT 5 REPORT

Commissioner Dixon reported that he had attended the FAC legislative meeting. He stated that it was an excellent meeting. One topic of concern to Gadsden County was Medicaid & Medicare which is expected to experience budget cuts. State officials are going to be examining what effect it will have on small counties such as Gadsden. In the meantime, he asked the Board to consider going to a 2-year budget.

Commissioner Dixon then told the Board of the program "Save Our Seniors" which is a new taxing limit which will slow the ad valorem tax base. The County must begin to plan for the impact of such programs.

ADJOURNMENT

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

E. Hentz Fletcher, Chairman

ATTEST:

Nicholas Thomas, Clerk

AT A SPECIAL MEETING OF THE BOARD OF
COUNTY COMMISSIONERS HELD IN AND FOR
GADSDEN COUNTY, FLORIDA, ON DECEMBER
7, 1995, THE FOLLOWING PROCEEDINGS
WERE HAD.

COMMISSIONERS PRESENT: E. HENTZ FLETCHER
STERLING WATSON
BILL MCGILL
NICHOLAS THOMAS, CLERK
HAL RICHMOND, COUNTY ATTORNEY
BETTY MILLER, COUNTY MANAGER

OTHERS PRESENT: MITCH OWENS, WILLIAM R. HOUGH & CO.
BOB OLIVE, ATTORNEY

REFINANCING OF HOSPITAL BONDS

Fletcher: I'm going to turn this over to Hal.

Richmond: Gentlemen, this special meeting today is to consider the general obligations of the hospital refunding bond, award resolution and also the redemption resolution to carry out Ordinance 95-014 which was passed the other day.

Mr. Olive, do you have any comments to make before we begin?

Olive: Yes, thank you. Will you help me disseminate these?

Mr. Chairman, what we need to do, well, ah, what is under consideration is the adoption of two resolutions which we will read by title and work through them.

Essentially, one resolution will, ah, determine that this is appropriate for negotiated sale. That ah, it will approve the contract with the investment bank of William R. Hough and Company if that is the pleasure of the Board. It approves a bond purchasing insurance, sets forth some covenant in the event of default with the insurer and enters into certain tax covenants which are set forth in the document. It approves the escrow agent as part of it.

The second resolution we'll have considered is a resolution to irrevocably call your outstanding bonds call your outstanding bonds on March 1, 1996 which will essentially retire those bonds. They will no longer be considered outstanding. Your refunding bonds then will replace those bonds in public ownership. Ah, Mr. Knowles will distribute a copy of the resolution with attachments for consideration. This is the finalized form. It is

substantively the same that has already been presented to you and the staff.

McGill: Mr. Chairman, are we going to read portions of the bond or are we still talking about it?

Olive:

Why don't we read the resolution and then we will discuss the terms of the bond transaction, the bond purchase agreement, discuss the savings, the interest rate, any questions you have, ah, is that essentially what, Ah, I think it would be appropriate to put the resolution on the floor and then we can consider any aspect of it you wish.

Fletcher: Hal, would you read it into the record by title.

Richmond:

A resolution authorizing and approving the negotiated sale of \$4,040,000 Gadsden County, Florida general obligation hospital refunding bonds, series 1995; awarding the sale thereof to William R. Hough & Co. subject to the terms and conditions of a purchase contract; authorizing the distribution and execution of an official statement in connection with the delivery of the series 1995 Bonds; appointing a registrar-paying agent and escrow holder; authorizing the purchase of municipal bond insurance; authorizing the transfer of legally available funds of the issuer to effectuate the financing; authorizing execution and delivery of an escrow agreement; designating the series 1995 bonds as a "qualified obligation" within the meaning of section 265(b)(3) of the Internal Revenue Code; authorizing the acceptance of a municipal bond insurance commitment for the series 1995 bonds and providing for certain terms and conditions with respect thereto; providing certain other matters in connection with the issuance and delivery of such series 1995 bonds; providing certain covenants relating to the tax-exempt status of the series 1995 bonds; ratifying and confirming all terms, provisions and covenants of ordinance 95-014 of the issuer; and providing for a effective date.

Fletcher: What's the pleasure of the Board?

McGill:

I have just a couple of questions Mr. Chairman. I noticed that we advertised this publicly, but I was wondering if the present operators of the hospital have been notified of this hearing to address any concerns they might have regarding the bonds or any aspects of it. Richmond: Ah, I don't know if they have been notified, Chairman, Commissioner McGill, excuse me, but I don't think they have any input on this.

Watson: I move approval.

McGill: I second it.

Owens: This is Mitch Owens, William R. Hough & Co. 1 Independent Drive, Suite 2502, Jacksonville, FL 32202. With me is Sonya Coleman, out of our St. Petersburg office. I will give you a brief synopsis of what the financing accomplished. Once again, thanks to your staff, Betty Miller, Harold Knowles, our attorney who did a good job also, Nicholas Thomas, we spent a lot of time with his staff and his people and they responded very, very, quickly and professionally. I think you have a very good group of people working with you.

One thing I wanted to say is that we came into you and got permission to move forward on this, we were talking about approximately \$20,000 average annual savings. Ah, when we went to the market yesterday, we were able to increase that average annual savings to \$27,938. So within that two week period, we went up over a percent over the annual average savings that we intended to do. We feel like it was a very, very strong deal for the County. The interest rates range from 3.6% to 4.25%. We feel very confident that this is a very good deal as it compares to the Jupiter Island financing that was done, a GO financing that was done yesterday also. You basically got the same rate they did. So, I will be happy to answer any questions. We don't have them all sold yet, if there is anyone who wants to buy some, we will happy to sell you some. We do have approximately three (3) million of them sold. That leaves about a million outstanding that haven't sold yet.

Olive: But he is ready to enter into a contract with you nevertheless.

Owens: Right, correct, right now, I am, yes.

Olive: Do you have the good faith check, I think that's what is in there.

Owens: Correct, good faith check in the amount of \$40,040 and I will give it to Mr. Thomas to be held uncashed, please, until the closing date which is scheduled for December 19, 1995, with a pre-closing of December 18 th, the afternoon of December 18th. Any questions, I'll be more than happy to try and answer.

Fletcher: Any more discussion? We have a motion and a second. All in favor, say "aye".

Watson & McGill: Aye.

Fletcher: Opposed? It passes 3 - 0.

McGill: While he is still silent, could you sell that million and forty thousand to Mr. Fletcher?

Owens: I would be more than happy to Mr. McGill, more than happy to. I think the problem is that the yield is not high enough for him. We got, we did too good a deal for the County. He doesn't invest in that kind of low yield profits.

Olive: This is the resolution, irrevocably calling your outstanding bonds on March 1, 1996 which upon adoption of this will conclude all matters necessary to approve this bond.

Watson: I move approval.

McGill: Second.

Olive: Do you want to read it by title?

Richmond: A resolution providing for the redemption of the outstanding Gadsden County, Florida, general obligation hospital refunding bonds, series 1987; providing for publication and mailing of the notice of redemption; providing for certain other matters in connection therewith; and providing an effective date.

McGill: I have just one question. Will this be resolution be 95-015 then. Because the one we just approved was 95-014?

Richmond: No, the ordinance was 95-014. I am not sure what the resolution numbers are. Eleven and twelve will be these numbers.

Fletcher: Is there any discussion?

McGill: I move approval.

Fletcher: We have a motion and second already, I think. All in favor say "aye".

McGill and Watson: Aye.

Fletcher: All opposed. Passed 3 - 0.

Olive: Mr. Fletcher and Clerk will you please stick around for a second. We need to sign about four of the bond purchase agreements and take receipt of their good faith checks. That's just an administrative matter.

Fletcher: Do you want us to go ahead so ya'll can go on because we have another matter.

Olive: That is wonderful.

Fletcher: Is that all right with ya'll Sterling?

Watson: Yeah.

Chairman Fletcher declared a brief recess. The meeting was reconvened immediately upon the arrival of Mrs. Rosemary Banks.

Banks: When I got back on the 6th, I was handed this letter from Mrs. Holman Mohr opposing the Escambia Bond issue. The first item - I'll go by each one of her items by her letter. She said the purpose of this memo is to remind of certain facts concerning the proposed participation in the Escambia County Bond issue. First, about one year ago the Commission voted to participate in the 95 Escambia County Bond issue. Capital City Mortgage Company is your partner in that venture. Your only partner. In early 1995 Gadsden County paid a commitment fee of \$22,300 to reserve funds under the 1995 issue. The doors were opened to the program in March. The total amount of funds allocated for the first time homebuyers in Gadsden County is \$2,730,000.

