

AT A REGULAR MEETING OF THE BOARD OF  
COUNTY COMMISSIONERS, HELD IN AND  
FOR GADSDEN COUNTY, FLORIDA ON  
JANUARY 2, 1996, THE FOLLOWING  
PROCEEDINGS WERE HAD, VIZ.

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

ABSENT: EDWARD J. DIXON

CALL TO ORDER

Chairman Fletcher called the meeting to order. Commissioner Watson led in pledging allegiance to the U.S. Flag. Commissioner Peacock led in prayer.

ADOPTION OF AGENDA

UPON MOTION BY COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO ADOPT THE AGENDA AS WRITTEN. (ATTACHED)

APPROVAL OF MINUTES

December 7, 1995 Special Meeting

December 19, 1995 Regular Meeting

UPON MOTION BY COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE MINUTES OF DECEMBER 7, 1995 SPECIAL MEETING AND THE MINUTES OF THE DECEMBER 19, 1995 REGULAR MEETING.

COUNTY ATTORNEY

Jackson Trailer Park Culvert Installation

Mr. Richmond reported that the planning department had received a letter in November from Attorney Gary Printy on behalf of Ms. Maime Ruth Jackson, owner of Jackson Trailer Park in the City of Midway. The letter brought into question whether the County had fulfilled its promise to install culverts underneath the access road to Ms. Jackson's property. Subsequent to receiving

that letter, the public works director made a site inspection of the property and determined that the culverts were installed. Mr. Richmond then stated that nothing further should be required of the county and he would advise Mr. Printy of the Board's findings.

**Ordinance - Notice of Intent - Mobile Home Amendment**

Mr. Richmond asked the Board to authorize him to publish a notice of intent to hold a public hearing on February 6, 1996 to amend the mobile home ordinance. The amendment will provide a better means of enforcement. The amendment includes a 600 sq. footage requirement and the various codes are specifically stated rather than referenced. Penalties will be pursuant to the building codes.

Discussion followed.

**UPON MOTION OF COMMISSIONER WATSON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 0 , BY VOICE VOTE TO AUTHORIZE PUBLICATION OF A NOTICE OF INTENT TO ADOPT AN AMENDMENT TO THE MOBILE HOME ORDINANCE.**

**Resolution - Private Road Repair/Maintenance Costs**

Mr. Richmond presented a resolution for the Board's consideration dealing with Ordinance 71-003. The resolution allows for the County to recoup the actual costs of permitting, maintaining and scraping of private roads. Attached to the resolution was an analysis (prepared by Mr. Lugod, public works director) which covered all costs to the County.

Mr. Peacock stated that he felt the Mr. Lugod's figures were inflated. In addition he stated that he believed there was a misconception by Mr. Lugod about the nature and the extent of the work expected of the public works department when citizens purchase a permit for scraping of a private or non-public road. He was of the opinion that nothing more than grading would be required in most instances. He then stated that he did not feel that the work would require a tractor and harrow as indicated in Mr. Lugod's analysis.

Mr. Lugod offered to explain how he arrived at the cost schedule.

Commissioner Watson recalled that the Board had been told by someone at a previous meeting that no private companies would perform grading of private roads. He then referred to quotes from

private vendors who indicated they could and would perform grading on private roads. He then read from the ordinance "The Board of County Commissioners in no way intends to compete with private businesses in private road scraping." He reasoned that the County would be in direct violation of its own ordinance if it should continue doing maintenance on those roads.

Chairman Fletcher countered that the quotation from Barnes Equipment was for a minimum of three (3) hours.

Commissioner Watson continued to read from the ordinance "provided that the work does not exceed one (1) hour." He concluded that if a job would require 61 minutes, the County must decline the request to do the work.

Commissioner Watson then called attention to one job the County had done which required nine (9) hours to accomplish.

Commissioner Peacock reiterated that the Board voted at the last meeting to continue grading of private roads when a permit had been issued. He stated that he would be opposed to discontinuing that service if the resident is agreeable to pay \$50.00 per hour.

Discussion ensued relating to an appropriate charge for permits to ensure that the County is recouping all costs incurred in maintaining non-public roads.

Commissioner Watson summed up his remarks by stating that if the ordinance is not repealed, it must be followed. He continued by saying that if the County is going to perform maintenance on private roads, it must recoup all expenses and it must not exceed one hour.

Mr. Richmond advised that there is a \$50.00 permit fee in effect at present. If the Board deems that amount is proper, it can be left at that cost. If it is not a proper amount, the charge can be amended to reflect the actual cost of the work involved.

**A MOTION WAS MADE BY COMMISSIONER PEACOCK TO LEAVE THE PERMIT FEE AT \$50.00 PER HOUR.**

Commissioner McGill asked for more discussion before a motion was presented.

**COMMISSIONER PEACOCK WITHDREW HIS MOTION.**

Further discussion followed between the commissioners and Mr. Lugod relating to the appropriate amount to be charged for the permits.

**A MOTION WAS MADE BY COMMISSIONER PEACOCK TO ACCEPT THE RESOLUTION ENACTING A GRADING PERMIT COST OF \$50.00 PER HOUR PROVIDED THAT THE JOB DOES NOT REQUIRE MORE THAN ONE HOUR. THE COST OF THE PERMIT WOULD INCREASE IF THE JOB REQUIRED MORE THAN ONE HOUR.**

Commissioner Watson insisted that the ordinance be followed or otherwise amended. (It states that work requiring more than one hour must be declined.)

**CHAIRMAN FLETCHER CALLED FOR A SECOND TO THE MOTION.**

Commissioner McGill asked Commissioner Peacock to amend his motion to stay within the provisions of the ordinance.

**COMMISSIONER PEACOCK AMENDED HIS MOTION TO APPROVE THE RESOLUTION SETTING THE COST FOR THE GRADING PERMIT TO BE \$50 PER HOUR AS ALLOWED WITHIN THE ORDINANCE 71-003.**

**COMMISSIONER MCGILL SECONDED THE MOTION.**

**DISCUSSION FOLLOWED.**

Commissioner Watson asked what would happen in the event a job took longer than one hour.

Commissioner Peacock answered that the cost would increase.

Commissioner Watson countered once again that would be in violation of the ordinance.

Mr. Richmond clarified that the ordinance does specify one hour or less.

Commissioner Peacock agreed to the one hour stipulation as stated by the ordinance. Should a job require more than one hour, the public works department should decline the request for a permit.

**QUESTION WAS CALLED BY COMMISSIONER MCGILL.**

**THE BOARD VOTED 3 - 1 IN FAVOR OF THE ABOVE STATED MOTION. COMMISSIONER WATSON CAST THE LONE DISSENTING VOTE.**

Commissioner Watson requested Mr. Richmond to ask the Attorney General for an opinion as to whether the Board's action is legal and then ask the Attorney General to advise the Board as to who should determine the cost to be charged for the grading permits issued by the county.

Mr. Richmond replied that he will state in his request for an opinion that in the present situation, the Board of County Commissioners has made a cost determination which has caused a problem and request that they (the Attorney General's Office) advise as to who should make the cost determination for the County.

Commissioner Peacock then stated that the Board can charge whatever they choose to charge for the service if it is determined to be legal.

Mr. Richmond cautioned that it must not cost the County any money from the Transportation Fund.

Commissioner Watson told the Commissioners to expect to revisit the issue several times.

#### COUNTY MANAGER

Mrs. Miller had nothing to report.

#### CONSENT AGENDA

UPON MOTION OF COMMISSIONER WATSON AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE CONSENT AGENDA TO WIT:

- 1) Approval of Payment to Tupelo Construction Co., Inc. for Payment #3 of \$14,327.60 for work completed on the CATO building facade. (Contractor's Application and Certificate for Payment No. 3 via Lee and Bridges Architect attached)
- 2) Approval of Standard Remodeling Agreement with Gorilla Builders for remodeling of nursing area of the Gadsden County Public Health Unit.

#### CLERK OF COURT

#### Ratification of Payment of County Bills

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE PAYMENT OF THE COUNTY BILLS.

#### DISTRICT 1 REPORT

Commissioner McGill had no report.

#### DISTRICT 2 REPORT

Commissioner Watson had no report.

**DISTRICT 3 REPORT**

Commissioner Peacock had no report.

**DISTRICT 4 REPORT**

Chairman Fletcher had no report.

**DISTRICT 5 REPORT**

Commissioner Dixon was not present.

**ADJOURNMENT**

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

**COMMITTEE ASSIGNMENTS**

Commissioner McGill questioned the Chairman concerning the committee assignment list he found in his agenda packet. It was the consensus of the Board to take action on the committee assignments at this meeting.

Commissioner Peacock stated that he did not think the assignments were altogether evenly distributed among the Board members, but he agreed to serve in the areas assigned to him.

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE COMMITTEE ASSIGNMENTS AS PRESENTED.

**ADJOURNMENT**

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

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E. Hentz Fletcher, Chairman

ATTEST:

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Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE BOARD OF  
COUNTY COMMISSIONERS, HELD IN AND  
FOR GADSDEN COUNTY, FLORIDA ON  
JANUARY 7, 1997, THE FOLLOWING  
PROCEEDINGS WERE HAD, VIZ.

PRESENT: BILL MCGILL, CHAIRMAN  
STERLING WATSON, VICE CHAIRMAN  
CAROLYN ROBERSON  
EDWARD J. DIXON  
NICHOLAS THOMAS, CLERK  
HAL RICHMOND, COUNTY ATTORNEY  
ARTHUR LAWSON, INTERIM-COUNTY MANAGER

ABSENT: E. H. (HENTZ) FLETCHER

CALL TO ORDER

Chairman McGill called the meeting to order. Commissioner Watson led in pledging allegiance to the U.S. Flag and Interim County Manager Arthur Lawson led in prayer.

ADOPTION OF AGENDA

The agenda was amended as follows:

Add: Sheriff's Request for Budget Amendment - Cecil Morris

Remove: Item # 5 - Rod Bennett - JTPA & EDWAA Agreements

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE AGENDA AS AMENDED.

SHERIFF'S REQUEST FOR BUDGET AMENDMENT

Cecil Morris from the Gadsden County Sheriff's Department appeared before the Board to request \$12,236 in additional funding to be used as a cash match for a 3 yr. federal grant which would pay the salaries and all fringe benefits for two additional deputies. The grant amount would be \$48,945.60 for the first year and decreasing amounts for the following two years.

During discussion with Mr. Morris, it could not be determined exactly how much more money would be needed over and above salaries and benefits to put two additional deputies on duty (guns, car, ammo, uniforms, etc.) Mr. Morris was asked to provide the Board with a copy of the grant, a breakdown of the grant for the entire three years, a breakdown of what it will cost the County to maintain the two positions after the grant expires and what

penalties will be imposed should the County decide not to maintain those positions beyond the grant period.

**UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER WATSON THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO TABLE ANY ACTION ON THE SHERIFF'S BUDGET REQUEST UNTIL JANUARY 21, 1997.**

#### **COUNTY ATTORNEY'S AGENDA**

##### **Chattahoochee Fire Service Agreement**

Mr. Richmond reported that he had discussions regarding Chattahoochee's fire service agreement with their attorney. The agreement contains language that states that any capital items purchased with county money become the property of the County. Chattahoochee would like to modify the language to the effect that if the County designates the funds which are sent to Chattahoochee to be used for capital items, then they will become the property of the County. Otherwise they will use the money for replacement of existing capital which are already the property of Chattahoochee.

Mr. Richmond pointed out that the Chattahoochee agreement contains the exact language as the other agreements with all the fire departments. There has been no opposition from any other department. (At a previous meeting, the Board had instructed Mr. Richmond to contact the City of Chattahoochee to tell them that if they did not choose to sign the agreement they would not receive their allocation.) He asked for directions.

Commissioner Watson stated that his position remained the same as before. If they sign the agreement, they should get their money. Otherwise they should not receive any funds.

Chairman McGill took the position that the Board should not show preference to any one of the fire departments. The requirements should be the same for all units.

Commissioner Dixon pointed out that this money was intended to be used to build a fire protection program for the County. The money should be used in such a way that protects the county's investment.

Mr. Richmond pointed out that the fire protection ordinance (which was partially repealed in 1995) provided that funding which was obtained by way of the fire assessments was to be maintained and used for county capital equipment. He cautioned that there could be legal problems in changing the county's position in that regard.



Chairman McGill asked if by changing the language for the City of Chattahoochee, would the County be in violation of its own ordinance.

Mr. Richmond replied that it is possible and he would research it before the next meeting.

#### **PLANNING AND ZONING ISSUES**

##### **Rehearing of Polly Burdick Nuisance Complaint**

Mr. Sherman asked that the above hearing be continued until January 21, 1997.

##### **REHEARING OF THE LAND USE AMENDMENT TO THE GADSDEN COUNTY COMPREHENSIVE PLAN - ORDINANCE 97-001**

Mr. Sherman announced a public hearing to consider the land use amendment to the Comprehensive Plan.

Attorney Richmond read the ordinance into the record by title.

Chairman McGill called for public comment. No one spoke for or against the ordinance.

Mr. Sherman explained that Dr. Sheeline is the applicant for the amendment. He continued by saying that the planning and zoning staff has worked with him for more than a year on this issue. The amendment changes property presently zoned Agriculture 3 to the mining land use category; and rural residential category and agriculture 2 categories to agriculture 3 category. The reason for changing it to a mining category is to capture the sand resource on the location. This amendment will allow them to petition the Florida Department of Environmental Protection (DEP) for a reclamation permit.

The categories which are going from rural residential and agriculture 2 categories to an Agriculture 3 category will allow for a buffer area to help mitigate noise and traffic impacts associated with the mining.

Chairman McGill called for public comments again. No response was made.

**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE ORDINANCE 97-001- AMENDING THE COMPREHENSIVE PLAN AND FUTURE LAND USE MAP.**

**LAKE TALQUIN DRAWDOWN**

Mr. Jerome Shireman, Director of the Division of Fisheries of the FL Game and Fresh Water Fish Commission was present to inform the Board of the intentions to lower the water in Lake Talquin. He reported that he had been involved in many meetings and two public hearings with residents regarding the drawdown since he made the drawdown announcement at the June 4, 1996 meeting. After evaluating data, the Game and Fish Commission altered the original drawdown schedule. He maintained that a drawdown would be beneficial. The drawdown will begin on December 1, 1997 and should be back at full pool no later than July 3, 1997. He stated that he anticipates transplanting of vegetation (native to the lake) and possible placement of artificial substrats.

The Game and Fish Commission proposed that there will be no fishing beginning December 1 followed by a time with a reduced bag limit beginning after April 1. Mr. Shireman stated that the drawdown will help the bass and croppie population the most.

Chairman McGill and Commissioner Watson questioned Mr. Shireman as to the public concerns - in particular those raised by John Mark Bell at a previous meeting with the Board of County Commissioners.

Mr. Shireman reported that Mr. John Mark Bell and he had talked and spent time on the lake looking at the vegetation. He informed the Board that after talking to Mr. Bell then conferring with biologists, he came to the conclusion of the 10 ft. level drawdown rather than a 17 ft. level.

Mrs. Opal Holley commented to the Board that she had talked with Dr. Shireman at length. She indicated that she was confident that the Game and Fish Commission will do what they have proposed to do. She also stated that this drawdown will be a good thing for Lake Talquin in the long run and it should eliminate repeated drawdowns in the future. She did express concern, however, that the fish camps will need some type of access to the lake - possibly deepening the boat ramps. Mrs. Holley concluded by saying that she would support the drawdown in her community.

John Mark Bell addressed the Board briefly. He stated that the plan for the drawdown changed drastically since the first proposal. He stated that while he would have preferred a 5 ft. drawdown, he understood the need for the 10 ft. as a buffer in the event of heavy rains during the low water level. He indicated that he was satisfied with the flexible time frames as proposed by Game and Fish Commission.

Mr. Bell stated that the public trust with the Game and Fish Commission has been poor in the past. However, he stated that he has developed a good relationship with Dr. Shireman during this experience and found that he has been willing to listen and work to satisfy the public concerns. He concluded his remarks by saying that if the Game and Fish Commission will do what has been proposed, the drawdown should enhance the fishery.

Dr. Shireman stated that his department will be willing to work with the county to ensure that the county boat ramps offer adequate access to the lake. He then asked for the Board's support.

Commissioner Dixon commended Dr. Shireman for having worked so diligently with the public and having earned their confidence.

**UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE A VOTE OF CONFIDENCE IN THE LAKE TALQUIN DRAWDOWN AS PROPOSED BY THE GAME AND FISH COMMISSION.**

#### **INTERIM COUNTY MANAGER'S AGENDA**

##### **County Fuel System Update (Memo Attached)**

Mr. Arthur Lawson reported that he had made several attempts to address some of the problems which exist with the county's fuel system. He stated that he had met with David Sirianni of the Clerk's office and examined the fuel reports at length. He observed some of the discrepancies which were pointed out by Clerk Thomas at the last meeting.

Mr. Lawson reported that he had discussed the landfill site with Howard McKinnon at the City of Quincy and other discussions will follow. The situation at the landfill does not appear to be as bad as it was initially thought to be. Much of the missing gas can be accounted for but investigations are still ongoing.

Tennessee Valley Tech has been contacted regarding assistance and training for the staff. Funds are available in the County Manager's budget to provide staff training. Mr. Lawson asked the Board to wait until a new county manager can be hired before proceeding with the training aspect with the fuel system. (The new manager may wish to make the decision to fill the vacancy in the manager's office to oversee the fuel system.)

Commissioner Watson questioned Mr. Lawson regarding a statement in his memo "We have coded all override cards hot (these cards cannot be used) that we were able to identify."

Mr. Lawson indicated that there are some override cards which are still being used. There are some cards issued to the City of Quincy to which Mr. McKinnon is attempting to identify at the present time.

He went on to explain that Sheriff Woodham will be providing the County with a memorandum justifying his need to have an override code. Upon proper justification, override cards will be reissued.

Mr. Lawson added that he is working with all user agencies to clean up the records - such as employees who no longer are working, vehicles which are no longer in the system, identifying concerns and discrepancies. He has requested explanations from the individual users for the concerns identified.

Chairman McGill questioned Mr. Lawson about the use of surveillance cameras and the advisability of making it known publicly that they are being used. No conclusion was reached.

#### **Pauper Burial Expenses**

Mr. Lawson told the Board that the County has received a bill from Madry Funeral Chapel for \$800.00 for an embalming and burial of unidentified body. Since only \$500 was budgeted for pauper burials in FY 96/97, Mr. Lawson reported that a budget amendment will be forthcoming to move money from professional services line item in the County Manager's budget to cover the additional \$300.

#### **CONSENT AGENDA**

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE CONSENT AGENDA TO WIT:

- 1) 1997 Committee Assignments (List attached)
- 2) Authorization for Chairman to sign financial documents of heavy equipment purchased from CAT Financial and Ford Motor Credit. (9 pieces authorized for purchase on September 10, 1996)
- 3) Re-Appointment of Dr. David T. Stewart as District 2 Medical Examiner
- 4) Resolution 97-001 - EMS Write-off of Bad Debts - \$41,525.73

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

### **Ratification of Payment of County Bills**

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTE 4 - 0, BY VOICE VOTE, TO RATIFY THE APPROVAL OF PAYMENT OF THE COUNTY BILLS.

### **PUBLIC COMMENT**

Chairman McGill welcomed the public to the meeting and encouraged them to address the Board with their comments or concerns. He cautioned however, that he would limit each person to two minutes.

There were no comments.

### **DISTRICT 2 REPORT**

Commissioner Watson commended the Chairman for the "Pending Items Update" portion of the agenda.

### **DISTRICT 3 REPORT**

#### **Appointment to Library Commission**

Commissioner Roberson appointed Rebecca Mullins to the Library Commission.

#### **Appointment to P & Z Commission**

Commissioner Roberson appointed James Devane to the Planning and Zoning Commission.

Chairman McGill commented that it is time for all commissioners to appoint or re-appoint their district representatives to all commissions and boards. He asked that the Board members be prepared at the next meeting to make those appointments as needed.

### **DISTRICT 4 REPORT**

Commissioner Fletcher was excused from the meeting as he was out of town.

### **DISTRICT 5 REPORT**

Commissioner Dixon encouraged all commissioners to attend the new commissioners education workshops which have been scheduled by the Florida Association of Counties.

### **DISTRICT 1 REPORT**

Chairman McGill reported that he would be attending FACC meeting in San Destin and would be traveling on the morning of the meeting.

Chairman McGill then reported that he had met with Talquin Electric regarding forming a partnership with the public sector to try to bring stable employment opportunities into the County. As a result of that meeting, Talquin Electric offered to write a proposal and grant to build a public sewer system for the Midway area if the County would endorse the project, support them in their effort and serve as the conduit to get the grant money. Chairman McGill asked the Board to look at this possibility very seriously and find a way to support that effort to the extent possible.

Commissioner McGill suggested that this project could tie into the Work and Gain in the Private Economic System. He called attention to the fact that within the next two years, there will be many recipients of the welfare program that will soon draw their last check. In an effort to fight the poverty that will surely follow, job opportunities must be available to those who will lose those benefits.

Commissioner Dixon questioned why the County should do this instead of the City of Midway.

Chairman McGill explained that the property is located outside the City of Midway. The only way the City could do it is to annex the location into the City.

Commissioner Dixon remarked that the Board often finds a project to go to the City of Midway. While such a project would be good for the economic development of the County, it will also be good for the City of Midway. He stated he was concerned that the County continues to partnership without mention of the City of Midway.

Chairman McGill stated there had been discussions between the City and Talquin regarding a water tank in Midway. He understood that in order for Midway to be a major partner in the sewer system, an aggressive annexation effort would have to take place.

Commissioner Dixon stated that such an effort would set Midway up to be a recipient of tax revenue - real property revenue. He

asked again, why the City of Midway was not a player in the Talquin proposal for the sewer system.

Commissioner McGill stated that he understood that Talquin was also discussing it with the City of Midway but Midway was not at the same meeting that he attended.

Midway City Manager James Carter asked to address the Board. He explained that the City of Midway had a meeting with Talquin Electric. At the initial meeting, there was a discussion for the development of a 500,000 - 750,000 gallon elevated water tower in the City of Midway. Talquin originally approached Jim Cooper for acreage adjacent to city hall for that development. Midway agreed to sell Talquin 1 acre of property for which Talquin offered \$10,000. At the same time, the city began looking toward the 97 CDBG grant cycle and discussions expanded to a possible joint venture with Talquin for the water project. This sale was never contingent upon an agreement to the joint venture. After a workshop session on the subject, Midway City Council proposed to Talquin their willingness to look at a joint venture provided that Talquin would consider a pay-back of the \$350,000 (amount of the CDBG grant) at some point in time at a low interest rate. On December 23, 1996 Talquin notified Midway that the proposal was not acceptable and they rescinded their offer to buy the property.

Talquin has since opened dialogue with the County concerning a sewer system. Under the neighborhood revitalization program for sewer for waste water treatment, the County would be eligible for \$750,000 in grant funds. The City of Midway would be eligible for \$550,000. If there could be a joint effort it would amount \$1.3 million which could be used to build a small yet expandable waste water treatment facility which could be expanded in the next grant cycle. He suggested that if Talquin would agree to do a joint venture with the City and the County, the project would have a meaningful effect for years to come.

Commissioner Dixon stated that Midway will be a growth area of the County over the next 5 - 10 years and it is incumbent upon the Board to begin planning for that growth in terms of streets, water, sewer, Sheriff's security, etc. That planning must be done collectively with Midway and the private sector and not separately to them. Talquin's interest is making a profit and they already have their plan in hand - it is only a matter of who they will choose as a partner. Their priority will be to make money with less emphasis on the public good. Gadsden County is already behind because it has no plan in place to provide for the common public good.

Chairman McGill suggested the possibility of a land swap that would allow for a sewer system to be inside the city limits of

Midway. Avenues are being explored to try and bring Midway into the sewer system operation.

Mr. Carter explained that when the area develops outside the city limits of Midway, the danger becomes that the city could become landlocked and can't annex for fear of creating enclaves. Measures are ongoing to get voluntary annexation to the City. He stated that the City would like to become a part of the development of utility sales in the area.

Mr. Carter stated that he has slated city council workshops to present the pros and cons of annexation and to develop a plan as to how to accomplish annexation without creating enclaves. He further stated that the utility discussions have advanced much faster than they have been able to prepare for it. He continued by saying that while Midway is not opposed to the proposed waste water treatment system, they want to be a party to the discussions because it will impact the City. Talquin already has a monopoly on the utilities. All residents in the community are members in that cooperative, but the working relationship is such that the cooperative dictates. The City needs to work with the cooperative and develop mechanisms whereby it can get into some cost sharing. The County could be in a position to insist that Midway is duly considered in the development of utilities that will impact them.

Commissioner Dixon closed by saying that he fears that there could be a plan already in the making that would not allow access by the Midway residents. He encouraged the Board to pursue a solution that would be a win-win situation for all parties.

#### **DOT Five Year Plan**

Chairman McGill called attention to a letter he had received from Florida Department of Transportation outlining their five year plan. He confirmed that all commissioners had received a copy of it as well. He asked them to be prepared to discuss it at some meeting in the near future.

#### **PENDING AGENDA**

##### **Nicholson Farm House Restaurant Request for Variance**

Mr. Richmond confirmed that the matter had resolved itself and was no longer considered pending before this Board.

##### **City of Chattahoochee - Fire Service Agreement**

See page 2 of these minutes. This item remains pending.



### **Lawsuits**

Mr. Richmond requested that the Board hold a private meeting to discuss strategy and expenses of lawsuits on the matter of John Cooksey v. Gadsden County and Rosemary Banks v. Gadsden County. He proposed to advertise the meeting to follow the next regular meeting on January 21, 1997.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO HOLD A PRIVATE LITIGATION MEETING TO FOLLOW THE REGULAR BOARD MEETING ON JANUARY 21, 1997 AND TO AUTHORIZE MR. RICHMOND TO ADVERTISE THE MEETING.

### **Richbay Road Problems**

Copies of correspondence was provided in the agenda packets for information purposes. This item remains pending.

### **ADJOURNMENT**

THERE BEING NO OTHER BUSINESS AND UPON MOTION BY COMMISSIONER DIXON, CHAIRMAN MCGILL DECLARED THE MEETING ADJOURNED.

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William A. McGill, Chairman

ATTEST:

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Nicholas Thomas, Clerk

**Unfinished Business from January 7, 1997 Meeting**

Sheriff's Budget Request for Grant Match

JTPA & EDWAA Agreements

Chattahoochee Fire Service Agreement

Polly Burdick Nuisance Complant - Rehearing

Corrective Actions for County Fuel System

District Appointments and Re-appointments to various Commissions

Midway Sewer Project - Joint venture - Talquin, County, City

DOT Five Year Plan

Richbay Road

John Cooksey v. Gadsden County

Rosemary Banks v. Gadsden County

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**PRESENT:** E. HENTZ FLETCHER, CHAIRMAN  
BILL MCGILL, VICE CHAIRMAN  
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JAMES PEACOCK  
EDWARD J. DIXON  
HAL RICHMOND, COUNTY ATTORNEY  
BETTY MILLER, COUNTY MANAGER  
MURIEL STRAUGHN, DEPUTY 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 THE AGENDA**

Mrs. Miller asked to remove the "Special Category Project - Legislative Reception Payment" from her agenda as well as number 8 - "Donna Gatch - Gadsden Memorial Hospital." She explained that Mrs. Gatch was unable to attend the meeting due to illness.

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 MINUTES**

**January 2, 1996 - Regular Meeting**

UPON MOTION BY COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE MINUTES OF JANUARY 2, 1996 REGULAR MEETING.

**COUNTY ATTORNEY**

**Attorney General's Opinion - Maintenance on Private Roads**

Mr. Richmond stated that Commissioner Watson recently requested that he obtain an Attorney General's opinion regarding several issues relating to the Board's authority to scrape private roads. Mr. Richmond stated that such a request must be approved by

a majority vote of the Board. He then explained that the concept of cost in the abstract is relative to the facts of each specific situation, and would therefore be a mixed question of law and fact. Such a question would be beyond the scope of the Attorney General's authority. (Mr. Richmond was referring to the request to have the Attorney General determine if the Board could charge the private landowners for such things as "lost opportunity costs" incurred as a result of maintaining private roads.)

Mr. Richmond was also instructed to request a second opinion to determine if work performed pursuant to the Ordinance would be considered competition with private businesses. Again, Mr. Richmond stated that such a question would be a mixed question of fact and law and beyond the authority of the Attorney General.

Mr. Richmond advised that the issues in question would be more properly the subject of a declaratory action initiated in the County Court in and for Gadsden County.

Mr. Richmond stated that he feels that it is his responsibility (as the County Attorney) to defend the Board's policies and the legality of its past actions. Because Ordinance 71-003 has been on the books for 25 years, it has withstood time and he will continue to defend its legality.

Commissioner Watson disagreed with Mr. Richmond. He stated that he believes the appropriate criteria by which a policy should be defended is "Does the general public benefit from it." He further stated that the County's policy for private road scraping should not be defended simply by assuring that no public funds are used on private roads.

He reported that he had contacted an attorney from the Attorney General's office and told him of Gadsden Ordinance 71-003 and explained the past practice of the road department regarding private roads. He then said that attorney told him that the ordinance is in violation of FL Statutes.

Commissioner McGill stated once again that any request for the Attorney General's Office to render an opinion must first be approved by a majority vote.

Chairman Fletcher stated that an Attorney General's opinion would not resolve the issues at hand.

Commissioner Peacock stated that the Board already has one attorney's opinion and another one would not change anything. He reiterated that the Ordinance has been on the book for 25 years and the County has adhered to it for all of those years.

Commissioner Watson stated that the Ordinance is discriminatory explaining that the person with one hour's worth of work benefits when those people with two hours of work do not benefit. A person who lives on a quarter mile road does not get a benefit while a person on a 200 ft. road does. The service is rendered to one section of the populous and not to others.

Commissioner Peacock said that he believed that whenever any work took more than one hour, the County has always been compensated for it.

Commissioner Watson countered that the County was violating its own ordinance if any private road work exceeded one hour.

Commissioner Peacock then stated that he saw nothing wrong with the ordinance and felt the County should abide by it as it is. Chairman Fletcher called for a motion.

Commissioner Dixon asked to be recognized.

(The following portion of the meeting has been transcribed verbatim upon request.)

Dixon: We don't need an opinion for something we know is wrong. I mean, it is clearly a violation of law. I mean even the attorney will tell you that. What he said is that the Board's policy is what he must defend. Yes. Ask him if it is right or wrong and I'm sure he will give you another answer. Nobody seems to want to ask him if it is right or wrong.

McGill: Let me put that question to him, now.

Dixon: I'm sure he doesn't want to give you an answer either. O.K. Now, that is clearly the thing. What bothers me about this is that I don't know anybody who lives on a private road, first of all. I don't know anybody who lives on a private road. But I am sure, Oh, you do? I know somebody who lives on a private road.

Fletcher: You know somebody too.

Dixon: O.K. But the point is that this service, I mean, not only can this - My only hang up with this thing is that if, if we are going to do this, why aren't charging the actual cost? Because then, you are taking from the home owner, from the public in general, then you are subsidizing the roads that you are - the private roads -

that you are scraping. If you are not doing it at cost (at actual cost - not at assumed cost and not a cost which this board just happens to find a comfort zone with) ah, you are subsidizing. If you can live on a private road, most of the time, you are doing all right. You are subsidizing the better percentage of people of the County.

Now, if you are going to say at cost, Mr. Lugod presented costs. We rejected them. Why? Was it not real? Was it based on numbers from Mars or Venus or something? What was the reason? I mean, I continue to have this discussion with the Board. We brought in experts yet reject their opinion. Doesn't make sense to me. We pay big bucks to entertain his wisdom and knowledge and then toss it out the window.

Fletcher: I don't know that it had all that much wisdom, Mr. Dixon.

Dixon: Then we pay a whole lot of money for nothing then.

Fletcher: That's about right.

McGill: Mr. Dixon, I personally think that those figures are slightly inflated.

Dixon: Based on what, Mr. McGill.

McGill: Well, I was just looking at the actual persons and the positions on the prices I saw and the time allocated to it. That is what I went by.

Watson: Ask Mrs. Miller and Mr. Lugod how much time they spent on researching some of this stuff the past two weeks. And as far as what Mr. Peacock said two weeks ago that you never need a harrow. Find out about the road that needed a harrow on it in the last two weeks. You see what I mean?

Peacock: How many of 'em have been harrowed. How many have you seen harrowed?

Watson: But you wanted to totally reject that as part of the cost.

Peacock: They haven't, they haven't, they haven't sent a harrow out on one of them roads in I don't know when. You know that and I know that.

Watson: What has happened since this, hold on now,

Peacock: We would never have had this discussion to start with if it hadn't been brought up and you brought it up.

Watson: Because I think it is wrong and I am not going to allow, I am not going to sit here and allow something to continue when I believe it is wrong.

Peacock: Don't, don't go trying to shift the blame on somebody else.

Watson: It's against the law.

Peacock: I mean, if you are going to sit there just say that you don't like the ordinance and that you don't want it.

Watson: It is against the law.

Peacock: Don't try to shift the blame from one end of the table to the other.

Watson: It is against the law.

Fletcher: Mr. Watson, the only way to find out if it is against the law or not is to let a judge tell us.

Watson: Well, we may have to do that too. If ya'll don't want an attorney general's opinion.

Fletcher: And what I'm going to tell you is that I'm tired of it, Ok? I have heard all I want to hear about this subject.

Watson: I'm not tired of it. I'm not tired of it at all. As I told you last time, I'm not going to turn loose of this.

Fletcher: Let's move on if we are not going.

Peacock: You can call for a motion.

Fletcher: I have asked you for one.

Watson: I move that we seek an attorney general's opinion on the legality of this ordinance.

Dixon: I'll second it.

Peacock: Call the question.

Fletcher: The question has been called for.

McGill: That is just to get an attorney General's opinion as I understand that.

Fletcher: Just to get an opinion.

Dixon: But realize what that might result in if you have not already asked the attorney. I mean, once you get an opinion that will be based on State Statute, then that gives a citizen the right to come in and sue us.

Peacock: That's right.

Fletcher: That's right.

Richmond: That is correct.

Dixon: Now, if he hadn't told you that, you should fire him. He should have told you.

Peacock: I think everybody knew it. I have been told.

Dixon: Good. Then he is doing his job.

Richmond: There is in the memorandum, it clearly points out that a declaratory judgement is the only way. Someone going to court is the only way that there is going to be an official determination as to whether this ordinance is valid or not. Nobody has done that in 25 years. There are approximately 40 permits issued a year, as I understand it, for 40 hours of work for one operator in Mr. Lugod's department. Why, after 25 years, this has become such an issue, I understand. But as far as the use and allocation of county funds, the money must be put up first and put back. If that is not being done, it's wrong. That is my understanding from everyone here that is being done. The County is not putting any money out with regard to private citizens. With regard to the one hour, if there are seven families living on a road, each one of them has the right to do it. Therefore, if they each put up \$50 for their portion of the road, and it takes 7 hours to do it, it does not violate that ordinance.

Watson: Would you tell me in general, how the public is being served? Answer that.

Richmond: Sure, every time one of those people that lives down a



road has a neighbor who drives from Havana over to Quincy to go down that road, is going down a safer road than it was. And the public is getting a benefit. These are not private driveways, these are private roads. And if you are doing driveways, get out of the business.

McGill: Mr. Chairman, why aren't we seeking an opinion from a judge as opposed to the Attorney General.

Richmond: If somebody wants to get one, for \$58, they can file a law suit and have one declared one way or the other within 6 weeks. It is easy to do. We pointed all that out.

Dixon: That would be the next step if this does not get the repeal of this ordinance.

Peacock: We don't need. The question has been called and we don't need an Attorney General's opinion.

Watson: And there is something else too.

Fletcher: All right, the question has been called for Mr. Watson.

Watson: Hold on, hold on. Parliamentary procedure, we have to vote on this calling the questions. I'm getting tired of one commissioner ending the debate.

Dixon: Yes, I would like to continue the debate.

Watson: If you will read in your Robert's Rules for Order you'll find that it takes a majority vote to call the question. We have been cutting off debate way too quickly on some of these issues.

Peacock: Ya'll go ahead and debate then.

Fletcher: You want to get the manual and show it to me?

Watson: Yeah, it is on page 48.

Dixon: Mr. Chairman, I mean I would like to see us find some workable conclusion to this. I mean, having two extremes that do not want to come to the middle does not serve anyone.

Peacock: Well, I made my point the last time we discussed this. And, it is just like the attorney said, I'm not talking about a private road, a private, private road. But these roads that private roads that people travel, we have been

scraping these roads and I know we have. And for us to pull out of that and not do it, is just - It's not right.

Watson: Let me ask you then, if the public in general is being served, why are we charging?

Peacock: It's a private road, it's not a private drive.

Watson: Well, why? The public in general is being served (which is the proper use of this tax money) and thus we should not be charging.

Peacock: We, we, we are.

Watson: I mean, there are so many contradictions here, it is silly.

Fletcher: Let's have a vote. Let's have a vote. Let's have a motion to call the question.

McGill: A vote on the motion to call the question. I move, yeah. A vote to call the question right?

Fletcher: Right.

McGill: I move to call the question.

Watson: You need a motion and a second.

McGill: I thought you said you need a motion and I move to call the question.

Peacock: I think it has already been motioned and seconded to call the question.

Fletcher: All in favor of calling the question say "aye."

Watson: Aye

McGill: Aye

Dixon: Aye

Peacock: Aye

Fletcher: Aye. Opposed? The motion passes. The question has been called.

Peacock: The motion is whether we get a

Dixon: Whether to seek an Attorney General opinion.

Fletcher: No, the motion was to seek an Attorney General's opinion.  
Isn't that right, Mr. Watson?

Watson: Yes.

Fletcher: All in favor of Mr. Watson's motion say "aye."

Watson: Aye

McGill: Aye

Peacock: All opposed?

Fletcher: All opposed?

Peacock: No.

Fletcher: No, the motion passes 3 - 2.

Dixon: No, it doesn't. It died.

Fletcher: You didn't vote?

Richmond: It died.

Fletcher: I beg your pardon. I thought you voted in the affirmative.

Richmond: That is all I have tonight gentlemen.

Dixon: Mr. Chairman. If I might offer one last bit on that subject. I believe firmly for it to be illegal. But, if we have people out there that it serves a need and purpose, I will reluctantly go along with it but only if we recoup actual costs. I don't think that is unreasonable. I certainly don't think that is unfair. On most roads, you have three people and if each one gives \$50, you recoup your money.

McGill: Mr. Chairman and Mr. Dixon, that would be \$150 for an hours work then?

Dixon: If. It depends on the type of machinery you use Mr. McGill. We are not talking about somebody raking yards. We've got whatever they need for 1 hour, we are willing

to do it, to bring that road to standard. Now, those are some actual costs that should be reimbursed to the county. I don't think anybody has any argument with that.

McGill: I think my concern with that is - If I go back and look at Mr. Lugod's figures, I really have a problem with \$168, I believe it was.

Watson: \$136.

McGill: \$136 and I saw one position mentioned at least 3 - 4 times. I don't see how that situation

Dixon: How many crews do you generally have with one man on it? You don't.

McGill: I don't know. But, if we went to, It seems to me that there's is a lot of bureaucracy tied up in that should not be tied up in that. A simple road grading permit. Not road building.

Dixon: But, but, we will road build, if that is what it needs.

McGill: That is a different issue then.

Dixon: I don't think so. I think it is the same issue.

Watson: Are you saying that you want to bring back up the cost again?

Dixon: I would like to see, even if it is not Mr. Lugod's costs, I'm sure that \$50 is not, is unrealistic. I would just like to see a more realistic number put in there.

Watson: I can't bring that back up again, but you can.

Dixon: Neither can I. But I would like for you, Mr. McGill, Mr. Fletcher and Mr. Peacock -

McGill: What do you consider a realistic figure, Mr., ah, Commissioner Dixon?

Dixon: Sir?

McGill: What do you consider a realistic figure?

Dixon: I am willing to compromise. A \$100 is more real. And it is more to the center between what we had and what he is

suggesting.

McGill: What happens when we go on a road and we only stay there about 30 minutes, are you going to charge that person \$100 or will it be based on actual time up to one hour? Since the ordinance limits you to one hour.

Dixon: Well, you can pro rate it. That's fine. I think in terms, that is one of those actual things, what do you do? Sometimes we may stay a hour and 15 minutes. Do we go back and say we need, you need to give us another \$100? These are citizens of Gadsden County. You can exercise a little flexibility in the midst of some reality.

Peacock: I don't whether we can or not, that seems to be the problem right now, flexibility.

McGill: One concern I have is a book keeping problem. For example, it's going to take 35 minutes. Do you take then 3/4 of the \$100 - say \$75.00? Is that how you plan to do it?

Watson: The ordinance calls for 1 hour.

Dixon: I would like to entertain 1 hour for the work that we do. Sometimes we are going to be out there a hour and 15 minutes, a hour and 20 minutes. Are we going to that home owner and say, "Give us another \$100"? I don't think so. We shouldn't.

Watson: No, We shouldn't do the job.

Dixon: There is no sensitivity in that. I'm saying let's exercise some care and sensitivity. And at the same time maintain the Board's ability to do business.

Fletcher: Gentlemen, let's move on with the business we have to do tonight.

Dixon: Mr. Chairman, if I might finish? So, what I'm asking right now, is for one of you gentlemen who were in favor of the motion to revive it so that we might put a more realistic figure into the resolution that was passed.

McGill: I move that we consider \$75.00 per hour for the work to be done on private roads. That is not a drive now. A private road.

Richmond: Gentlemen, while I don't have any difficulty with it coming back up. That is a resolution that is a separate matter which is not on the agenda tonight. We brought it back up because I told you we would Commissioner Dixon and it can be brought up again. It just needs to be at least on the agenda to do it.

Watson: Fine.

Dixon: That is fine.

Richmond: That will give whomever wants to come in to bring their stuff, because.

McGill: I withdraw the motion.

Richmond: I'm not, you really, ok Just let me know if you want it, and I will

Dixon: What do we need to do in order that we make sure that it comes back?

Richmond: Just get somebody to call me and tell me to put it on my agenda. It's that simple.

Dixon: Mrs. Miller, would you be so kind?

Miller: Yeah.

Dixon: Thank you. Thank you, Mr. Chairman.

Fletcher: Mr. Sherman.

#### **PLANNING AND ZONING ISSUES**

#### **Hart County (Lounge and Package Liquor Store) - Project # 96PZ-01-207-01-5 (A/K/A Hart of Wetumpka or Heart of Wetumpka)**

Mr. Sherman reported that the County had been petitioned for an order for the development of a lounge and package liquor store. The proposed commercial operation will also include a drive through for liquor sales. The proposed commercial operation is located at the former Rabbits Auto Repair and Sales. The applicant proposes to utilize the existing on site building, with improvements necessary to change the type of occupancy. The subject development is on the west side of SR 267, directly across the street from the National Guard Armory. The subject parcel is approximately 2.01 acres. The applicants are Mr. William Hart and

Mrs. Jo Ann Hart.

The Planning Commission recommended approval.

The planning staff recommended the Harts be allowed to open up the facility subject to the site plan conditions which was discussed with them.

Mr. Sherman stated that his office did receive a couple of phone calls who received notices and objected to the business operation.

Commissioner Dixon asked that a special condition be added to the development order to allow no loitering outside the building.

Commissioner McGill asked if a church or any recreation facility was located in the near vicinity. He was told by Mr. Sherman there was not a church located within 1,000 ft. of the property. He then added that the National Guard Armory and the County Jail is located directly across the street from the proposed business.

**UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 1, BY VOICE VOTE, TO APPROVE THE HART COUNTRY PROJECT SUBJECT TO THE SPECIAL CONDITIONS OF THE DEVELOPMENT ORDER AS LISTED IN THE ATTACHED MEMO AS WELL AS AN ADDED SPECIAL CONDITION THAT NO LOITERING BE ALLOWED ON THE OUTSIDE OF THE BUILDING. COMMISSIONER WATSON CAST THE LONE DISSENTING VOTE.**

#### **ROAD PROJECTS**

Mr. Doug Barkley reported to the Board as to the status of the County's road projects.

#### **Ranch Road**

A meeting was held on January 3, 1996 (Mr. Lugod, Mrs. Miller and HRS Staff and other consultants) to resolve the issues surrounding Ranch Road - the existing and the new holding pond. The issue is still being addressed with another consultant but resolution is expected before the next board meeting.

#### **CR 270 and CR 268(bridges)**

The geo technical report has been received. The grant package should be processed and mailed out this week. After EDA review, (2 weeks) they should go to bid.

#### **Rich Bay Road**

It was advertised with bids being received on February 12, 1996.

#### **ECONOMIC DEVELOPMENT ACTIVITIES**

Mr. Rick McCaskill reported that the Chamber of Commerce is working diligently to get the industrial parks on line.

- 1) The Fortune Blvd. schedule indicates that work should begin within 45 days.
- 2) Quincy Park is still in the planning stage. A bid on the survey has been let.
- 3) Flying J Truck Stop is near breaking ground.

Commissioner Watson asked Mr. McCaskill if when he talks to prospective businesses, do they ask what Gadsden County can offer them as an incentive to relocate.

Mr. McCaskill responded that most of them do look for incentives. Many Georgia and Alabama communities offer tax breaks, etc.

Commissioner Watson asked the Board to consider adopting an ordinance that would allow the County to offer some type of incentive to prospective new businesses. He referenced a former Ordinance on the books and asked them to study it and come back prepared for discussion.

Other discussion followed regarding upcoming legislation, grant possibilities, future role for the Industrial Development Authority but no action was taken.

It was the consensus of the Board to ask Mr. McCaskill secure examples of incentive packages that other Florida Counties are offering for the Board to review.

Commissioner Dixon asked Mr. McCaskill to provide any information and a feel for what can be expected from the upcoming Legislative session.

#### **BID COMMITTEE ITEMS**

##### **Bid 96 - 01 (1996 Type I Modular Ambulance)**

Mr. Arthur Lawson reported that four bids were received. The Bid Committee recommended that the bid be awarded to Stratus Specialties Vehicles (12600 North Woodland, Kansas City, MO 64165) as the low and responsive bid in the amount of \$73,653.00.



**UPON MOTION OF COMMISSIONER WATSON, SECOND BY COMMISSIONER PEACOCK AND DISCUSSION, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO FOLLOW THE RECOMMENDATION OF THE BID COMMITTEE AND AWARD THE BID TO STRATUS SPECIALTIES VEHICLES FOR A 1996 TYPE I MODULAR AMBULANCE.**

**Lease/Purchase agreement with Ford Motor Company - two ton truck and loader**

Mr. Lawson asked the Board to approve a lease/purchase agreement for a two-ton truck equipped with a dump bed and a loader. The vehicle will be used by the public works department to lift heavy materials, large items, etc. The cost would be \$13,751 per year for 5 years. If the County could not afford the payment (budget shortfall), the vehicle can be turned back in. If the County should keep the vehicle for 5 years, the County could purchase it (at the end of 5 years) for \$1.00. Mr. Lawson concluded his recommendation by stating that the interest rate is extremely competitive at 6.85.

**A MOTION WAS MADE BY COMMISSIONER WATSON AND SECONDED BY COMMISSIONER DIXON TO APPROVE THE LEASE/PURCHASE AGREEMENT WITH FORD MOTOR COMPANY FOR A TWO-TON TRUCK WITH FLATBED AND LOADER AT \$13,751 PER YEAR FOR FIVE YEARS.**

**DISCUSSION FOLLOWED.**

Commissioner McGill pointed out that by his calculation, the total costs would be \$68,000+.

Mr. Lawson explained that the initial cost is \$13,751 plus the interest at 6.85% per year would total \$68,000 and the interest rate would be locked in at 6.85 for the entire 5 years.

Chairman Fletcher questioned whether the County really needed the truck.

Mr. Lugod explained the truck was not an additional vehicle but a replacement for a very old and nonoperational vehicle. It will be used for the tree trimming of the rights-of-way and for storm emergency clean up. He emphasized that the vehicle would increase the efficiency of the public works department.

Chairman Fletcher asked Mr. Lugod if he didn't need a wheel loader more than the described vehicle.

Mr. Lugod responded that all of the equipment needs to be replaced. He told the Board that he has been working on a buy-back option for all the equipment in the department. He explained that

he would be talking with the Clerk to verify his projections before making any decisions about a recommendation.

Commissioner Fletcher asked if the purchase of this truck shouldn't be included in the purchase plan with the other needed equipment.

Mr. Lugod explained that the source of purchase is different for the truck than for the other pieces of equipment. The truck will be purchased from a state option. The other equipment is considered heavy equipment and requires other purchase options.

Chairman Fletcher countered that regardless of the purchase source, the funding source would be the same.

Commissioner Peacock stated that he was aware that the department is in need of other equipment as well as the truck. But he thought the need for some of the other equipment would be more urgent than the need for the truck.

Mr. Lugod told the Board that the department needs all new equipment. He recalled to the commissioners that this truck had funds allocated for it in the current budget. There will be other equipment purchase requests (also allocated in the current budget) forthcoming for the Board's approval. The department needs a total of 17 pieces of new equipment.

Chairman Fletcher asked Mr. Lugod to bring back to the Board a complete list of all the desired equipment and review all of them together before making any purchases.

Commissioner Dixon asked Mr. Lugod to clarify if the purchase is included in the budget.

Mr. Lugod explained once again that the truck is in the budget, but the grabber (loader) is not.

Commissioner Dixon then asked Mr. Lugod if the truck and loader could be used for picking up white items and garbage along the roads.

Some discussion followed regarding the need for white goods and rubbish to be removed from the road sides but no conclusions were made.

Commissioner Dixon questioned why this approval was even necessary since this piece of equipment was in the budget and the Board approved the Budget.

**QUESTION WAS CALLED BY COMMISSIONER MCGILL.  
THE BOARD VOTED 3 - 2, BY VOICE VOTE, TO APPROVE THE MOTION  
TO PURCHASE THE TWO-TON TRUCK AND LOADER ON A LEASE/PURCHASE  
AGREEMENT AT A YEARLY COST OF \$13, 751.05. COMMISSIONERS  
MCGILL, WATSON AND DIXON APPROVING AND COMMISSIONERS PEACOCK  
AND FLETCHER OPPOSING.**

**COUNTY MANAGER**

**City of Quincy - Downtown Revitalization Grant - Parking Lot**

Mrs. Miller referenced a memo in the agenda packets (attached) regarding the proposed downtown parking lot at the corner of Crawford and Adams Street on the County's vacant property. The City has received a revitalization grant of \$42,627 for the joint project with the County. After completion, the City would lease and maintain the three lots for 10 years.

Mrs. Miller reported that Mr. Lugod, Chairman Fletcher and she had met with the City a number of times trying to come to an agreement as to the cost sharing. The County's position has been that the grant funds should be applied to the total cost of the project, then the City and County divide the remaining costs equally - by either "in-kind" services or cash match. However, due to their budget constraints, the City will not keep this project in their plan unless the County will bear all costs of construction over and above the grant funds.

Pursuant to those terms, the County's portion of the project would be \$43,163 (the cost of grading, road base work and paving for the lot.) Mrs. Miller agreed that it is a good project but asked for the Board to advise her as how to proceed.

Discussion followed. In view of the uncertainty revolving around the anticipated use of the vacant county buildings adjoining the lots in question, the Board did not come to a resolution on the parking lot.

**UPON MOTION OF COMMISSIONER WATSON AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO HAVE THE CHAIRMAN MEET WITH THE CITY OFFICIALS AND TRY TO WORK OUT AN ARRANGEMENT AGREEABLE TO BOTH THE CITY AND THE COUNTY AS TO THE PARKING LOT.**

Mr. Frank Ritter informed the Board that Florida Department of Environmental Protection has contacted him about the need to provide storm water management on the property in question regardless of any decision that would be reached with the City of Quincy.

CONSENT AGENDA

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

- 1) Fire Service Agreements for Coonbottom Volunteer Fire Department, Inc.; Robertsville Volunteer Fire Department, Inc.; Mt. Pleasant Volunteer Fire Department, Inc.; Sycamore Volunteer Fire Department; Wetumpka Volunteer Fire Department, Inc.
- 2) Settlement agreement of EMS Account # 5-95C092 for 43.3% of the \$65.00 balance remaining on the account for a total of \$28.15. (Estate of Syed Mohammed Husain, Sr. Circuit Court Case No. 95-302 PRA
- 3) Resolution - EMS Write-off of Bad Debts totaling \$62,319.82.
- 4) Authorization to submit write-off accounts to I.C. System, Collection Agency for continued collection effort.
- 5) Payment of invoice # 79S000505 from Ring Rent Equipment Rental for \$2,900. (rental of back-hoe during the storm season to assist in damaged areas of the county)
- 6) Resolution authorizing an agreement between the County and the Division of Economic Development of the Florida Department of Commerce and Accepting future maintenance and attendant costs in connection with the Fortune Boulevard construction project.
- 7) Resolution approving a project application to the State of Florida Department of Environmental Protection under the Florida boating improvement program for the purpose of repairing the grounds at Pat Thomas Park; authorizing the Chairman and the Clerk of the Board of County Commissioners to execute all necessary documents.
- 8) Approval of the December 4, 1995 minutes of the Construction Industry Licensing Board - Donald Johnson approved for Master Electrician License.
- 9) Agreement with Gadsden County Public Health Unit to provide random urine drug screening for Gadsden County employees. The CPHU agrees to provide screens at no

cost up to 10 screening per year. After the maximum is reached, the County agrees to reimburse the CPHU a fee of \$22.00 per test.

CLERK OF COURT

Clerk Thomas was not present.

Ratification of the Payment of the 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.

Budget Amendments

UPON MOTION OF COMMISSIONER WATSON AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE BUDGET AMENDMENTS 96-01-16-01 THROUGH 96-01-16-05.

DISTRICT 1 REPORT

Commissioner McGill asked the Board to authorize the County Manager and himself to work on seeking grants to provide water and sewage in the Midway area. Such improvements and projects would enhance and entice industry into that area of the County.

He then reported that he had received a call regarding trash along CR 270. He asked that some investigation be done as to the problem and take measures to rectify it and prevent it from occurring in the future.

Mrs. Miller reported that she would be taking appropriate measures to determine what has been done and what can still be done to deter roadside litter.

DISTRICT 2 REPORT

Commissioner Watson continued addressing the litter problems. He suggested that the problem be approached from an educational point of view. He encouraged some type of coordinated program to begin in the school systems.

DISTRICT 4 REPORT

There was no report.

DISTRICT 3 REPORT

There was no report.

**DISTRICT 5 REPORT**

There was no report.

**ADJOURNMENT**

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

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E. Hentz Fletcher, Chairman

ATTEST:

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Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE BOARD OF  
COUNTY COMMISSIONERS, HELD IN AND  
FOR GADSDEN COUNTY, FLORIDA ON  
JANUARY 21, 1997, THE FOLLOWING  
PROCEEDINGS WERE HAD, VIZ.

PRESENT: BILL MCGILL, CHAIRMAN  
STERLING WATSON, VICE-CHAIRMAN  
CAROLYN ROBERSON  
E.H. (HENTZ) FLETCHER  
EDWARD J. DIXON  
NICHOLAS THOMAS, CLERK  
HAL RICHMOND, COUNTY ATTORNEY  
ARTHUR LAWSON, INTERIM COUNTY MANAGER

CALL TO ORDER

Chairman McGill called the meeting to order. Interim County Manager Arthur Lawson in pledging allegiance to the U.S. Flag and Chairman McGill led in prayer.

ADOPTION OF AGENDA

The agenda was amended as followed:

Deleted from the Consent Agenda

Quincy Square Project, Phase II - Engineering Services

Polly Burdick Nuisance Complaint - continued to February 4,  
1997

Additions to the Agenda

Add "Public Comments" as Item number 15

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY  
COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE TO  
ADOPT THE AGENDA AS AMENDED.

APPROVAL OF MINUTES

December 17, 1996 Regular Meeting

January 7, 1997 Regular Meeting

A correction was made to the minutes of January 7, 1997 to include Commissioner Roberson's name as being present for the meeting.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE MINUTES OF DECEMBER 17, 1996 AND THE AMENDED MINUTES FOR JANUARY 7, 1997.

#### COUNTY ATTORNEY'S AGENDA

##### Hospital Endowment Trust Fund Agreement - Proposed Amendment

Mr. Hal Richmond offered the Board a draft copy of a proposed amendment to the hospital trust agreement. He asked for authority to submit the proposed amendment to Quincy State Bank for their review. He told the Board it will be brought back to the Board for final approval at a later date.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 4 - 0, TO AUTHORIZE THE ATTORNEY TO SUBMIT THE PROPOSED AMENDMENT TO THE HOSPITAL ENDOWMENT TRUST FUND AGREEMENT. COMMISSIONER FLETCHER DID NOT VOTE. (SEE ATTACHED CONFLICT OF INTEREST FORM)

##### Lease - Gadsden County Senior Citizens Center - Simon Scott Building

Attorney Richmond called attention to the proposed lease between Gadsden County and the Gadsden County Senior Citizens Council on the Simon Scott Building.

Commissioner Watson asked to table any actions on the proposed lease until a later date.

It was determined that the Senior Citizen's Council had not been provided a copy of the proposed lease as of this meeting.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO TABLE ANY ACTION ON THE PROPOSED LEASE OF THE SIMON SCOTT BUILDING BETWEEN THE COUNTY AND GADSDEN COUNTY SENIOR CITIZENS.

##### TALQUIN ELECTRIC - I-10/US 90 WATER AND SEWER FACILITIES

John Seal, Director of Water Services for Talquin Electric, requested that the Board authorize County staff to submit an application for an Economic Development CDBG or other grant funding to assist Talquin Electric in developing the infrastructure for the I-10/US90 interchange.



Mr. Seal explained that the developers of the 10/90 Interchange began having meetings about two years ago to see what Talquin could do to enhance the development of the interchange. He explained that Talquin has a development practice, as a non-profit organization, that they would not try to have Talquin rate payers pay to furnish infrastructure for developers.

After following the development for two years, it became evident that infrastructure would not be put into place unless someone take a lead to get it done. Mr. Seal confirmed that Talquin had decided to take the lead but they are committed to trying to work with local governments where possible. He told them that Talquin will begin by building a new \$3 million electrical substation.

Mr. Seal explained that two other things must also happen immediately to make the 10/90 project commence - a waste water treatment facility and an abundant water supply. He then reported that Talquin has begun the process of getting engineering studies prepared for the purpose of building a waste water treatment plant. He noted that they are proceeding on that project without asking for assistance from the County at this time. However, he did say that he might possibly come back at a later time to ask for help in expanding the size of the treatment plant.

Mr. Seal continued by saying the other thing that must be put into place to make the development successful is an adequate supply of water. He then stated his purpose for being before the Board at this meeting was the need for a water well. He asked the Board to consider applying for a grant to construct a high production water well to service the interchange and surrounding areas. He described a similar project which has just been completed on the west side of the County which offers water services to areas east of it.

Mr. Seal stated that Talquin had committed to build a 500,000 or a 750,000 gallon overhead water storage tank somewhere in the Midway area. He added that they had tried to work out a partnership arrangement with another local government whereby the other government would apply for grant funds to assist in the construction of the project. However, the other government proposed to loan the grant funds to Talquin rather than contribute them to the project. Those terms were not acceptable to Talquin and the company has since moved forward without their assistance.

Mr. Seal then stated Talquin is presently looking for a high property site along U.S. 90 for the project.

In conclusion, Mr. Seal remarked that Talquin has always enjoyed working on projects such as this one. However, he reminded

the commission that Talquin's rate payers cannot afford to support all of the project costs. They must have any and all state and federal funds which are available to assist in the project.

Commissioner Dixon asked what was the situation with the other government.

Mr. Seal declined to comment on Commissioner Dixon's question in the absence of the other party. He did say however, that he assumed there had been a misunderstanding regarding the purchase of a piece of property. Talquin attempted to purchase a piece of property. The government encouraged Talquin to work with them to get a grant for the water tower. The grant funds would have amounted to \$300,000 and Talquin would have borrowed the remainder of the project costs (\$600,000 total cost) to make the project happen. After initial conversation, Talquin received a letter from the other government saying they would only partner with Talquin on the project if Talquin would repay the grant funds to them. Talquin took the position that the government could not "lend" them state grant funds and in turn withdrew their offer.

Chairman McGill asked if there had been any further communication between Talquin and them since that time.

Mr. Seal stated there had been no further communication to his knowledge.

Chairman McGill then asked what Talquin expected from the County if there should be an agreement to a partnership arrangement for the water project.

Mr. Seal responded that he would like for the County to work with Talquin and assist them in getting a grant for the water well itself. The cost of the well itself is expected to be \$300,000+ or - depending on water availability.

Chairman McGill asked Mr. Seal to explain exactly how he would expect the County to assist them.

Mr. Seal stated that he would like for the County to take the lead in applying for a community development block grant (CDBG). He stated that Talquin would choose and pay for engineering services if the County would like to hire an engineer to prepare the application for a grant.

**A MOTION WAS MADE BY COMMISSIONER FLETCHER TO AUTHORIZE THE COUNTY GRANT STAFF TO WORK WITH TALQUIN ELECTRIC TO ACHIEVE A GRANT TO PROVIDE THE INFRASTRUCTURE DESCRIBED ABOVE.**

Commissioner Dixon asked to be allowed to continue his questioning of Mr. Seal before action was taken.

Chairman McGill gave Commissioner Dixon the floor.

Commissioner Dixon commented that he was disappointed that the County had not taken a more formal position up to this point in the development of the interchange. He stated he had a concern about Talquin requesting that the County apply for public grant money to invest into the area. He asked the following questions:

- 1) What would be the "public payback" in terms of infrastructure?
- 2) Will the water lines be large enough for fire protection?
- 3) What areas does Talquin expect to develop?
- 4) What areas will not be developed?

He voiced concern that another city would be built around the City of Midway without allowing them to be a partner in the process.

Commissioner Dixon stated that this project is of such enormous size that it will have a tremendous effect on the area. He did not feel that the County and Talquin should dictate what is going to take place without bringing the City of Midway to the table during discussions. Regardless of whether they become partners in the project, the growth in the area will affect them. The County should do whatever is possible to insure that those effects are positive.

Commissioner Dixon then commented that Talquin has not involved the County nor the City of Midway to determine what public purpose would be served by the proposed project. He cautioned that the County and Midway should have sufficient involvement as to insure that fire protection is considered in the process of installing water lines. While Talquin Electric is made up of members who own the co-op and pay for the services for which they are provided, it is the County who is charged with the responsibility to protect and provide the public purpose for those members.

Mr. Seal responded by saying the following:

- 1) Talquin will be installing pipes in the future and they are planning for fire flow.
- 2) The County will benefit immediately from the taxation.
- 3) If Talquin puts in a new well and water tank, all of the east side of the County will benefit from a new water supply.

- 4) The waste water treatment is too complicated to try to include everyone right away but it could in the future.
- 5) Talquin is attempting to meet an immediate need.

Commissioner Dixon told Mr. Seal that he would have appreciated a full presentation as to what Talquin intends to do immediately and in the future as well as a description of the role they expect the County to play. Again, he voiced his concern that the needs of the businesses are being considered first and foremost without due consideration for the residents of Midway and the surrounding area.

Mr. Seal pointed out that Midway will benefit from the water well right away, but commented that he was not qualified to speak to the issue of the sewer system.

Commissioner Dixon maintained that he would still like to see a presentation as to what is happening at the interchange before the County blindly enters into an arrangement with Talquin.

**COMMISSIONER FLETCHER RESUBMITTED HIS MOTION TO AUTHORIZE THE COUNTY STAFF TO WORK WITH TALQUIN TO SEEK GRANT MONEY TO HELP DEVELOP WATER AND SEWER SERVICE IN THE MIDWAY AREA. COMMISSIONER ROBERSON SECONDED THE MOTION. HEARING NO DISCUSSION, THE BOARD VOTED, 5 - 0, BY VOICE VOTE IN FAVOR OF THE MOTION.**

#### **HAVANA COMMUNITY DEVELOPMENT PLAN**

Havana Mayor Vernell Ross informed the Board that Havana was in the process of preparing an application for a "Community Revitalization Grant". He provided the Board with a copy of an ordinance, resolution and a map of the redevelopment area. The documents will create a Community Redevelopment Agency and establish Tax Increment Financing in the redevelopment area. Should the town be successful in being awarded this grant, they will then implement the ordinance and resolution.

Mayor Ross stated that while that is all that is required of them under Florida Statute, they wanted to inform the community about what is going on in Havana and how it could affect the County.

Mayor Ross went on to explain that in tax increment financing, property values in a certain defined area are capped or frozen at the assessed value for a particular base year. In Havana, the base year would be the year they receive the grant and all the necessary mechanisms are in place. Thereafter, any tax revenues due to increases in value in excess of the base are dedicated to the redevelopment area and would not go to the County. The Town and

the County will continue to receive property tax revenues based on the frozen value. The tax increment revenues, that amount above the base, can be used immediately, saved for a particular project, or can be bonded to maximize the funds available. Any funds must be used in the redevelopment area and not for general government purposes.

Mayor Ross closed his remarks by asking that the Board support their efforts in a spirit of cooperation.

Commissioner Dixon asked how much money would this redevelopment agency be taking away from the County.

Town Manager Susan Frieden spoke briefly. She told the Board, in the event that their efforts were successful, they would not implement the special taxing district until next fiscal year. If the growth rate of the values in that special district were to increase by 1%, they would realize \$1,700 for the first year. If the growth rate were to increase by 3%, the revenue would amount to \$3,300 in the first year. That revenue would be maintained for use in the special taxing district only.

**UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO ENDORSE THE CONCEPT OF HAVANA'S COMMUNITY REDEVELOPMENT PLAN.**

#### **GADSDEN COUNTY SCHOOLS**

Superintendent Harold Henderson appeared before the Board and gave them a presentation explaining the major components of their "Gadsden Looks to Books" initiative. He explained that the program is attempting to build a community of readers. If successful in doing that, it will become a major part of "education's community infrastructure."

Dr. Henderson noted that the initiative was a major part of the City of Quincy's application for the "All American City" award.

Gadsden County Schools applied for and received a "Break the Mold" grant from the Department of Education to continue the initiative for this year.

A cornerstone of the program is the "Stop, Drop and Read" program whereby every house in Gadsden County is encouraged to stop what they are doing on Thursday nights at 7:00 p.m. and read for 30 minutes. As an indicator for those who are reading, they are asked to turn their porch lights on.

At the conclusion of his presentation, he asked the Board to go on record as endorsing and supporting it by adopting a formal

proclamation. Additionally he asked each of the commissioners to support the project in their homes and community. He offered a sample of a proclamation.

Superintendent Henderson encouraged the commissioners to read to children, buy books as gifts, volunteer with the literacy program, volunteer to read to children in elementary schools and day-care centers.

Mrs. Peggy Outlaw, Gadsden County Media Coordinator, and Mrs. Davis, presented each of the commissioners with a "Gadsden Looks to Books" calendar.

Chairman McGill stated that he thought the program is a worthwhile endeavor. Additionally, it is a low cost effort to raise the standard of education in the community schools.

Commissioner Watson asked Dr. Henderson if he could make the "Gadsden Looks to Books" vehicle signs available to the County's vehicle.

Mrs. Outlaw indicated that they would be happy to provide them to the County. She asked the Board to call her office and tell her the number that will be needed.

Chairman McGill stated that the Board would formally adopt a proclamation at the next Board meeting on February 4, 1997.

#### **SHERIFF'S REQUEST FOR CONTINGENCY FUNDS - COPS GRANT**

Sheriff Woodham told the Board that the Sheriff's Department is operating with one COPS Grant at the present time. This deputy works traffic on Interstate 10. That officer has written \$100,000 in tickets in the last year. Of those tickets, the County received \$29,000 +.

The Department has applied for and received a second COPS Grant. (\$143,664.00 for three years) The grant requires a 25% cash match by the County. He indicated that he would like to maintain two shifts for traffic purposes and put the another deputy on duty after 3:00 a.m. each day. (He currently has only one officer on duty after 3:00).

When questioned by Commissioner Watson about the need for additional vehicles, Sheriff Woodham replied that he would be able to manage with his current fleet until the next budget cycle.

**A MOTION WAS MADE BY COMMISSIONER WATSON AND SECONDED BY COMMISSIONER FLETCHER TO APPROVE THE SHERIFF'S REQUEST FOR THE CASH MATCH FOR THE COPS GRANT FOR TWO ADDITIONAL DEPUTIES.**

Commissioner Dixon questioned Sheriff Woodham regarding the cash match required for the subsequent years of the grant.

Sheriff Woodham replied that the first year would cost the County \$12,236.40 , \$15,980 for the second year and \$20,047.80 the third year.

Commissioner Dixon asked if the grant would require the County to maintain those positions after the grant period expired.