That is the first inaccuracy of Mrs. Holman Mohr letter. The amount available to Gadsden County is \$2,230,000 and not \$2,730,000 identified by Mrs. Holman Mohr.

Secondly, if your staff was mis

Watson: Hold on.

Banks: Go ahead.

Watson: Let's talk about this first one. This \$22,300.

Banks: \$230,000.

Watson: No, Ma'am.

Banks: \$230.00

Watson: The commitment fees.

Banks: It's \$22,230.00. 1% of \$2,230,000.

Watson: O.K. Now, you told me today that came from the

Banks: SHIP program. It did not any of the County's general revenue funds.

Watson: All right, this is my question. If we do not loan out all of this money by the end of this issue, are we going to have to reimburse the SHIP program.

Banks: No, in three years, this County can spend \$2,230,000. We spent \$1.4 in 11 months and built 24 houses when the SHIP first started and I was handling it all by myself.

Watson: But, my question is, If we don't.

Banks: No, the \$22,230 , talking with Mr. Gordon Jerningan, if you will see on that letter from William H. Hough, William R. Hough Company, he has assured me that the County would not have a loss. That is why you have the support letter right now in front of you. And if you'll notice, the format of that letter, it is also the same format as Mrs. Kristina Holman Mohr letter.

McGill: O.K. Along that same line of questioning if you don't mind, Mr. Commissioner, We get a minimum of \$250,000 per year from the SHIP program. How much of that is committed toward the bond of \$2,230,000?

Banks: All of it is. That is the commitment so that it is reserved those \$2,000,000 and some odd thousand dollars for the Gadsden County five builders that

McGill: At some point, I hope that we get to the point, that we will not have a substantial poor housing stock.

Banks: I hope so, that is my goal.

McGill: I guess, if we look at a 10 year projection, do we have

enough houses that will qualify for the \$2.7 million for a 10 year period.

Banks: 2.230 million please.

McGill: O.K. \$2,230,000.

Banks: In ten years, \$2,000,000 will be going out of this County. When we come up to that dollar amount, you see in your records here where the contractors met and based on the production that we had did, in that year's time, with Farmer's Home Administration, we spent \$1.4 million. Now, what we did, we considered within that time period, will we be able to spend that \$2 million ? Sure. We have three years.

Watson: You have two left. And you haven't spent any?

Banks: We have, this is the files that I brought. We have 8 files over there. We closed one that was trying to come under our program but did not. We ended up closing it with Country Wide Financing Agency even though Capital City Bank Group was the one that handled it. But, they did come through our SHIP program, however they did not use our bond money. That is because at the time, the President, he vetoed your budget. And the man wanted to get in his house.

McGill: How many other counties are participating in this bond with Escambia County?

Banks: 20.

McGill: 20 counties are participating?

Banks: Yes. That's in your

McGill: And we are all taking the same kind of risk?

Banks: No, with the SHIP program, Gadsden County is a unique bond issue. That's one of the confusions that Capital City Bank Group has. We had that at the first public hearing that we had. This one tailored for Gadsden County. Not for Leon County and not for any other county but Gadsden County. Now, I took the SHIP dollars and committed those funds for the builders, due that Farmer's Home was cut by 70% and the people you got in Gadsden County is very low, low to moderate income peoples. Now

with this bond money, it will be something that we could - it was a filler - a gap filler for us. We took it. At that time the interest rate was very good because the interest rate at that time was like 9 point some percent.

We was able to lock in a bond issue at 7.45% You know, in projection in any business, you do not know that the interest rates are gonna go down. However, we do have a reset clause in our bond program in that we can reset our bond rates back down to 6.3 per cent with 1.75 points or 6.8% with zero points.

Now all of the commissioners, did you all receive Mrs. Mohr's letter. So, you know that in her letter, let's go over to the one that would really be in detail and answer a lot of questions that you are asking me here.

Watson: But, you're saying that we will not, if we do not loan all that money out, we will not have to take general County money and pay the SHIP program back.

Banks: No, you do not.

Watson: O.K.

Banks: In the letter from William R. Hough Company, in response to Mrs. Mohr's letter it tells you -- Dear Rosemary, William R. Hough and company acted as the underwriter for the 1995 Escambia County Bond Program. Gadsden County was a participant in the program through the execution of an interlocal agreement that has delegated all financial, administrative and monitoring responsibility to the Escambia County Financing Agency. Mortgage funds was made available to Gadsden County on beginning on March 6, 1995 with a fixed mortgage rate of 7.45%, with 1.75 points or a 7.95 % 30 year fixed rate and no points. At the time the conventional markets of 30 year fixed rate loans was 9.25 to 9.5 percent. Had rates remained constant for even several months, it is likely that most of the funds under the program would have been used to provide affordable housing. In regards to the program, below is the response to the program as made by Mrs. Holman Mohr.

No. 1. Funds available to Gadsden County \$2,230,000 and not the \$2,730,000 identified by Mrs. Holman Mohr. If Gadsden County participates in the 1996 program, we will make some monies available for both new and existing homes at no costs to Gadsden County or the community

development department. Currently our monies are only used for new construction for first time home buyers. By the homes being so dilapidated in this area now, we are trying to put in there that we can do some existing homes and they reduce some 203 K monies for rehab.

Watson: One more question, If all of the money is not loaned out, will the SHIP program be reimbursed by those you have spent the money on.

Banks: No, it will come back from the Escambia County Housing Finance Agency, not from Capital City Bank Group.

McGill: I have a question or two. On No. 1 on the 3rd line where it "we will make some monies available".

Banks: Yes, that's because we have not identified. We will identify the dollar amount at the public hearing that I have scheduled for November, I mean December 14th provided that the Board approve it. We will set a dollar amount. But in just talking with Mr. Jernigan when he visited with me two weeks ago, we was talking in the range of a million to two millions or whatever the County needed, he will make those funds available to us.

No. 2 - the commitment fees. The point structure for the program work as follows: 7.45% mortgage rate with 1 and 3/4 points. A homeowner pays 1 and 3/4 points with 1 point being returned to Gadsden County for reimbursement of the commitment fee. 3/4 points is paid to the lender from homebuyers points and an additional 3/4 point is paid to the lender from the servicer at the time the funds are originated. 7.45% mortgage rate with 0 points - a homebuyer pays 0 points but the servicer pays Gadsden County 1 point to reimburse the County for its commitment fees. The servicer also pays the 1 1/2 to pay the origination profit to the lender. The upfront point in the first example can also be paid by the seller. In any instance, Gadsden County is always reimbursed at one point for the original commitment fees.

Watson: That really should read "Gadsden County SHIP Program".

Banks: Yes, but you know the agreement was between Gadsden County and that is why Gadsden County is referred here. The lack of closing: Gadsden County agreed to participate in the program in order to provide low interest fixed rate mortgage money to residents of the County. At the time the conventional rate was

approximated 9.25% interest. And these funds were made available at 7.45% through 7.95% for a 30 year fixed mortgage. Unfortunately, the week after the bonds was priced, the interest rate in the market declined. Had the market stayed constant, or had interest rates increased slightly, the bond mortgage money would probably been used over the first 6 months of the program. At the same time these bonds was issued from this program, the State of Florida and local Florida issued more than 500 million in similar bond programs. Lenders demand for programs were outstanding. In fact several of the programs were (inaudible) the lenders demand by over two times. Thus Gadsden County made the same decision as Palm Beach, Broward, Dade, Orange, Pinellas, Hillsborough, Leon, Escambia and probably another 20 Counties throughout the State. On the lack of closing - If you look in your package, you will see a form that says "Bond Program Pre-approval List - Capital City Bank Group". Each time that someone called Capital City Bank Group in reference to this program, and they pre-qualified them over the telephone which is based solely on that person's word that income was a certain amount and their debt is a certain amount. Capital City at that time, took your debt and your income ratio and said you prequalify for this amount. An application has not been taken nor have a credit report been taken by Capital City Bank Group. Of those hundreds, which I don't have a hundred on my list. If you'd notice, you can't build a house for \$21,000, you can't build a house for \$27,000, you can't even build one for 36 nor to put a kicker in this, after this letter, I received 4 calls from Capital City Bank Group yesterday, December 6, those last 4 entries on that third page. The first one was qualified for \$16,000; the second and the third ones was for \$54,000 each and the fourth one was \$70,000. And those initials stands for the loan officer that made that proapproval. The "C,F" is for Carolyn Frazier and the "N,B" is for Natilie Beck. You cannot close loans at \$16,000. You can't even buy a 2 bedroom mobile home for \$16,000. And that is ridiculous for Kristina to even quote that in her letter.