Sheriff Woodham responded that the new deputies will most likely be absorbed through acts of attrition but he did not think the department would be under an obligation to maintain the added positions beyond the period of the grant.

Commissioner Dixon asked the Sheriff what additional costs (over and above the salaries and fringe benefits) are involved with the two new positions.

Sheriff Woodham stated that he thought he could absorb any other expenses for this year from his current budget.

**QUESTION WAS CALLED BY COMMISSIONER FLETCHER.**

**THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE SHERIFF'S REQUEST FOR THE CASH MATCH FOR THE COPS GRANT.**

**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO TAKE \$12,236.40 FROM GENERAL FUND CONTINGENCY TO FUND THE CASH MATCH FOR THE COPS GRANT FOR THE SHERIFF'S DEPARTMENT.**

#### **ECONOMIC DEVELOPMENT ACTIVITY**

Mr. Rick McCaskill reported on the economic development in the County. He stated there is a large firm currently looking at relocating within the city limits of Midway. He also noted that he had been working with Talquin Electric and Department of Transportation to get assurances that the needs of the company will be met in order for them to make a commitment. Those assurances were made final as of the date of this meeting. The new company will bring 80 jobs into the community.

Commissioner Dixon expressed to Mr. McCaskill the need to keep the public interest in mind while he is making efforts to bring development into the community.

Mr. McCaskill responded by telling the Board that meetings had been held with the City of Midway and the County staff within the last 15 months regarding the placement of infrastructure at the 10/90 interchange. He told the Board he would help in getting information compiled into some written form for the Board's review to help them understand the overall scheme of what is taking place at the 10/90 interchange.

Mr. McCaskill added that Talquin Electric had been a wonderful partner which has enable Gadsden County to move forward with industrial development.

Commissioner Dixon reminded Mr. McCaskill that "the County is not poor nor is it broke." He took the position that the County should be investing in the development upfront and not allow Talquin to be the only partner in the development. Gadsden County should be a partner and not just a player. He went on to say that more often than not, the Chamber of Commerce and Talquin Electric end up leading the County. Whereas, if the County would make an investment up front, it could better monitor the development to make certain that the public's interest is represented fairly.

Mr. McCaskill continued by reporting the following:

- 1) There are several big companies looking at the 10/90 interchange which could trigger a road fund grant. The developers have taken it upon themselves to start opening a back portion of the property with an 80 ft. right-of-way which will allow the development to continue.
- 2) All of the Fortune Center property has been sold except for one lot. Several buildings are in the construction phase. Plans for other buildings will soon be ready.
- 3) Discussions are on-going with a Kitty Litter company interested in relocating back to the area which could mean 18 new jobs.
- 4) Existing companies in the County are considering expansions which could mean an additional 20 - 40 jobs.
- 5) He is working with three large equipment dealers at this time. One is interested in putting in a multi-million dollar facility. Another one would do service and sales for the south Alabama, south Georgia and north Florida area. The third firm is considering putting in a localized service dealership type business.

#### **PLANNING AND ZONING ISSUES**



Mr. Frank Ritter presented the following projects in the absence of Mike Sherman.

**Wayside Liquors Project 97PZ-01-201-1-01**

Mr. Clyde Morgan petitioned the county for approval to open and operate a drive up retail liquor store in an existing building. The property is on US 27, approximately .25 mile north of the intersection of CR 159 and US 27. The property contains .6 acres more or less.

The Planning Commission recommended approval subject to the special conditions as outlined in the attached memo.

The P & Z Staff recommended approval subject to the special conditions.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 3 - 2, BY VOICE VOTE TO APPROVE THE WAYSIDE LIQUORS PROJECT. COMMISSIONER WATSON AND COMMISSIONER ROBERSON VOTED "NO". COMMISSIONERS DIXON, FLETCHER AND MCGILL VOTED "AYE."

**Bid Award - Evaluation and Appraisal Report (EAR)**

In Mr. Sherman's absence, Mr. Ritter reported that through negotiations with Big Bend Technologies, they had agreed to prepare the EAR for Gadsden County's Comprehensive Plan for the amount of the State grant. He asked for approval to award the contract to them.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO AWARD THE CONTRACT FOR PREPARING THE EAR REPORT TO BIG BEND TECHNOLOGIES.

**Rehearing of Polly Burdick Nuisance Case**

This item was removed from the agenda.

**Update on Courthouse HVAC Work**

Mr. Ritter reported that requests for proposals have been sent to a number of architectural firms. No responses have been received.

**COUNTY OFFICE SPACE**

Mr. Frank Ritter presented the recommendations of the Space Study Committee for the Quincy Square project and the Barnett Bank.

He asked for approval of the recommendations so that renovations could begin in the buildings.

The recommendation was as follows:

Quincy Square Project:  
Property Appraiser  
Tax Collector  
Supervisor of Elections  
Administration  
Growth Management  
Management Services  
Grants  
Veteran's Service

Barnett Bank Building  
State Attorney  
Public Defender  
County Probation

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE RECOMMENDATIONS OF THE SPACE STUDY COMMITTEE.

#### CONSENT AGENDA

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

- 1) AMENDMENT TO 97CP-3V-02-30-22-013 EMERGENCY MANAGEMENT GRANT CONTRACT PER GOVERNOR'S EXECUTIVE ORDER 96-236. ADDING SPECIAL CONDITIONS 8 & 9.
- 2) 1997 EMERGENCY MANAGEMENT GRANT STATE AND LOCAL ASSISTANCE AGREEMENT 97EM-7TT-02-30-10-020 -\$15,383.00. CONTRACT BEGINS OCTOBER 1, 1996 AND ENDS SEPTEMBER 30, 1997.
- 3) DEP NOTICE OF INTENT TO ISSUE PERMIT FOR CITY OF GRETNA TO DISCHARGE EFFLUENT WASTE WATER INTO TELOGIA CREEK.

#### CLERK OF CIRCUIT COURT

#### Fire Funds Disbursement

Clerk Thomas referenced the attached memo informing the Board that the City of Chattahoochee had not been sent any fire funds for the current year. He added that the Forestry Division and the City of Midway had received their allocations prior to the Board's policy change regarding the release of those funds.

#### Budget Amendments

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE BUDGET AMENDMENTS 97-01-21-01 THROUGH 97-01-21-08.

#### 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.

#### PUBLIC COMMENTS

Sheriff Woodham called attention to the fire damaged building where his investigators were once housed. He stated that the building is a hazard and it has been reported to him that vagrants have been sleeping in the building. He asked the Board to consider what should be done with it and the old jail as well.

It was suggested that the City Fire Department be asked to burn the remainder of the house down as a training exercise for the fire fighters.

Chairman McGill asked Mr. Frank Ritter to look into the matter and come back to the Board with a recommendation regarding the old jail and the fire damaged building.

#### APPRECIATION PLAQUE - EUGENE LAMB

Chairman McGill presented a plaque of appreciation to Mr. Eugene Lamb for the contributions he has made to the Planning and Zoning Commission from 1988 - 1997.

#### DISTRICT TWO REPORT

Commissioner Watson commended Mr. Arthur Lawson for doing an outstanding job as the Interim County Manager.

Commissioner Watson then called attention to the incident which has recently occurred between Leon and Wakulla County and suggested that the Board should stay abreast and aware of the situation. He stated there are some long term implications in what Leon County wanted to do with Wakulla County. He suggested that Gadsden County could find itself in a similar situation if it doesn't stay mindful of Leon County activity.

#### DISTRICT THREE REPORT

Commissioner Roberson stated that she appreciated the efforts from the Road and Bridge Department to meet some of the needs that she had put before them.

She reported that improvements have been made to McMillan Road and it is now passable for the school bus.

#### **DISTRICT FOUR REPORT**

There was no report.

#### **DISTRICT FIVE REPORT**

Commissioner Dixon spoke to the same issue about Leon County as Commissioner Watson. He remarked that big water wars were about to begin with counties from South Florida. They are looking to the water reservoirs of North Florida. Gadsden County has a clay base and maintains good water. Leon County was offering "big brother" assistance to Wakulla County whereby they would help protect their water resources. He told that a another county could actually purchase property in this county and put a well on it to serve their own purposes. He cautioned that this Board should position itself in such a way as to defend itself from encroachment of Gadsden County resources by other counties.

#### **Planning & Zoning Commission**

Commissioner Dixon re-appointed Darrell Nottage to the Planning and Zoning Commission.

#### **Status of the Selection Process for New County Manager**

Chairman McGill reported that information will be made available by the next regular meeting as to the interview process for the selection of the new manager.

#### **DISTRICT ONE REPORT**

##### **Planning and Zoning Appointment**

Chairman McGill appointed Lesley Cox from Havana to the Planning and Zoning Commission. He re-appointed Ron Colston to that same commission.

##### **Economic Development**

Chairman McGill then reported that he had attended and Economic Development workshop in Chipley, FL and would provide a written summary of the workshop to each of the commissioners.

### Hospital

Chairman McGill reported that he had received two complaints regarding non payments of invoices. He referred the matter to the County Attorney.

Commissioner Watson stated that the first invoice had not been paid because the work performed was not satisfactory. As to the second complaint from A & W X-Ray Services, Commissioner Watson reported that A & W was suppose to install brand new tubes in an X-Ray machine but had installed used tubes.

The matter was referred to Mr. Richmond for review.

### ADJOURNMENT

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

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Bill McGill, Chairman

ATTEST:

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Nicholas Thomas, Clerk

**Unresolved Issues from January 21, 1997 Meeting**

Hospital Endowment Trust Fund Agreement

Lease - Simon Scott Building for Gadsden County Senior Citizens

Gadsden Looks to Books Proclamation

Contract with Big Bend Technologies to prepare EAR

Polly Burdick Nuisance Case

HVAC on Courthouse

Chattahoochee Fire Service Agreement

Complaints from vendors regarding unpaid invoices at Gadsden  
Community Hospital - A & W X-Ray particularly

Fire Damaged Building - Sheriff's Investigator's Office

AT A REGULAR MEETING OF THE BOARD OF  
COUNTY COMMISSIONERS, HELD IN AND  
FOR GADSDEN COUNTY, FLORIDA ON  
FEBRUARY 6, 1996, 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

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

ADOPTION OF THE AGENDA

County Manager Betty Miller asked to amend the agenda by:

Removal: Item # 7 - Request for equipment purchase at Public  
Works  
Item # 6 B - Recording of the easement for the  
Quincy Family Practice

Addition: Review of the Community Development Block Grant  
Agreement Amendment

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

APPROVAL OF MINUTES

January 16, 1996 Regular Meeting

UPON MOTION OF COMMISSIONER WATSON AND SECOND BY COMMISSIONER  
MCGILL, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE  
MINUTES OF JANUARY 16, 1996 REGULAR MEETING.

COUNTY ATTORNEY

Mobile Home Ordinance Public Hearing (Repealing and Replacing  
Ordinance 90-006)

Mr. Hal Richmond opened a public hearing on the new mobile home ordinance which has been duly advertised. He then read the title of the ordinance into the record.

Chairman Fletcher called for public questions and comments. There were none.

**MOTION WAS MADE BY COMMISSIONER WATSON AND SECONDED BY COMMISSIONER PEACOCK TO APPROVE THE NEW MOBILE HOME ORDINANCE.**

**DISCUSSION FOLLOWED.**

Commissioner McGill had questions regarding possible refunding of the permit fees in given circumstances. He asked if the ordinance should include provisions for refunds.

Mr. Sherman explained there had not been a situation when a permit has been refunded but supposed that refunds could be done administratively if needed.

Commissioner Dixon asked if the new ordinance would eliminate the kind of problems the Board had experienced in recent months with Mr. J.C. Kingry. He was told by Mr. Richmond that the ordinance provided enforcement capabilities.

**QUESTION WAS CALLED BY COMMISSIONER MCGILL.**

**THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO ADOPT THE NEW MOBILE HOME ORDINANCE.**

#### **Library Services - Tallahassee Community College**

Mr. Richmond reported that a situation has developed between Tallahassee Community College and the Gadsden County Public Library. He added that he is working to get the matter corrected but had no specific authorizations or actions were required at this meeting. He stated that he will agenda the item for a later meeting.

#### **Interlocal Agreement & Lease - Chattahoochee Library**

Mr. Richmond reported that a problem arose with the heating system at the Chattahoochee Library and negotiations are ongoing with the City of Chattahoochee relative to the interlocal agreement providing for the public library building. Mr. Richmond asked the Board to examine the new proposed lease and direct him as to how to proceed with it. The new lease clarifies who is responsible for the maintenance of the building.



**UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO AUTHORIZE MR. RICHMOND TO PRESENT THE PROPOSED LEASE TO THE CITY OF CHATTAHOOCHEE FOR THEIR INPUT AND OR APPROVAL.**

**Private Road Maintenance Permit Fee**

Mr. Richmond recalled to the Board that they had adopted a resolution setting the permit fee for performing maintenance of private roads at \$50.00. Subsequent to that action, Mr. Richmond was asked to revisit the issue for more evaluation. He called for discussion.

Commissioner Dixon suggested that the fee be set at \$100 per hour.

Chairman Fletcher stated that he believed \$50 was a reasonable amount but he would support setting the fee at \$75.00.

Commissioner McGill stated that he could support \$75.00 or slightly more per hour.

**A MOTION WAS MADE BY COMMISSIONER DIXON AND SECONDED BY COMMISSIONER MCGILL TO SET THE PERMIT FEES FOR PERFORMING WORK ON PRIVATE ROADS AT \$90 PER HOUR.**

**DISCUSSION FOLLOWED.**

(This portion of the tape has been transcribed verbatim upon request.)

Peacock: Yeah, one discussion. I've got no problem with the \$90. You know, I've been back and looking at this and I think we all need to come to some kind of agreement and quit bashing this thing around. And ah, my only concern is the one hour. Now, we discussed at the last meeting that if three families live on this road, and it takes more than one hour to do it. I've got a problem with that because the ordinance says that you cannot work but one hour on it. That's what I want to clarify. I'd like for that to get clarified for one person. Now, if you've got three people on there and it's going to take two hours to do it, is one person going to be able to come and pull that permit to get the work done, or is two people going to have to make a trip to Quincy to get it done?

McGill: Well why couldn't that be done by one person on behalf of the three people?

Peacock: That's what I would like to see entered into it. You know, why, we don't want to put a hardship on the people who live on the road when one person could come and make the payment of \$200 for him and somebody else to work the road.

Dixon: That's the only way I ever assumed it would be. A neighborhood thing.

Richmond: Yeah, a couple of signatures.

Watson: Yeah, but a particular job could be taking longer than an hour is what you are saying.

Peacock: Yeah.

McGill: But there are restrictions of the one hour I thought.

Watson: We'll have to change the ordinance.

McGill: We'll have to amend the ordinance if you going to do more than one hour.

Peacock: That is what I want clarified, you know. The attorney is sitting here saying that you don't have to do that. He says that I can get a permit and if Mr. Watson lives on that road he can get a permit for an hour which would be two hours.

Watson: But the job, its the job, it's not per person, it's per job.

Peacock: Well, if they both come at the same time and get a permit to scrape the road, that's one job.

Richmond: I want it scraped in front of my house, my neighbor wants it scraped in front of his house -

Dixon: Well, I hope that we wouldn't scrape just in front of people's houses as opposed to doing a job - a road.

Peacock: Right.

Dixon: If you pull a permit, you pull a permit, if I am correct, for the road and not for "in front of my house".

Watson: Right.

Dixon: So, if Mr. Peacock wants to come pay and I live on the street, I'm all the better for it. Ah, I mean, because, if I am correct, Mr. Lugod is going to go scrape the road.

Peacock: Right.

Richmond: Gentlemen, do you want me to draw up an amendment to that ordinance to clarify, advertise it and bring it up?

Dixon: I am pretty clear on it.

Watson: I think it's clarified. It's just a matter of "do we want to follow it or not".

McGill: It says one hour though.

Richmond: Alright, that's all I have tonight.

Fletcher: Wait a minute, we've got to have a vote on this thing.

**QUESTION WAS CALLED BY COMMISSIONER DIXON.**

**THE MOTION TO SET THE PERMIT FEES FOR PERFORMING WORK ON PRIVATE ROADS AT \$90 PER HOUR WAS APPROVED 4 - 1 BY VOICE VOTE. CHAIRMAN FLETCHER CAST THE LONE DISSENTING VOTE.**

**QUINCY DOWNTOWN REVITALIZATION PARKING LOT**

Mrs. Miller reported that she had met with the City of Quincy officials regarding the joint venture for paving a parking lot located at Adams and Crawford Streets (behind the county owned buildings). The city had received prices for paving the County's half of the parking lot at \$23,100. She recommended that the County pay 1/2 of the \$23,100 and the "in-kind" grading work for the entire parking lot (\$4,000) and ask the City to pay the other 1/2 of the \$23,100. The County would be responsible for a total of \$15,500. In exchange, the County will have to give the City a ten year lease on the two lots which the City will pave as their half.

Commissioner Dixon voiced some apprehension about committing to a lease of the lots for ten years. He suggested that the lease should have provisions to allow the County access to its property if/when the need should arise.

Mr. David Hines from the City of Quincy addressed Commissioner Dixon's concern and assured him that the lease could include

provisions to allow the County out of the lease should the need arise.

**UPON MOTION OF COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE PAYING FOR 1/2 OF THE \$23,100 FOR THE PARKING LOT AND PROVIDE IN KIND SERVICES FOR THE GRADING OF THE ENTIRE PARKING LOT AT A TOTAL COST TO THE COUNTY OF \$15,500.**

#### CONTINGENCY FUND

**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE FUNDING THE ABOVE PROJECT FROM THE CONTINGENCY FUND.**

#### PLANNING AND ZONING ISSUES

#### PUBLIC HEARING - ORDINANCE PROVIDING COMPREHENSIVE PLAN AMENDMENT

Mr. Michael Sherman presented an ordinance providing for an amendment to the comprehensive plan (future land use element) and traffic circulation. He stated that it had been advertised in the newspapers for the minimum time period.

**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 BY VOICE VOTE, TO APPROVE/ADOPT THE LAND USE PLAN AMENDMENT AS PRESENTED.**

Chairman Fletcher called for public questions and comments.

An unidentified lady asked Mr. Sherman to explain the amendments.

Mr. Sherman explained that the first amendment dealt with development rights and densities in the agricultural areas. The amendment allows for residential densities and varying densities based on public facilities and developments which would retain open space.

The second amendment provides for changes in the historical portion of the future land use element. At present, those properties which are designated historical in the land use map are nothing more than designated. There is no ability for those designations to generate income. The amendment would allow the designations to be petitioned before the county commission on a case by case basis for such things as "Bed and Breakfast" Inns and hunting lodges, certain types of rehab.

The third amendment deals with traffic circulation and level of service standards. The State has a minimum level of standards

they maintain on their roads within the County. The amendment adopts the latest state standards and being the new standard of the comprehensive plan.

#### **ROAD PROJECT UPDATE**

Mr. Doug Barkley reported the following:

- 1) Rich Bay Road would be bidding on February 12, 1996. The results and recommendations will be presented at the next regular meeting.
- 2) The bridges on CR 268 and CR 270 will be advertised during the current week. They will bid March 12, 1996. Approval from the federal government has been received for the grants approval to proceed.
- 3) Discussion on Ranch Road will be agendaed for next regular meeting.

Mr. Barkley then asked for authorization from the Board for them to have discussions with Liberty County Commissioners regarding the work about to take place on CR 270. It will be necessary to barricade the road in their County.

**UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO AUTHORIZE BISHOP ENGINEERS TO HAVE DISCUSSIONS WITH LIBERTY COUNTY REGARDING PLACEMENT OF BARRICADES ON CR 270.**

#### **GADSDEN MEMORIAL HOSPITAL - DONNA GATCH**

Mrs. Donna Gatch presented the Board with the quarterly report for Gadsden Memorial Hospital. She reported the following:

- 1) Patient census continues to fluctuate but has experienced an overall increase in the last six months.
- 2) Outpatient and home health visits remain consistent revenue source.
- 3) Radon survey has been completed and hospital was found in compliance.
- 4) Dr. Chuck Lawrence (pediatrician) has left the hospital to return to his home state - Alabama.
- 5) During last fiscal year, the hospital paid \$8,000 in repair and update of the heating and air conditioning system of the hospital.

- 6) Roof continues to leak - no repairs have begun.
- 7) Vacuum system is under repair.
- 8) Automatic front and back door continually malfunction. Parts are no longer available and replacement will be necessary.
- 9) There is an immediate need for X-ray and fluoroscopy equipment. Repair is no longer an option. She asked for assistance from the Board. Patients have been sent to Tallahassee presently.
- 10) Staffing care is good. The hospital has been successful in recruiting and maintaining employees - 3 new intensive care RNs.
- 11) Community support has been good.
- 12) New Medical Staff Officers - Dr. Jeff Wasserman Chief of Staff; Dr. Gloria Ramos, Vice Chief of Staff; Dr. Emko, Secretary; Dr. Price, Quality Assurance Chairman.
- 13) Dr. Wasserman and Judge Helms are new appointees to the Hospital Advisory Board
- 14) HealthMark intends to pursue renewal of the lease contract.

Commissioner McGill questioned Mrs. Gatch as to advertising and its relationship to the increase in census.

Mrs. Gatch stated that the increase has been attributed to advertising and community support.

Commissioner Dixon asked questions regarding the repairs needed at the hospital.

Mr. Bill Adams reported that no work has been done to the roof in 4 - 5 years. At that time, it was recommended to raise the pitch of the roof and go with metal panel roofing. He recommended that the County go with a complete re-roofing built to specifications a good architect. He suggested that a roof with overhang could eliminate problems other than leaks. The new roof would cost approximately \$500,000.

Commissioner Watson suggested that the Board proceed with getting the needed repairs accomplished.

Commissioner McGill stated that he would like for the Board to establish a method of routine and on-going communication between the hospital and the county administration so that repairs don't go neglected.

Mr. Richmond was asked to review the lease and report back to the Board as to the type of repairs for which the County is responsible.

Commissioner McGill had questions regarding the financial loss as reported in the financial statement.

The hospital comptroller explained that revenue in rural hospitals is seasonal. October through December are traditionally low census/low revenue months. It is difficult to reduce expenses as quickly as the patient load goes down. Another contributing factor was the write off of a number of bad debts. The business office manager has been out due to illness and collections were slow as a result of her absence.

Mrs. Gatch told the Board that HealthMark Corporation headquarters advances money to Gadsden Memorial as needed and it is repaid when revenues rise.

**JTPA- DESIGNATION OF NEW SERVICE AREA**  
**Interlocal Agreement** (attached)

Ms. Lorene Wilson spoke to the Board concerning Governor Chiles proposal to redesignate the service delivery area for the JTPA programs. The local service delivery area includes Gadsden, Leon, Jefferson and Wakulla Counties. The redesignation will change the local area to a three county service area which would include Gadsden, Leon and Wakulla Counties.

She provided the Board with an Interlocal Agreement which is required if the Board agrees with the three county designation. The agreement spells out how the private industry council will be set up, the number of appointments from each county.

**UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE INTERLOCAL AGREEMENT AS IT WAS PRESENTED.**

**COUNTY MANAGER**

**Shiloh Road Invoice**

Mrs. Miller asked for the Board's approval to pay an invoice for \$17,250 for ditch paving on Shiloh Road.

**MOTION WAS MADE BY COMMISSIONER WATSON AND SECONDED BY COMMISSIONER DIXON TO APPROVE THE PAYMENT OF THE INVOICE FOR \$17,250 FOR DITCH PAVING ON SHILOH ROAD.**

Commissioner McGill asked if the invoice was in addition to the estimated cost of the project.

Mr. Jed Lugod explained that the total project was estimated to be \$50,000. The County does not have the manpower to do the concrete work so it was necessary to contract with an outside agency for the concrete paving. The remainder of the work will be done by the County crew and with County equipment. The seal coating will be done with aid from Leon County.

**QUESTION WAS CALLED BY COMMISSIONER MCGILL. THE BOARD VOTED 5 - 0 TO APPROVE PAYMENT OF \$17,250 FOR THE DITCH PAVING ON SHILOH ROAD.**

### **Barnett Bank Building**

Mrs. Miller told the Board that the Barnett Bank Building is for sale and the real estate agent has inquired if the County might be interested in purchasing it. She asked for the Board's directions.

Commissioner Peacock asked what it would cost to bring the building into compliance with ADA standards?

Chairman Fletcher reported that he had an estimator look at the building at no cost to the County. It was his opinion that it could cost up to \$250,000 to replace the elevator, tear out stairs, and add 4 new handicap accessible bathrooms. Renovation costs would be in addition to that figure. The chairman added that he is very familiar with the building and knows that it has been well maintained and it has a new air-conditioning system and a good roof.

Commissioner Peacock asked Mr. Chip Gray if the bank would pay for the cost of an ADA survey. He was not able to answer the question. Mr. Gray pointed out that the bank is a 17,000 square foot building and is on the market for \$550,000. Market value of a comparable building is \$100 per square foot.

Commissioner Peacock stated that he would rather pursue the renovation of the Fletcher Canteley building before proceeding with negotiations on the Barnett Bank Building.

No action was taken.

### **Hospital RFQ**

Three responses were received on the RFQ noticed for management of the Gadsden Memorial Hospital. The Bid Committee and the County Attorney ranked the responding agencies. The top ranked company was MGT of America. She asked for directions.



UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 , BY VOICE VOTE, TO AUTHORIZE THE BID COMMITTEE AND THE COUNTY ATTORNEY TO PROCEED WITH NEGOTIATIONS FOR CONSULTING SERVICES FROM THE TOP RANKED COMPANY MGT of AMERICA.

**Consulting Services for Community Development Program**

Mrs. Miller reported that seven responses were received to the bid advertisement for consulting services for the County housing program. The bid committee ranked the top three. She stated that a special meeting will be necessary to negotiate the services and their fees with the top ranked firm - Fred Fox Enterprises.

**Community Development Block Grant Agreement Amendment**

Mrs. Miller explained that last June the Department of Community Affairs agreed to pay the county's 25% portion of the funding for five of the soil conservation projects. The amount of the first agreement was \$63,229. The projects are now completed and the 25% portion totaled \$64,559. An amendment to the first agreement is necessary just to reflect the change in the dollar figure. (Contract No. 95DB-19-02-30-02-S03)

UPON MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE AMENDMENT TO THE DCA GRANT AS DESCRIBED ABOVE.

**New County Commission Chambers**

Mrs. Miller stated that the next commission meeting will be held in the new chambers located in the new Quincy Square County Office Complex. (The old CATO building)

**CONSENT AGENDA**

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

- 1) Engineering Services Contract- Bishop Engineers
- 2) Engineering Services Contract - Kunde, Sprecher and Associates
- 3) Curbside Recycling Interlocal Agreement - City of Quincy
- 4) Donation of old sheriff's car to City of Greensboro Police Department - Vehicle determined to have no market value.

- 5)     **Payment of Invoice from Lee and Bridges -  
          Courthouse Renovation - \$9,337.50.**

**CLERK OF COURT**

Clerk Thomas presented the budget amendments for approval explaining that numbers 1 - 4 are for the Supervisor of Elections Budget and the Holding of Elections Budget. He explained the amendments are necessary because of a new requirement of the Auditor General. There are no dollar amount changes, it is simply taking them out of the general fund and placing them into a separate fund.

A motion was made by Commissioner Watson and seconded by Commissioner Peacock to approve the above mentioned amendments but was withdrawn.

Amendments 5 - 12 were then explained by the Clerk.

**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER  
PEACOCK, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVEMENT  
AMENDMENTS 95-02-06-01 THROUGH 95-02-06-12.**

**Ratification of Payment of County Bills**

**UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER  
WATSON, 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 commended Mrs. Miller for the work she has accomplished on the new litter program. He encouraged the Board to monitor it to make certain that it will work.

**DISTRICT 4 REPORT**

There was no report.

**DISTRICT 3 REPORT**

Commissioner Peacock reiterated Commissioner Watson's commendation of the Litter Program. He told Mrs. Miller that he knew of some individuals who are interested in a neighborhood watch litter program.

**DISTRICT 5 REPORT**

Commissioner Dixon reminded the Board that the Legislative Session is nearing and invited everyone to apprise him of any matters of particular concern. He stated he is expecting drastic and dramatic changes in dealing with welfare and healthcare.

Gadsden County Board of County Commissioners  
February 6, 1996 Regular Meeting

**ADJOURNMENT**

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

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E. Hentz Fletcher, Chairman

ATTEST:

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Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE BOARD OF  
COUNTY COMMISSIONERS, HELD IN AND  
FOR GADSDEN COUNTY, FLORIDA ON  
FEBRUARY 20, 1996, 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, COUNTY MANAGER  
NICHOLAS THOMAS, CLERK

(The meeting was held in the new County Commission Chambers located  
at 9 East Jefferson St.)

CALL TO ORDER

The meeting was called to order by Chairman Fletcher.  
Commissioner Dixon led in pledging allegiance to the U.S. Flag and  
Commissioner Watson led in prayer.

ADOPTION OF THE AGENDA

Commissioner Peacock asked that item # 8 of the consent agenda  
be pulled for discussion.

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

APPROVAL OF MINUTES

February 6, 1996 Regular 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 FEBRUARY 6, 1996 REGULAR MEETING.

COUNTY ATTORNEY

Rich Bay Road

Mr. Richmond reported that the bids were let on the paving of  
Rich Bay Road and the contracts will be brought to the Board for  
its review soon. He stated that the method of payment and the  
availability of funds had come into question. He asked if funds  
were set aside in the budget.

Doug Barkley reported that only 2 bids were received - Crowder Construction and Peavy Construction. The apparent low bidder was Crowder Construction. They submitted their bids as follows:

- 1) Contractor doing the entire job - 3 passes with surface treatment - \$350,000 base bid
- 2) Alternate # 1 - Contractor doing all work - asphalt paving - \$400,000 (if pipe replacement becomes necessary, the cost would increase accordingly)
- 3) Alternate # 2 - County crew doing rough grading, bringing in all the base, rough grading of the ditches, and Crowder doing the paving with asphalt - \$300,000  
The time involved with the County doing part of the work will take longer than if a contractor did all the work.

Mrs. Miller told the Board that \$305,688 is in the current year's budget for the paving of Rich Bay Road.

Commissioner Peacock asked where the additional money would come from if the Board should award the contract for more money than was budgeted.

Commissioner McGill recalled that the Board initially set aside \$500,000 for Rich Bay Road and that amount was recorded as a part of the Comprehensive Plan. He told the Board that he had talked with a DOT engineer who advised him of the following:

- 1) The life expectancy for asphalt is much longer than triple surface treatment and in the end is cheaper.
- 2) If the road bed is not laid properly before the surface treatment is applied, problems with the road will arise very soon.
- 3) Flying rocks are a real hazard on surface treated roads - especially if they are well traveled.

In view of the above facts, Commissioner McGill recommended that asphalt paving would be the best alternative. He stated that he believed the additional money could be found in the transportation budget if proposed equipment purchases could be delayed until next year.

Commissioner Dixon supported the asphalt paving but opposed any delay in the purchase of equipment which is badly needed. He suggested that the money be found from another source. He mentioned the forthcoming waste treatment grant which would be unrestricted money.

A MOTION WAS MADE BY COMMISSIONER MCGILL AND SECONDED BY COMMISSIONER PEACOCK TO FIND AND SET ASIDE UP TO \$450,000 (INCLUDING ENGINEERING FEES) IN THE BUDGET TO PROVIDE FOR THE PAVING OF RICH BAY ROAD. MR. MCGILL VOLUNTEERED TO CONFER WITH THE CLERK AND MAKE A REVENUE SOURCE RECOMMENDATION TO THE BOARD AT THE NEXT MEETING.

DISCUSSION FOLLOWED.

Mr. Barkley stated that once the construction begins, if any of the existing cross drain pipes cannot be reused, there will be additional costs which are not reflected in the bid. Any driveway pipes which are damaged to the extent that they must be replaced will also add to the project cost. The project was advertised in that manner and the bids were received accordingly.

QUESTION WAS CALLED BY COMMISSIONER MCGILL.

THE BOARD VOTED 4 - 1 TO APPROVE THE MOTION. COMMISSIONER WATSON CAST THE LONE DISSENTING VOTE.

Mr. Dan Winchester asked to be recognized. He thanked the Board for their action on Rich Bay Road. The audience applauded.

#### Consultant Contract for RFP on Hospital Management

Mr. Richmond reported that a contract had been negotiated with MGT of America (consultant writing the RFP for hospital management) for \$11,000. He then asked for a motion allowing the County to enter into the contract so that work on the RFP could commence.

UPON MOTION OF COMMISSIONER WATSON AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO ENTER INTO THE CONTRACT WITH MGT OF AMERICA AT A COST OF \$11,000, TO PREPARE THE RFP FOR MANAGEMENT SERVICES OF GADSDEN MEMORIAL HOSPITAL.

#### Private Road Ordinance 71-003

Mr. Richmond asked the Board to clarify what they expected of him with regard to ordinance 71-003. (To amend the ordinance or render an interpretation of the ordinance as it pertains to work on private roads.)

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 1, BY VOICE VOTE, TO AMEND ORDINANCE 71-003 TO ALLOW UP TO THREE HOURS OF WORK PER ROAD ON PRIVATE ROADS AND AUTHORIZE THE ATTORNEY TO ADVERTISE A

**NOTICE OF INTENT TO AMEND THE ORDINANCE ACCORDINGLY.  
COMMISSIONER WATSON CAST THE LONE DISSENTING VOTE.**

**ECONOMIC DEVELOPMENT ACTIVITIES**

Mr. Rick McCaskill reported that clearing work has begun at US 90 and I-10 interchange on the Flying J Truck Stop. He then addressed other issues as stated in the attached memo.

**COUNTY MANAGER**

**Gadsden Memorial Hospital Repairs**

**Two Automatic Doors and Air Conditioning/Heating Units**

Mrs. Miller reported that Frank Ritter, building inspector recommended that the automatic doors at the front entrance and the emergency entrance of the hospital be replaced at a cost of \$10,500 each. In addition, he recommended replacing 25 air conditioning/heating units at a cost of \$568 each. Mrs. Miller stated that she concurs with Mr. Ritter's recommendation.

**Roof Repairs and Water Penetration Problems**

Mrs. Miller recommended that the roof leaks at the hospital be repaired immediately and to instruct the engineers to evaluate the entire roof as well as the water penetration problems and come back to the Board with a recommendation as how to resolve the problems permanently.

**UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE REPLACING TWO AUTOMATIC DOORS AT \$10,500; REPLACE 25 AC/H UNITS AT \$568; REPAIR ALL LEAKS IN THE ROOF; AND AUTHORIZE THE COUNTY ENGINEERS TO EVALUATE AND RECOMMEND OPTIONS FOR REPLACING THE ENTIRE ROOF AND RESOLVE THE WATER PENETRATION PROBLEMS THAT EXIST AT GADSDEN MEMORIAL HOSPITAL. THE COSTS FOR THE DOORS, AC/H UNITS AND THE ROOF REPAIRS ARE TO BE PAID FROM THE HOSPITAL RENEWAL AND REPLACEMENT FUNDS.**

**CONSENT AGENDA**

**UPON MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE AMENDED CONSENT AGENDA AS LISTED BELOW:**

- 1) HOPKINS LANDING IMPROVEMENTS AGREEMENT - FLORIDA BOATING IMPROVEMENT PROGRAM - RETROACTIVE PROJECT GRANT AGREEMENT - CONTRACT NO. B96027 - \$1,750**
- 2) LIBRARY STATE AID CONTRACTS - 96-ST-12 (\$209,818)**



- 3) HOUSEHOLD HAZARDOUS WASTE COLLECTION CENTER GRANT FOR \$100,000 (DEP CONTRACT NO. HW310)
- 4) CURBSIDE RECYCLING INTERLOCAL AGREEMENT WITH TOWN OF HAVANA
- 5) REVISION OF COUNTY'S EEO PLAN
- 6) PRIVATE INDUSTRY COUNCIL APPOINTMENTS
- 7) EMS ACCOUNT SETTLEMENT OFFER FROM BUREAU OF VICTIM COMPENSATION FOR \$287.00 ON ACCOUNT #S 21-953760 AND 21-953761.

PAYMENT FOR PUBLIC WORKS VEHICLE FROM STATE CONTRACT

Commissioner Peacock asked Mr. Lugod and Mrs. Miller why a truck was purchased and delivered before it was presented to the Board for approval. He questioned whether that type of truck was needed for the mowing crew. He stated that he believed that a truck could have been purchased for less money.

Mr. Lugod explained that he has two trucks carrying the crews to the work site. One of the two trucks is totally dilapidated. It is being replaced with the same type of truck. The only difference is that the new truck has a tool box in which the tools can be locked when not in use. (Tools are routinely lost at present because there is no way to secure them) Having the tools readily accessible allows for on-the-spot repairs.

Commissioner Peacock asked if a gas operated truck could have been purchased for the same purpose.

Mr. Lugod responded by saying that a gasoline truck could have been purchased for less money, but his experience had taught him that diesel operated vehicles last longer and tend to be less expensive to operate over the life time of the truck. He added that most of the trucks in the inventory have diesel engines.

Commissioner McGill asked why it was not brought to the Board for approval prior to purchase.

Mr. Arthur Lawson, purchasing director answered by saying that the truck was approved in the budget and was purchased through the state contract. The County's procurement policy specifically states that if items are purchased from state contract, that management has the authority to approve the purchase if it has already been approved in the budget.

Both Commissioner Peacock and Chairman Fletcher stated that they could not find the truck in the budget.

Mr. Lawson said that a one-ton truck for the mowing crew was approved as a part of the budget. Another one was also approved and already purchased for the mechanic.

Commissioner Dixon stated that this debate occurs whenever equipment is purchased. He suggested that if the Board did not want to make such purchases, it should be deleted from the budget at the time of adoption.

Mr. Richmond stated that the purchasing procedures provide limitations on the county manager's ability to purchase and not purchase without prior approval from the Board. He stated that the question seems to be "Does this purchase fall within or without those limits."

Mrs. Miller turned to Clerk Thomas and asked him if he would have paid the invoice without specific approval by the Board.

Clerk Thomas did not specifically answer Mrs. Miller's question but stated that the policy needed clarification with regard to purchases of this type when they are purchased on state contract.

Mr. Richmond was instructed to research the policy and report his findings at the next meeting.

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 3 - 2, BY VOICE VOTE, TO TABLE THE APPROVAL OF THE PAYMENT UNTIL NEXT MEETING. COMMISSIONERS WATSON AND DIXON OPPOSING THE MOTION TO TABLE.

#### CLERK OF COURT

#### Clerk's Report of EMS Procedures

Clerk Thomas called attention to a report prepared by the finance department which addressed some accounting procedures used by the Emergency Medical Service department. (copy attached for the record)

#### Budget Amendments

UPON MOTION BY COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE BUDGET AMENDMENTS 96-02-20-01 THROUGH 96-02-20-05.

#### Ratification of Payment of County Bills

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

**DISTRICT 1 REPORT**

Commissioner McGill stated that he was concerned about the manner in which the Board had conducted its business. On behalf of the public, he asked that all members be more compassionate among themselves as well as with the public in business proceedings. He added that he thought that the public is receiving wrong signals from the Board which places it in a bad posture.

Commissioner McGill then reported that he had attended a grants workshop with Mrs. Miller. He stated that he plans to work on a water/sewer project for Midway. He suggested that the REDI group, the Chamber of Commerce and the County Commission work together on getting such grants to benefit the citizens of 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 stated that things are looking up in District 5.

**ADJOURNMENT**

**UPON MOTION FROM COMMISSIONER DIXON, THE CHAIRMAN DECLARED THE MEETING ADJOURNED.**

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E. Hentz Fletcher

Gadsden County Board of County Commissioners  
February 20, 1996 Regular Meeting

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**ATTEST:**

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Nicholas Thomas, Clerk

**AT A REGULAR MEETING OF THE  
BOARD OF COUNTY COMMISSIONERS  
HELD IN AND FOR GADSDEN COUNTY,  
FLORIDA ON MARCH 5, 1996, THE  
FOLLOWING PROCEEDINGS WERE HAD,  
VIZ.**

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

**CALL TO ORDER**

The meeting was called to order by Chairman Fletcher. Commissioner Peacock led in pledging allegiance to the U.S. Flag and Commissioner Dixon led in prayer.

**ADOPTION OF THE 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 - February 20, 1996**

**UPON MOTION OF COMMISSIONER WATSON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE MINUTES OF FEBRUARY 20, 1996.**

**COUNTY ATTORNEY**

**Purchasing Policy Research**

On February 20, 1996, a question was raised about the propriety of transaction whereby a truck for the public works department was purchased by the Purchasing Director from State Contract. The truck was itemized in the public works 95/96 budget which was approved by the Board on October 2, 1995. The invoice submitted for payment of the vehicle was placed on the consent agenda of February 20, 1996 meeting. Since the truck invoice exceeded the budgeted amount, Mrs. Miller placed it on the consent agenda for board action. Commissioner Peacock pulled the invoice from the consent agenda for discussion. The Board voted 3 - 2 to

table payment approval of the invoice and directed Mr. Richmond to research the county's purchasing policy to determine if the purchase was proper.)

Mr. Hal Richmond reported that he had found absolutely no impropriety in the manner the public works director and the purchasing director had handled the purchase of a truck. He stated that the truck had been included in a line item in the adopted budget at estimated \$24,000. The invoice was \$3,000 greater than the amount budgeted for that particular truck but it did not exceed the overall budget for for public works equipment purchases.

In regard to future proceedings of similar matters, Mr. Richmond suggested that the policy could be revised to require board action on any purchases and restrictions on a director's ability to deviate from their line item budget. Any number of changes to the policy could be addressed at the Board's direction.

#### **Payment to Champion Chevrolet for Truck**

Commissioner Peacock stated his concerns relating to purchase of the truck for the public works mowing crew were as follows:

- 1) \$23,000 was budgeted but the invoice was \$27,511.
- 2) The total amount budgeted for public works equipment was \$270,500. There is no restrictions as to how that money can be spent if it does not exceed the total budget and is purchased off the state contract.
- 3) It should have come to the Board before the purchase was made regardless of the chosen vendor.
- 4) The department directors are not legally held responsible for purchase decisions - the commissioners are charged with responsibility of managing the county's tax dollars. If the budget should become depleted before all the necessary equipment is purchased, the Board would have to find other money from some source to obtain the remaining pieces necessary to do their job. A director could choose to purchase a single piece of equipment as opposed to the number of pieces in his line item budget.

Commissioner Dixon disagreed with Commissioner Peacock's statement that department heads are not responsible for their budgets. He insisted that by approving their budgets, the Board is telling them in a particular fashion what they should buy and should not buy. The departments routinely overspend certain line items which necessitates budget amendments. It has been customary

to approve budget amendment requests to allow departments to spend within the total parameter of their budget but to move money within line items which were then approved by the Board. He contended that they are indeed held responsible for their budgets.

Commissioner Dixon stated that it is a gross exaggeration to say that a director could deplete their entire budget for a single piece of equipment, especially in view of the fact that the Clerk monitors and audits the budget and all expenditures. He added also that each Board member is routinely provided a printout of the budget expenditures with very detailed information.

Commissioner Peacock explained that he realized that the department directors are responsible for their individual budgets but it is the commissioners who are ultimately responsible for the overall budget. He disagreed with policies and procedures that allow for purchase and delivery of equipment prior to approval by the Board. He stated again that even though a dozen pieces of equipment were approved for purchase in the adopted budget, it is possible that a director could deplete the budget and have only purchased 3 pieces of a possible 12 which was approved in the detailed budget. He again stated his opposition to that policy.

Commissioner Dixon then stated that most budget amendments are done after the fact just for bookkeeping purposes.

Commissioner Watson asked to make clear that the issue of the \$3,500 overage only became an issue after the procurement of the truck was determined to be a proper one. He further stated that the only issue raised at the last meeting was whether the truck had been approved in the budget. He explained also that there had been a savings on a previous truck purchase which offsets the overage of this truck purchase. He supported the purchase policy as it is written.

Commissioner McGill addressed his comments to Attorney Richmond. He suggested that some specific language be added to the "state contract" section of the purchasing policy which would better define and limit abuse of the state contract to circumvent good budget management. He also suggested that when the budget is adopted that the Board pay particular attention to the number of items expected to be purchased within the parameters of a department budget. Lastly, he also suggested that the Board add a specific statement to the policy dealing with possible state contract purchases when a comparable item can be purchased from a competitive vendor for less money.

Mr. Richmond stated that the present policy leaves that matter open to the discretion of the director. He asked if they would

like to add some language which would disallow a state contract purchase if it should be a set percentage (for example 10%) over the budgeted amount. He asked also if they would like to make a policy as to when the budget amendment should be approved - prior to purchase or to ratify the approval of the purchase by means of a budget amendment after the purchase has been made.

The following fact was not stated at the meeting but has been added by the preparer of these minutes in an effort to clarify the issue regarding budget amendments.

**Note:** When a line item does not have sufficient funds to pay an invoice, it has been the practice of the Clerk's office to withhold payment of such invoices until a budget amendment has been approved by the Board .

Commissioner Dixon stated if there is a need to change the policy so as to clarify the issue, it should be revised.

Commissioner McGill stated there is real confusion regarding the budgeted items which are purchased from state contract.

Commissioner Peacock asked what had become of the policy which prohibits the manager's approval of any item costing more than \$10,000.

Commissioner Watson explained that there is no need for Board approval of any item which was approved as a line item in the adopted budget. He suggested that there could be a misunderstanding about the way the system works.

Commissioner Peacock stated there is indeed confusion about how the system works, but it was not his misunderstanding. He pointed out that the truck purchase appeared on the consent agenda and would have been a rubber stamp approval if he had not pulled it for discussion.

Commissioner Watson countered that there was no need for it to even have been on the agenda at all. He recalled that Attorney Richmond had stated that there was no impropriety - the truck was purchased in compliance with the policy.

Commissioner Peacock said that the system had never worked the way in which Commissioner Watson was describing. He contended that the Board must have prior knowledge of how every penny is spent.

Commissioner Watson suggested that the Board should conduct more extensive budget hearings for the commissioners to examine



each line item before it is approved.

Commissioner Dixon expressed that he had pushed for more extensive budget hearings prior to moving to the current budget format and detail. The budget is prepared in such detail now that there is little need for extensive budget hearings. He stated that there are procedures already in place to handle the situation surrounding the truck purchase.

Commissioner McGill asked the Chairman to look into establishing a committee to resolve the policy issue.

Chairman Fletcher stated that he would talk with the County Manager and come by with a recommendation. He then called for approval of the invoice.

**UPON MOTION OF COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 3 - 2, BY VOICE VOTE, TO APPROVE THE PAYMENT OF THE REQUEST NO. 11984 FOR \$27,511.50 TO CHAMPION CHEVROLET FOR A 1996 CHEVROLET C-3500 DIESEL CREW CAB W/UTILITY BODY. VIN # 1GGCG33F7TF006161. COMMISSIONERS PEACOCK AND FLETCHER OPPOSING THE MOTION.**

Dr. Ted Goreau asked to make a comment but was not acknowledged by the Chairman. (Note: He did not make a request to speak prior to the meeting nor was it at the point in the agenda for receiving public comments.)

#### **PLANNING AND ZONING ISSUES**

##### **Overview of the Courthouse Renovation Project**

Mr. Mike Sherman advised the Board that RFP have been advertised and some bids have been received. (See attached memo for other details of the project.)

Commissioner Watson said that the Board was under no obligation to accept any of the bids. He went on to say that the Board may choose to award bids separately - exterior versus interior. He stated that he would like to see more competition in the bids and did not want to see the construction get out of hand.

##### **Fortune Centre Blvd. Paving Project - Award of Bid # 96-08**

Moore, Bass and Bibler, Inc. (project engineer for Fortune Centre Blvd. paving project) recommended the Peavy and Son Construction Company, Inc., be awarded the construction contract for the Fortune Center Blvd roadway, drainage and storm water components - Phases 1 and 2; MBB Number 309.002/94-007 for

\$333,777.00.

**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO AUTHORIZE THE PLANNING DEPARTMENT TO BEGIN DISCUSSIONS AND NEGOTIATIONS WITH THE CONTRACTOR AND TO AWARD BID #96-08 FOR THE PAVING OF THE ROADWAY, DRAINAGE AND STORM WATER FOR THE FORTUNE CENTRE BLVD. PROJECT TO PEAVY AND SON CONSTRUCTION COMPANY, INC. FOR \$333,777.00.**

**Ulysses Blackshear - Mobile home violations**

This item was passed until March 19, 1996 at the request of Mr. Mike Sherman.

**Richard Williford - Mobile home violations**

This item was passed until March 19, 1996 at the request of Mr. Mike Sherman.

**ROAD AND BRIDGE UPDATE**

Mr. Doug Barkley reported that bids were received on Rich Bay Road on February 12, 1996. It was his recommendation to award the bid to Crowder Construction to perform Alternate # 1 of the bid for \$400,000.

**A MOTION WAS MADE BY COMMISSIONER MCGILL AND SECONDED BY COMMISSIONER PEACOCK TO ACCEPT THE RECOMMENDATION TO AWARD THE BID TO CROWDER CONSTRUCTION TO PERFORM ALTERNATE #1 OF THE BID IN THE AMOUNT OF \$400,000.**

Commissioner Watson prefaced his remarks by saying that he supports the paving of Rich Bay Road. He opposed spending so much money to award the contract to an outside firm when he and the public works director believes that the county crew can do the job and save a lot of money. His objections are stated as follows:

- 1) It is fiscally irresponsible to spend \$450,000 on the paving of Rich Bay Road.
- 2) \$450,000 represents 20% of the entire transportation budget. 20% for 1 road for 1 year.
- 3) The Clerk has advised that the project can be done by moving \$145,000 from fund balance to the road department. That would mean spending part of the savings which have been safeguarded in the event of real emergencies and storm damages.
- 4) Mr. Lugod has documented that the job can be done in-house and save the county a considerable amount of money.

- 5) The argument that DOT does not recommend seal coating - They deal with high volume and high speed roads. A road with up to 3,000 trips a day is considered to be a low volume road. To be considered to be a high volume road, it would require from 10,000 to 40,000 trips a day. A traffic count was done on Rich Bay on February 19 and recorded at 620 trips (10 of which were big trucks). Thus Rich Bay would be considered to be on the low side of a low volume road. Just to increase to a high end of a low volume road the traffic would have to increase five times. (The information was obtained from Aubrey Graves in charge of testing for DOT at the Chipley, FL office.)
- 6) Mike Willet, Leon County public works director said that they surface treated Coe Landing Road which receives 2,000 trips a day and they are pleased with the results of the road. They also treated Williams Landing Road. They have \$100,000 in their budget this year to surface treat 10 miles of road.
- 7) Argument - Surface treated roads do not hold up. There are miles and miles of surface treated roads in Gadsden County. Byrd Landfill Road is surfaced treated. It is 20 years old and receives heavy truck road traffic. Hillandale Farms also is surface treated and is 30 years old. The roads named are holding up to the traffic demands.
- 8) Asphalt Roads hold up better -- Woodward Road is an asphalted road and it is breaking down. Fourteenth St. was asphalted only 2 years ago and it is already breaking down.
- 9) Argument - Surface treated roads allow for flying rock damages to windshield. - U.S. 27 had to resurfaced even though it was asphalted because of windshield damages due to flying rocks. An asphalted road is also subject to flying rocks.
- 10) The speed limit on Rich Bay Road will be 35 mph. It is a low volume; low speed road. It does not make sense to use 20% of the road funds to build one road.
- 11) The reason for surface treating Deerwood and Shiloh roads was to determine if paving could be accomplished with the county's road department. It proved that paving can be done in-house.

Commissioner Watson closed his remarks by saying he wanted to have the record reflect that the project could have been done for \$250,000 less than what is being considered at this meeting. He then asked the Rich Bay residents to be considerate enough to be accepting to the idea of the surface treatment as opposed to contracted asphalt.

Mrs. Judy Tucker an audience member stated that it had been seven weeks since the road had been scraped and they had no reason to believe that the county would pave the road.

Commissioner McGill responded to the Commissioner Watson's statements. He said the following:

- 1) When he talked with a DOT design engineer two weeks prior and described Rich Bay Road to him. The engineer told him that Rich Bay would not hold up with surface treatment.
- 2) Three years ago, the County budgeted \$500,000 in anticipation of paving the road. That amount was stipulated in an agreement with Department of Community Affairs.

Chairman Fletcher pointed out at this point that it was because \$500,000 was budgeted for Rich Bay Road and not used that there was a fund balance in the transportation budget. That amount of the fund balance was actually once appropriated for Rich Bay Road.

Commissioner Watson contended that the money still must be moved from the reserves before it can be used.

Clerk Thomas confirmed that the money was in the transportation #2 fund balance.

Commissioner McGill continued.

- 3) Rich Bay Road residents deserve the best that the County can provide. Those residents were promised to have the road paved 22 years ago because of the hazards of the road.
- 4) There were 90 transfer trucks during the last week which he counted himself.
- 5) He also talked to Mr. Willet at Leon County Public Works and he apparently changed his story between that time and the time he talked with Commissioner Watson. Perhaps the three of them should converse all together at one time.
- 6) The design engineer at DOT told him that if the road is triple surfaced now, within 10 years the County will pay three times for the road than if it is asphalted now.

**THE QUESTION WAS CALLED BY COMMISSIONER MCGILL.**

Commissioner Watson closed by saying the County can not afford to throw money away frivolously. The County could save \$250,000 by triple surfacing Rich Bay Road.

Commissioner Peacock asked how much it would cost if the paving was done in-house. He was referred to the memo included in the agenda packet. He then recalled the problems involved with At water Road by attempting to do the job in-house.

Commissioner McGill stated that Rich Bay qualified as a collector road. It was already determined that it would cost more to pave Rich Bay than the common road. He stated that he did not want to deviate from his position to asphalt the road.

Mr. Barkley was asked and confirmed that the longevity of a road depends on the quality of the road base. He stated that any road can stand up to conditions if the road base is done well. But, there is a greater margin of error for the asphalt road.

Commissioner Dixon stated that his concern was not which treatment to use, but at what sacrifice to the other roads in the county while the department is pulled away to perform paving of Rich Bay. He stated that he would like to see Mr. Lugod establish some standards as to what tasks can be done in-house and what should be bid. He further stated that he would like to see included in next year's budget funding for a separate road building crew. If Mr. Lugod is tied up with paving, other important work will surely to suffer.

Mr. Lugod stated that he views his responsibility to be as effective as he can be for the community while using the funds available in the best manner. His philosophy has been to stretch the money because every dollar counts. He preferred to have his crew work overtime to accomplish all of the work as opposed to giving up the money to outside contractors.

Chairman Fletcher called for a vote.

**THE BOARD VOTED 4 - 1 TO APPROVE AWARDED THE CONTRACT TO CROWDER CONSTRUCTION WITH ALTERNATE #1 FOR \$400,000 TO PAVE RICH BAY ROAD. COMMISSIONER WATSON CAST THE LONE DISSENTING VOTE.**

Commissioner Dixon recommended that the landfill closure reimbursement be used to fund the additional cost of paving Rich Bay Road.

Commissioner cautioned that the money might be needed for closing landfills.

Commissioner Dixon stated that the money is to reimburse the County for funds already expended in closing landfills.

Mrs. Miller interjected that it would be wise to set aside at least part of the reimbursement for future landfill closures.

Commissioner Dixon explained that it is unallocated funds and it can be used at the Board's discretion.

**A MOTION WAS MADE BY COMMISSIONER DIXON AND SECONDED BY COMMISSIONER MCGILL TO USE THE \$154,000 LANDFILL CLOSURE MONEY WHICH WAS RECEIVED TO MAKE UP THE DIFFERENCE NEEDED TO PAVE RICH BAY ROAD AS APPROVED.  
DISCUSSION FOLLOWED.**

Commissioner Watson again cautioned that the money should be used to fund future landfill closures.

Mrs. Miller informed the Board that she has just realized that the cost for closing C & D Landfill amounted to \$21,000 and some of the reimbursement may be needed to help defray that expense.

**QUESTIONED WAS CALLED BY COMMISSIONER MCGILL. THE BOARD VOTED 4 - 1 TO APPROVE THE MOTION. COMMISSIONER WATSON CAST THE LONE DISSENTING VOTE.**

Dr. Goreau asked to be recognized for comments. Chairman Fletcher declined Dr. Goreau's request to speak but told him that he would be given an opportunity to comment later in the meeting.

#### **CR 268 & CR270 Bridges**

Mr. Barkley reported that bids would be received on the bridges on March 12, 1996. A recommendation will be made by Bishop Engineering at the next meeting. (EDA Federal Grant)

Mr. Barkley then announced that he was leaving the firm of Bishop Engineers and the Board could direct their concerns to Bill Adams after March 15, 1996.

#### **ROAD AND BRIDGE DEPARTMENT**

Mr. Jed Lugod addressed the Board and asked for approval to proceed with advertising for bids for the evaluation of anticipated cost of purchasing heavy equipment for the road department on a buy back option. He gave a detailed projection of what he expects the future revenues and expenditures to be like for the next 10 years.

He also provided a list of equipment needed by the department. He also discussed the cost analysis for buy-back purchases of the specified equipment. (Summary and analysis attached)

Mr. Lugod explained that he wanted to collect cost related information for the purpose of assisting him with long range planning. He emphasized that he was not asking for approval to purchase any equipment at this time - the request was simply to approve the advertisement for bids so that he can accomplish a reliable cost analysis and discern how those costs will affect the future of the County.

**A MOTION WAS MADE BY COMMISSIONER WATSON TO ALLOW MR. LUGOD TO PROCEED WITH ADVERTISING FOR BIDS FOR THE PURCHASE OF MAJOR PUBLIC WORKS EQUIPMENT ON A BUYBACK OPTION. AFTER BID EVALUATION, HE WOULD REPORT THE RESULTS TO THE BOARD. THE BID ANALYSIS WOULD BE USED FOR THE PURPOSE OF ESTABLISHING LONG RANGE PLANNING FOR THE ROAD DEPARTMENT.**

**DISCUSSION FOLLOWED.**

**THE MOTION DIED FOR A LACK OF A SECOND.**

Commissioner Dixon thanked Mr. Lugod for his analysis and the his long range planning.

**A MOTION WAS MADE BY COMMISSIONER DIXON AND SECONDED BY COMMISSIONER WATSON TO APPROVE TO ADVERTISE FOR BIDS THE MAJOR PUBLIC WORKS EQUIPMENT.**

**DISCUSSION FOLLOWED.**

**QUESTION WAS CALLED BY COMMISSIONER DIXON.**

**THE BOARD VOTED 2 - 3 BY VOICE VOTE. THE MOTION FAILED. COMMISSIONERS WATSON AND DIXON SUPPORTING THE MOTION. COMMISSIONERS MCGILL, PEACOCK AND FLETCHER OPPOSING.**

**JOB TRAINING PARTNERSHIP ACT (JTPA) INTERLOCAL AND SUBSTATE AGREEMENT**

Ms. Lorene Wilson explained the Local Elected Officials/Private Industry Council Agreement and the Agreement Designating the Substate Grantee under the Economic Dislocation and Worker Adjustment Assistance Act.

**A MOTION WAS MADE BY COMMISSIONER WATSON AND SECONDED BY COMMISSIONER MCGILL TO APPROVE THE LOCAL ELECTED OFFICIALS/PRIVATE INDUSTRY COUNCIL AGREEMENT AND THE AGREEMENT DESIGNATING THE SUBSTATE GRANTEE UNDER THE ECONOMIC DISLOCATION AND WORKER ADJUSTMENT ASSISTANCE ACT.**

Ms. Wilson answered questions from the Board.

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

**COUNTY MANAGER**

**Hospital Repairs**

Mrs. Miller called attention to recommendations from the engineers and Frank Ritter concerning repairs needed to the hospital. The costs were estimated to run as high as \$450,000 to resolve the problems. She reported there is \$780,000 in the hospital trust fund dividends which could be used to pay for the repairs and/or part of the \$579,000 hospital renewal and replacement funds can be used to defray the costs. She recommended using the trust dividends to pay for the repairs and allow the building official to be responsible for contracting the work with the exception of having engineering services for the grading to be done.

The Clerk explained that the bond covenant reads that the Board must maintain a maximum of \$450,000 in the renewal and replacement fund. That amount once dropped to below \$200,000 and the auditors recommended replacing the money to the maximum. Now the amount is over \$500,000 and the auditors are recommending to spend part of the money.

Commissioner Dixon explained that the renewal and replacement fund can be used, but the Board must prescribe a way to replenish the funds when they are used.

The Clerk said that the rent from HealthMark is all paid into the renewal and replacement fund. (\$60,000 per year)

**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE MOVING FORWARD WITH THE REPAIRS TO THE HOSPITAL AS RECOMMENDED BY THE ENGINEERS, MR. RITTER AND AUTHORIZE MRS. MILLER TO RESEARCH AND DETERMINE IF THE RENEWAL AND REPLACEMENT FUNDS CAN BE USED TO PAY ALL OF THE COSTS ASSOCIATED WITH THE REPAIRS. IF CAN BE USED, THE FUNDS SHOULD BE USED TO PAY THE COSTS. IF IT IS DETERMINED THAT ALL THE COSTS CANNOT BE TAKEN FROM THE RENEWAL AND REPLACEMENT FUND, THEN THE TRUST FUND MONEY WOULD BE USED FOR WHATEVER COSTS CANNOT BE COVERED BY THE RENEWAL AND REPLACEMENT FUNDS.**

**Small County Landfill Closure Reimbursement Grant**



Mrs. Miller told the Board that the County has received a DEP grant number SCRG-05 in the amount of \$534,529 to be used to reimburse costs relating to the closure of public landfills. She asked the Board if they wanted to consider paying the City of Quincy any portion of the reimbursement.

There was some discussion about paying the City of Quincy \$379,358 of the money but no motion was offered to that effect.

**UPON MOTION OF COMMISSIONER WATSON AND SECOND BY COMMISSIONER MCGILL THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO AUTHORIZE THE CHAIRMAN TO SIGN THE OFFER AND ACCEPTANCE OF THE REIMBURSEMENT GRANT FROM THE DEPARTMENT OF ENVIRONMENTAL PROTECTION. (SCRG-05)**

#### **Request from Supervisor of Elections**

Mrs. Miller told the Board she had received a letter from Supervisor of Elections Denny Hutchinson requesting that the public works staff move the voting machines to the precincts. The costs to the public works department to move the machines will be approximately \$250.00. She asked for authorization to reimburse that amount to the public works budget from the general fund contingency.

Commissioner Peacock stated that this has been done in the past without charge.

Mrs. Miller asked for directions.

**A MOTION WAS MADE BY COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL TO INSTRUCT THE PUBLIC WORKS DEPARTMENT TO MOVE THE VOTING MACHINES AS REQUESTED BY THE SUPERVISOR OF ELECTIONS AND TO DENY THE MR. LUGOD'S REQUEST FOR REIMBURSEMENT OF \$250 FOR THE COST INCURRED TO THE PUBLIC WORKS DEPARTMENT.**

Mrs. Miller called attention to the fact that the gas tax dollars would be used to pay the expenses of the move.

Commissioner Watson stated that it would be an improper use of the gas tax revenue.

Commissioner Dixon suggested that there be some book keeping method to avert improper use of the money.

Commissioner Watson stated that the proper way to account for the expenses would be to have the general fund reimburse the road department.

Commissioner Peacock disagreed with Commissioner Watson and then called the question on the motion.

**THE BOARD VOTED 4 - 1 IN FAVOR OF THE MOTION. COMMISSIONER WATSON CAST THE LONE DISSENTING VOTE.**

Mrs. Miller asked the Board to how they would like for her to handle this type of request in the future.

Clerk Thomas told the Board that whenever a request for reimbursement is made in writing and the Clerk's office has been provided a copy of the request, formal board action should be taken on a case by case basis or they could adopt a written policy which could be cited as the proper authority for paying or denying the requests as received.

Mr. Richmond told the Board that in the absence of some general fund money in the public works budget or a written policy as how to handle such requests, action on each individual request would have to be taken.

#### **Community Development Block Grant Program Consultant**

Mrs. Miller told the Board that successful negotiations had transpired with Fred Fox Enterprises in Palatka, FL and they have agreed to oversee the CDBG Program for \$10,000. His contract will be on the agenda for the next meeting in March.

#### **CONSENT AGENDA**

**UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 4 - 0 TO APPROVE THE CONSENT AGENDA TO WIT:**

- 1) **COUNTY PUBLIC HEALTH UNIT CONTRACT REVISION**
- 2) **STEEL PIPE BID AWARD TO GULF ATLANTIC CULVER OF TALLAHASSEE, FL (ID NO. 96-07)**
- 3) **EMS WRITE-OFF REQUEST OF ACCOUNT #930922  
UNPAID AMOUNT - \$101.00 (\$195.00 was paid by Victim Compensation) COUNTY MANAGER GIVEN AUTHORITY TO SIGN.**
- 4) **EMS WRITE -OFF OF ACCOUNTS 23-953988; 953989; 953990;95C94;95C395 (LIBERTY COUNTY HIGH SCHOOL - TRANSPORT CHARGES FOR FOOTBALL PLAYERS; REFUND OF ANY PAYMENTS MADE. TOTAL AMOUNT OF WRITE OFF IS \$2,150.00. COUNTY MANAGER AUTHORIZED TO SIGN WRITE OFF.**
- 5) **RESOLUTION URGING SENATE NATURAL RESOURCES COMMITTEE TO RESTORE FULL FUNDING TO EMERGENCY PLANNING PROGRAM**
- 6) **LOCAL UNION 2152 LABOR CONTRACT**

**CLERK OF COURT**

**Additional Funding for Rich Bay Road**

Action on this item was taken earlier in the meeting.

**E-911 Contingency Request**

At Sheriff Woodham's request, Clerk Thomas presented the Board with a contingency request for \$11,500 for the E-911 program.

Some discussion followed as to how the money would be used and why the grant would not pay for the items listed in the contingency request. Because there was no one present from the Sheriff's office or the E-911 office to defend the request or answer questions, it was suggested that the matter be tabled for further review.

**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0 TO TABLE THE CONTINGENCY REQUEST UNTIL THE NEXT BOARD MEETING.**

**County Property - Harding Heights**

The Board voted on December 19, 1995 to sell Lot 1, Block 15 in Harding Heights near Chattahoochee. The Clerk told the Board that he had notified all adjacent property owners of the pending sale but received no bids from any of them. Since that time he received an offer from Mr. Richard Bronson to purchase the lot for \$350.00. He asked for their directions.

**UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE SALE OF THE LOT TO MR. RICHARD BRONSON FOR \$350.00 AND AUTHORIZED THE CHAIRMAN TO SIGN THE COUNTY DEED.**

**Budget Amendments**

**UPON MOTION BY COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED TO APPROVE BUDGET AMENDMENTS 96-03-05-01 THROUGH 96-03-05-06.**

Commissioner Watson asked the Clerk in the future to lable each amendment so that the department name appears on it as well as the fund.

**Ratification of Payment of County Bills**

**UPON MOTION OF COMMISSIONER DIXON 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 presented the Board with a resolution which allows the County to seek funds from the State or from the Federal government to assist Talquin Electric in their efforts to provide water and sewer services to residents and to promote economic development in the Midway area.

**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO ADOPT THE RESOLUTION DESCRIBED ABOVE AND TO AUTHORIZE THE CHAIRMAN TO WRITE A LETTER TO THE APALACHEE REGIONAL PLANNING COUNCIL REQUESTING THEIR SUPPORT AND ASSISTANCE IN THE EFFORTS TO OBTAIN THE GRANTS.**

#### **DISTRICT 2 REPORT**

Commissioner Watson referenced County Ordinance 93-002 dealing with paving assessments. He asked the Board to agenda the ordinance for discussion - specifically the intent of the Board at that time it was adopted and why hasn't it been acted on since that time.

Chairman Fletcher asked Mrs. Miller to include the ordinance on the agenda for the next meeting.

#### **DISTRICT 3 REPORT**

There was no report.

#### **DISTRICT 4 REPORT**

Chairman Fletcher yielded his time to Dr. Ted Goreau who had asked to make comments earlier in the meeting.

Dr. Goreau made remarks relating to the engineering and building of roads. He then expressed that \$27,000 for a truck was extravegant and expenditures above a certain dollar amount should always come before the governing body for approval.

#### **DISTRICT 5 REPORT**

In keeping with Ms. Lorene Wilson's JTPA presentation, Commissioner Dixon stated that Gadsden County's summer youth program is in jeopardy because of federal budget cuts. He asked the Commissioners and Mr. Rich McCaskill to begin thinking about

some options which Gadsden County and the private sector might exercise to keep the work program going.

Commissioner McGill suggested that the Chairman write a letter of support of the summer program to the legislative delegation urging them to continue the funding of the program.

Chairman Fletcher acknowledged the need of such a letter and stated that he would do so.