Now, when we first approached her with this, I asked her the same thing that I ask for Farmer's Home. Let me prequalify your applicants. So when they go to you, they are ready to go. She stated "no, we want to do it ourselves, we've got the people." They do not follow up on this list of people that they prequalify over the

telephone. Therefore, you have no loan closings.

But, I took the initiative, you also see here, I sent a letter to my contractors telling them that enclosed is a list of preapproved applicants with new construction with Gadsden Bond Program. I decided I would go with the amount of \$50,000 or above. Because with Farmer's Home, I am doing some 46, 48,000 deals. I provided them with a list of names, the address and telephone numbers so that the contractor could pursue these people since the bank was not following up on it. Some of your contractors don't have time to pursue this because they are steady building. But there is no negligent on the SHIP program.

Had the SHIP Program had the opportunity to do what we requested in the beginning, we would not be in this predicament today and I am asking the Board today too, to give me the authority to continue to work with my homeowners like I have been doing with Farmer's Home Program. Following them all the way through and closing loans. Also another reason why the loans was not closed was your all can remember, we was having problems with FHA approving our lein. The lein we sent in the beginning they said that we was taking first place. Well, I got with the attorney and we got the new language and put in here and submitted to the Board. Now that it has been approved by FHA, now we can do loan closings. The Bank want to pressure me into committing SHIP funds for closing a loan when I could not even secure the Board's interest with a lein. And when I was sent a letter saying that we will approve this loan contingent on FHA approving our lein, they said that was not good enough. Well, that's all Rosemary can do. Ah, So we can't close a loan.

Again, I sent out a notice to my contractors calling a meeting. On August 14 in the administration building, the meeting was to be held to provide contractors with information concerning the application requirements for the bond program. All contractors under the bond program should attend. Well, we met. You have the minutes there. Attendants there were Rosemary Banks, Phyllis Moore, Tomika Knowles, Gwendolyn Jones, Don Vickers, Hershal Creel, Kristina Mohr, Michael Francis, Myron Jones, Jimmy Suber, Hershal Walker, Williams, I'm sorry.

In that meeting, the lein came back up again, which Mrs. Mohr told them we couldn't do anything until our lein was approved. At the same time in the same meeting, the contractors decided to keep from holding up this program,

they asked the two bankers, particularly Mr. Suber from the Havana Branch, "Is it possible that we can get a contractors loan, a construction loan, go ahead and build the houses, and by the time the lein is approved between the County and FHA, then what we will do is go and do a permanent loan with the homeowner." That's after the builder gets the seal from the building department. Everybody was in agreement. Another question was asked by Mrs. Mohr - "Could this program be used for existing houses." No, because the objective of this program is for first time home buyers. New construction. Not any existing homes. But, the one that we are doing this time, we are going to include everybody in it. New construction, existing and rehab.

At that meeting, the bond process was as follow: The applicants will apply at the Capital City Bank Group then the Capital City Bank Group will copy their files and send to the SHIP program. The SHIP program will send a commitment letter and then the closing will take place.

McGill: At this juncture, who would do the closing. You or the bank.

Banks: NO. The bank is the one that initiate the closing. They have a closing agent that handle it. And the closing agent that handling the bond program is Gadsden Abstract.

McGill: Well, when do you get notice of the closing?

Banks: I get notice of the application after the bank has actually taken the application and gotten all the information. Flip back one more page and you will see a letter from her that lists out the different things that the bank will send to me. It is 10 items. When the bank received this information, the loan officer would forward me this information here. Then I am to check through it. I go through it and check through and make sure the information is there. Then I send a letter back of approval up to the amount that is on their worksheet. The financial analysis need worksheet. It has the amount of the contract, it has what the second mortgage will be, which is the SHIP program and how much the homeowner will need at closing. However, there is one stipulation. The SHIP program must be notified at least two weeks because we must request our checks from the Clerk office. The checks are only cut once a week. We have deadlines.

The next thing is that your closing agent must contact the SHIP program and provide us with the closing date and a copy of the HUD settlement statement charges which will detail all the fees that need to be paid. The actual costs of the projects from the beginning to the end.

On the next letter that I had you to pass forward in order to get to that one that lists the 10 things that Mrs. Mohr sent to me. She made the statement that "Over the past 8 months, our company has been committed to working with your community more than ever through the Escambia Bond Program. We have worked with you personally to show you how this bond loans and basic FHA loans work and how they can be used with the Gadsden County SHIP funds to put more people in homes. At a recent closing - (and that recent closing that she has referred to here is that one that we toured on the tour of homes in the Point Millican Area which is Maurice Evans house.) At a recent closing of an FHA first mortgage with SHIP down payment assistance, second mortgage, we discovered there is an error that requires further discussion. That is the closing procedure itself. This letter is to notify you that from this date forward, the costs associated with any and all mortgages will appear under HUD 1. The down payment assistance is a requirement of our FHA loan approval, therefore the second mortgage must appear on page 1 as a credit to the buyer and the required course of the second mortgage will appear on page 2 along with the cost of the first mortgage. To assure our FHA mortgage is the first lein, the closing agent will be responsible for recording the FHA and SHIP mortgages. The second mortgage and all other necessary documents should be executed and ready for recording at the closing since it is a contingency of the first mortgage approval. We do business with SHIP monies in three other Florida counties. Because they are all able to comply with these procedures, we are certain that you will understand and cooperate."

However, I told you in the beginning that Gadsden County has a total different bond program than any of the other bond programs in the State. It is geared especially for Gadsden County. My SHIP program, I have monitors that come in that I have guidelines that I have to make sure are done in house not by a second person or third person doing it in order to protect the County in the SHIP program. Now, I have no problem with us having that lein

filled out with the dollar amount. But, before I can do that I need to have that HUD 1 statement that was mentioned up in the first part of the letter. At the same time, I did let Mrs. Williams know, which is the loan officer that I have really been working closely with at Capital City Bank Group, our Chairman will not sign a blank piece of paper. All the information has to be filled in, then the Chairman will sign that lein then it will be taken over to the Clerk's office for attestment.

Now, if that loan closing agent is willing to do that, I have no problem with that. And as long as I get a copy of the recorded lein in my file. But all the other, my income verification and other things that I have to do for the SHIP program, No, I will not turn that over to anybody else to do it, I will have to do it.

On September 5 you will see here that I requested from the Board that approval of that lein agreement and you did approve it on September 5. So after September 5 we have moved forward. And going back to the last piece of paper that you have in your file, when we did the public hearing on this bond issue, Mrs. Mohr was there. If you flip to the second page where it calls for public comments, that second paragraph - "Mrs. Kristina Mohr spoke briefly to say that she believed the program was a good one and encouraged Gadsden County's participation in it". However, the letter as I read it and I understand it, she no longer thinks that.

Going back to the original letter from William R. Hough picking up again with number 4 - the rate reset. William R. Hough Company structured a program to provide an interest rate reset that is scheduled for August, 1996. In Mrs. Holman-Mohr's letter she indicated that the interest rate reset is October, 1997 at the same time the bonds expire. This is an inaccurate statement. The reset is August, 1996 and the lenders will have another 14 months to originate the funds under the program. So, that will be October, 1998. Assuming that the interest rates are at the current level today, the mortgage form will be reset to a rate of 6.3% with 1 and 3/4 pts. and at 6.8% with 0 pts.

Number 5. Builders. As indicated by Mrs. Holman Mohr, 5 builders have agreed to participate in the program. It took Gadsden County several months to educate not only the builders but also the lenders in the Community. As discussed above, the interest rate declined immediately

following the pricing of the bonds which slowed the use of the money.

6 - New construction versus existing construction. "Gadsden County has made the funds available only to new homes in order to provide incentives to build new construction in the County. It is a decision of the Community Development Department and the County as to whether the funds could be made available to existing construction. Overall, Gadsden County agreed to participate in a program that has provided billions of dollars throughout the State in low interest rate mortgage for qualified first time home buyers. It is one of the most successful federal government programs and is used successfully by the majority of the counties in the State on an annual basis and providing affordable housing. Sincerely, Gordon Jernigan, Executive Director of the Escambia County Housing Finance Authority and Edward M. Bulleit, First Vice President of William R. Hough."