**ADJOURNMENT**

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

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E.H. Fletcher, Chairman

ATTEST:

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Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE BOARD  
OF COUNTY COMMISSIONERS, HELD IN  
AND FOR GADSDEN COUNTY, FLORIDA ON  
MARCH 19, 1996, THE FOLLOWING  
PROCEEDING WERE HAD, VIZ.

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

**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 THE AGENDA**

County Manager Betty Miller asked to amend the County  
Manager's Agenda as follows:

**REMOVE:** General Fund Contingency Expenditure Request

**ADD:** Resolution for Recycling & Education Grants  
RFP For Road & Bridge Department Equipment

Attorney Hal Richmond amended his agenda as follows:

**REMOVE:** Construction and Extension of County Dedicated  
Roads

Road Improvement Ordinance, For Discussion Only

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

**APPROVAL OF MINUTES - March 5, 1996 Regular Meeting**

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY  
COMMISSIONER WATSON, THE BOARD VOTED 5 - 0 TO APPROVE THE  
MINUTES OF THE MARCH 5, 1996 REGULAR MEETING.

**COUNTY ATTORNEY**

**Public Hearing Ordinance 96-003 Repealing and Replacing Ordinance 71-003 (Allowing for use of County equipment for maintenance of private roads)**

Mr. Hal Richmond announced a public hearing for the purpose of enacting Ordinance 96-003 (attached). He read the title of the ordinance into the record. He then called for public comments. There were none.

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 1, BY VOICE VOTE, TO ADOPT ORDINANCE 96-003 REPEALING AND REPLACING 71-003 ALLOWING FOR THE USE OF COUNTY EQUIPMENT FOR MAINTENANCE OF PRIVATE ROADS.

**Resolution 96-009 Establishing Permit Fees for Road Repair to Private Roads at \$90.00 Per Hour**

Mr. Richmond then presented Resolution 96-009 establishing the cost of road repair for private roads pursuant to Gadsden County Ordinance No. 96-003 - setting the permit fee at \$90.00 per hour for grading services.

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO ADOPT THE RESOLUTION 96-009 ESTABLISHING THE PERMIT FEES FOR ROAD REPAIR TO PRIVATE ROADS AT \$90.00 PER HOUR.

**PLANNING AND ZONING ISSUES (P & Z)**

**The Pizza Place - Project #96PZ-03-201-02-5**

Mr. Mike Sherman reported that the County has been petitioned for a development order for the opening of a pizza take-out and sit down restaurant and a consignment shop and used car sales operation. The proposed operation is located at the east side of US 27 approximately 1000' north of CR 159 in the Havana area. The subject parcel is approximately one acre. The applicant is the property owner, Mr. Rich Pelusi.

The Planning Commission recommended approval but also recommended that the car sales be limited to no more than twelve (12) vehicles on site at any one time and that the cars must be consignment cars.

The P & Z staff recommended approval of the project subject to all special conditions listed in the attached memo as well as the special conditions requested by the planning commission. Additionally, the staff recommended another condition that the applicant provide the County with a copy of their dealer's license prior to the sale of any cars on the site.

**UPON MOTION OF COMMISSIONER WATSON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE PETITION FOR THE PIZZA PLACE PROVIDED THAT ALL WRITTEN AND ORAL SPECIAL CONDITIONS ARE MET BY THE PETITIONER.**

#### **Williford Mobile Home Violations**

Mr. Sherman reported that Mr. Richard Williford brought five mobile homes into the Lantern Lane area of Gadsden County. These mobile homes were never permitted or code compliance inspections performed. After two letters requesting Mr. Williford to abate the violation, he has not complied.

Mr. Sherman stated that the P & Z staff met with Mr. Williford asking him to comply with the ordinance. As of March 1, 1996 the violations still exists. A site inspection of the property also noted that culverts were installed on the property which are directing the stormwater runoff into the County right-of-way and is causing increased erosion. Violations of the county nuisance ordinance was also observed.

Mr. Sherman requested the Board to give Mr. Williford 10 days within which to move the mobile homes. If the violation continues after 10 days, then he requested that the County file a lawsuit against Mr. Williford to compel him to remove the mobile homes and to abate all violations.

**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO FOLLOW THE RECOMMENDATIONS OF MR. SHERMAN AS STATED ABOVE.**

#### **Blackshear Mobile Home Violations**

Mr. Sherman reported that the P & Z staff has been working with Mr. Ulysses Blackshear to resolve the violations associated with him not obtaining proper permitting from the County. Permits were received under the immediate family density exception provision. Subsequent to receiving the permits and moving the mobile homes on the property, it was determined that the persons living in the units were not family members. The



Board determined that Mr. Blackshear should submit a conceptual plat for review. Mr. Blackshear did so and the final plat was denied by the Board on September 19, 1995. The denial was based primarily on the in-appropriate design of the subdivision. Mr. Blackshear was advised to remove the units on the property but it has not been done. Mr. Blackshear has recently submitted a new conceptual plat for review by the P & Z department. The mobile home code does not give the staff the authority to compel Mr. Blackshear to remove the mobile homes, therefore, Mr. Sherman asked for directions from the Board.

**UPON MOTION OF COMMISSIONER WATSON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO PROCEED WITH A LAW SUIT AGAINST MR. BLACKSHEAR TO HAVE THE HOMES REMOVED.**

#### **FY 94-95 AUDIT PRESENTATION**

Mr. Chris Moran, Purvis, Gray and Company, presented the draft FY 94/95 audit for the year ending September 30, 1995. He noted that the Auditor General has requested that any audit response letters be included with the bound copy of the audit.

Mr. Moran explained that the audit report appearance is different this year in as much as each constitutional officer's audit is separate to the Board's (also at the request of the Auditor General's office). He explained that once the Board approves the response to the audit comments, he will include them in the final report.

Mr. Moran stated that the financial statements presented in the Board's audit report does not represent the County as a whole. Many of the special revenue funds and those of other constitutional officers is not included in the Board's report.

Mr. Moran reported that the firm had given the County an unqualified opinion which is the highest opinion issued by a CPA firm. He pointed out the following:

- 1) Revenues exceeded the budgeted revenues by \$491,000.
- 2) \$3.5 million was budgeted in expenditures but only spent \$3.2 million creating a \$291,000 favorable variance.
- 3) Transfers out budgeted \$2.9 million and ultimately only \$2.7 million was transferred leaving a \$112,000 positive variance.
- 4) The overall year was budgeted at a \$573,000 loss when in reality it resulted in a \$328,000 gain.
- 5) Revenues came in better than was budgeted.

- 6) Of the combined special revenue funds, the fund balance was budgeted at a drop of \$1.9 million, but the drop was actually only \$149,000. Of the \$149,000 drop, \$160,000 of it came as a drop in the Road and Bridge Department which was intended.
- 7) The hospital had a net income of \$270,000 which includes the ad valorem taxes used to pay the debt service, rent from HealthMark, other operating revenue.
- 8) The hospital endowment fund had operating income from investment of \$1.1 million (from \$1.5 million to \$2.7 million) The market was very strong during the year. \$742,000 cash and \$2,000,025 in investments plus \$110,000 reserved for debt service (line of credit to HealthMark).

(Clerk Thomas interjected at this point that there was only one payment due from HealthMark on the line of credit.)

- 9) The fund balance in the proprietary fund went up \$270,000 to \$116,000 to \$387,000.
- 10) Fund Balance in the special revenue funds of \$2.5 million.
- 11) The fund balance in general fund was \$1.7 million.

Mr. Moran then pointed out the analysis of the long term debts of the County, special revenue funds, county transportation departments, landfill fund, waste services, general grants, EMS. He called attention to the fact that the Primary Health Care would be paid off during the current year as will the jail bond debt.

Mr. Moran then reported that the Hospital Fund total assets amounted to \$4.7 million; total liabilities \$4.3 million; retained earnings of \$387,000 which consists of renewal and replacement funds of \$554,000 and unreserved of \$167,000.

He reviewed the following management letter comments as follows:

**Fuel System Comment:**

The fuel inventory is not being reconciled to the general ledger because dip stick readings were not always performed. He noted several instances where overrides of the internal controls had taken place relating to the purchasing of fuel through the inventory system.

**County Warehouse Comment:**

Mr. Moran recommended that the Board keep a detailed record of items received at the warehouse to insure that all county owned assets are accounted for and safeguarded against improper disposal.

**Ambulance Billings and Receivables Comment:**

Mr. Moran noted that one person is substantially doing all the activity related to ambulance billings. Since other staff is readily available, he recommended that the department should segregate those duties.

He recommended that bad debts write-offs should be done in a more timely and mechanical process.

**Federal Financial Assistance Program Comment:**

Employees salaries supported by more than one grant were not supported by time sheets. He recommended time sheets be maintained on an hourly basis to support the salaries of each grant program.

Commissioner Dixon asked Mr. Moran if the Board must still pay for the other constitutional officers audit reports since they are now a separate legally defined entity.

Mr. Moran replied by saying their contract includes all component units including the authorities appointed by the Board.

Commissioner McGill questioned the time sheet comment to which Mr. Moran stated that the time sheets had been maintained by the Sheriff's office but was not included in the documentation to the Clerk's office when they requested reimbursement.

Clerk Thomas asked Mr. Moran if he needed to have the Board to accept the audit report.

Mr. Moran stated that he needed for the Board to approve the response letters so they could be included with the bound copies which will be provided later to be formally accepted in its final form.

**COUNTY MANAGER**

**Request to Advertise for Bid Equipment for Road and Bridge Department**

Mrs. Miller explained that Chairman Fletcher had asked that the Board approve advertising for bid, (for information purposes only) eight pieces of equipment for the public works department. Excluding the motor graders, the equipment list was the same as the one presented by the public works director at the last meeting. Mr. Lugod's request to advertise for bid for the purpose of obtaining information was denied at the March 5, 1996 meeting.

Commissioner Dixon asked the Chairman to explain the rationale for his request. Chairman Fletcher answered by saying he was of the opinion that the department was in bad need of the items on the list.

When asked why the motor graders had been excluded from the list, Chairman Fletcher stated that the motor graders did not need to be replaced.

Commissioner McGill asked the Chairman why (if the purpose of the advertisement was for information only) not advertise the motor graders as well as the other pieces of equipment.

Chairman Fletcher stated that the motor graders had too much life left in them to consider replacing them and he could see no need to advertise for something if there was no intention of buying them.

Commissioner Watson stated that he could see nothing wrong in advertising all of the equipment as listed by the public works director. He stated also that considering the resale value of the motor graders, it could possibly benefit the County to pursue a buy-back arrangement on the motor graders at this time.

Chairman Fletcher countered by saying he had presented the request for advertisement as a compromise following the Board's action at the last meeting.

Commissioner Peacock stated that he could support advertising the entire list if it could be done for the same price and with the understanding that the approval to advertise would not be construed as approval to purchase the equipment.

Commissioner Watson stated that it was his intention from the beginning to advertise for the purpose of seeking information with which an analysis could be made as to the feasibility for any purchases and determine a long term time frame for such purchases.

Commissioner Dixon voiced concern about the dilapidated condition of the equipment and the lack of the expertise to

maintain it. He urged the commissioners to look ahead. He supported advertising the complete list.

Chairman Fletcher stated that the motion to advertise the original list had been defeated at the last meeting. It was his understanding that one must be on the prevailing side of a motion to bring it back to the table for reconsideration. He then stated that he was bringing it back to the table as a means of compromise because the road department is in immediate need of the equipment placed on the agenda for this meeting.

Commissioner Dixon argued that the Chairman had reopened the issue for the Board's consideration.

**COMMISSIONER WATSON MADE A MOTION TO ADVERTISE THE ORIGINAL LIST OF EQUIPMENT FOR THE PURPOSE OF OBTAINING INFORMATION. COMMISSIONER DIXON SECONDED THE MOTION.**

Commissioner Peacock cautioned that the motion must be made by a member on the prevailing end of the previous action of the Board.

Attorney Richmond agreed with Commissioner Peacock.

**COMMISSIONER PEACOCK MADE A MOTION TO ADVERTISE THE LIST AS PRESENTED BY CHAIRMAN FLETCHER. HE THEN AMENDED HIS MOTION TO INCLUDE THE ORIGINAL LIST AS PRESENTED BY MR. LUGOD AT THE PREVIOUS MEETING. COMMISSIONER MCGILL SECONDED THE MOTION.**

**COMMISSIONER PEACOCK RESTATED THE MOTION: TO ADVERTISE FOR BID (FOR THE PURPOSE OF OBTAINING PRICE INFORMATION ON A FIVE YEAR BUY-BACK) OF THE LIST FURNISHED BY CHAIRMAN FLETCHER PLUS THE MOTOR GRADERS. THE MOTION WAS NOT ARTICULATED TO THE EXTENT THAT A MOTION WAS ON THE TABLE FOR ACTION.**

Commissioner Dixon asked the Chairman why he chose to advertise eight pieces as opposed to the other pieces requested by Mr. Lugod.

Chairman Fletcher answered by saying that he has some expertise in the field and it is his opinion that the eight pieces are what should be purchased. He urged the Board to look seriously at the eight pieces, determine if they can be purchased, then move forward with considering the purchase of other pieces if possible.

Commissioner Dixon interjected that Chairman Fletcher does not run the road and bridge department and it is inappropriate for him to determine what equipment is needed by that department.

COMMISSIONER PEACOCK MADE A MOTION TO ADVERTISE FOR BID THE ORIGINAL LIST AS PRESENTED BY PUBLIC WORKS DIRECTOR JED LUGOD, THEN ANALYZE THE EQUIPMENT AND PRICES TO DETERMINE WHAT CAN BE PURCHASED. THE MOTION WAS SECONDED BY COMMISSIONER MCGILL. THE BOARD VOTED 4 - 1 IN FAVOR. CHAIRMAN FLETCHER CAST THE LONE DISSENTING VOTE.

#### Resolution in Support of the Recycling and Education Grants

Mrs. Miller asked the Board to approved a Resolution to be sent to the Legislature in support of continuing the recycling and education grants.

UPON MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE RESOLUTION SUPPORTING THE CONTINUED FUNDING FOR THE RECYCLING AND EDUCATION GRANTS FOR GADSDEN COUNTY.

#### CONSENT AGENDA

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

- 1) Notice of Award for Rich Bay Road Paving to Crowder Construction
- 2) CDBG #95DB-65-02-30-01-H22 Oversight Administration Contract - Fred Fox Enterprises
- 3) EMS Write-off of Bad Debts totaling \$292,090.18 Resolution 96-010
- 4) Concrete and Concrete Blocks Bid Award (bid No. 96-06) to Florida Rock Industries, Inc.

#### CLERK OF COURT

Clerk Thomas presented and explained the BCC response letter to the audit management letter. He told the Board that he and his staff would make a full review of the comment regarding the fuel system and report back to them at a later date. He told them also of Mrs. Miller's past efforts to effect better cooperation in getting regular stick readings but the problem still persists. He recommended further review.

Clerk Thomas then addressed the EMS comments by saying the matters had already been dealt with by the Clerk's office prior to the audit findings. He suggested that Mr. Baker be asked to make a recommendation as to when the accounts should be written off, then come back to the Board with his recommendation.

As to the Ambulance Services comment, Clerk Thomas told the Board that the comment in the audit report came about as a result of his staff informing the auditors of a visit to the EMS office at the request of Mr. Baker. He told them that the finance staff made some recommendations for procedural changes. He assured the Board that the matter had been properly addressed.

Clerk Thomas then asked for a motion to authorize the Chairman's signature to the BCC Response to the Audit Management Letter.

**UPON MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO AUTHORIZE THE CHAIRMAN'S SIGNATURE ON THE FY 94/95 BCC RESPONSE TO THE AUDIT MANAGEMENT LETTER.**

#### **Budget Amendment**

**UPON MOTION BY COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE BUDGET AMENDMENT 96-03-19-01.**

#### **Ratification of Payment of County Bills**

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

#### **DISTRICT 1 REPORT**

Commissioner McGill reported that he had been corresponding with appropriate contacts in Washington, D.C. and has been told that the summer youth program has been funded at \$635 million and Gadsden County will receive a fair share of it. In anticipation that the funding will not continue, he asked the Board to begin looking for alternatives for youth summer employment.

Commissioner McGill then turned his remarks to the litter in the County along roadsides etc. He suggested that the Board adopt a resolution of some measure to encourage residents who live along a given road to develop a "keep our road clean"

concept. He concluded that the Board needs to promote a whole value concept.

#### **DISTRICT 2 REPORT**

Commissioner Watson also addressed the garbage issue especially the white goods and bagged garbage. He suggested a committee be appointed to study the garbage problems. He also suggested that some of the appointees of that committee should be those people who was opposed to the mandatory garbage.

#### **DISTRICT 3 REPORT**

Commissioner Peacock concurred that something must be done to eliminate the wide spread garbage problem. He suggested that there should be a white good pick up instituted periodically.

#### **DISTRICT 4 REPORT**

There was no report.

#### **DISTRICT 5 REPORT**

Commissioner Dixon encouraged the pick up of white goods as suggested by Commissioner Peacock. That is a solution which can be addressed in the budget process.

Commissioner Dixon reported that he has been appointed to a workgoup specializing in Health and Human Services. It is the Governors work group to try to determine the impact of all the federal cuts to the health and human services program cuts.

Commissioner Dixon went on to say that he expects the impact to be great on Gadsden County.

#### **ADJOURNMENT**

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

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E.H. Fletcher, Chairman



ATTEST:

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Nicholas Thomas, Clerk

AT A SPECIAL MEETING OF THE BOARD OF  
COUNTY COMMISSIONERS, HELD IN AND FOR  
GADSDEN COUNTY, FLORIDA ON MARCH 29,  
1996, THE FOLLOWING PROCEEDINGS WERE  
HAD, VIZ.

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

CALL TO ORDER

COURTHOUSE RENOVATION BID AWARD

Chairman Fletcher called the meeting to order then turned the meeting over to Mrs. Miller.

Mrs. Miller presented the bids which were submitted for the renovation of the Courthouse. She stated that the bid committee had recommended that the bid be awarded to Tupelo Construction for \$407,446.

Mrs. Miller then told the Board that favorable references had been obtained on the company and they are also the lowest bidder. She joined with the bid committee's recommendation to award the bid to Tupelo Construction. (References attached)

Discussion followed.

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO AWARD THE COURTHOUSE RENOVATION BID TO TUPELO CONSTRUCTION, INC. FOR \$407,446.00.

TRANSPORTATION DISADVANTAGED PLANNING GRANT APPLICATION

Mrs. Miller told the Board that Apalachee Regional Planning Council has prepared and submitted the Transportation Disadvantaged Planning Grant application on behalf of Gadsden County since 1990. Since some counties have expressed an interest in preparing and submitting application in-house, ARPC has contacted all counties in their region to determine if their services are requested for this year's application process.

Gadsden County has been allocated \$16,434 for fiscal year 1996-97. These funds are used for administrative and advertising cost relative to the Transportation Disadvantaged Program.

Mrs. Miller recommended that the Board approve the continuance of ARPC's preparation and submittal of the grant on the County's behalf.

**UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO CONTINUE THE SERVICES OF APALACHEE REGIONAL PLANNING COUNCIL TO PREPARE AND SUBMIT THE TRANSPORTATION DISADVANTAGED GRANT APPLICATION ON BEHALF OF GADSDEN COUNTY.**

**ADJOURNMENT**

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

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**E. H. (Hentz) Fletcher, Chairman**

**ATTEST:**

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**Nicholas Thomas, Clerk**

AT A REGULAR MEETING OF THE BOARD OF  
COUNTY COMMISSIONERS, HELD IN AND FOR  
GADSDEN COUNTY, FLORIDA ON APRIL 2,  
1996, THE FOLLOWING PROCEEDINGS WERE  
HAD, VIZ.

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

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 THE AGENDA

Clerk Thomas asked Chairman Fletcher to remove the letter from Hilliard Reddick from the agenda stating that this meeting was not the correct forum to deal with jury selection. He continued by saying that it is a minor issue which should be dealt with by the Circuit Court judges and himself.

Mr. Hal Richmond concurred with the Clerk.

County Manager Betty Miller asked also to add to the agenda a request for payment by Lee and Bridges.

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

APPROVAL OF MINUTES - March 19, 1996 Regular Meeting

UPON MOTION BY COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE MINUTES OF THE MARCH 19, 1996 REGULAR MEETING.

COUNTY ATTORNEY

Mr. Richmond asked for authorization to publish a notice of intent for the adoption of the new land development regulations ordinance. He suggested that it should be visibly published

because of the impact it could have on the property rights of Gadsden citizens. He stated that it would require three publications as well as a couple of public hearings.

Commissioner Dixon added that the notices should be advertised in a most noticeable manner because of the serious implications.

Commissioner McGill agreed with Commissioner Dixon suggesting that larger than normal advertisements be placed in the newspapers in a effort to inform the public.

Mr. Richmond explained that the advertisements must be done according to the legal specifications but some other notices could be done in addition to the legal adds.

Commissioner Dixon suggested that ample copies of the ordinance be made readily available to interested citizens at the County Manager's office.

**UPON MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO AUTHORIZE THE COUNTY ATTORNEY TO PUBLISH A NOTICE OF INTENT TO ADOPT A LAND DEVELOPMENT REGULATION ORDINANCE.**

#### **Blackshear Mobile Home Violation**

Mr. Richmond recalled that the Board had authorized him at the last meeting to initiate a law suit against Mr. Ulysses Blackshear for violation of the mobile home and subdivision ordinances. (Mr. Blackshear arrived late at that meeting and was not given an opportunity to speak.) After speaking with Mr. Blackshear, Mr. Richmond asked the Board to revisit the issue for further determination of the Board's intentions.

**UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO RESCIND THE PREVIOUS MOTION TO DENY (CONCEPTUAL PLAT APPLICATION OF SEPTEMBER 19, 1995) AND ALL LEGAL ACTIONS WHICH HAVE BEEN PROPOSED (LAW SUIT TO HAVE THE MOBILE HOMES REMOVED ON MARCH 19, 1996) .**

**UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO ALLOW MR. BLACKSHEAR TO PROCEED WITH HIS APPLICATION FOR CONCEPTUAL PLAT APPROVAL WITH AN AMENDED PLAT AND AUTHORIZE THE PLANNING AND ZONING DEPARTMENT TO ACCEPT THE APPLICATION WITH THE AMENDED**

**PLAT. THE APPLICATION CAN THEN GO THROUGH THE NORMAL PROCEDURES PRIOR TO COMING BACK TO THE BOARD FOR FINAL DETERMINATION.**

**Code Enforcement Violation Update - Placement of Mobile Homes without Permit by Mr. J.C. Kingry**

Mr. Richmond recalled that the Board had instructed him to look into the legal aspects of an alleged mobile home code violation by Mr. J.C. Kingry. Additionally, the County staff was instructed to provide the facts surrounding the incident to the Board. (See BCC minutes of 12/05/95 page 8)

Mr. Frank Ritter, building inspector explained the following:

- 1) 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.
- 2) In spite of the denial, Mr. Kingry moved a substandard home to his property, paid a fine, then proceeded with rehabilitation.
- 3) Mr. Kingry subsequently moved a second substandard mobile home to his property which was thought to be a violation also. Upon investigation by the building inspection department, it was determined that the second mobile home had not been brought to Mr. Kingry's property from outside the county but from a location near Mr. Kingry's property.
- 4) Mr. Kingry applied for a code compliance inspection whereby the building inspector found three code violations which had to be repaired.
- 5) When the building inspector was called to perform the follow-up inspection, Mr. Kingry had made the repairs cited by the building inspector but had moved the home to his property thinking that he had obtained all the permits required. He had received the code compliance permit but was not aware that a second permit for the mobile home was required. Mr. Kingry did not violate the mobile home ordinance in that he did not move it from outside the County.

**UPON MOTION BY COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO ACCEPT MR. KINGREY'S SECOND MOBILE HOME AND PERMIT IT.**

#### **PUBLIC WORKS**

Mr. Jed Lugod was present and asked the Board for authorization to advertise for bid a pipe cleaning machine and truck. After a bid evaluation, Mr. Lugod stated that he would come back to the Board for approval to purchase the said equipment. He explained that the present system of cleaning pipes and culverts is extremely slow and inefficient. Currently the group consists of six employees using shovels to manually remove dirt and debris from the interior of the pipes. The average time to clean a culvert is four hours.

The jet cleaning machine uses high pressure water to remove the dirt etc. The average time to clean a pipe is expected to be 10 minutes using only two employees. (One truck driver and one maintenance worker) The water truck will have a double use - it can be used also in the road mixing operation. A tentative price is approximately \$120,000.

Mr. Lugod stated that much of the storm damage to the roads was a result of incomplete storm sewer system created in part by the clogged culverts.

Mr. Lugod offered to schedule a demonstration for the Board and other interested parties.

Chairman Fletcher stated that he could support the purchase of such a machine if it can be demonstrated to him that it works as well as Mr. Lugod described.

**UPON MOTION BY COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5- 0, BY VOICE VOTE, TO AUTHORIZE THE PUBLIC WORKS DEPARTMENT TO ADVERTISE FOR BIDS A JET CLEANING MACHINE AND WATER TRUCK TO BE USED FOR CLEANING CULVERTS AND PIPES.**

#### **COUNTY MANAGER**

##### **Hospital Renewal and Replacement Funds for Hospital Repairs**

Mrs. Miller reported that she had talked with Clerk Thomas and with Chris Moran, independent auditor, concerning use of the hospital renewal and replacement funds to pay for the repairs needed at the hospital. She determined that both the renewal and replacement funds and the hospital endowment trust fund can be used to pay for the

repairs. She referred to a statement prepared by Mr. Moran stating how the hospital renewal & replacement must be repaid.



**Bid Committee Recommendation on Hospital Roof**

Mrs. Miller reported that only one bid was received in response to the advertisement for the hospital roof. It was from WENCO for \$288,983.50. It was the bid committee's recommendation to award the bid to WENCO. She then asked for the Board's directions as to the bid award and from which fund to take the money to pay for the repairs.

Commissioner Dixon voiced concern that only one bid was received.

Chairman Fletcher asked how the bid was advertised.

Mr. Arthur Lawson responded that it was advertised in the local papers as well as the Tallahassee Democrat just as usual bids are advertised.

Chairman Fletcher suggested that it should be advertised in the Dodge Report. He also suggested that contractors be contacted and encouraged to bid on the roof.

Commissioner Watson stated that he would like to move forward and award the bid to WENCO.

Commissioner Dixon encouraged the Board to look at the hospital needs as a whole and not just one part of it. He was in favor of retaining an architect to guide the Board into a cohesive approach to solving all the problems and provide for a total retrofit of the hospital.

**UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 1, BY VOICE VOTE, TO READVERTISE THE HOSPITAL ROOF RFP. COMMISSIONER WATSON CAST THE LONE DISSENTING VOTE.**

**CONSENT AGENDA**

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

- 1) Approval of payment to Lee and Bridges
- 2) Keep America/Gadsden Beautiful Resolution
- 3) Public Health Week Proclamation
- 4) Infant Immunization Week Proclamation
- 5) Resolution Endorsing HB257 & Companion SB200

**CLERK OF COURT**

**Gadsden County Note on behalf of HealthMark at Quincy State Bank Paid in Full for the Record**

Clerk Thomas reported that the \$1,000,000 note at the Quincy State Bank used as a line of credit for HealthMark has been repaid by HealthMark in full. (attached)

**Budget Amendments** (Attached)

Clerk Thomas explained each of the budget amendments calling special attention to the E-911 amendment. He explained that he has received notification and clarification as to how the revenue generated from the telephone surcharge can be spent. As a result, it has been determined that all of the Sheriff's request can be paid for with the surcharge monies with the exception of the sign making machine.

**UPON MOTION BY COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE BUDGET AMENDMENTS 96-04-02-01 THROUGH 96-04-02-20.**

**Ratification of Payment of County Bills**

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

**DISTRICT 1 REPORT**

Commissioner McGill called attention again to the roadside garbage problems throughout the County. It had come to his attention that the contract with Waste Management does allow for an individual to request pick-up of large items such as white goods at a negotiated price. He also cited a request by a citizen to Waste Management to have a pick-up made on Federal Road to no avail. He suggested that the Board take a very serious look at the issue. He then asked the county attorney, county manager and the Board chairman initiate some type of proposal to alleviate the roadside litter and come back to the Board at the next meeting with some type of recommendation for action. He offered also that perhaps the county could use a county truck to make white good pick up once a month in each district even if the Board had to charge a fee for the service.

**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 referenced the update from the FL Legislature regarding Article 5. He explained the basic premise behind it is that the State is responsible for the Court system - not the counties. The proposed legislation would empower the State to take responsibility for the Court system and remove it from the county's budget. (Court Reporter, conflict attorneys, etc.)

**ADJOURNMENT**

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

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E. H. Fletcher, Chairman

ATTEST:

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Nicholas Thomas, Clerk

AT A SPECIAL MEETING HELD IN AND FOR  
GADSDEN COUNTY, FLORIDA ON APRIL  
15, 1996 AT 2:00 P.M. THE FOLLOWING  
PROCEEDINGS WERE HAD, VIZ.

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

**ABSENT:** EDWARD J. DIXON

**CALL TO ORDER**

The meeting was called to order by Vice-chairman Bill McGill in absence of the Chairman who arrived late. He then turned the meeting over to Mrs. Betty Miller, county manager.

**FEE SCHEDULE FOR PUBLIC WORKS PROJECT REIMBURSEMENTS**

Mrs. Miller presented a fee schedule for project cost reimbursements as prepared by Public Works Director Jed Lugod.

(Chairman Fletcher arrived at this juncture of the meeting and began presiding at this point.)

There was discussion between the Board and Mr. Lugod regarding how the fees were derived.

**A MOTION WAS MADE BY COMMISSIONER MCGILL TO ADOPT THE PROJECT REIMBURSEMENT FEE SCHEDULE AS PREPARED/PRESENTED BY THE PUBLIC WORKS DIRECTOR AND RECOMMENDED BY THE COUNTY MANAGER. COMMISSIONER WATSON SECONDED THE MOTION.**

**DISCUSSION FOLLOWED.**

Commissioner Peacock asked Mr. Lugod to clarify whether the cost of a road scraping permit for private roads included the actual costs which are reflected in the proposed fee schedule. Mr. Lugod stated that the equipment costs are included in the \$90 per hour permit fee.

Chairman Fletcher asked Mr. Lugod to explain why he charged the taxpaying citizen \$90 per hour and another county department only \$31 per hour.

Mr. Lugod explained that the \$31.00 per hour was for the actual cost to operate the equipment only. The permit fee is a compilation of equipment and other related costs - insurance, operators, maintenance etc.

Chairman Fletcher asked Mr. Lugod why he did not include all the related charges (such as maintenance, insurance and operators) so that the Board would know what it will cost per hour when charging those costs to other departments. He added that he did not believe that the cost schedule submitted by Mr. Lugod was "worth the paper it is written on."

Mr. Lugod responded that the Federal government requires that equipment cost be identified separately to labor costs when calculating the County's match (in-kind) for federal grant money. To this point in time, actual equipment costs have been the only undetermined figures. The labor costs have always been identifiable even though it varies from operator to operator. Once the equipment costs schedule is adopted, the labor cost can be added to it on a project to project basis.

The following facts were clarified:

The equipment fee schedule includes operational costs including fuel, maintenance and replacement cost of the equipment. It is considered to be a billable rate. If the County should become involved with the Federal government on an emergency situation, and the County is told to use a particular piece of equipment, the cost of using that equipment must be identified separate to the associated labor costs. The actual rate of the operator plus 38% overhead is added to the equipment cost to determine the total value of the County's participation. If overtime is required for the project, it is also added to the total value for the billable rate of the project.

Even though the equipment costs are separated in the manner as presented by Mr. Lugod, the equipment would not be made available to other departments without the public works operators. The equipment will not be leased to other entities.

The following discussion has been transcribed verbatim upon request and for clarification.

Miller: Well, would we be allowing other people to use our equipment or would we have our own people on this equipment.

McGill: Let me give you an example. You simply remove all costs except the equipment, this is the hour

Peacock: This right here now, it don't explain this in just say \$31.00 per hour - we know that is without an operator. Does that include fuel and all that other stuff involved in that \$31.00 per hour?

Lugod: Yes, fuel, maintenance and replacement cost of the equipment. Because you still have to think that with time, that the equipment is going to be deteriorating and you need to replace that equipment. This is the same way that a contractor quotes. Replacement of the equipment is going to come in time.

Peacock: Does this cover the cost of the replacement or are you going to come up with a figure to add to this for the replacement cost?

Lugod: No, this is all inclusive here.

Peacock: That is not what I was hearing a few minutes ago.

Watson: About what?

Peacock: Well, you said a few minutes ago that there wasn't any cost of maintenance cost or anything else involved in this.

Lugod: No, if I didn't say it right, I will say it again. This all inclusive rate includes the maintenance in it and the gasoline. This is the rate which we call the billable rate. This is how we do it. If we get involved with the federal government on an emergency situation and they tell us to use this piece of equipment, this piece of equipment rate will be applied for that project.

Now, we are going to apply also the operator so the operator has a rate, actual rate and we have 38% overhead on it and we add that to it. Between the two, the operator and the equipment, that becomes the value of the total rate for that piece of equipment. If they work overtime, for example, the overtime will also be added to the piece of equipment to become the billable rate for that project.

Fletcher: Mr. Lugod, what are you going to charge the County's general fund for scraping this parking lot back here then?

Lugod: The billable rate.

Fletcher: How much more than the \$31 per hour for the motor grader with it's operator?

Lugod: When we establish which operator is working, that's added to it.

Fletcher: What is the most expensive operator you got?

Lugod: I think \$10.00 plus 38% of the operator for the benefits.

Fletcher: Then that would be the total charge?

Lugod: Yeah.

Fletcher: That don't come up anywhere near \$90.00 per hour.

Lugod: Because when we calculated the 136, remember we had two pieces of equipment involved. We had two pieces of equipment involved in that operation.

Fletcher: If there is no further discussion. All in favor of the motion.

**THE BOARD VOTED 3 - 1, BY VOICE VOTE, IN FAVOR OF THE MOTION TO ADOPT THE FEE SCHEDULE (ATTACHED) AS PRESENTED BY MR. JED LUGOD. CHAIRMAN FLETCHER CAST THE LONE DISSENTING VOTE.**

### **REVISION TO ORDINANCE 93-002**

Mr. Lugod called attention to Ordinance 93-002 which provides for property owners on a given road who petition the County for road construction, to be able to help finance the construction and have the road constructed.

Mr. Lugod proposed that the ordinance should be changed as follows:

- 1) Require a 51% majority of the residents on a road (rather than 2/3) when petitioning the County for construction.
- 2) Finance the road project through and an annual assessment on the tax bills rather than by a monthly billing.
- 3) Require that the project be 100% financed by the property owners rather than the County assuming 33% of the cost.

- 4) The County's only participation will be in managing the project and in the up front financing.

Mr. Hal Richmond recalled to the Board some of the factors of historical significance which led to adoption of the ordinance. They were as follows:

- 1) Citizens with varied economic backgrounds live on any given road. While a \$500 assessment would be insignificant to some, it could be unaffordable for others.
- 2) The ordinance required more than a majority so as to make it more difficult to impose financial responsibility on those property owners who could not afford to finance the project as easily as others. If assessments are not paid, it could result in a person losing their property.
- 3) The ordinance provides a shared financial responsibility on a one-third, one-third, and one-third basis. The County was willing to absorb its one-third because it receives some benefit from getting a paved road in that it reduces the maintenance cost of the dirt road in the long run.
- 4) The monthly payment plan was an effort to make it easier for those people who could not afford it otherwise.

Commissioner McGill stated that he would have a problem with reducing the required participation to a simple majority of 51% and would have some hesitation to making the property owners bear the total financial responsibility. He then questioned how the amended ordinance would affect the road paving priority system. He stated that he felt it could possibly create disparity in how the Board responds to petitions for road paving.

Commissioner Watson asked the Board to explain what the intent was when the ordinance was passed - to make it voluntary or to move people above on the priority list?

Attorney Richmond stated that the road paving priority is a part of the state imposed mandate of the County. The ordinance is independent of the comprehensive plan. The ordinance provides a voluntary mechanism that will allow for road paving as money (other money) and time is available for the County to do it. It would be a discretionary matter after an analysis by Road and Bridge Department. But under all circumstances, the comprehensive plan must be followed.

Commissioner Peacock was not in favor of changing the ordinance.



Chairman Fletcher stated that he believed that it would be wrong for a simple majority to impose a burden of that magnitude on the other 49%.

Commissioner Watson stated that he could not understand why the ordinance was passed in light of the fact that the County must stick with the comprehensive plan's priority list. He continued by saying that he had difficulty justifying any county finance participation for a road which would be constructed out of its placement on that priority list. But, with an ordinance which provides an avenue to have a road paved without use of ad valorem tax dollars, side-stepping the priority list could be acceptable in some cases.

Commissioner Peacock remarked that the County was not following their priority list at the present. He added that he did not see the need for the ordinance as it stands or as proposed.

Chairman Fletcher called for a motion.

**COMMISSIONER WATSON MADE A MOTION TO AMEND THE ORDINANCE TO ALLOW FOR PAVING OF ROADS BASED ON 50/50 PROPERTY OWNERS FINANCIAL LIABILITY - USING NO COUNTY FUNDS BUT KEEPING THE REQUIREMENT OF APPROVAL FROM 2/3 OF THE PROPERTY OWNERS.**

**THE MOTION DIED FOR LACK OF A SECOND.**

Commissioner Watson asked for someone to explain how the current ordinance would be useful.

Mr. Richmond explained that the ordinance was adopted to give people who live in small private subdivisions an opportunity to pave their road at a minimum cost. It was not expected that Rich Bay Road and Lanier Road or any big road to be able to use the ordinance to come up with the necessary numbers to do it. It was done so that people with similar incomes that can afford it, could petition the Board and pave their road. The County looked at the ordinance and concluded that it would have some expenses in the process - in administration; in actual costs incurred at intersections - curbing, etc. The County's one third contribution would be "in-kind" in nature and the property owners on either side of the road would contribute one third each. If the County has the funds, the ordinance would allow for the other aspects.

Commissioner Watson then asked how the County would justify expending any money if there are roads on the comp plan priority list which have not been paved.

Mr. Richmond responded said that would be operating independently. On much of the work which would be done, the County's one-third share would have been in-kind.

If the costs of the road should become a 50/50 financial burden on the land owners, the County would still need to have supervision of the project which is still an actual cost to the County regardless of the circumstances.

Mr. Lugod responded by saying that normally, an engineer would supervise a paving project. He added also, that the County could not contribute equipment to such a project at this time because the county does not own the type of equipment which would be required for such projects.

Mr. Richmond interjected that even if the ordinance is amended and adopted, the County would still be called upon to finance the projects up front and then be repaid by the land owners over a period of time. The County simply does not have the funds to finance road paving. Such a move could require a bond referendum. Even in the event that a referendum to provide for road building should prove successful, negative public outcry from the minority could prevail as it did in the in the garbage issue and the fire assessment.

Commissioner McGill suggested that the Board appoint a "better roads" committee to be comprised of appointments from all five districts and who live on unpaved roads. The committee could advise the Board from a citizens prospective when making a decision regarding road paving and propose a revenue source. They would be more likely to support and promote their own proposal - whether it be gas tax, assessments, etc.

It was the consensus of the Board to appoint a "better roads" committee so that a positive dialogue could begin between the citizens and the Board.

#### **COUNTY RESPONSIBILITY FOR DEDICATED RIGHTS OF WAY FOR ROADS THAT HAVE NOT BEEN CONSTRUCTED**

Mrs. Miller asked the Board to address those roads to which rights-of-way have been deeded to the County but no roads have ever been constructed. Specifically Mrs. Miller asked what policy did the Board wish to impose when a property owner contacts the County when they wish to build a home on their property where no road exists.

Mr. Richmond responded by saying that those concerns have already been addressed by way of the Resolution of 12-18-73 and 5-20-75. The resolutions clearly indicate that unless the County accepts rights-of-ways and maintenance responsibility for them in writing there is no responsibility to the County regardless of the writing which might appear on deed. He recommended that the Board not accept responsibility for any roads without a formal resolution and do nothing to further the matter at this time.

**Conclusion:**           **It was the consensus of the Board that the past resolutions are the policy of the Board and will continue to be the policy.**

**DEDICATED RIGHTS-OF WAY WHERE ROADS HAVE BEEN PARTIALLY CONSTRUCTED BUT NO REQUEST FOR MAINTENANCE HAS BEEN MADE**

Mr. Ed Kunkle explained that in 1987 the roads in the Frank Smith Road area were constructed but not to any standard. The County took them over 2 years ago and put a lot of lime rock and made them much better. The September, 1994 rains washed out the roads on the west leg. He requested that public works push the roads out and was told by Bo Brown that they could not do it because of the emergency conditions through out the County. He has been unable to get back and forth to his property even though he continues to pay utilities. He would like to move a trailer on the property but he can not get down the road to the site.

He presented a letter he had received from the County Commission which says "that road extends 1,068 feet. The first 680 feet has been maintained as requested to an existing driveway. Beyond this point, some maintenance has been done but none for seven years."

Mr. Kunkle stated that he was stuck with a piece of property that he could get to at one time, but after the rains in 1994, the County will not push dirt 150 feet for him. He added that no construction would be required, only dirt moved. He requested that the Board consider doing the work he requested so that he can access his property.

Mr. Richmond asked if the County had maintained the property in the past. Mr. Kunkle responded that it did not go all the way to his property, but it was maintained through the bottom to within 50 ft. of his property. He added that the road was maintained by the County for at least 15 years.

Chairman Fletcher stated that if the County had maintained it for that length of time, it should continue. He then asked Mr. Kunkle if the Water Management District lowered the impoundment. Mr. Kunkle responded that they may have agreed to do it but Bo Brown had someone with a backhoe pound the riser down into the earth.

Chairman Fletcher asked that the staff look into this problem to see what can be done to alleviate the problem.

Mr. Richmond stated that the December 18, 1973 resolution states that there are two ways to evidence acceptance by the County. 1) In writing by resolution; 2) Through its employees voluntarily undertaking the task of maintaining, keeping, repairing, or working said road. He suggested that Mr. Lugod investigate the matter. He continued

by saying that if the road has been worked and maintained in the past, it indicates that the County has accepted maintenance responsibility for it to a point.

It was the consensus of the Board to have the staff provide the Board with more information and some kind of documentation to substantiate past maintenance. Mrs. Miller was also asked to determine if there was a length of time when the public works department discontinued maintenance.

Mr. Richmond interjected that if it is determined that maintenance did stop for a period of time, for the County to get away from its position, it must formally abandon the road.

Mr. Kunkle indicated that all he wanted the County to do is to push the road out, place two loads of dirt and a load of lime rock on top.

**Conclusion: If the County has not accepted roads through the operation of an employees action or by a written resolution, the County has no responsibility to maintain the roads. If either of those did occur but the road has not been maintained for more than 4 years, the County should abandoned the road pursuant to the procedures of FL ST 336 or otherwise honor the request for maintenance.**

### **ELIMINATE PROBLEM AREAS**

Mr. Lugod identified 49 unpaved problem areas which require constant maintenance. He stated that when there is a storm, he must use the majority of the work force to redo some of these problem areas. He went on to say that he is pursuing possible funds to help eliminate some of the problems. Application for the funds must be made. They will not be available immediately. There is no guarantee that money will be received but he did want to make an application.

Mr. Lugod stated that by improving the hillsides and by digging the ditches, the County would be in a position to redirect the public work crew's efforts to other areas. He estimated that \$50,000 worth of limerock should take care of the hillsides, but it would not take care of the major drainage areas on both sides of the hill where they continue to erode.

Mr. Lugod continued by saying there are 21 miles of roads which need continual maintenance and 27 miles of ditch paving which needs to be done. A tentative estimate to do the work is \$11 million for which he will make application for grant funds.

No action was taken.

### **BRIDGE REPAIR/REPLACEMENT**

Mr. Lugod informed the Board of his concerns for the bridges throughout the County. Two bridges are expected to have bid awards on April 16, 1996. There are five other bridges which are in serious condition. He advised that the Board should focus on these bridges before going actively into the road improvement projects. They are a higher priority in terms of safety and he urged the commissioners to focus on them along with him. He asked for their support to do something about them.

One way to address the problem bridges would be to have a dedicated crew of 5 men and additional equipment. The crew could take care of the minor maintenance so that they will not deteriorate to the point of failure. The crew can also replace guard rails - another safety issue.

Mr. Lugod called attention to a list of the five bridges and estimates for construction/repair. The estimates were prepared by Bishop Engineering. He stated that he will continue to pursue grant funds to help defer the cost to the County.

No action was taken.

### **EQUIPMENT NEEDS**

Mr. Lugod stated that his objective is to place the County into a preventative maintenance role for county roads so that proper preparation can be made in advance of storms. (open all culverts and maintain ditches etc.)

He called attention to the list of equipment for which he is presently advertising for bids. He explained that new equipment would make the operations more efficient.

No action was taken.

### **ROAD BUILDING CREW**

Mr. Lugod encouraged the Board to consider very carefully funding additional personnel for a road building crew which could save 1/3 of the price of building roads inhouse as opposed to awarding it outside. A road building crew will also require more equipment.

Commissioner Watson asked if Flying J revenues would be sufficient to support a road building crew. Mr. Lugod answered "yes". He then asked if this crew would be able to do some resurfacing of existing roads. Mr. Lugod's answer was that the first

year's revenue would likely need to be spent on obtaining equipment but the crew would be capable of resurfacing if the equipment can be obtained.

**ADJOURNMENT**

There being no other business, the Chairman declared the meeting adjourned.

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E.H. Fletcher, Chairman

ATTEST:

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Nicholas Thomas, Clerk

**COUNTY RESPONSIBILITY FOR DEDICATED RIGHTS OF WAY FOR ROADS THAT  
HAVE NOT BEEN CONSTRUCTED**

Miller: Alright, item number 3. County responsibility for dedicated rights of way for roads that have not been constructed. That's roads that we have been deeded right of way, no road has been built. If there's not a road built, there is a very good chance that they're serving any homes at the present time. What policy do you want to set on that so that when people come in and want to build a home, they contact us and want us to build them a road?

Richmond: I don't think you all, I mean legally, I don't think you have any responsibility. The resolutions that have been previously enacted set out the policies. On December 18, 1973 and also the one in 1975. If there are any changes that you all want to consider in order to update those, I think they are valid concerns today as they were then. But that is the County's situation. I think, and Mr. Lugod came to me about the Frank Smith Road. There is a dedication in there that "the County by acceptance of this deed will agree to maintain", but the resolutions that we have clearly indicate that only in writing will we agree to maintain. We have not agreed to maintain the roads that Mr. Lugod was very correct in being concerned about. We have no repsonsibility and we will not. It would be my recommendation that we not accept any responsibility or do anything to further that at this time.

I'm making friends with everybody today. I am sorry.

Peacock: Well, I think in writing to other counties, we've got several responses from other counties and this is the same way they work it. They don't accept any responsibility for them. Except in writing.

Richmond: Unless they do it in writing and the Board approves it, and the Board has not approved anything in writing.

Miller: Yes, we wrote to two other counties. So that was our policy and will continue to be the policy.

Watson: That's not quite your category yet. Yours is coming next.

Miller: Number 4. Dedicated rights of way where roads have been partially constructed but no request for maintenance has been made.

AT A REGULAR MEETING OF THE BOARD OF  
COUNTY COMMISSIONERS, HELD IN AND FOR  
GADSDEN COUNTY, FLORIDA ON APRIL 16,  
1996, THE FOLLOWING PROCEEDINGS WERE  
HAD, VIZ.

PRESENT: E.H. (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**

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

**ADOPTION OF THE AGENDA**

The County Manager requested to amend her agenda as follows:

Addition: General Fund Contingency Request  
Request for Technical Assistance - Florida  
Counties Trust - Establishment of Centralized  
Grants Department

UPON MOTION BY COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER  
MCGILL, THE BOARD VOTED 5 - 0, BY VOICE VOTE TO APPROVE THE AGENDA  
AS AMENDED ABOVE. (ATTACHED)

**APPROVAL OF MINUTES**

July 10, 1995 Special Meeting

March 29, 1996 Special Meeting

April 2, 1996 Regular Meeting

UPON MOTION BY COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER  
MCGILL, THE BOARD VOTED 5 - 0 BY VOICE VOTE TO APPROVE THE MINUTES  
OF JULY 10, 1995, MARCH 29, 1996 AND APRIL 2, 1996.

**COUNTY ATTORNEY**

Hospital RFP



Mr. Richmond told the Board that when the hospital bonds were reissued, the bond resolution required that the Board must retain bond counsel when considering RFP for hospital management. He then asked for authority to contact the bond counsel and advise them of what is taking place with the current RFP and to obtain information regarding their fees.

**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0, BY VOICE VOTE TO AUTHORIZE THE COUNTY ATTORNEY TO CONTACT THE HOSPITAL BOND COUNSEL, ADVISE THEM OF THE RFP, GET THEM INVOLVED IN THE PROCESS AND OBTAIN PERTINENT INFORMATION RELATING TO THEIR FEES.**

## **ROADS**

### **Rich Bay Road**

Mr. Bill Adams, Bishop Engineering, reported that a pre-construction conference was held on Saturday April 13, 1996 with residents on Rich Bay Road. There was a good display of public interest and detailed information was relayed to them at the meeting.

Mr. Adams indicated that the first work to be performed would be the rebuilding of the ditches which could create a lot of complaints and inquiries. He asked the residents to forward their complaints and inquiries to him rather than public works.

### **BID Award Contract - EDA Grant - CR 268 & CR 270 Bridges**

Mr. Adams explained that the lowest bid was considered to be unresponsive bid as it was not an "apples to apples" bid.

The second lowest bid (Southern Concrete - \$491,347.00) was in excess of the of the amount budgeted for the project. He stated that he could not negotiate between the bidding and the awarding of the bid but he was confident that he could negotiate the bridges into the project budget including leaving a contingency in place. He noted that the County has dealt with this same company on previous projects and was pleased with their work.

Mr. Adams told the Board that a by-pass must be constructed as during one phase of the project making it necessary to remove a few trees and build a sizeable embankment. Obtaining a permit to do so should not be a problem but it will be necessary to re-excavate out the embankment and to replant the vegetation. These things could be done by county forces but would require a lot of time away from other pressing responsibilities. On the other hand, if a contractor does the work, a firm price can be obtained from the contractor after the

award of the bid.

Mr. Adams recommended bidding out the entire project. He then asked for a vote to accept the bids for the bridge replacements and award the contract to Southern Concrete in the amount \$491,347.00

**UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO ACCEPT THE BIDS AND AWARD THE CONTRACT FOR BRIDGE REPLACEMENT ON CR 268 AND CR 270 TO SOUTHERN CONCRETE CONSTRUCTION IN THE AMOUNT OF \$491,347.00.**

#### **ECONOMIC DEVELOPMENT ACTIVITIES**

Mr. Rick McCaskill reported on the economic activities of the County. (Report attached) He called special emphasis to the following:

- 1) Flying J Project engineers still maintain that the project be completed in 200 days. Flying J Motel personnel are contemplating a 100 room motel on the site of the truck stop. They will be making a visit to Quincy soon.
- 2) Fortune Center Blvd. construction is progressing well. Ex-Cel Millwork and Molding appears to be on schedule.
- 3) Other motels are interested in Gadsden County along I-10.
- 4) Home Health Care should begin the clearing for their new facility on Strong Road within two weeks.
- 5) Prospective companies out of the Tallahassee area have indicated interest in the 10/90 Industrial Park. Announcement could be made within the next 30 days.

#### **COUNTY MANAGER**

##### **Rural Resources, Inc. - Establishment of Centralized Grants Office**

Mrs. Miller told the Board that the County has been offered assistance from the Florida Counties Foundation for providing technical assistance to establish a centralized Grants office. This would be no cost to the County and the County would not be committed to fund the Grants office. She asked for approval to accept the offer for their assistance.

**UPON MOTION BY COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0 BY VOICE VOTE TO ACCEPT THE**

**ASSISTANCE FROM THE FLORIDA COUNTIES FOUNDATION TO PROVIDE  
TECHNICAL ASSISTANCE TO ESTABLISH A CENTRALIZED GRANTS OFFICE.**

Commissioner Dixon told the Board that he has been made Vice-president of the Florida Counties Foundation.

**General Fund Contingency Request - Public Works \$891.59**

Mrs. Miller explained that the public works department had provided services to other county departments in the past without compensation. Because this could have been an improper use of gas tax revenues, she recommended that all such costs be reimbursed to public works from the general fund contingency. She then suggested that all future requests for services from public works be approved prior to the work being performed.

**UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0 TO APPROVE THE GENERAL FUND CONTINGENCY REQUEST OF \$891.59 TO REIMBURSE PUBLIC WORKS FOR SERVICES PROVIDED BY THEM AND TO FOLLOW THE RECOMMENDATION OF THE COUNTY MANAGER TO HAVE FUTURE SUCH SERVICES APPROVED PRIOR TO THE WORK BEING PERFORMED.**

**Contingency Request - E-911 Equipment**

Mrs. Miller told the Board she had received a request from the Sheriff for \$2,874.58 to pay for a sign making machine and die which will be used to make road signs and house numbers. She explained the telephone surcharge revenues cannot be used to pay for the equipment.

**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE A GENERAL FUND CONTINGENCY REQUEST FOR \$2,874.58 TO PAY FOR THE E-911 SIGN MAKING MACHINE AND DIE.**

**CONSENT AGENDA**

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

- 1) Dry Fire Hydrant Agreement
- 2) Emergency Management Preparedness & Assistance Grant Modification
- 3) FY96 State and Local Assistance Agreement
- 4) Teen Pregnancy Prevention Awareness Week Proclamation
- 5) Rich Bay Road Project Agreement s/Crowder Excavating (for

- the record)  
6) Fortune Centre Project Agreement w/Peavy & Son  
Construction - For the record.

#### CLERK OF COURT

##### Financial Statements

Clerk Thomas called attention to the financial statements. He stated that the County was doing well financially.

##### Budget Amendments

Clerk Thomas explained each of the 8 budget amendments.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE AMENDMENTS 96-04-16-01 THROUGH 96-04-16-08.

##### Ratification of Payment of the County Bills

UPON MOTION BY 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 the state will be receiving some federal money for funding of the summer youth employment program. However, the amount the County will receive from the State's allocation is still unknown.

Commissioner McGill then reported that he will offer a resolution at the next meeting for the Board's consideration. If approved, it will be sent to the Department of Commerce to try to get approval for the community preservation program to assist Gadsden County in the upgrading efforts taking place in the Shiloh community.

##### DISTRICT 2 REPORT

There was no report.

##### DISTRICT 3 REPORT

Commissioner Peacock reported that he had been riding the County's dirt roads and found that many of the hills are in bad need of lime rock. He then requested that Mrs. Miller and Mr. Lugod search the budget to find enough money to purchase limerock right away and

get it spread on the hills which need it so badly.

Commissioner Peacock said that he had been informed by Bo Brown that the County would soon need a dirt pit. He said that he knew of a piece of property which would serve the County's needs in that regard very well. He then asked that someone contact Mr. Maynard Moore who has indicated he would be willing to sell the land.

#### **DISTRICT 4 REPORT**

There was no report.

#### **DISTRICT 5 REPORT**

Commissioner Dixon reported on actions of the State Legislature which might affect Gadsden County.

- 1) Transportation disadvantaged funding is likely to be reduced by 50% Programs such as Big Bend Transit and Meals on Wheels, Senior Citizens are recipients of those funds.
- 2) New proposed formulas for the counties' portion of liability for medicaid funding could have a dramatic affect on Gadsden County.
- 3) Funding for the historic preservation grants (such as the one for the Jefferson Street buildings) appear to be safe for the time being.
- 4) Article 5 costs reimbursement to the Counties have been reduced considerably since the beginning of the session.
- 5) The status of the legislation for Property Appraiser's burden of proof for appraisals has not not changed at this juncture of the session.

Commissioner Dixon closed his comments by asking each of the commissioners to contact the legislators in support of those matters which are subject to impact Gadsden County.

#### **ADJOURNMENT**

**THERE BEING NO FURTHER BUSINESS, THE CHAIRMAN ADJOURNED THE MEETING.**

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E.H. (Hentz) Fletcher

ATTEST:

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Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE BOARD OF  
COUNTY COMMISSIONERS, HELD IN AND  
FOR GADSDEN COUNTY, FLORIDA ON MAY  
7, 1996, THE FOLLOWING PROCEEDINGS  
WERE HAD, VIZ.

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

#### CALL TO ORDER

The meeting was called to order by Chairman Fletcher. Commissioner Peacock led in pledging allegiance to the U.S. Flag and Commissioner Dixon followed with a prayer.

#### SPECIAL ANNOUNCEMENT - HISTORICAL PRESERVATION GRANT

Chairman Fletcher announced that he had been contacted by Senator Pat Thomas and informed that Gadsden County was awarded \$400,000 in historic preservation grant funds with which to restore the county-owned buildings facing Jefferson Street.

#### ADOPTION OF THE AGENDA

Mrs. Miller asked to amend her agenda as follows:

- ADD: 1) DOC Interagency Agreement with Department of  
Corrections for Inmate Work Program  
2) Lease on State Farmer's Market

Commissioner McGill asked to amend his agenda as follows:

- ADD: 1) Resolution - Recognizing Robert Barkley

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE AGENDA AS ADOPTED.

#### APPROVAL OF MINUTES

April 16, 1996 Regular Meeting

April 19, 1996 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 APRIL 16, 1996 REGULAR MEETING AND APRIL 19, 1996 SPECIAL MEETING.

COUNTY ATTORNEY

Land Donation to Department of Transportation - Resolution and County Deed attached

Mr. Jim Richmond reported that the County received a petition from Florida Department of Transportation (DOT) regarding some right-of-way along CR 269 where they are doing a project. All necessary documents have been provided by them - a resolution and a county deed. He stated that he had reviewed the documents and they appear to be in conformance with the Florida Statutes. He indicated that it has been the practice of the Board to donate land in such cases for the consideration of the work performed on the county road.

UPON MOTION BY COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE RESOLUTION AND AUTHORIZE THE CHAIRMAN TO EXECUTE THE COUNTY DEED DONATING THE RIGHT OF WAY ALONG COUNTY ROAD 269 TO DOT AS DESCRIBED IN THE ATTACHED DEED.

Alligator Run Road

Mr. Richmond recalled that the abandonment of Alligator Run Road was discussed at a public works workshop on April 15, 1996. It was determined at that meeting that Alligator Run Road should be abandoned. In order to do that, there must be a public hearing on the matter. He asked the Board to set a hearing date and give him the authority to advertise the hearing. Public input could be heard at the first meeting in June.

Commissioner McGill reported that he had visited the site in question and found that there are homes on the road which need the road to access their property. He was opposed to abandonment.

Commissioner Dixon asked if a policy had been developed at the workshop regarding roads with similar characteristics.



Commissioner McGill responded that the Board decided that roads which had not been maintained for a period of time could and should be abandoned. However, Alligator Run Road is used daily.

Commissioner Dixon asked that the Board develop a list of criteria for abandoning roads.

Commissioner Peacock stated that there is a portion of that road which has not been maintained for some time.

Chairman Fletcher recognized Mr. Mike Dorian for comments.

**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO SET A HEARING DATE FOR PUBLIC INPUT ON THE PROPOSED ABANDONMENT OF ALLIGATOR RUN ROAD AND TO AUTHORIZE THE COUNTY ATTORNEY TO ADVERTISE THE HEARING.**

It was the consensus of the Board for the staff to proceed with the development of a list of criteria and procedures for abandoning roads throughout the County. It was suggested that historical data be compiled of each road which would be considered for abandonment.

#### **ECONOMIC DEVELOPMENT GRANT PUBLIC HEARING**

Mr. David Melvin of David Melvin and Associates of Tallahassee, FL opened a public hearing to receive comments from Gadsden Citizens regarding possible application for grant funds from the Department of Community Affairs (DCA) for Community Development Block Grant funds for the purpose of economic development. (David Melvin & Associates was selected as the top ranked consultant to make the application to DCA on behalf of Gadsden County in the event a prospective business expressed interest in the grant money. If the application (if one is filed) is not successful, the County would incur no cost for Melvin's services.

Mr. Melvin explained that the State of Florida receives \$30 million each year from US Department of Housing and Urban Development of which 40% is put into housing rehabilitation; 40% into neighborhood revitalization; 10% into commercial redevelopment; and 10% into economic development activity.

The purpose of the economic development activity is to entice a business who wishes to come into the area but needs infrastructure or loan assistance to relocate to the area. The County can make an application to the State for a portion of the grant funds.

Mr. Melvin explained that the purpose of the hearing was to make the public aware that the grant funds are available and the County is considering making an application to DCA. If there are businesses who are interested in pursuing economic development, they can make their requests known.

Mr. Melvin entertained questions from the Board.

Commissioner Dixon asked how Mr. Melvin came to be the County's consultant.

County Manager Betty Miller stated that the Board had passed a resolution on March 5, 1996 saying that the Board wished to proceed with seeking funding sources for economic development and gave her directions to proceed in that vein. A Request for Proposals was advertised then the bid committee went through the consultant process and chose Mr. Melvin as the no. 1 choice. She then added that no County funds have been expended.

Commissioner Dixon then asked Mr. Melvin if the County could have another CDBG Grant if it is already in a housing program. Mr. Melvin stated that the economic development grant could occur simultaneously with a housing rehabilitation program.

Mr. Melvin stated that Gadsden County is eligible for the maximum funding - \$750,000. A minimum score is required and to achieve that score, a business or a combination of businesses should generate 50 - 60 jobs.

The State will receive applications on a monthly basis. The first round was concluded on April 28, 1996 with five applications competing for \$3.1 million. The second round deadline will be May 28, 1996 and they will continue to take applications until all the funds are expended.

Commissioner Watson asked Mr. Melvin how long the business must survive to keep the County from having to repay the State if the business fails.

Mr. Melvin answered that technically on the day the grant is closed out, an assessment of the number of new jobs is made. If all the jobs are evident, the liability ends when the grant becomes closed. There is a definite date and time where the assessment is made and the grant is closed. He added that if the number of jobs anticipated do not materialize by the time of grant closing, and if the number of actual jobs realized would have affected the level of funding had it been known in the early stages, the County could be penalized when it makes application for future grants.

Commissioner Dixon asked Mr. Melvin if his contract allows him to only seek grant money or if it allows him to seek any rural economic development money which might be available.

Mr. Melvin answered that he does not have a formal contract at this point and time with the County. He first wanted to get through the first public hearing before discussing a contract. If no public interest is demonstrated, an application would not be made and his services would not be needed.

Commissioner McGill stated that he was present at the meeting when Mrs. Miller was authorized to advertise for a consultant services.

Commissioner Dixon expressed concerns about the employment threshold which must be met. He spoke of the rural economic development funds and other programs and said he would not want to limit Mr. Melvin's capacity to go after all economic development funds.

Mrs. Miller indicated that the advertisement did specify the Small Cities Economic Development Programs.

Commissioner McGill asked if the RFP could be amended to include other programs.

Commissioner Dixon stated that he would like to see the scope of services broadened.

Mrs. Miller agreed to find information that would help pursue other money.

Mr. Melvin told of other surrounding counties who have been successful with this program in securing funds to install water and sewer services along I-10 intersections. In all those cases, it was the combined businesses which totaled the required number of

jobs to qualify them for the funds.

Chairman Fletcher called for public comments. There was no response.

No action was required or taken because the matter would be brought back to the Board again.

#### **PLANNING AND ZONING ISSUES**

Growth Management Director Mike Sherman presented the following projects for the Board's consideration:

##### **Leynes Auto-Air - 96PZ-02-208-04-4**

Leynes Air-conditioning petitioned the County for a development order for the location and construction of an automobile air-conditioning repair shop. The proposed operation is located at the west side of CR269B, approximately 450' north of CR 269. The subject parcel is approximately 3.31 acres. The applicant is Mr. Lee Leynes.

Both the Planning Commission and the staff recommended approval subject to the special conditions as listed in the attached memo.

**UPON MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE DEVELOPMENT ORDER FOR LEYNES AUTO REPAIR.**

(Public comments were not requested at this point in the meeting but Chairman Fletcher did ask for them at a later time. No one left the room between the time the Board voted on this issue and the time that public comments were requested.)

##### **Mc-T Subdivision - Project #96PZ-03-205-02-4**

Mr. Norman McMillan and Mr. B.J. Turner petitioned the County for approval of a preliminary subdivision plat. The proposed mobile home subdivision is located on Uptain Road, approximately 230' east of the intersection of SR 267 and Uptain Road. The applicants proposed a total of 11 lots, including an area approximately one (1) acre in size to be designated as open space.

The planning commission and the staff recommended approval subject to the special conditions as listed in the attached memo.

Chairman Fletcher called for public comments. There was none.

**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE PRELIMINARY SUBDIVISION PLAT FOR MC-T SUBDIVISION.**

Chairman Fletcher called for public comments on the Leynes Auto-Air project at this juncture of the meeting. There was none.

#### **PUBLIC HEARING FOR ADOPTION OF THE LAND DEVELOPMENT CODE**

Mr. Sherman reported that a number of workshops have been held during the development of the proposed land development code. He stated that this meeting is the first public hearing to consider its approval. He explained that it will be the implementing document for the comprehensive plan.

Mr. Sherman briefly reviewed each of the nine chapters calling attention to those matters to which he had received questions from the general public, county engineer and county surveyor.

**Chapter 1** Authority of the code.

Mr. Sherman called for public comments. There was none.

**Chapter 2** Definitions. No public comments were made.

**Chapter 3** Codes which are adopted by reference. Mr. Sherman stated that he would like to add the County's stormwater management and procedure code and the Florida Department of Transportation access management requirement for state highways.

Mr. Sherman called for public comments. There was none.

**Chapter 4** Land Use Code. This sets up specific permitted uses in the various land use categories which have been adopted as the Future Land Use Map.

Mr. Sherman called for public comments. There was none.

**Chapter 5**            Development Standards. This section contains the actual development standards which would have to be provided on the site plans.

**Tree Protection**

Mr. Sherman recommended that the tree protection standards which are required for new single family constructions (page 106 # 4) be deleted from the code.

The following changes were suggested:

Commissioner Watson:	Increase the diameter to 30 inches for those trees which will require a permit for removal.
Commissioner Peacock:	Require only those trees 16 inches in diameter or greater to be included on the site plans.
Commissioner Dixon:	Change the requirements for maintaining tree protection on a parcel to a percentage of the number of trees on a given lot as opposed to replacing all trees removed on an inch per inch basis.
Chairman Fletcher:	Change the diameter requirement to 200 inches.

The logistics of enforcement of a tree protection standard were discussed.

Commissioner Dixon asked to have staff prepare a cost analysis of how the tree protection code will impact the citizens and to determine the cost to the County for its enforcement.

**Billboards Signs (p. 148 No. 6 Sub 5706)**

Mr. Sherman requested the maximum size requirement be changed from 500 sq. ft. to 720 sq. ft.

There was some discussion regarding permit requirements for signs of all types including political signs. He indicated that

fees would be implemented by way of a resolution at some point in the future.

## **Chapter 6            Subdivision of Land**

Mr. Sherman recommended the following changes:

Page 150 - make additional requirements to be included on the final plat.

Page 158 Section 6009, # 1 - add that the minimum requirements included in the Florida Statutes 177

### **Final Plats and Certification:**

Add Additional information to be included on the final plats and certification. It basically says that "the surveyor will certify that it is a correct and accurate survey made under my supervision and direction and that this plat meets the minimum technical standards set forth in Chapter 61G Administrative Code and Chapter 177 of the Florida Statutes, Chapter 472 of the Florida Statutes and all applicable Gadsden County subdivision regulations and/or ordinances." The seal and signature add: "Unless it bears the signature and the original raised seal of the Florida licensed surveyor, the map of this drawing from sketch, plat or mat is for informational purposes only. It is not valid."

### **Section 6100:**

#### **Add to the general requirements:**

Surfacing and drainage - At the location control staking and elevation have been established by a professional mapper and surveyor.

#### **Definition of subdivision**

1) Include immediate family members in the subdivision requirements. They will be required to provide infrastructure the same as other subdivisions. 2) Division of lands at the rate of one lot per year is not a subdivision. Use the FL Statute definition that three parcels is considered a subdivision.

## **Chapter 7** Development Order

- Class I - Administrative review
- Class II - Same as designated as Class II in Chapter 4 - Reviewed by Board
- Class III - Requests for variances from the code. Public Hearings before the Board
- Class IV - Legislative policy changes which would be amendments to the land development code and the comprehensive plan. Public hearing required.

A fee schedule will be implemented by resolution at a later date.

Mr. Sherman recommended that all residential permits require a survey to ensure that encroachment does not occur.

## **Chapter 8** Concurrency Management System

FL Law states that prior to issuance of a certificate of occupancy, prior to the impact of the development, the infrastructure must be in place to serve that development. This system will make certain that the infrastructure is in place so that we do not go over the service level adopted in the comprehensive plan.