Going back to Mrs. Mohr's letter, I would like to pick up on several things that Mrs. Mohr addressed. And I have tried to contact her all morning, I have even called her manager and several other people in her bank in order to get this information to provide to you today. Third, paragraph, the fourth paragraph in her letter she says "Despite our participation in several home buyer classes in Gadsden County, (which she has never attend) and despite many sale calls to Gadsden County Realtors, (I cannot debate that, that is why I'm requesting information from her on it), promoting the bond program, we have not closed the first loan. We have pre-qualified hundreds of people who have inquired about the loan after they read the newspaper publicity, but have not had many qualified prospect." The ad in the newspaper was like this. (hand gester) If you notice the add that the SHIP program do, look on page 12 for the bond, you see it is something that people can see, that will attract attention. The advertisement that this bond program has gotten has gotten it through the contractors and through the SHIP program and by word of mouth from one citizen to another.

Now, number 5, - If the builders want to give up some of their monies to another contractor who is going to build in the County, they can do that. But those five are the builders who are working with the program and attended

that public hearing. I put a notice in the newspaper, it was open up to every contractor in the County or in Leon County or any where that was willing to build in Gadsden County. These are the only five that participated in it. So, I am asking the County Commissioners today to support me in my efforts in continuing affordable housing in this County with interest rates that are below your prime rate. You can't pick up rate anywhere at the rate that this bond program is and it is not a risk to us. So I'm asking you to support the staff person that you hired to do your community development in the County.

Fletcher: Thank you Rosemary. Mrs. Mohr, do want to make some comments?

Mohr: My name is Kristina Holman Mohr. I am Vice-president of Capital City Mortgage Company. I have been in that capacity for 12 years and I have been in the mortgage business for 23 years and have participated in many bond issues.

I do stand corrected on my 2.7 million figure as I looked on my numbers. I am in the Escambia issue in two counties. We bought money in Citrus County also and I had a builder reservation in Citrus County in the number in my letter. I think we have to be careful not to confuse SHIP money and SHIP down payment assistance with SHIP down payment assistance that is used for the bond program. Because the loan that Mrs. Banks mentioned for Maurice Evans was not a bond program. It was a regular FHA mortgage. Please understand one thing about bond loans and that is that people not only have to qualify under bond criteria - first time home buyer, can't make more than the income limit for their family size and their County and the sale price can't be more than the limit for the County - but they also have to qualify for the basic mortgage, whether it be FHA mortgage, VA mortgage or conventional mortgage. So there are two sets of qualifications that people must meet in order for us to be able to make a loan to them. The hundreds of people who have responded and have called us to pre-qualify have indeed not produced many eligible borrowers under all of those compounded criteria. So, if someone called us and gave us their income and present debt situation, even though they might have been first time home buyers, they may only have been eligible for a \$16,000 mortgage. Now, it's true there aren't many houses available for \$16,000 but that doesn't alter what

we are able to get them qualified for and in fact we had to tell the people, at the present time, there may not be home ownership in your future.

Watson: Can I ask you one question at this point?

Mohr: Please.

Watson: Could that \$16,000 loan have been used for an existing structure?

Mohr: Not under the bond program. The bond program is only for proposed construction.

McGill: If that is true, when you said a person qualified for \$16,000, you are in essence saying that that person is not going to be a homeowner or at least right now.

Mohr: Yes, that is the bottom line. At least for new construction. A builder can't put a house up on a piece of land for that price. We do, right now, have 4 loans that are approved at least through the FHA standpoint. One of them has not been approved by First Nationwide which is the master servicer for this particular bond program but I expect it will be. Those houses were started, indeed, the builders felt stymied that FHA would not approve the document for the SHIP down payment assistance for a couple of words just didn't meet their criteria. So, our bank in Havana did agree and supported the builders closing on construction loans that would then be changed into permanent loans when we had that problem worked out. I believe it was September that the wording was changed at your meeting at that time.

I have checked through my mortgage origination agreement that was sent to me a year ago and I don't see anything about the interest rate being recast. Frankly, that is great news to me. Of course, the rate that William R. Hough and Company has given in their letter is based upon what they know now which is December of 95 and if nothing changed, then maybe in August of 96 we would have a 6 point something interest rate. But, my main concern is that the money that we have paid to commit to Gadsden County residents not be hold and another issue be put in its place that would compete with this program. I think for the time being, my personal opinion is that one bond program is enough. I wish that it could be open to existing housing because the realtors are telling me that

with existing housing stock, they would send us customers.

Watson: Why can it not be?

Mohr: That was at

Banks: It can be if the Board decides to. In the letter it tells you that.

Watson: That was never brought before us for us to

Banks: No, because the whole goal is to do construction. When the SHIP program first started, we had money in there for existing houses. We couldn't get anyone to come to it. We had to go back and revise our policy and improvement plan, take that money and put it into construction because that was all we was getting - new homes.

Watson: I believe this Board should have been informed of that. I can't take a position on something that I haven't been offered. And had I known

Banks: You was not a commissioner at that time. When the SHIP program first started. You got in after the fact.

Watson: But that doesn't change that when I get on we could then make that decision, right?

Banks: No, if you want to change, if this Board wants to change it, then in the letter you can, but in the meantime, it is new construction until such time, the same way with the lein. The lein stays the change until the county commission change it. An individual can not.

McGill: What do we need, what does the Board need in order to

Bank: You need to come up with another agreement with Escambia County Housing under your bond issue so everything can be revised.

Fletcher: On the original bond issue? On the original bond issue, not just the new bond issue.

Banks: No, the new bond issue, we want to include existing and rehab because the houses are so bad out there, that even with the monies that I have from grant programs, I can barely bring them up to section 8 not even thinking about

the building code.

Fletcher: This new program, what is it going to cost us?

Banks: It's not going to cost you anything.

Fletcher: We're not going to have to send them \$22,000 more dollars?

Banks: No, Zero.

Watson: The thing here is, she's got a very good point. If we haven't done any loans for this 2 million 230,000, why would we want to bring in additional money to compete against that. If we haven't done anything for a year, for us to think that over the next two years, we are going to loan out all that money while we have another bond program competing against it, that's just not going to happen. Especially,

Fletcher: There are some houses under construction that are going to be financed by this money, is that not right?

Mohr: That is correct.

Watson: But, how many dollars worth?

Banks: I don't have it but I brought the file here.

Mohr: \$232,259.00.

Watson: Of the 2 million.

Mohr: Yes.

Watson: So we still have 2 million to go. And then we are talking about bringing in how much more money?

Banks: We haven't set an amount yet. But I want you to remember this. The reason why this bond program has not worked is not because of your staff. It is because of the staff at Capital City Bank Group. That's why I am asking you to put it back into my hands so that I can follow up, take the pre-ap from these people, qualify them, then send them to the bank. Not putting false hope in a person that they can build a house for \$24 or \$30,000.

Watson: Well, I have had some complaints from some folks who

thought they were having problems getting information from our staff.

Banks: What kind of information? If you ever have a problem, you come to me. Don't go to anybody else, come to me and I will be more than glad to open up my files and

Watson: Well, I made mention to that and a meeting was supposed to have been gotten together with all these people and I don't know if that was ever

Banks: No one ever speak to Rosemary. Apparently everybody been talking but they never talked to Rosemary.

Watson: The closing agent is having problems getting information.

Fletcher: Let's let Mrs. Mohr speak.

Mohr: Well, there were a couple of other points I would like to make and that is when I came to the public hearing which I believe was the 31st of December of last year in the evening, downstairs, no public came. Mr. Dixon, Mrs. Banks and myself were the only three there so we had an opportunity to chat a little. I had not had the benefit of seeing the documents so at that point, I did not know what a great deal Escambia County was offering to Gadsden County to participate. And the remarks that she read from the minutes are exactly what I said at that time. This is a great program and I hope the County will participate. My feeling about that has not changed. I live here and would love to see new houses built in Gadsden County. Ugh. The money that has been fronted, regardless of the source, is money that unless we close loans, is lost.

Watson: Now, hold on. You said it wasn't.

Banks: Now, she had the documents at that public hearing. That is a lie. She had the whole package. I don't appreciate that when it would indicate that I was not doing my job.

Mohr: I didn't say it was your fault.

Banks: She had her information - the whole package.

Watson: This is a key thing to me. I'm hearing - you say we lose it , Who do we lose it to?

Mohr: Well, the money has been paid, it is a commitment fee. If the funds aren't used, typically bond programs, Escambia County is not going to have any funds to pay you back. That is who you paid the money to.

Fletcher: It's the SHIP program that's going to lose.

Banks: The bonds would go back to Escambia County and Escambia County will reimburse the SHIP program. Right, you will not lose. I think Capital City is having a problem because they won't be getting that 2.% on the new issue that they have been getting because we have different banks than them.

Watson: You told me that the SHIP program would be reimbursed by Escambia County.

Banks: That's right. That's right. If we do not spend all our 2 million dollars, they will.

Watson: Who loses then, the bond program?

Richmond: Somebody's going to lose.

Mohr: Do you have knowledge of a refund? (speaking to Mitch Owens of William R. Hough & Company)

Watson: I'm saying this, If all the money is not loaned out.

Banks: Escambia County will reimburse me whatever balance of the \$22,230 of SHIP funds.

Fletcher: Mitch

Owens: My understanding, and once again, I preface this by saying I am not a housing banker so I don't know the exact terms of this deal or any other deal. But Rosemary is correct. The funds would go back, the dollars that were available in the Escambia County Program for Gadsden County would go back to Escambia County for being able to relet those loans out to counties which are participating in that program. It would pay Rosemary or the County for those commitment fees.

Mohr: If someone else wanted to buy them.

Owens: That's true. That's true, but I also think that there, part of the Escambia program is that they buy back the

loans. I'm not sure.

Mohr: I don't think that is true. I'm not sure either, but that has never been the case in a bond program before.

Richmond: Do you have anything in writing either way?

Owens: Oh, sure. There is a whole set of documents

Richmond: Anything that says they will buy back the commitments and reimburse your SHIP program.

Banks: Everything that I received, I gave to the County Commissioners a copy and I gave you a copy.

Richmond: I just don't remember right off.

Owens: We can get an answer to that very quickly.

Mohr: Yes.

Banks: I can get that information to you. That is no problem. I picked up the telephone when one commissioner walked into my office yesterday and I got a response like that.

McGill: Pursuant to his question, Is there something that says that you will be reimbursed for it.

Banks: Yes. It is there and I have confirmed that with Mr. Jernigan when I talked with him over the telephone, that the SHIP program will not lose the commitment fees that it has paid. If we do not use all of that money, we will get ours back from Escambia County. The County will not have a lose. You are not even out a bit. The point that Capital City Bank is out of that money they would get when they close a loan on the issue that we're getting ready to do now, they are not the lender.

Mohr: Please understand something else about bond programs, and if you have never heard it from another lender, hear it from me. These are not money makers for us. It costs me more to originate a bond loan because of the extensive documentation that we have to do than we make. We do it because we are a hundred year old bank in our area, in your area and it is a community service. Ah. In response, ah, one more thing that I would like to say and I am about to get angry, so I'm going to sit down when I say this. But I have a confirmation of a fax that I sent to Mrs. Banks at 11:12 this morning in response to a

message she left on my voice mail at 9:50 asking for some information and gave her that information. And the two times I came to Gadsden County, I came at invitation, although I have said that I will come whenever, I live here, I can be here early in the morning, I can be here late at night, I can be here at 1 o'clock with an hour's notice. But I was here on March 21st, excuse me, May 30th with a class taught by Mrs. Shirley Clark. Now, I do not know what her capacity is in Gadsden County but she represented that it was a home buying class. I was here again on October 14th at a Gadsden County Lending Fair. We were one of three lenders. I am happy to come here. Our bank is committed to the community. I would hope that you all know that. I am not of an opinion that Gadsden County should participate in a second bond when they don't have any solid experience on the first. But my opinion about Gadsden County participating in the first has not wavered. Our primary interest is to see the funds committed. Thank you.

Watson: I don't think we need to get into a second one. I have to agree with her.

Fletcher: If it's not going to cost us anything, what difference does it make?

Watson: We don't have a good history with the first one. Why get into a second one.

McGill: What will the second one do that the first one will not do?

Watson: Nothing.

Banks: The second one will provide existing homes and rehab.

Watson: But we can amend the first one to do that, correct?

Banks: You can but you're going to delay the bond. My question to you is Are you for housing in Gadsden County? Gadsden County needs new homes. You was on the tour that we went and saw people still living in third world conditions here with no clothes in your area. I did several homes in your area. The people was living in a camper on the back of a pick-up truck.

Watson: The thing is this - we've had \$2,230,000 and we have only done \$230,000. We could have done more had I known that

we could have gone to existing houses. I was never told that during any of this. And I am still not straight in my mind if we are going to get that money back.

Banks: Mr. Watson, you have never come to me and asked me about the housing program. Instead you every which way I turn, you put obstacles in my path.

Watson: Now, Rosemary. I'm not real particularly happy with the tone and what is going on here. I really don't. We're trying to gather information and I don't think you need to take it so personal. I really don't. I really just don't think you should. There's questions about some programs and I think you take it just a hair to personal. I really do.

Banks: Mr. Commissioner, I know my job. I love my job and I enjoy doing what I do and when I see someone who do not see what I see and how important it is to have decent housing to put people in, I do get personal.

Watson: Well,

Owens: May I suggest Mr. Chairman. I apologize for my unfamiliarity with the documents and I didn't know what this would entail before I came. I do believe that Rosemary is correct. There is some language in that agreement. If you will give us an opportunity to dig that language out so we can be specific to Mr. Watson, I think that would be helpful. The second thing, from the program side, standpoint, I think, that the call for the County is whether and I guess the question I am asking Rosemary on this is I don't know, on the new program, it will have different lenders than Capital City Group?

Banks: Yes, it will.

Owens: And you already have those lenders lined up.

Banks: We are working on getting those lined up now.

Owens: My point being that while it may be competition for the 1995 program, you will have additional lenders and other people out there trying to place the funds. And I think, and I may be speaking out of turn, if I am, please correct me. Is that there is a possibility that those funds for the 95 program could even be shifted over if necessary. I don't know that for sure. I'm somewhat

biased because I am the underwriter for the Escambia Program, but in getting funds out there that are of no costs to you and you have additional lenders willing to lend in the community and if the documents are correct in what we are saying, I don't think that is necessarily a bad program.

McGill: We have two programs?

Owens: No, sir. Right now you have one mortgage company lending under the bond program in the County. My understanding is that under the new program you may have as many as four lending in the County. Not all with the 95 program some of the new 96 program.

Watson: What if these builders don't want to get with a program like that.

Owens: I think Rosemary will know that before she goes into the program.

Watson: No, I'm talking about the existing program.

Fletcher: Excuse me just a minute Sterling. Rosemary, is the Quincy State Bank involved?

Banks: Yes, sir.

Fletcher: We are going to have to put this off. Because I can't vote and we don't have a quorum.

Richmond: Can I ask a question. In the notice of intent of the hearing in the package for Tuesday night, is there some time constraint.

Banks: Yes. You have 14 days that we have to advertise in order to get into this issue. That is why I

Richmond: That is what I am saying. Does it have to be in by say January 1st or December 15th?

Banks: It is December 30th, 1995 - this year.

Richmond: We will have to publish this meeting for next week which means we will have to have a special meeting. Cause we couldn't have done it under the way it was set up anyway. I just need to know.

McGill: I suggest that we probably have a need for more open communication between all parties. I think I sense a little animosity that could be well laid to rest if we talked more openly to each other. I am advocating that we do that.

Fletcher: Well, we need to do that. We need a full commission here for this decision to be made.

Banks: I would like to make one statement before the Board. Capital City has not invested one penny into this bond program. Capital City has not even invested the time into following up with the people that they have pre-qualified in order to get these people qualified so we can close loans. That is a responsibility that Mrs. Mohr asked to take from our office and gave to her staff. And third, the only thing that Capital City Bank has done is the profit they make when they close the loans.

Fletcher: I'm going to adjourn this meeting. We don't have a quorum on this subject.

E. Hentz Fletcher, Chairman

ATTEST:

Nicholas Thomas, Clerk

Gadsden County Board of County Commissioners
December 7, 1995 Special Meeting

I certify that the above transcript is a true and accurate recording of the proceedings had by the Gadsden County Board of County Commissioners on December 7, 1995.