These services include drainage, water, waste water, solid waste, transportation and open space requirements.

There are no service level standards for local roads.

## **Chapter 9** Development Agreement

This section allows the County to get infrastructure from the developer and it allows the developer to know he will not be responsible for new county rules which may be imposed after his project begins and during the life of his project.

Comments from the Board:

- 1) Commissioner Dixon asked for schedule of costs associated with the major proposals. (Site plans, landscape, tree



protection, etc.)

- 2) Commissioner Watson asked if the growth management department is adequately staffed to implement the new proposals. This needs to be considered at budgeting time.

#### **PUBLIC COMMENTS**

Chairman Fletcher recognized the following people for their remarks and questions.

Terry Mitchell - He stated that he sees no need to regulate bill boards because of the state regulations which already safeguard the County. A sign ordinance would negatively impact him greatly. He would not build a billboard on a county road anyway because he would not be able to sell it.

As to the tree protection, he stated that on a one acre lot, it can be cleared for \$900 - \$1,200. If one must dodge trees in order to clear the lot, the cost would rise to \$2,500.

It will cost twice the amount just to clear it plus the engineering costs to mark the trees. He thought a policy to require a percentage of trees to be left in tact would be a better method of tree protection and easier to enforce.

Dr. John Cooksey - Surveying - It is only an added cost and he feels that it is unnecessary.

He stated he was disappointed that stormwater requirements and provisions were not addressed in greater detail.

Tommy Skipper -

- 1) He recommenced approval of the land development code.
- 2) He addressed the issue of liability to the County when/if it requires a survey on every permit. He did not believe that the County could be made liable with

or without a survey. He cited cases when the land had been surveyed and homes, septic tanks and wells were still placed across a property line.

- 3) He encouraged the Board to give a lot of thought to subdivision of land - on the number of lots constituting a subdivision. He recommended that 3 - 4 lots (not more than 5) be considered a minor subdivision.
- 4) Tree protection - the cost would be enormous to the developer if he is required to locate trees on a survey. It would be most time consuming as well. He recommended that common sense prevail and good judgement should be the determining factor for locating trees on a site plan.

James Rogers

A survey for a residential dwelling would not be appropriate. Site plans are sufficient.

He disagreed with the provision of limiting the tree ordinance on new residential dwellings. He stated that he felt that residential housing should be limited and the species and types of trees should be identified on a land use permit.

As to heir land - He stated that he now has a major subdivision by his house. Because it is heir land, it was not subject to the subdivision requirements. There are twelve houses very near his home which have never been identified as a subdivision. The stormwater run-off from his neighbors comes onto his property and causes damages. He supported the proposed changes regarding the subdivision regulations.

Mr. Sherman stated that he will delete the tree protection standards until he can prepare the cost analysis as requested by Commissioner Dixon. He will make the other changes as proposed and bring it back to the Board for another public hearing on May 21, 1996.

Clay Vanlandingham- He suggested that the developer be required to furnish a list of the trees which he removes from a lot.

Commissioner Peacock asked that the surveying be streamlined in some way - perhaps a site plan that does not need to be certified by the surveyor that shows where the building will be constructed would be acceptable.

Don Lanham           He asked if the County was trying to save certain specimen trees which would require inspection of each of these trees or is the intention to keep a percentage of the lot in vegetation. If the later is the intention, the percentage approach would be the ideal way to manage tree protection.

There was no consensus of the Board regarding the intention of the tree protection element.

Commissioner Dixon asked for information dealing with heir property and the subdivision requirements and how it moves away from the current policy.

#### **Magnolia Village - Farms at Quincy**

Mr. Crawford of Village Developers requested to have the ability to move the buildings around on the individual lots so that they can design around the environmental features of the property. Some select cutting has been done but they would like to maintain trees on the lots. The architect's sketch demonstrated the need to vary the set back requirements. The minimum setback for residential buildings is presently 35 ft. from building line to property line. In order to meet those minimum set back requirement, a large number of trees and other features would be destroyed. In an effort to save those features, the developers have requested the ability to work with the P & Z staff in locating the buildings on the sites to preserve the natural features.

P & Z staff recommended that the Board allow them to work with the developers to accomplish preservation of the natural features.

Commissioner Dixon recalled that the Board (at a previous meeting) had asked Mr. Sherman to determine answers to several questions. He called for Mr. Sherman to reply to those questions.

Mr. Sherman indicated that the buildings have been demonstrated on the schematic drawing on a lot by lot basis.

If there were trees in the rights of way, would the County be held liable for those trees? Mr. Crawford and his associates do not envision dedicating the roads in the subdivision to the County so the County would not maintain their stormwater system or the rights of way for the roads. He had determined there would be no liability to the County.

Commissioner Dixon asked if the County was moving into a new and different area in terms of planned unit developments. He asked if there are other ordinances or laws which the County should put into place.

Mr. Sherman stated that he did not believe there is a need for a new ordinance for this development but he does anticipate a new ordinance to amend the planned development section of the code which will come later.

Commissioner Dixon then asked Mr. Sherman to explain the difference in a planned unit development and a subdivision.

Mr. Sherman responded that the difference is the site of the development (other than just the minimum platting rules or requirements of the subdivision ordinance and the statutes) - the site is designed around the natural features of the property. This is done as an overall plan development district which could allow for mixed uses or not.

Commissioner Dixon emphasized that the County would have no responsibility what so ever in the unit.

Mr. Sherman assured him that the plat itself would state that it is a private subdivision and recorded as such. The developer will have an engineered storm water management system to maintain the created post development conditions. There should be no runoff onto the adjacent property.

**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5- 0, BY VOICE VOTE, TO AUTHORIZE THE P & Z STAFF TO WORK WITH VILLAGE DEVELOPERS TO LOCATE THE BUILDINGS IN MAGNOLIA VILLAGE ON THE LOTS IN SUCH A WAY AS TO PRESERVE THE NATURAL FEATURES OF THE PROPERTY REALIZING THAT**

**VARIANCES FROM THE MINIMUM SETBACK REQUIREMENTS WOULD BE NECESSARY.**

**ROAD AND BRIDGE ISSUES**

**Rich Bay Road Change Order # 1 & # 2**

Mr. Bill Adams reported that the earth work and grading is proceeding quickly. Construction of the ditches is progressing. Complaints have been few. Many of the culverts and cross drains are damaged or broken and must be replaced.

Change Order # 1      Increased the project cost by \$9,536. These were under the road and beside the road on the western half of the creek. Commissioners were polled by phone to approve the change order so that work could continue. It is before the Board for ratification.

Change Order # 2      Relates to the eastern half of the creek. Additional (5) cross drains which go under the asphalt. 10 Headwalls on each end of the cross drains. 3 additional side drains - concrete driveway culverts were broken in the middle. Roadway width is being reduced from 22 ft. to 20 ft. The net Change order amounts to \$3,526. This will bring the total contract to date to \$413,062.00. (The original contract was \$400,000.)

**UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO RATIFY CHANGE ORDER #1 TO THE RICH BAY ROAD PROJECT IN THE AMOUNT OF \$9,536.00.**

**UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE CHANGE ORDER # 2 TO THE RICH BAY ROAD PROJECT IN THE AMOUNT OF \$3,526.00.**

**Bridge Replacement on CR 268 and CR 270 - EDA Grant**

Mr. Adams recalled that at the last meeting, he described to the Board that the above projects were overbudget by \$59,847.00 and

that over budgeted amount had to be awarded. He then stated that it is necessary for the Clerk to prepare a statement saying that there are matching funds in the amount of the original \$125,000 plus the \$59,847.00 over budget amount. Mr. Adams assured the Board that after the contract is awarded, he can negotiate a change order which will bring the total amount back within the budget. He asked the Board to give authority for the Clerk to prepare a letter stating that the County does have the \$184,847 in matching funds available for the project.

**UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO ALLOW THE CLERK TO WRITE A LETTER TO THE US EDA STATING THAT THE COUNTY HAS THE \$184,847 IN MATCHING FUNDS.**

Mr. Adams estimated that construction could begin in four weeks.

#### **PUBLIC WORKS**

##### **Request to Purchase 15 Pieces of Equipment**

Mr. Jed Lugod presented the bids received for 15 of the 18 pieces of heavy equipment which were received on April 24, 1996. The bids were analyzed and the recommendations of the bid awards are shown in the attached exhibit. Mr. Lugod requested the authority to purchase the 15 pieces of equipment.

Mr. Lugod demonstrated the revenue projections/distributions through the year 2001 both with and without the gas tax revenues anticipated from Flying J Truck stop. He stated that there is sufficient money in the budget to meet the obligations of payments on a buy back option if the equipment is financed. The annual payments on the 15 pieces of equipment amount to \$383,804.00.

Commissioner Peacock questioned how there could be money in the budget to purchase equipment if there was no money in the budget with which to purchase limerock as was requested by him.

Mr. Lugod explained that the budget he was referring to with the equipment buy back option is for next year and subsequent years. All of the money for the current year has been obligated and cannot be spent for limerock. However, he stated that he is hopeful that he can purchase some limerock for the hillsides but

he cannot be certain at this time.

Commissioner Peacock stated that he was not prepared to support the purchase of all 15 pieces of equipment, but he was prepared to support the purchase of 7 pieces.

Commissioner McGill questioned Mr. Lugod concerning the demonstration of the Jetter for culvert and pipe cleaning.

Mr. Lugod stated that only the Jetter was demonstrated. If the County should purchase the equipment, it would actually be two operations, one for the ditch pulling which would come before the jetter and the jetter would follow and clean the pipes. The operation would not behave in the fashion that was demonstrated. He went on to explain that when the pipe cleaning is done it will be done in a sequence different than was visible with the demonstration of the jetter alone.

Commissioner Peacock stated that he had attended the demonstration and was not impressed with the jetter. He indicated that he believed the jetter would work in those pipes which were installed correctly. But so many of the culverts throughout the county have not been installed properly and he does not believe this piece of equipment will be beneficial to Gadsden County.

**COMMISSIONER PEACOCK MADE A MOTION TO PURCHASE THE FOLLOWING:**

**CAT D5H CRAWLER TRACTOR  
CAT 924F 2 YARD LOADER  
CAT 950F 3 3/4 YARD LOADER  
JOHN DEER 410 BACK HOE LOADER  
CAT 322L EXCAVATOR  
GRADER - CAT 12H WITH SLOPPER  
GRADER - CAT 12 H**

**COMMISSIONER MCGILL SECONDED THE MOTION.**

Commissioner Peacock stated that his reasons for selecting only those 7 pieces is that he does not believe that the County should obligate itself for that amount of money for equipment when it can't afford to buy material to fix roads. He stated that he based his decision on what he believes the County needs and the existing pieces like them are worn out.

Controversy ensued over the effectiveness of the Road

Department over the last eight years.

Chairman Fletcher called for order.

Commissioner Watson focused his attention on the recent progress made by the road department and attempted to rationalize that the equipment purchase would allow for even greater production.

Commissioner Dixon remarked that the progress actually began 3 years ago with Road and Bridge Department. He stated that while he didn't mind disagreement, the focus should be on the future. He went on to say that he supported Mr. Lugod's proposal because it clearly demonstrates a vision for the future and it is within the financial ability of the County.

Commissioner McGill recalled that 2 years ago, this Commission was presented with a similar buy-back plan which was voted down. If the money was available then and it was rejected, then why is it right to do it now? He then questioned who was really running the road department.

**QUESTION WAS CALLED BY COMMISSIONER PEACOCK.**

**COMMISSIONER DIXON ASKED THAT THE QUESTION NOT BE CALLED DURING DISCUSSION.**

Commissioner Watson stated that the reason he did not approve of the buy purchase plan before was because of the emergency storm damages facing the County and there were so many unknown factors.

Commissioner Dixon stated if the County was going to move forward, the Board must put personal feelings aside and deal with the issues which can move the County forward. He recommended approval of Mr. Lugod's proposal.

**QUESTION WAS CALLED BY COMMISSIONER PEACOCK.**

The chairman called for a vote.

**THE BOARD VOTED 3 - 2 IN FAVOR OF THE MOTION TO PURCHASE THE 7 PIECES OF EQUIPMENT AS OUTLINED IN THE ABOVE STATED MOTION. COMMISSIONERS PEACOCK, MCGILL AND FLETCHER VOTED "AYE", COMMISSIONERS DIXON AND WATSON VOTED NO.**



Commissioner Dixon asked that someone prepare an analysis of the proposal in writing which includes the financing arrangements and make it available to him.

**BID AWARDS - ARTHUR LAWSON**

**Lanier Road Fire Station Bid No. 96-15**

Mr. Arthur Lawson recommended award of the above bid to the sole bidder, Metal Products, Inc. of Thomasville, Ga.

UPON MOTION OF COMMISSIONER WATSON AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0, BY VOICE VOTE TO AWARD THE BID FOR THE LANIER ROAD FIRE STATION TO METAL PRODUCTS, INC. OF THOMASVILLE, GA. IN THE AMOUNT OF \$28,682.00.

Mr. Oliver Sellars stated that the location of the fire station has not been identified because of problems in securing the land upon which to place it.

**Wood Chipper, Disc Type, Trailer Mounted - Bid # 96-11**

The bids were analyzed by the public works staff. They recommended the low bid of Southeastern Equipment Co. Alternate Bid for \$18,824 for the brush Bandit Model 250XP. The model will provide a large infeed chute which will facilitate more material being accepted into the chute will require less saw time to prepare the material for insertion into the chipper.

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO AWARD THE BID TO SOUTHEASTERN EQUIPMENT FOR \$18,824 - THEIR ALTERNATE BID.  
**Petroleum Products - Bid 96-14**

UPON MOTION BY COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO AWARD THE BID FOR PETROLEUM PRODUCTS TO BP OIL COMPANY OF ATLANTA.

**Hospital Roof Replacement Bid 96-13**

Two bids were received. WENCO - \$288,983.50 and Garrison Construction for \$256,034.00. The building official reviewed the

bids and recommended that it be awarded to WENCO. The recommendation was based on the building official's investigation and statement that Garrison is licensed for re-roofing of existing metal pre-engineered buildings which would eliminate them from the current project.

Chairman Fletcher registered a possible conflict of interest with the Clerk.

**COMMISSIONER WATSON MADE A MOTION TO AWARD THE BID TO WENCO.  
COMMISSIONER DIXON SECONDED THE MOTION.**

Commissioner Dixon cautioned that the Board should not make decisions simply because we have dealt with a given company in the past and are familiar with their work. That should not be the substantial reason for awarding a bid.

Chairman Fletcher commented that he is familiar with both companies and both are competent companies.

Commissioner McGill stated that the WENCO bid is \$33,000 higher and he had difficulty in awarding a contract to a bidder that is that much higher.

Mr. Doug Barkley, engineer for Garrison, spoke as to Garrison's ability to do the job. He stated that they are qualified to re-roof the hospital. He demonstrated how the construction would be done and explained that the state does allow metal contractors to do this type of work. Mr. Barkley then advised that he would do the engineering himself.

Commissioner Dixon asked to reconsider the motion.

**THE MOTION FAILED BY A VOTE OF 1 - 4 WITH COMMISSIONER WATSON  
CASTING THE LONE AFFIRMATIVE VOTE.**

**UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER  
MCGILL, THE BOARD VOTED 5 - 0 BY VOICE VOTE TO AWARD THE  
HOSPITAL RE-ROOFING TO GARRISON CONSTRUCTION.**

#### COUNTY MANAGER

#### Acceptance of the Audit Report by Purvis, Gray and Company

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0, BY VOICE VOTE TO ACCEPT THE INDEPENDENT AUDITOR'S REPORT FOR YEAR ENDING SEPTEMBER 30, 1995 PERFORMED BY PURVIS, GRAY AND COMPANY.

#### Travel Expenditure Request

Mrs. Miller explained that Jean Hancock of the Public Library has been asked to attend the All American City and Community Award program in Fort Worth, Texas to promote the efforts by the City of Quincy to obtain the 1996 all American City and Community Award. She will represent the community-wide Literacy program.

If approved, the money needed for Mrs. Hancock's travel expenses would have to come from the general fund contingency. The cost will be approximately \$805.61 not including meals.

Mrs. Miller also stated that the City has requested a Board member to travel to Ft. Worth as a part of their delegation as well.

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE TRAVEL REQUEST AND TO TAKE THE FUNDS FROM CONTINGENCY.

#### Small County Landfill Closure Reimbursement Distribution

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO TABLE ACTION OF THE SMALL COUNTY LANDFILL CLOSURE REIMBURSEMENT DISTRIBUTION.

#### Interagency Agreement with Department of Corrections

Mrs. Miller presented an agreement with Department of Corrections which will allow for use of prison inmates and for them to be supervised by public works employees. She recommended approval of the agreement subject to the addition of a cancellation clause allowing termination of the agreement by either party with a 30 day notice.

UPON MOTION BY COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE INTERAGENCY AGREEMENT BETWEEN THE COUNTY AND DOC SUBJECT TO

THE ADDITION OF A CANCELLATION CLAUSE.

Lease on Farmer's Market for Recycling Program

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE LEASE AGREEMENT EXTENSION AT THE STATE FARMERS MARKET FOR THE RECYCLING PROGRAM FROM JUNE 30, 1996 THROUGH JUNE 30, 1997 FOR \$11,287.48.

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) SHIP THREE YEAR PLAN
- 2) FY 96-97 BZF17 Sheriff Service of Process Agreement
- 3) Small Quantity Generator Assessment, Notification and Verification Program - DEP Contract No. HW325 Agreement for funding
- 4) 95DB-65-02-30-01-H22 CDBG Rehabilitation Contracts - Request for approval of contract for rehabilitation construction under the CDBG Program and Request for approval of change order for rehabilitation construction under the CDBG Program
- 5) DCA Monitoring Concern Resolution (ADA compliance deficiencies)
- 6) National Public Works Week Proclamation
- 7) Affordable Housing Partnership Minutes - For the Record. 08/29/95; 09/26/95; 10/24/95; 11/28/95, 01/23/96; 02/27/96; 02/27/96; 03/26/96

CLERK OF THE COURT

Budget Amendments

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE BUDGET AMENDMENTS 96-05-07-01 THROUGH 95-05-07-08.

**Ratification of Payment of County Bills**

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

**DISTRICT 1 REPORT**

**Capital Area Community Action Agency Resolution**

Commissioner McGill stated that he was informed that the Grants department was having difficulty getting funds to complete the CDBG project in the Shiloh area. The Capital Area Community Action Agency proposes to raise the money in the private sector to renovate 4 homes in the Shiloh Community. In order for them to do that, the Board must approve the attached resolution which states that the project complies with the local plans and regulations.

Commissioner McGill registered a conflict of interest and did not vote on the resolution.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE RESOLUTION STATING THAT THE PROJECT PROPOSED BY THE CAPITAL AREA COMMUNITY ACTION AGENCY, INC. COMPLIES WITH ALL LOCAL PLANS AND REGULATIONS AS EXPRESSED BY THE BOARD OF COUNTY COMMISSIONERS OF GADSDEN COUNTY.

**Resolution Recognizing Robert Barkley as the Small Business of the Year by Florida A & M University Small Business Development Center**

Commissioner McGill asked Mr. Robert Barkley to come forward and be recognized for the accomplishment he has made as a small businessman. He was congratulated for his endeavors and honored for his accomplishments with a resolution.

UPON MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO ADOPT THE RESOLUTION RECOGNIZING AND HONORING MR. ROBERT BARKLEY AS BEING THE RECIPIENT OF THE SMALL BUSINESS OF THE YEAR AWARD FOR 1996 BY FLORIDA A & M UNIVERSITY.

#### **DISTRICT 2 REPORT**

There was no report.

#### **DISTRICT 3 REPORT**

There was no report.

#### **DISTRICT 4 REPORT**

Chairman Fletcher told the Board that he observed a prison chain gang working along the roadside near Panama City. He stated that he would like to see the same thing happen in Gadsden County.

#### **DISTRICT 5 REPORT**

Commissioner Dixon asked Mrs. Miller to advise him of the hospital negotiations which have transpired.

Mrs. Miller indicated that no proposal was ready to be presented to the Board stating that negotiations are still ongoing with the number one ranked prospect.

Commissioner Dixon stated that he had been told that final negotiations were going on and had read in the newspaper of meeting which was to take place of which he was never informed. He asked to be notified by letter of such matters and to be kept informed.

Commissioner Dixon then stated that he had been contacted by his constituents at the Wetumpka Fire Station and told of some agreement between the County and the City of Quincy which he knew nothing about. The same night the City approved an agreement with the County which he had never seen and was unaware that such an agreement was being negotiated.

Mrs. Miller stated that the City requested a meeting with her to discuss services. She continued by saying that she and Oliver

Sellars were working with each of the municipalities to come up with a recommendation to the Board.

Commissioner Dixon recalled that the Board should authorize any contract negotiations prior to them taking place.

Mrs. Miller explained that only preliminary negotiations had transpired and final negotiations would be left up to the Board.

Commissioner Dixon demanded to know upon whose authority did the staff begin the negotiations reiterating that the Board had not approved such actions.

Mrs. Miller took the position that it was in her capacity as the Budget Director to take such an initiative. She asked Commissioner Dixon how else he would prefer that she proceed with coming up with recommendations in the future.

Commissioner Dixon reminded her with any contract that comes to the Board, she is authorized by the Board to go into negotiations. He asked her to bring these matters to the Board before proceeding on her own.

Ms. Miller apologized and asked the Board if they wanted her to negotiate with the municipalities regarding the matter of fire service agreements.

Commissioner Peacock and Commissioner Watson defended Mrs. Miller's actions as being appropriate to budget preparations for the upcoming year. She has the authority as the Budget Director to do what she did.

Commissioner McGill suggested that the matter could be clarified by adding a statement to the budget authority to read that prior to negotiations or considerations, authority must be given by the Board. That would eliminate any guess work or arbitrary decisions.

Commissioner Dixon then stated that he has observed some irregularities in the fire budget that does not please him. He wants to be involved in the details of the budget preparations. He reminded the commissioners that it remains a five member board and he will protect his vote and would appreciate being kept informed by the staff.

**ADJOURNMENT**

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

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E.H. (Hentz) Fletcher, Chairman

ATTEST:

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Nicholas Thomas, Clerk



AT A REGULAR MEETING OF THE BOARD OF  
COUNTY COMMISSIONERS, HELD IN AND FOR  
GADSDEN COUNTY, FLORIDA ON MAY 21,  
1996, THE FOLLOWING PROCEEDINGS WERE  
HAD, VIZ

PRESENT: E. H. (HENTZ) FLETCHER, CHAIRMAN  
BILL MCGILL, VICE CHAIRMAN  
STERLING WATSON  
JAMES PEACOCK  
EDWARD J. DIXON  
NICHOLAS THOMAS, CLERK  
AL 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 followed by Commissioner Dixon who led in a prayer.

ADOPTION OF THE AGENDA

The following amendments were made to the agenda:

Move:Economic Development Update by Rick McCaskill to Item No. 5 -  
following the County Attorney's agenda.

Add:County Manager's Agenda - Procurement Policy Addition as  
recommended by the Chairman and the County Manager

Add:District 1 Report - Reconsideration of Award of Bids for Road and  
Bridge Equipment (May 7, 1996)

Add:Clerk's Agenda - Hospital Debt Service Memorandum for the record

Add:County Attorney's Agenda - Bid Protest by WENCO for bid award  
hospital re-roofing

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

APPROVAL OF MINUTES

April 15, 1996 Special Meeting

May 7, 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  
APRIL 15, 1996 SPECIAL MEETING AND MAY 7, 1996 REGULAR MEETING.

**COUNTY ATTORNEY**

**Healthmark/Renewal of Lease**

Mr. Hal Richmond told the Board that the vendors interested in operating Gadsden Memorial Hospital had not responded properly to the advertised request for proposals (RFP). He went on to say that there were two matters for their consideration relevant to a determination.

- 1) Healthmark has indicated in writing its desire to renew and exercise its option to renew the lease for an additional four years.

**Mr. Richmond asked the Board to set a special meeting to receive input from Healthmark regarding the renewal.**

- 2) The RFP was not advertised as a straight lease arrangement.

**Mr. Richmond asked for authority to issue another RFP on an emergency basis and seek interest from those vendors who would be interested in a straight lease basis.**

At such time as all proposals have been received, the Board can then review its options for the continued operation of the hospital.

**COMMISSIONER WATSON MADE A MOTION WHICH WAS SECONDED BY COMMISSIONER DIXON TO AUTHORIZE THE COUNTY ATTORNEY TO PROCEED WITH ISSUANCE OF AN RFP FOR A STRAIGHT LEASE ARRANGEMENT OF THE HOSPITAL.**

**DISCUSSION FOLLOWED.**

Commissioner McGill asked Mr. Richmond to explain the reason for a second RFP.

Mr. Richmond stated that some entities had expressed interest in a straight lease of the hospital. In order to exercise and make a full and fair evaluation of the Healthmark exercise of their option to renew, all options should be before the Board. For that reason, the second RFP would allow the Board full information. Some entities were not aware of the RFP procedure which was previously advertised. They have since made their interest known. In order to properly make a determination regarding the hospital's future operation, all possible information should be made available to all commissioners. The time frame would require that the special meeting with Healthmark be held on or before May 31, 1996.

Commissioner Peacock asked why there would be interested parties who did not know in light of the fact that it was advertised.

Chairman Fletcher explained that the RFP was not advertised as a lease operation.

Commissioner Peacock thought that the advertisement read a lease or management arrangement.

Mrs. Miller stated that the advertisement read "agreement" without specifics.

Commissioner McGill asked if we could expect responses from other vendors than those who responded to the first RFP.

Commissioner Watson stated that when management was discussed, he did not realize that the hospital employees would revert back to being county employees, whereas with a straight lease, they would remain separate from the County. That was misunderstanding on his part and he would not be in favor of a management whereby the employees would become a county liability again.

Mr. Richmond requested that the Board proceed with the RFP, set a special meeting with Healthmark to fully evaluate the situation with them prior to May 31. The RFPs may not be returned by May 31 but he would hope to have more information prior to the meeting with Healthmark.

Commissioner Dixon stated that he had hoped to have this business finished long before now. He reiterated that he can not deal with Healthmark under the current contract. It provides the Board no control, it contains too many ambiguous points and a lot of discussion must transpire before he would approve new contract with them. He asked to have the special meeting as soon as possible.

Commissioner Peacock supported a re-negotiation of Healthmark's contract.

Commissioner McGill reported that he had visited the hospital and talked with a number of people there. Among other things, he discussed with them their plans for an extended care facility for some patients. He stated that he was satisfied with the plan to implement such an arrangement. He reported also that he was satisfied with the status of the medication bills payments and the lease payments. He acknowledged the progress that Healthmark had made in correcting the problems which caused such concern to the Board in the past. He reminded that Board that it is common for new businesses to experience

financial problems early on. He cautioned that the Board should proceed with the RFP with great care.

Commissioner Dixon concurred that the RFP process should be made known to everyone up front and all necessary precautions taken to protect those involved. He favored a meeting with Healthmark even though he perceived then to be the unagreeable party.

**QUESTION WAS CALLED BY COMMISSIONER DIXON.**

**THE BOARD VOTED 3 - 2 IN FAVOR OF THE MOTION. COMMISSIONERS DIXON, WATSON AND FLETCHER VOTED "AYE" AND COMMISSIONERS MCGILL AND PEACOCK VOTED "NO".**

**SPECIAL MEETING WITH HEALTHMARK - MAY 28, 1996 - 12:00 NOON**

**UPON MOTION BY COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE TO HOLD A SPECIAL MEETING WITH HEALTHMARK ON MAY 28, 1996 AT 12:00 NOON.**

**REAL PROPERTY PURCHASING PROCEDURES ORDINANCE**

(Proposed Ordinance attached)

Mr. Richmond explained there was an amendment to Florida Statutes which requires an the County to have an ordinance setting out procedures for a County to follow when purchasing property. He called attention to the proposed ordinance in the agenda packages and called for comments.

Commissioner McGill stated that he had no problem with it but questioned the need for it. He asked how the County had purchased property in the past in absence of such an ordinance.

Mr. Richmond assured the Board that the FL Statutes had been followed when purchasing property in the past. He then read the title of the ordinance into the record.

Chairman Fletcher called for public comments. There were none.

**A MOTION WAS MADE BY COMMISSIONER MCGILL TO ADOPT THE ORDINANCE AS PRESENTED ON AN EMERGENCY BASIS.**

Questions and answers followed regarding the need for the ordinance to be passed on emergency basis. It was determined that the

adoption could follow the advertisement process and come back to the Board for adoption on June 4, 1996.

**THE MOTION DIED FOR LACK OF A SECOND.**

**UPON MOTION BY COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO AUTHORIZE THE COUNTY ATTORNEY TO PUBLISH A NOTICE OF INTENT TO ADOPT AN ORDINANCE PROVIDING FOR PROCEDURES BY WHICH THE COUNTY MAY PURCHASE REAL PROPERTY AT THE JUNE 18, 1996 REGULAR MEETING.**

**First Response/Havana Ford Invoice**

Mr. Richmond called attention to a memo to Arthur Lawson from Tommy Baker regarding an invoice from Havana Ford. The invoice amounted to \$640.64 for repairs made to an ambulance as a result of a technical service bulletin. First Response, Inc. issued a purchase order/repair authorization # K2102 for rear suspension repair to the ambulance.

Mr. Richmond then informed the Board of a similar invoice for \$1,300 which had been brought to his attention by the Sheriff's department for back-flushing. It was his recommendation that the matters in question would not be worth pursuing legally.

He asked for directions from the Board.

It was the consensus of the Board not to have the attorney file a law suit for the invoice but to instruct the EMS Director to file a small claims suit against First Response for \$640.64 and likewise with the Sheriff's department invoice.

**Bid Protest by WENCO on Hospital Roof**

Mr. Richmond told the Board that a formal protest of the bid procedure had been filed by WENCO on the hospital roof award. The amount of the controversy amounts to more than \$10,000, therefore must have Board action to determine if the process had complied with all the rules and regulations. He explained the following options to them:

- 1) Set another time to consider whether the bid should stand.
- 2) Deal with the protest at the present time.
- 3) Issue a new bid.
- 4) Do nothing for 30 days, then WENCO can file a lawsuit against the County.

Mr. Lawson explained that WENCO has maintained that Garrison Design and Contractors is not a qualified roofing contractor and based on the advertised bid specifications should not have been awarded the contract.

Mr. Lawson reported that he had been in touch with an investigator from the department of business and professional regulations and they have indicated that Garrison is not a general contractor but a certified building contractor which does not qualify them to do the roof. The investigators have also stated that the hospital should have a qualified roofing contractor to do that particular job.

Mr. Richmond asked if Garrison had obtained a certified roofing contractor.

Mr. Lawson responded that County Manager Betty Miller had received a letter from Garrison stating that they had obtained a roofing contractor to pull the permit and to perform the work as a subcontractor.

**A MOTION WAS MADE BY COMMISSIONER DIXON AND SECONDED BY COMMISSIONER PEACOCK TO DENY WENCO'S FORMAL PROTEST AND PROCEED WITH THE AWARD OF THE CONTRACT TO GARRISON DESIGN AND CONSTRUCTION.**

**DISCUSSION FOLLOWED.**

Mr. Ellis from WENCO spoke in protest of the bid award.

**QUESTION WAS CALLED BY COMMISSIONER DIXON.**

**THE BOARD VOTED 4 -1 IN FAVOR OF THE MOTION. COMMISSIONER WATSON CAST THE LONE DISSENTING VOTE.**

**ECONOMIC DEVELOPMENT**

Mr. Rick McCaskill briefed that Board on the economic development activities through out the County. (see attached report). He emphasized the following:

- 1) Flying J Truck Stop is ahead of schedule. They have been very complimentary of the County's building department staff.
- 2) The road going into Fortune Centre Blvd. is ahead of schedule. Talquin has put in water the full length of the road, water is in the line and the fire hydrants are being used.

- 3)Excel Millwork and Molding project is under way and should begin construction within a few days.
- 4)Almost every real estate firm in the area is working with a prospective business for the 10/90 park.
- 5)Workforce Development Group - working with federal Block Grants. Further details will be coming before the Board at a later meeting. The group now consists of 8 private industry representatives for Leon County and 5 for Gadsden County and 4 for Wakulla County. The private industry recommendations will be coming from business membership organizations the other positions will be outlined in legislation.

#### **PLANNING AND ZONING ISSUES**

Mr. Mike Sherman opened the second public hearing dealing with the proposed land development code. He reported the following to the Board as a result of their questions at the last public hearing:

- 1)As a rule of thumb, a site plan for commercial and/or industrial development could cost between 5% and 7% of the actual construction cost. Engineered site plans are required by law for all developments where utility work is to be performed, impervious surface areas are created and where stormwater management systems need to be constructed.
- 2)The costs of a survey is dependent upon a number of factors - size of the property, how much background information will be needed to do the survey as well as features which may need to be included in the survey.

The changes which were recommended by the Board at the last public hearing are reflected the attachment. The new language is underlined and the old language is struck through.

Mr. Sherman then called attention to the definitions added to the subdivision definitions. They include "exempt subdivisions" and "minor subdivisions."

Minor subdivisions are 3 - 5 parcels where there is no infrastructure involved. (No formal platting required but P & Z staff review required.)

Exempt subdivision - 5 divisions for immediate family members.

Commissioner Dixon asked that (where possible) some provision be added to promote better looking neighborhoods without penalizing the owners.

Discussion among the Board followed regarding heir property with or without subdivision type restrictions. No action was taken.

Mr. Sherman addressed the tree protection elements of the land development codes explaining that much of the general qualitative language remains in tact but the changes requested by the Board at the last meeting have been made in the attached copy of the proposed code.

Chairman Fletcher called for comments from the audience. They were as follows:

Byron Rudd Stated concerns regarding surveys and regulations of heir property (placement of homes on property and access to home sites, etc.) He recommended that as heir property is divided, that it be examined carefully for accurate surveys, legal descriptions of the properties resulting from the division of a parcel and insure that proper access has been provided for all the lots of the divided parcel.

Dr. John Cooksey Addressed concerns about heir property densities and building permits. Commercial developer should be placed under stringent regulations. He urged the Board to consider the property owners and their rights when considering the land develop code.

Dan Cox: Page 55; Section 5002 (compatibility) He asked that the language be clarified.

He questioned Mr. Sherman regarding:

Page 62; section 5102 section A; subsection 2(b).

Page 93; subsection 54 (1) B(16). - mining uses.