Muriel Straughn, Deputy Clerk for
NICHOLAS THOMAS, CLERK

AT A REGULAR MEETING OF THE BOARD OF
COUNTY COMMISSIONERS HELD IN AND FOR
GADSDEN COUNTY, FLORIDA ON DECEMBER
19, 1995, THE FOLLOWING PROCEEDINGS
WERE HAD, VIZ.

PRESENT: E. HENTZ FLETCHER, CHAIRMAN
BILL MCGILL, VICE-CHAIRMAN
STERLING WATSON
JAMES PEACOCK
EDWARD J. DIXON
NICHOLAS THOMAS, CLERK
HAL RICHMOND, COUNTY ATTORNEY
BETTY MILLER, COUNTY MANAGER

CALL TO ORDER

Chairman Fletcher called the meeting to order. Commissioner Peacock led in pledging allegiance to the U.S. Flag and Commissioner Watson led in prayer.

ADOPTION OF AGENDA

Mrs. Miller asked that the Volunteer Fire Department Contracts and Reimbursement Schedule be removed from the consent agenda noting that Clerk Thomas had requested some input which might be more satisfactory with all affected parties.

Mr. Hal Richmond requested that the mobile home ordinance amendment be pulled from the agenda.

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO ADOPT THE AGENDA AS AMENDED AS STATED ABOVE.

APPROVAL OF MINUTES

December 5, 1995 Regular meeting

April 15, 1995 Special Meeting & Transcript of Closed Door Meeting

UPON MOTION OF COMMISSIONER WATSON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE MINUTES OF DECEMBER 5, 1995 REGULAR MEETING, APRIL 15, 1995 SPECIAL MEETING & TRANSCRIPT OF THE CLOSED DOOR MEETING OF APRIL 15, 1995 MEETING.

COUNTY ATTORNEY

Escambia County Housing Authority Bond Issue for 1996

Mr. Gordon Jernigan of the Escambia County Housing Authority

spoke to the Board. He told them that he had conducted a public hearing on December 15, 1995 to receive public comments concerning the single family mortgage revenue bond program for the citizens of Gadsden County. There were no negative comments made at the meeting.

He presented a resolution to the commissioners which they could adopt and enter into an interlocal agreement with Escambia Housing Finance Authority authorizing them to operate within Gadsden County. He indicated that several lenders are interested in processing loans through the program.

Mr. Jernigan went on to say that Escambia Authority has issued approximately \$420,000,000 in the past 13 years. Many counties allow the Escambia Authority to issue new bonds year after year.

The bond program provides funds at below market rates to persons of low to moderate income levels. The funds can be used for mortgages for either new or existing homes. The 1995 issue for Gadsden County was restricted to only new construction of homes. He told the Board that can be changed by board to decision to include existing homes.

The 1996 money will be available by March of 1996. Assuming that interest rates remain low, the interest rate can be reset in August, 1996 on whatever funds are left over from the 1995 program.

Commissioner Watson questioned Mr. Jernigan regarding the commitment fees which were paid for the 1995 issue.

Mr. Jernigan replied that Gadsden County may participate in the 1996 program without purchasing an allocation. He emphasized that County had actually purchased an allocation of the bond issue for \$22,000+. He stated that a lender normally purchases the allocation. He further stated that someone in Gadsden County elected to purchase the allocation on behalf of the County. He explained that when an allocation is used, the lender will collect a 1% fee at each loan closing which will be refunded to the County.

In the event that no loans are ever made, the commitment fee cannot be recouped, but with the ability to reset the interest rate and changing the program to include existing houses, the County will most likely use all of the money in the 1995 program and recoup the commitment fees. Lenders from other counties might also be interested in buying the allocation.

Commissioner Watson then asked if the SHIP Program must be reimbursed the \$22,000+ if the fees are not recouped. He stated that he did not feel that it would be wise to enter into another bond program. He suggested that the Board should amend the 1995

program to include existing houses and try to use up those funds before getting into the other issue.

Mr. Jernigan stated that he did not expect the 1995 program to be used until the interest rate can be lowered in August. He added that there would be no investment by the County into the 1996 program.

Chairman Fletcher stated that obviously, a staff person elected to pay the commitment fee without getting Board approval.

Commissioner Watson said that it appeared on the consent agenda and as a budget amendment without being pointed out to the Board. He emphatically stated that it was never represented to the Board that the County would have to use any money or that there was an option not to purchase the allocation. The information received regarding the 1995 issue was so incomplete that he was leery of getting involved in another program with Escambia County Housing Finance Authority.

Mr. Jernigan once again told the Board that the 1996 program is available to the County and he advised against the purchase of an allocation reiterating that lending institutions normally purchase allocations. Some monies would be available to Gadsden County regardless of payment of commitment fees by lenders or the County.

Commissioner McGill asked if the Escambia County Housing Authority was established by State Statute.

Mr. Jernigan replied that it was created by Fl Statute 159 and Escambia County Ordinance in 1982. The Authority operates as a special district under the Laws of Florida.

Commissioner McGill asked if the County would have any liability if it should drop out of the program.

Mr. Jernigan stated that no county has ever dropped out of the program. He emphasized that he was aware of the special problems in the Gadsden County 1995 program and he was taking steps to help alleviate them and move the money and recoup the County's investment. He stated that there is only a slim chance that the Authority could not recoup the Gadsden investment. In the event that Gadsden should lose part of its investment, it would not be necessary to refund the Department of Community Affairs the amount of the loss.

Commissioner Peacock asked if the County could recover any of the \$22,000 commitment fee if it should elect to participate in the

1996 issue.

Mr. Jernigan clarified that the 1996 participation has nothing to do with the 1995 issue. It is entirely a new program. Once again he explained that in order for the 1995 program money to move, interest rates would have to rise and thus increase a demand for the money or the interest rate will remain low long enough to recall the 1995 bond issue and reset the interest rate.

Commissioner Dixon remarked that all the information was provided for each commissioner's individual examination and approval. The design of the program is not to cost any money. The fees would be paid out of the loan just as Mr. Jernigan stated. He then said that he believes the problem is the process through which people must go through to get loans - the lender. The program is designed to provide decent housing for the residents of Gadsden County - the rates will be lower than other mortgage interest rates. If the interest can be rolled back, the 1995 bond money will move.

Commissioner Watson reiterated that the 1995 program should be amended to include existing housing.

A MOTION WAS MADE BY COMMISSIONER WATSON FOR GADSDEN COUNTY NOT TO PARTICIPATE IN THE 1996 ESCAMBIA COUNTY HOUSING FINANCE AUTHORITY'S SINGLE FAMILY BOND PROGRAM.

THE MOTION DIED FOR LACK OF A SECOND.

A MOTION WAS MADE BY COMMISSIONER DIXON FOR GADSDEN COUNTY TO PARTICIPATE IN THE 1996 ESCAMBIA COUNTY HOUSING AUTHORITY'S SINGLE FAMILY BOND PROGRAM. COMMISSIONER PEACOCK SECONDED THE MOTION.

Commissioner McGill stated that he could support the program only if it is stipulated in writing that Gadsden County has no financial liability in any shape or form.

Mr. Jernigan replied that the face of the bond bears a disclaimer which states there is no liability with any county or governmental agency participating in the program.

Commissioner McGill countered that the Board was told there would be no liability involved with the 1995 program and it turned out not to be the truth.

Mr. Jernigan reminded Commissioner McGill that someone from the County purchased an allocation. It was a staff decision to use SHIP money to purchase the allocation. Normally, the lending

institution pays the commitment fees.

The question was called by Commissioner Peacock. Chairman Fletcher called for a vote.

THE BOARD VOTED 4 - 1 IN FAVOR OF THE MOTION TO ADOPT THE RESOLUTION AND THE INTERLOCAL AGREEMENT WITH ESCAMBIA COUNTY HOUSING AUTHORITY TO PARTICIPATE IN THE 1996 SINGLE FAMILY HOME MORTGAGE BOND ISSUE. COMMISSIONER WATSON CAST THE LONE DISSENTING VOTE.

Commissioner Watson asked if the Board could amend the 1995 issue at this meeting. Mr. Jernigan replied that he has already instructed Mrs. Miller how to accomplish such an amendment.

COMMISSIONER DIXON MADE A MOTION TO AMEND THE 1995 ESCAMBIA COUNTY HOUSING AUTHORITY SINGLE FAMILY HOME MORTGAGE ISSUE TO INCLUDE EXISTING HOUSES. COMMISSIONER PEACOCK SECONDED THE MOTION.

DISCUSSION FOLLOWED.

COMMISSIONER PEACOCK CALLED THE QUESTION.

THE BOARD VOTED 5 - 0 TO APPROVE THE MOTION.

Commissioner Dixon asked to have a workshop scheduled to address the housing program.

Mr. Jernigan indicated that a workshop would be held before the bonds are sold.

Waste Management Contract

Mr. Richmond called attention to the letter written to Mrs. Miller from Waste Management. The letter was a proposal that under the terms of the existing contract, that the County and Waste Management mutually agree to extend the contract for five (5) years. In exchange for entering into that contract now, Waste Management will waive all contractual CPI increases for residential, commercial and industrial service for the years 1996 and 1997. He explained that the County has no obligation to extend the contract.

Mr. Richmond advised that in the event the Board should desire to take advantage of the proposal, he asked for authority to develop a newspaper advertisement for a public hearing to be held on the second meeting in January. Given the history of the garbage issue in Gadsden County, he advised full public input to avoid any

problems.

Commissioner Dixon was not in favor of such a contract because it would create a monopoly.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO NOT ACCEPT THE PROPOSAL BY WASTE MANAGEMENT TO EXTEND LENGTH OF THE CURRENT CONTRACT FOR GARBAGE SERVICE IN GADSDEN COUNTY.

Jackson Trailer Park Culvert Installation

Mr. Richmond reported that the Board had agreed to install a culvert for Mrs. Jackson at some point in the past. He then stated that the information on this matter is still incomplete. He then asked to continue the it until January.

Public Hearing on Repeal of Ordinance 71-003 (Ordinance authorizing the Board to use county equipment and labor for the maintenance for certain private roads at cost.)

Mr. Richmond recalled to the Commissioners that this matter was first addressed at the November 21, 1995 meeting. Pursuant to the Board's instruction, he reported that he has properly noticed the public of a hearing of the intent to repeal Ordinance 71-003.

Mr. Richmond then opened the hearing to those present.

A MOTION WAS MADE BY COMMISSIONER PEACOCK TO CONTINUE WITH THE ORDINANCE AS IT IS PRESENTLY - TO MAINTAIN THOSE ROADS AT A CHARGE OF \$50.00 PER HOUR.

MR. MCGILL SECONDED THE MOTION. THEN HE ASKED THAT THE MOTION BE AMENDED TO INCLUDE THAT THE FEE CHARGED FOR THOSE SERVICES BE IN LINE WITH CHARGES CHARGED BY VENDORS IN THE PRIVATE SECTOR. THE AMENDMENT WAS ACCEPTABLE TO COMMISSIONER PEACOCK.

Commissioner Dixon stated that the continued maintenance of private roads should certainly be done only if the cost is totally reimbursed to the County.

Chairman Fletcher called attention to a publication put out by Ring Power. It stated that the cost to operate the type motor grader used by Gadsden County (including the cost to own it and the fuel, but not including the operator or insurance) is \$22.00 per hour. He argued that certainly \$50.00 per hour would cover the entire cost.

Commissioner Dixon said that the figure might be correct assuming that no work other than grading the road is done. But in the event of other work being accomplished, it should be charged out at the actual cost.

Mr. Richmond asked to make a point of order on the motion on the floor. He continued by saying that the matter under consideration is whether to repeal Ordinance 71-003 which provides that the work can be done at no cost. He stated that the motion should be to repeal the ordinance or not to repeal the ordinance. A resolution could then be done to effectuate the ordinance as to what costs will be charged.

COMMISSIONER PEACOCK REPHRASED THE MOTION TO READ TO NOT REPEAL ORDINANCE 71-003. COMMISSIONER MCGILL SECONDED THE MOTION.

Commissioner Watson stated there is a cost to the County in that any time and labor expended on private roads is taking away the time and labor which would otherwise be spent on the public roads. He then asked those in favor of continuing the practice of maintaining private roads to justify how it can be done when they are already neglecting the roads for which the County is responsible. He further stated that the reason "we have been doing it since 1971" is not sufficient justification to continue."

Commissioner McGill stated that in some cases, maintenance of those roads are the only service the County offers them from their taxes.

Commissioner Watson told him that the gas tax revenues should be expended only on public roads. He further stated that it is a misuse of the gas tax.

Commissioner Peacock was of the opinion that it does not cost the County anything if the Road Department worked as it should. If the grader goes past a private road every 15 days, and a citizen has paid the \$50 for grading to be done, it should not be costing the County any money. Those citizens pay ad valorem taxes in addition to paying the grading permit fees.

Commissioner Watson contended that it is still a misuse of the gas taxes when the County performs maintenance on private roads. Until such time as the R & B department can accomplish the work for which it is responsible, he could not and would not support continuing work on private roads. He reiterated that gas taxes support the R & B Department - no ad valorem tax money is used.

Public comments were called for by the Chairman.

Comments were received from an unidentified gentleman and Mr. Rick Soskis.

The question was called by Commissioner Peacock.

Commissioner Dixon added there is a thing called opportunity cost which must be factored into the decision to be reached regarding private road maintenance. The priority of the County must become focused on improving public roads first.

CHAIRMAN FLETCHER CALLED FOR A VOTE. THE BOARD VOTED 3 - 2, BY VOICE VOTE, IN FAVOR OF THE MOTION TO NOT REPEAL ORDINANCE 71-003. COMMISSIONER MCGILL, PEACOCK AND FLETCHER VOTED IN FAVOR OF THE MOTION TO NOT REPEAL ORDINANCE 71-003. COMMISSIONERS DIXON AND WATSON OPPOSED THE MOTION.

Commissioner Dixon asked to have a resolution which will establish a cost for private road maintenance which will reflect the market for the work performed. Any determination as to when the work is to be performed should also be left to the discretion of the R & B department.

Mr. Richmond reminded the Board that the correct approach in dealing with any staff personnel should go through the county manager.

It was the consensus of the Board to get a clear understanding of the actual costs involved in performing maintenance on private roads, then prepare a resolution for board approval at a later meeting.

DeLanzo Vs. Gadsden County Settlement

Mr. Richmond told the Board that he had prepared the settlement agreement for the Chairman's signature. The agreement states how the money is to be distributed. After consulting with Clerk Thomas, he concluded that the funds will have to come from the General Fund Contingency. A budget amendment will be presented at a later date.

RFQ for Hospital Management

At the request of the Hospital Committee, Mr. Richmond asked the Board to consider hiring a consultant to assist the committee in drafting an RFQ for seeking new management for Gadsden Memorial Hospital in 1996. Contacts have been made with the Hospital Association and information should be forthcoming. He then told the commissioners that he should be able to provide more information at the next meeting.

PLANNING AND ZONING ISSUES

Comprehensive Plan Amendment 95-1 - Public Hearing Date

Mr. Mike Sherman asked the Board to set a public hearing date for amendment 95-1 to the County's comprehensive plan. He explained that it must be accomplished by ordinance.

UPON MOTION BY COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 , BY VOICE VOTE, TO SET A PUBLIC HEARING FOR JANUARY 16, 1996, FOR THE PURPOSE OF PASSING AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN.

Mr. Sherman asked Mr. Richmond to publish the required notices.

Comprehensive Plan Amendment 95-2 - Public Hearing Date

UPON MOTION BY COMMISSIONER AND SECOND BY COMMISSIONER, THE BOARD VOTED 5 - 0 TO SET A PUBLIC HEARING ON FEBRUARY 6, 1996 TO PASS AN ORDINANCE AMENDING THE LAND USE MAP OF THE COUNTY'S COMPREHENSIVE PLAN.

Quail Rise Subdivision Request

Mr. Sherman told the Board that the developer of the Quail Rise Subdivision (Charles Harvey) had requested that the roads in the subdivision be accepted by the County and thus maintained by the County. He stated that the roads have been constructed to the County's standards and meets with the R & B requirements for acceptance. (See minutes of 10/17/95)

A MOTION WAS MADE BY COMMISSIONER PEACOCK AND SECONDED BY COMMISSIONER DIXON TO ACCEPT THE ROADS IN QUAIL RISE SUBDIVISION IF THE ROADS ARE UP TO THE COUNTY STANDARDS.

DISCUSSION FOLLOWED.

QUESTION WAS CALLED BY COMMISSIONER DIXON.

THE BOARD VOTED 4 - 1 TO ACCEPT THE ROADS OF QUAIL RISE SUBDIVISION. COMMISSIONER WATSON CAST THE LONE DISSENTING VOTE.

Planning Commission

Mr. Sherman reported that the Planning Commission did not have a quorum at their last meeting and he could not bring their recommendations on the agendaed projects. He asked for authority

to remand those decisions back to the Planning Commission once again.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO REMAND THE PENDING P & Z PROJECTS BACK TO THE PLANNING COMMISSION FOR THEIR RECOMMENDATIONS.

ROAD PROJECT UPDATE

Mr. Doug Barkley gave the Board a brief update of the road projects. Report attached.

Chairman Fletcher asked that an addendum be made to the bid to have the contractor propose a cost of putting in an inexpensive and temporary by-pass on CR 268 while construction is proceeding. Mr. Barkley indicated that the cost would double if a bypass is to be constructed.

Commissioner McGill questioned Mr. Barkley regarding the length of time required in the bid process for Rich Bay Road.

ECONOMIC DEVELOPMENT UPDATE

Mr. Rick McCaskill reported on the latest economic development activities. (Report attached)

USDA COMMODITY PROGRAM

Mr. Herb Chancey reported that the Florida Department of Agriculture and Consumer Services has notified him that their funding has been drastically reduced by the federal government for the commodity program. The State elected to continue the commodity purchases at the same level and reduce the administrative amount offered to the counties. Gadsden County's contract has been reduced by \$5,000.00. The original contract was for \$13,805.00. He asked the Board if they wished to continue with the program and assume the responsibility for the remainder of the cost for administering the program for the remainder of the year. In the event the Board elects to continue, he recommended that the food be distributed bimonthly to help reduce the cost.

COMMISSIONER WATSON MADE A MOTION TO NOT CONTINUE WITH THE COMMODITY PROGRAM. COMMISSIONER MCGILL SECONDED THE MOTION. DISCUSSION FOLLOWED. QUESTION WAS CALLED BY COMMISSIONER DIXON. THE MOTION FAILED WITH COMMISSIONERS WATSON AND MCGILL VOTING IN FAVOR OF DISCONTINUING THE PROGRAM AND COMMISSIONERS DIXON, FLETCHER AND PEACOCK OPPOSING.

A MOTION WAS MADE BY COMMISSIONER DIXON AND SECONDED BY COMMISSIONER PEACOCK TO CONTINUE THE COMMODITY PROGRAM AND TO DISTRIBUTE THE FOOD BIMONTHLY WITH THE COUNTY ASSUMING ADDITIONAL \$6,309 TO ADMINISTER THE PROGRAM.

DISCUSSION FOLLOWED.

Commissioner Watson was very vocal about his opposition to assuming financial responsibility for a State program without it being fully funded by the State. He urged the Board to make the financial security of Gadsden County a priority.

QUESTION WAS CALLED BY COMMISSIONER PEACOCK.
THE BOARD VOTED 3 - 2 IN FAVOR OF CONTINUING THE COMMODITY PROGRAM AND DISTRIBUTE THE FOOD BIMONTHLY AT A COST OF \$6,309 TO GADSDEN COUNTY.

Mrs. Miller asked for clarity about where the money should be taken from in the budget.

MOTION WAS MADE COMMISSIONER DIXON AND SECOND BY COMMISSIONER PEACOCK, TO FUND THE \$6,309 NEEDED FOR CONTINUING THE COMMODITY PROGRAM FROM THE GENERAL FUND CONTINGENCY.

DISCUSSION FOLLOWED.

QUESTION WAS CALLED BY COMMISSIONER PEACOCK.
THE BOARD VOTED 3 - 2 TO TAKE THE MONEY FROM GENERAL FUND CONTINGENCY.

COUNTY MANAGER

Mrs. Betty Miller told the Board that she has received a request from Florida A & M University for dirt and road work at their facility located north on SR 267. She asked for direction from the Board.

A MOTION WAS MADE BY COMMISSIONER DIXON AND SECONDED BY COMMISSIONER PEACOCK TO DO THE WORK REQUESTED BY FAMU PROVIDED THAT THE ACTUAL COSTS WILL BE REIMBURSED TO THE COUNTY AND THAT IT CAN IT BE DONE AT A TIME AND CIRCUMSTANCES SPECIFIED BY THE OF THE R & B DEPARTMENT DIRECTOR.

DISCUSSION FOLLOWED.

QUESTION WAS CALLED BY COMMISSIONER DIXON. THE BOARD VOTED 4 - 1 IN FAVOR OF THE ABOVE STATED MOTION. COMMISSIONER WATSON CAST THE LONE DISSENTING VOTE.

CONSENT AGENDA

UPON MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER PEACOCK THE BOARD VOTED 5 - 0 , BY VOICE VOTE TO APPROVE THE AMENDED CONSENT AGENDA TO WIT:

- 1) CATO Building Renovation Project Payment to Talquin Construction Group, Inc. for \$12,500.00
- 2) Hurricane Opal Disaster Relief Agreement DCA Agreement No. 96RM-6V-02-30-01-120 FEMA Application No. 039-0000. This agreement will allow Gadsden County Agencies which provide emergency services and debris removal to be reimbursed. 75% federal funding and 25% state funding.

CLERK OF COURT

Tax Deed Sale

Clerk Thomas reminded the Board of the tax deed application which they authorized on September 15, 1995 on four properties. The outstanding taxes on three of them were settled prior to the sale on November 30, 1995. The one remaining property received no bid. He informed the commissioners that the County can purchase the property at the base bid amount before March 1, 1996. After that time the land will be listed on the "list of Lands Available for Taxes" and anyone may purchase the property without further bidding.

The property is located within the city limits of Chattahoochee in the River Junction area. (Parcel No. 2 04 3N 6W 000 00422 1200. The opening bid was \$311.55.)

Request to Purchase County Property

Clerk Thomas then informed the Board of a request he had received to purchase a piece of property outside the city limits of Chattahoochee which the County acquired in 1970. He continued by saying if the County would like to sell the property, he would need authorization to notify all adjacent property owners of the pending sale and allow them an equal opportunity to bid for it.

UPON MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO AUTHORIZE THE CLERK TO NOTIFY THE CLERK TO PROCEED WITH NOTIFYING THE ADJACENT PROPERTY OWNERS OF THE PENDING SALE OF LOT 1, BLOCK 15 IN

HARDING HEIGHTS.

Ratification of Payment of County Bills

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

DISTRICT 1 REPORT

Commissioner McGill presented a Resolution which would create an Economic Development Commission in Gadsden County and explained how he envisioned the commission would function.

A MOTION WAS MADE BY COMMISSIONER MCGILL AND SECONDED BY COMMISSIONER DIXON TO PASS THE RESOLUTION CREATING AN ECONOMIC DEVELOPMENT COMMISSION IN GADSDEN COUNTY.

DISCUSSION FOLLOWED.

QUESTION WAS CALLED BY COMMISSIONER PEACOCK.

THE MOTION FAILED 3 - 2 WITH COMMISSIONERS MCGILL AND DIXON VOTING IN FAVOR AND COMMISSIONERS WATSON, PEACOCK AND FLETCHER OPPOSING THE FORMATION OF AN ECONOMIC DEVELOPMENT COMMISSION.

DISTRICT 2 REPORT

There was no report.

DISTRICT 3 REPORT

There was no report.

DISTRICT 4 REPORT

There was no report.

DISTRICT 5 REPORT

Commissioner Dixon made comments to the Board and to the public regarding the firing of Rosemary Banks as the community development director and the mishandling of a violation of the mobile home ordinance by the building inspection department. He stated that he has a growing concern about the county administration and the ability of Mrs. Miller to work for five commissioners and shield herself and the employees from the Board.

He cited the following:

- 1) Mrs. Miller left her administrative assistant in charge in her absence rather than department directors.
- 2) Mrs. Miller's inability to accept responsibility for the incident resulting from the mobile home ordinance violation by Mr. J. C. Kingrey.
- 3) Mrs. Miller consulted three commissioners regarding the firing of Mrs. Banks but did not consult with himself and one other commissioner. (He did not know who the second commissioner was.)

ADJOURNMENT

THERE BEING NO OTHER BUSINESS, CHAIRMAN FLETCHER ADJOURNED THE MEETING.

E. Hentz Fletcher, Chairman

ATTEST:

Nicholas Thomas, Clerk