Page 188; subsection 7103 (1) - Level two application feature. - It is the intention of the Board to deny any incomplete application. He asked that the Board consider adding to that clause "inconsistent



information" as another reason to deny an application.

Page 203; Subsection 7403 references Subsection 4109 to which he could not determine any relationship. Additionally it referenced Subsection 4005 which he could not find at all.

(Mr. Sherman stated that he would examine the code in more detail and find answers to Mr. Cox's questions.)

Tree and Native Vegetative Protective Standards: He thought providing exemptions for certain species of trees is a good idea. He asked that the Chinese Tallow tree be added to list of exempted trees. He also asked that the Board consider adopting a more species specific designation of the trees to be protected rather than a broad statement that trees greater than "36 inches in diameter". Smaller trees such as the dogwood trees need to be protected by ordinance at a much smaller diameter.

Mike Dorian:Voiced concern about the tree protection ordinance. He would like to see the diameter reduced in size to protect more trees and be more species specific.

Unidentified:He asked that the home business rule exempt the old barn restoration from the 25% restriction of the volume.

(The P & Z Staff was instructed to look at this concern to the extent that restoration would be encouraged and not restricted)

Miatie Bright commented that a barn itself would not be considered part of the home. If the business was conducted inside the dwelling in which one resides, the 25% would be reasonable. If it is a barn which will be restored with the intention of conducting business out of the barn, it becomes a communal activity. A distinction between the activity should be made.

Mr. Sherman asked for directions from the Board.

**BID AWARDS**

**Bid #96-18 Low Boy Transport Tractor**

(Note: This piece of equipment was included on the list of 18 pieces of equipment which was authorized for advertisement by the Board on March 19, 1996)

Arthur Lawson, management services director, presented the recommendation of the public works director and bid committee to purchase a 1997 Ford LT9000 as a replacement vehicle for a 1973 truck from the low bidder - Heintzelman's Truck Center, Inc. of Orlando, FL and its financing for a 5 year lease buy-back option. The 1973 truck would be traded at a value of \$1,000.

Chairman Fletcher stated he believed the Board should purchase used equipment for this purpose.

Commissioner Dixon stated that new equipment would be a better investment.

**A MOTION WAS MADE BY COMMISSIONER DIXON AND SECONDED BY COMMISSIONER WATSON TO FOLLOW THE RECOMMENDATION OF THE BID COMMITTEE AND THE PUBLIC WORKS DIRECTOR TO PURCHASE THE TRANSPORT TRACTOR FROM HEINTZELMAN'S TRUCKS FOR \$59,682.00.**

**DISCUSSION FOLLOWED.**

**QUESTION WAS CALLED BY COMMISSIONER DIXON.**

**THE BOARD VOTED 2 - 3 (COMMISSIONERS DIXON AND WATSON IN FAVOR; COMMISSIONERS MCGILL, FLETCHER AND PEACOCK OPPOSING.) THE MOTION WAS DEFEATED.**

**Bid #96-17 Two Dump Trucks**

(Note: These trucks were authorized for advertisement by the Board on March 19, 1996.)

Mr. Arthur Lawson presented the recommendation of the bid committee and the public works director to purchase two dump trucks from the low bidder, Heintzelman's Truck Center, Inc./Ford Motor Company for \$102,696.00 on a buy back option with financing package. If the trucks are approved for purchase, 2 1986 dump trucks will be

used as trade-ins and four annual installments will begin in fiscal year 96/97 in the amount of \$22,938.38.

**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTE 4 - 1, BY VOICE VOTE, TO APPROVE THE PURCHASE OF 2 DUMP TRUCKS FROM HEINTZELMAN'S TRUCKS ON A BUY BACK OPTION AND FINANCING PACKAGE FOR \$102,696.00 (FOUR INSTALLMENTS AT \$22,938.38 BEGINNING IN 96/97 FISCAL YEAR). COMMISSIONER PEACOCK CAST THE LONE DISSENTING VOTE.**

**NON AGENDA ITEM**

Commissioner McGill reported that he had contacted Leon County concerning buy back purchases and features of such options. Additionally, he reported that he had looked at the equipment at the public works department. He asked the Board to consider purchasing two additional motor graders to handle the county roads, then purchase at least two motor graders every two years.

**A MOTION WAS MADE BY COMMISSIONER MCGILL TO PURCHASE TWO ADDITIONAL MOTOR GRADERS.**

Chairman Fletcher stated there are 7 motor graders in the department presently with only 3 operators. He suggested that more emphasis be placed on securing operators and paying them whatever is required to attract the operators to the County's employment.

Commissioner Dixon asked the Board to remember to support the operator positions and associated salaries during the budget process.

**Rick Soskis** was recognized for comments in support of the additional motor graders and the operators to allow for a full pool of equipment to keep the county roads serviced.

Chairman Fletcher called for a motion before continuing with discussion of the matter.

**A MOTION WAS MADE BY COMMISSIONER DIXON AND SECONDED BY COMMISSIONER WATSON TO CONTINUE DISCUSSION.**

Mr. Richmond interjected that there was nothing to discuss until a motion was made for a re-hearing by a member on the prevailing side of Board's last action on the matter in question. No appropriate motion or second was made, therefore, nothing was before the Board for discussion.

COMMISSIONER MCGILL'S MOTION DIED FOR LACK OF A SECOND.

COUNTY MANAGER'S AGENDA

Landfill Closure Reimbursement Distribution

Mrs. Miller asked that the Board delay action on the landfill closure reimbursement distribution until she could have an opportunity to meet with Clerk Thomas, county attorney, and the City of Quincy officials.

Mr. Richmond stated that he had not adopted a posture for the County and needed more time to formulate a plan to present to the Board.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER PEACOCK,  
THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO TABLE DISCUSSION/ACTION  
ON THE LANDFILL CLOSURE REIMBURSEMENT DISTRIBUTION.

Procurement Policy Amendment

Mrs. Miller recalled that the Board had instructed her to work with Chairman Fletcher to draft an amendment to the procurement policy. The proposed amendment would allow the county manager to approve bid purchases which exceed the budget by 10% or more. However, the purchase should be placed on the consent agenda with an explanation and thus ratified by the Board.

UPON MOTION BY COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DIXON,  
THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO AMEND THE PROCUREMENT  
POLICY TO ALLOW THE COUNTY MANAGER TO APPROVE BID PURCHASES WHICH  
EXCEED THE BUDGET BY 10% OR MORE. THE PURCHASE WOULD BE PLACED  
ON THE CONSENT AGENDA WITH AN EXPLANATION AND FORMALLY RATIFIED  
BY THE BOARD.

CONSENT AGENDA

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

- 1) Big Bend Rural Health Network, Inc. Provider Agreement (attached)
- 2) Gadsden County personnel Policy Amendment (attached)
- 3) Quincy/Gadsden Airport Authority FY 94/95 Audit (attached)
- 4) Chattahoochee Library Lease Agreement - For the Record (attached)

CLERK OF CIRCUIT COURT

**Memo Dated May 16, 1996 - Hospital Debt Service Funds** (For the Record)

Clerk Thomas asked that his memo to the Board regarding the use of the money in the hospital debt service fund be made a part of the record.

Chairman Fletcher stated that the Board agreed with him on the issue.

**Budget Amendments**

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL,  
THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE BUDGET AMENDMENTS  
96-05-21-01 THROUGH 96-05-21-07.

**Ratification of Payment of County Bills**

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

**DISTRICT 1 REPORT**

There was no report.

**DISTRICT 2 REPORT**

**Barnett Bank Building**

Commissioner Watson asked that the Board authorize Chairman Fletcher to begin negotiations with Barnett Bank for their building located on North Adams Street. He reported that the building has been inspected and found to be in fairly good shape. He stated that he believed that the County could purchase a building for the amount of money it is paying in lease payments for the State Attorney and Public Defender's offices. Additionally, he stated that he believed that the Barnett Bank Building could be brought into ADA compliance more easily than some of the other county owned buildings.

A MOTION WAS MADE BY COMMISSIONER WATSON AND SECONDED BY COMMISSIONER MCGILL TO AUTHORIZE CHAIRMAN FLETCHER TO ENTER INTO NEGOTIATIONS WITH BARNETT BANK FOR THE POSSIBLE PURCHASE OF THEIR BUILDING LOCATED ON NORTH ADAMS STREET.

**DISCUSSION FOLLOWED.**

Commissioner Dixon asked that a comprehensive study/plan for the future of county office space be made prior to making a decision on the Barnett property. He recalled that the Board had authorized Bishop Engineers to proceed with such a study. He asked Mrs. Miller as to the status of that study .

Mrs. Miller responded that Bishop Engineers had estimated the cost of that study to be \$25,000. That amount was not included in the budget, therefore had not commenced at this point in time.

**QUESTION WAS CALLED BY COMMISSIONER PEACOCK.**

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

**DISTRICT 3 REPORT**

There was no report.

**DISTRICT 4 REPORT**

There was no report.

**DISTRICT 5 REPORT**

**Industrial Development Authority Appointment - Don Gibson**

**UPON MOTION OF COMMISSIONER WATSON AND SECOND BY COMMISSIONER PEACOCK,  
THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPOINT DON GIBSON TO  
THE INDUSTRIAL DEVELOPMENT AUTHORITY.**

**Budget Calendar**

Commissioner Dixon asked if any progress has been made toward the new budget.

Mrs. Miller responded that no workshops or dates have been set at this point in time. She continued by saying that the budget requests are due to her office on May 22, 1996. After that time she would be preparing the TRIM Compliance calendar and setting workshops accordingly.

**PUBLIC COMMENTS**

**Ms. Marie Marshall** was recognized for comments in support of Big Bend Rural Health Network.

**Mr. Rick Soskis** was recognized for comments as outlined below:

- 1) He requested limerock for a clay hill on his road.
- 2) He suggested that children should be allowed some say-so as to tree protection standards which are proposed by the Board.
- 3) He questioned the size of a piece of equipment which was discussed by Chairman Fletcher earlier in the meeting.

**ADJOURNMENT**

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

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**E. H. (Hentz) Fletcher, Chairman**

**ATTEST:**

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**Nicholas Thomas, Clerk**

**AT A SPECIAL MEETING OF THE BOARD OF  
COUNTY COMMISSIONERS, HELD IN AND FOR  
GADSDEN COUNTY, FLORIDA ON MAY 30,  
1996, THE FOLLOWING PROCEEDINGS WERE  
HAD, VIZ.**

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

**CALL TO ORDER**

The meeting was called to order by Chairman Fletcher. He then turned the meeting over to Hal Richmond, county attorney.

Mr. Richmond stated the special meeting had been duly noticed and was called for the purpose to consider the Gadsden Memorial Hospital lease between Healthmark and Gadsden County Board of County Commissioners.

Mr. Richmond then stated that the matter under consideration at this meeting was under Article 3 of the existing contract - the option to renew "Healthmark may elect to renew this lease for one additional four year term. Renewal shall be subject to approval by the County Board. The parties acknowledge and agree that if Healthmark is performing as required under this lease and the hospital is being operated satisfactorily, the County Board will not arbitrarily refuse to renew. At the time of renewal, the County Board reserves the right to re-negotiate the amount of rent to be paid by Healthmark under Article 4 of this lease."

Mr. Richmond continued by saying Healthmark had notified the County in writing of their desire to renew the lease. He instructed the Board that their decision must be based on information received at prior public meetings and their duty as elected officials of Gadsden County.

Commissioner Peacock stated he was willing to renegotiate with Healthmark. He added that he would like to see some changes at the hospital but thought the best chances to effect those changes would be with Healthmark. He reported that he had visited the hospital and seen improvement over the last four years and was in favor of renegotiation with Healthmark.



Commissioner Watson stated that there had been an estrangement between Healthmark and the Board since the inception of the relationship. He called attention to the following facts:

- 1) Early in the contract, the Board filed an injunction against Healthmark to prevent them from drawing down the line of credit extended to them without showing need for the money. (Healthmark in turn put the money back and blamed the move on an employee.)
- 2) Present and former employees concerns made known to the Board regarding the management of the hospital.
- 3) \$700,000+ in management fees were taken by Healthmark while suppliers and vendors remained unpaid.
- 4) Mistrust of Healthmark's management.
- 5) Insufficient tax relief to Gadsden citizens by the present lease payments by Healthmark.
- 6) Healthmark has not successfully recruited a doctor since they took over management of the hospital.
- 7) Healthmark has not followed through on the plans which they stated to the Board at the beginning of the contract.

**A MOTION WAS MADE BY COMMISSIONER WATSON TO NOT RENEW THE CONTRACT WITH HEALTHMARK.**

Chairman Fletcher turned the gavel over to Vice-chairman McGill and asked him to preside over the meeting.

**COMMISSIONER FLETCHER SECONDED THE MOTION.**

Vice-Chairman McGill then turned the gavel back to Commissioner Fletcher and he again began to preside over the meeting.

**DISCUSSION FOLLOWED.**

Commissioner McGill reported that he could recall a number of times when he was unhappy with Healthmark's management and he had even made an unsuccessful attempt to remove them from the hospital. Since that time Healthmark has made some progress in meeting the demands of the Board in their oversight of the hospital. He stated that he believed that the present contract did not properly address all the concerns of the Board. He asked that in whatever contract is entered

into in the future, a termination clause should be added. Any and all strong considerations of the Board should be in the contract. If Healthmark would agree to allow such oversight by the Board in a renegotiated contract, he could see no reason to terminate the lease. In absence of Healthmark's willingness to allow the Board close oversight for those concerns, he would not be in favor of continuing in the present arrangement.

Commissioner McGill stated his greatest concern was for the patient care and the County's liability in providing for quality patient care.

Commissioner Dixon asked to hear from Healthmark.

Doug Hall, attorney for Healthmark, stated that the only county proposal which had been discussed with him at any point was for Healthmark to quietly go away. He stated that Healthmark is unwilling to do that. He went on to say that Healthmark was willing to listen to whatever proposal the County would like to make in terms of language, ambiguities etc.

Mr. Hall reported that Healthmark has performed under the lease and has done what the lease requires of them. He cited favorable inspection reviews by outside agencies; doctors support of Healthmark's continued management and a quality nursing staff as indications which reflects the position that Healthmark has performed as required.

Hal Richmond reported to the Board that he had held one meeting with Mr. Hall, Betty Miller and Commissioner Watson. At that meeting Mr. Hall was asked if he would be willing to renegotiate part of the issues. Mr. Hall said at that meeting that he would speak to Dr. Thompson and report back but he did not believe Dr. Thompson would agree to it - the only option available to the County was to renew the lease. Subsequently, Mr. Hall never reported back to Mr. Richmond.

Mr. Hall disagreed with Mr. Richmond's recollection of the meeting.

Commissioner Dixon then asked to hear from Dr. Thompson himself.

(The following has been transcribed verbatim upon request.)

Dr. Thompson: My position, Commissioner, is exactly as the attorney has expressed it. We have always been willing. I have never been asked to sit down and negotiate with

anyone until I hear today. But, we have always been willing. We have requested on numerous occasions to meet. We have invited people to the hospital to meet with us. We have invited to explain things to everyone. And, that has been our position. That still is our position.

I personally have made phone calls. They've gone unanswered. I have invited people to corporate in Pensacola at our expense. That went unanswered except "no, we're not interested." So, yes, we're more than willing to sit down with you. We have been ready, willing and able, at any time, and through my representatives, I thought that had been relayed to you.

Dixon: No. No, I mean I

Dr. Thompson: Well, I am hearing this from you and hearing something else from your staff.

Dixon: No. I've been invited on a number of tours of the hospital to come and see what is new and come and see what is different. But, as far as talking with yourself or Mr. Hall, nothing.

Thompson: Are you stating that you have not received invitations through my representatives to come out and meet with us.

Dixon: Sure, oh sure, I have.

Thompson: I don't know what else to say except, I am available. I am here. I think this is the third meeting isn't it that I have responded to. I am readily available.

Watson: Can I ask you a question?

Thompson: Yes, sir.

Watson: Why is it you say fit to extract that money out in management fees without paying the bills. When you knew the emergency room doctors were not being paid, why, sir, did you take that money out. Explain to me why you would take a chance on the coverage of the emergency room. Explain that to me.

Thompson: We took no chance on the coverage of the emergency room.

Watson: But do you think

Thompson: That's number, wait a minute. You asked me a question didn't you. Are you going to let me answer it?

Watson: Go ahead.

Thompson: The money was taken out for purposes that management had set forth to expand the services, to acquire equipment, to do things on a more expeditious, in a more expeditious manner than we were able to do it without taking the money.

Watson: I am not following that at all.

Thompson: Well, we had certain management strategies that we needed the money to implement. We were loaned the money. We were well within the time frame to extract the money, to apply it to those services, and that is what we did. We did not violate any agreement with the County.

Watson: We are talking about two different sets of money here. I am not talking about the original line of credit. I am talking about the money that you paid Healthmark, Inc. for the management of the hospital. Just make sure we are talking the - two different pools of money here.

Thompson: O.K. We are talking about two different things. I answered your \$330,000 something question there. As far as management fees,

Watson: Let's back up to that for a second.

Thompson: Well.

Watson: If everything was fine, why did you choose to give the money back to the County? If it was fine and you were going to use that for this purpose, why did you, sir, give the money back to the County.

Thompson: We did it just to satisfy the County. It slowed down the progress of the hospital, which the money was

designated for in the first place by the County loaning us the money. But, if that was what the County wanted to do, if you wanted us to slow down the progress, if you wanted us to change course, then we said, fine, we'll change course, we'll slow it down.

Watson: But, you did it against the agreement.

Thompson: Did it to what?

Watson: Against the agreement.

Thompson: No. We did nothing against any agreement.

Watson: That's the way the minutes reflect.

Thompson: We have violated no agreements.

Watson: That's where the minutes reflect it.

Thompson: Well, show me where, show me where the minutes reflect that we violated the agreement.

Watson: That's why you decided to give the money back. Because you were only to take the money out for the corporation expenses for the first six months.

Thompson: Those were. We were within that six months period when we took it out.

Watson: You drew it down, you drew the rest of it down.

Thompson: We were within the six month period. We violated no agreement.

Watson: And due to the suspicions of this Board, you gave it back. Let's get back to the management fees.

Thompson: No. To satisfy this Board, we gave it back. We slowed down our plans to make changes that would benefit this community, benefit the citizens of this community, benefit the employees, to satisfy the Board. We violated no agreement. We did it to satisfy the Board. And if you will look at your dates, you will see that I am correct.

Watson: Well, lets get back to the management fees. Mr. Hufstedler, Doug, no one has explained to me that

scenario. Why and why it stopped when this Board looked into that last year.

Thompson: Well, let me explain. First, I understand that you made a comment that we stopped because you put pressure on us.

Watson: Well, I

Thompson: Well, I assure you, you are wrong.

Watson: O.K.

Thompson: We stopped because under the law, we can't take management fees unless we make money. But we can take management fees if we are entitled to them under the law. We haven't made

Watson: But, is it a true representation of making the money if you are not paying your bills.

Thompson: We were paying our bills.

Watson: That's not. I mean, I mean, I mean it's silly to say that, Dr. Thompson cause, because

Thompson: Well, we haven't been sued by anybody, we paid our bills. Now, the government got behind in paying us disproportionate share. There were some problems, but associated with reimbursement. It slowed our payment to other people, which is usual and customary in every other hospital.

Watson: But, is it normal for your companies, Do you consider it, everything is o.k. unless you are being sued to pay your bills. It doesn't bother you to be a year behind and not be willing to negotiate with someone.

Thompson: We have never been a year behind with anybody

Fletcher: But Coastal?

Watson: But Coastal?

Thompson: No, we haven't been a year behind with Coastal to my knowledge. Maybe we have but we negotiated an

agreement with Coastal. Coastal is not even an issue.

Watson:

I know it's not. They thanked this Board today, and I talked to them last week, that they couldn't even get you to the table until this started. Now, you check your notes.

Hall:

I can check my notes and I can respond to that because I have done the same kind of homework, Mr. Watson, that you did before I came here today. And the fact of the matter is, the plan always was - Coastal supplied emergency room doctors under a contract with Healthmark. It was a contract that Healthmark inherited when it got here. It was a contract a prior manager had put into place when it was operating the hospital. It is not the preferable way to operate the emergency room because the doctors that were operating the ER were sending patients to Tallahassee rather than admitting them to Gadsden Memorial.

One of Healthmark's plans from the start was to get their own staff doctors to operate the ER and cover the ER. When it had that plan in place, it had been making payments to Coastal, it was behind, I don't know that it was a year behind. But, it was paying Coastal and Coastal was accepting the payments and the relationship was rocking along just fine. Now, when Healthmark gave Coastal notice that it was terminating the contract in accordance with the provisions of the contract, so that it could put its own ER doctors in place in the emergency that would admit patients into Gadsden Memorial and get the census up there rather than sending them to Tallahassee Memorial. It gave notice to Coastal that it was terminating that agreement and at that point.

Watson:

Let's make it clear now. Coastal, Coastal let Healthmark know that they were not going to be covering as of a certain date. Coastal initiated the break-up.

Hall: Well, if we want to sit Coastal down for a deposition and do that. My notes reflect that Healthmark gave notice of termination to Coastal before Coastal ever gave notice to Healthmark. And Coastal requested that the termination date be excel. And that was the first time that Coastal said "oh, by the way, we want all past due accounts paid right now." And we negotiated a deal with Coastal, we have signed a promissory note and that is a done deal. If the County considers that to be a breach of this lease, then the County should follow the provisions of the contract and tell us that they consider that to be a breach of the lease and let us address it that way rather than bring it us a year and one half after it happened and has been resolved.

Watson: It is a matter of trust which is the crux of my problem. If I've got to renegotiate, If I've got to negotiate with someone, why would I do it with a company that has caused this Board not to trust them. Many on this Board at one time did not. O.K. Previous to my seating on this Board. There have been some who have already voted to remove Healthmark yet their minds have changed over a period of time. So, there is a matter of trust and as far as me going out to the hospital and sitting down and talking with Healthmark, you're married, I guess. Would a one hour meeting with your wife restore your faith in her if she were unfaithful? I don't think so. Once that trust is broken, o.k., and still, it is not me that is owed the explanation, it is the people of the County, because that's who

Hall: My feeling is that the people of the County support Healthmark.

Watson: I don't see that at all. I see the people who are directly involved with the hospital do. Many of them who are here today who, some may think do, do not. Because I have heard from them over the last couple of weeks. So, I think that this Board has an opportunity, gentlemen, to negotiate with another company. Why would we want to do it with one that has given us cause to want to tighten up contracts, want to put in this stipulation or that stipulation. If you've got to deal with someone like that, why do it?



McGill:

Gentlemen, I have dealt with a lot of contracts in my business. And over the years, I have learned to stipulate every item of consideration that I am concerned about in that contract. If opposing parties do not agree with those stipulations, I don't sign that contract.

If Healthmark is not willing, If this Board has some real issues and this Board puts those conditions up to Healthmark, and Healthmark is not willing to accept those conditions, then I think we should break that contract. If, for example, there is no termination clause in the contract, and Healthmark would not sign that contract because we wanted to force a termination clause, then I think we could break it. If you are concerned about the satisfaction of the financial statements, we could put that in, or if we are concerned about paying of bills, we could say, "o.k. we want all bills paid within 30 days if it is within your capability to pay that." We could put all those in the contract. Then we can violate that contract if Healthmark does not perform. That's what contracts are for - to spell out in a very detailed way all the considerations that both parties have concerns about. If either party disagrees, then don't sign the contract.

I think most of us, if we bought a house or automobile or anything on time, we signed an agreement saying that we would do certain things. And you are late, you get a dun in the mail saying, the payment is overdue and you pay a late fee on top of the payment because you violated the schedule of payment. I think if we put all those in perspective, and look at, I am not really sure that whoever succeeds Healthmark is going to jump onto the ground running. With everything exactly the way it ought to be.

I am also concerned that if a replacement manager comes in, some of the staff out there now, may be displaced, may go. I am concerned that those persons have mortgage payments or rent payments. They've got utility bills, they've got food bills. Some of them have kids. What happens to them?

I know we are not responsible necessarily as an employer of the staff at the hospital, but I think we ought to be sensitive to the needs of the people at

the hospital. And those needs might go unmet if a new administrator comes in.

Also, I don't really, again guarantee, that a replacement is going to be within 90 days to 120 days as expected as we might read on paper. We might sign a contract today and six months later we might find that group might not be performing. That group might not be doing all the things this commission wants. I would like to underscore that I am not in love with any management of anything that is not doing what I want it to do. Whether it is Healthmark, HCA, TMH, no matter who it is. Ah, I fired a staff person not long ago because that person was not performing. If we had put a substantive agreement to Healthmark and Healthmark does not perform, I will vote to fire Healthmark. But, I think they have done the job we expressed for them to do. If we failed to put all the stuff in the contract, then I think we ought to admit that - that we did not do all our homework and go on from there.

Watson: Mr. Attorney, do both proposers know that they could possibly have to step in tomorrow?

Richmond: They have been made aware of that.

Watson: So, the operation of the hospital.

Richmond: That is not the issue before the Board. The sole issue here is whether to renew this lease under the terms and conditions of Section 3.

Watson: Now, ah, a legal point, the only part to renegotiate of that lease is strictly the lease payments, is that correct?

Richmond: That is correct.

Watson: So, that is the only thing, when you hear that, as far as this contract goes, the only point of negotiation with them, all these controls and stipulations that you're talking about are not a point of negotiation with this lease.

Richmond: Not unless they agree to it.

Peacock: Mr. Chairman, I think

Hall: May I say something very briefly, I'm sorry.

Peacock: I think in listening to Healthmark, they have agreed to negotiate other points other than is stated in the contract. Again, I think we owe it to them to do that. Like I said in the beginning, there is several things that I would like to see negotiated. One of them being OB service out at the hospital. I would like to see that negotiated. Ah, Ah, as we know healthcare is rising daily and we are getting, this County is going to be strapped over the next four years with higher healthcare bills, we, ah, although we have a a wonderful ambulance service in our County, that's going to be strapped over the next 4 - 5 years. Ah, one of the other things I would like to see is patient transfers, if something could be worked out on that, patients being transferred from Gadsden Memorial to TMH. There is just a lot of things we could talk about if we would go into negotiations that I feel like that Healthmark would probably, we might not, we might not get all of them, we might, but we could come to a happy medium on this. And, I feel like with somebody that has made the progress that Healthmark has made the past two years, I feel that there can be more progress made over the next four years by staying with Healthmark and negotiating, or at least negotiating with them to the point to where they say, "no, we're going to do any of that, we're going to stick strictly to this contract". If they said that, I, you know, I may be, I may be willing to go with another entity to manage the hospital. But, ah, I think we need to renegotiate the contract and see what they are willing to do. Thank you, Mr. Chairman. That is the end of my speech.

Fletcher: Yes, sir.

McGill: I just have one further statement. I have the ultimate confidence in our county attorney ah, to negotiate effectively and cover all the legal bits that need to be covered. I have no quarrel that Mr. Hal Richmond can do that. But, I think we can still have what we want. And go forth from there. If he comes back and says, "that didn't ride ah fly" then we can make our decision then.

Hall: Mr. Chairman, may I make one very brief comment?  
I will keep it under a minute.

Fletcher: Yes, sir.

Hall: I just want Healthmark's position to be absolutely clear here today. Ah, we are convinced that Healthmark has the legal right to renew the contract under the terms of the existing contract with the only point of negotiation under the existing agreement being the amount of rent. Now, because of the issues the County has raised and because in particular Commissioner Dixon's suggestion that there are other things that can be addressed, we are willing to sit down and discuss any reasonable proposal. But, I don't want that, I don't want the position under the existing contract to be murky at all. That is our position, that we do have a legal right to renew, but we will consider any reasonable proposal and we will sit down and discuss those items.

Ah, Commissioner Watson made the statement that he wants to be sure that other proposers on notice that they may have to come and step in to this hospital tomorrow. You need to understand the impact that that kind of statement has on the hospital and the hospital operations. If people at this hospital get the idea that they are going to be booted out of here tomorrow and have a completely new administration, it causes a lot of problems. It really and truly does.

Now, under this lease, Healthmark has six months from the end of any lease term or any renewal to surrender possession. The reason that was put in there is to allow for an orderly transition, if there is to be a transition. So, we have six months from tomorrow to surrender possession of the hospital and we want to do that in a way that will ensure that the hospital operation is not disrupted. I want that to be very clear. Thank you.

Dixon: Just one last thing. While I hesitate to tell any entity how to run the hospital, I mean, we are looking for a lessor or lessee for the simple reason that we are not able to run a hospital. Ah, the healthcare industry is changing so dramatically, so quickly, that whomever is to be the lessee of the hospital needs to have the confidence of this Board

and of the citizens of Quincy and of the physicians in the area. Unfortunately, under our past contract, the Board had limited, very limited oversight ability. That continues to be a question in my mind. I appreciate the statement from MR. Hall just a minute ago because he has said more in that statement than I have heard from Healthmark in the last six months. I appreciate that. Ah, so, in saying that he won't mind then if I vote to refuse to renew the contract. Because he understands what they need to do and what we need to do. Thank you Mr. Chairman.

Fletcher: Ya'll ready for the vote?

McGill: State the motion for the record, Mr. Chairman.

Watson: The motion was made to not renew this contract with Healthmark.

Fletcher: Mr. McGill?

McGill: No.

Fletcher: Mr. Watson?

Watson: Yes.

Fletcher: Yes.

Peacock: No.

Dixon: Yes.

Richmond: The vote was 3 - 2 to not renew the lease with Healthmark, is that correct gentlemen?

Dixon: That is correct.

Fletcher: Is there any further business to come before us.

Watson: We need to talk about the roof don't we?

Richmond: No. This is a special meeting and we can't bring it up. We can do that Tuesday night.

Fletcher: Do I hear a motion to adjourn?

Watson: So moved.

Fletcher:                      Adjourned.

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E.H. (Hentz) Fletcher, Chairman

ATTEST:

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Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE BOARD OF  
COUNTY COMMISSIONERS, HELD IN AND FOR  
GADSDEN COUNTY, FLORIDA ON JUNE 4,  
1996, THE FOLLOWING PROCEEDINGS WERE  
HAD, VIZ.

PRESENT: E. H. (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**

The meeting was called to order by Chairman Fletcher. Clerk Thomas led in pledging allegiance to the U.S. Flag and Commissioner Peacock led in prayer.

**ADOPTION OF THE AGENDA**

Mr. Richmond asked that his agenda be amended as follows:

ADD: WENCO Bid Protest Update - Hospital Roof

ADD: Hospital RFP - Lease

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.

**COUNTY ATTORNEY'S AGENDA**

**Hospital Lease - RFP Update**

Mr. Richmond reported that he had met with MGT to review the proposals which were submitted in accordance with the RFP as it was advertised. Two proposals were submitted and evaluated. Based upon the proposals submitted, MGT recommended Med Tech be awarded the bid on a straight lease basis.

Mr. Richmond stated that he has been informed by a number of sources that Healthmark could be leaving as early as the week of June 10. He emphasized that it is necessary to make certain that the hospital remains open. If Healthmark should walk out with no one in place to administer the hospital license, major problems could follow.

It was the consensus of the Board to hold a special meeting on Friday, June 7, 1996 at 2:00 p.m. to discuss and award the bid for the lease of the hospital. In the event Healthmark should leave prior to June 7, 1996, the Board agreed to convene as soon as the exit is made known.

#### **WENCO Bid Protest for Hospital Roof**

Mr. Richmond reported that WENCO had asked for a formal re-hearing on the bid award of the hospital roof which was awarded to Garrison Construction. At the re-hearing, the Board voted to proceed with the bid award to Garrison. Subsequent to that decision, county staff advised him of technical violations of the bid process. He recommended that the job be rebid.

Commissioner Dixon suggested that it be rebid as a total retrofit of the hospital.

**UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO REBID THE HOSPITAL ROOF BUT TO MAKE THE BID SPECIFICATIONS INCLUDE ALL THE NEEDED HOSPITAL REPAIRS. THE NEW RFP SHOULD BE FOR A TOTAL RETROFIT OF THE HOSPITAL.**

#### **Public Hearing for the Abandonment of Alligator Run Road**

Mr. Richmond told that the Alligator Run Road deed came to County with the road and was subject to maintenance by the County. According to the Florida Statutes, the County may accept the roads in writing or accept them through maintenance of the roads. There have been some questions about whether the entire road has been maintained. Upon inspection of the road site, it is evident that a portion of the road has been maintained in the past. He opened the public hearing for the Board's consideration and public comments.

Commissioners McGill and Dixon stated that they did not wish to make a decision on Alligator Run Road without written criteria by which they could be guided in reaching a decision.

Discussion followed.

Commissioner Dixon recalled that at an earlier meeting he had requested the staff to provide him with a list of criteria for abandoning roads. He asked Mrs. Miller if that list had been completed.

Mrs. Miller stated that she did not recall being asked to develop a list of criteria for abandoning roads.



Public comments and testimony were received from the following people:

Ed Kunkler  
Katherine Dorian  
Hinton Baker  
Mike Dorian  
Michael Door

**UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 4 - 1, BY VOICE VOTE, TO TAKE NO FURTHER ACTION TO ABANDON ALLIGATOR RUN ROAD UNTIL SUCH TIME AS CRITERIA FOR ABANDONMENT OF ROADS IS ADOPTED AND APPLIED TO ANY AND ALL DECISIONS REGARDING THE ABANDONMENT OF ROADS. COMMISSIONER WATSON CAST THE LONE DISSENTING VOTE.**

**Small County Landfill Closure Reimbursement**

Mr. Richmond reported that he had met with the City of Quincy officials in regard to the landfill closure reimbursement grant. He indicated that they expect to receive a portion of the money which was awarded to the County.

Mr. Richmond stated that he had researched the Byrd Landfill agreements and related information and he spoke to Joe Woodberry, CPA (who had done some work on the issue on another occasion and was familiar with its background.) He asked for authority to employ Mr. Woodberry and get his assistance in determining the correctness of the financial figures involved. The cost of Mr. Woodberry's services would be \$85.00 per hour.

**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO EMPLOY JOE WOODBERRY, CPA, TO ASSIST THE COUNTY ATTORNEY IN RESOLVING THE ISSUES SURROUNDING THE BYRD LANDFILL AND THE CITY OF QUINCY'S CLAIM THAT THEY ARE ENTITLED TO A PORTION OF THE SMALL COUNTY LANDFILL CLOSURE REIMBURSEMENT GRANT.**

**City of Havana - Request to Amend County Alcohol Sales Ordinance to Disallow Alcohol Sales on Sunday**

Mr. Richmond referred to a letter written to the Board from the City of Havana requesting the County to modify its current ordinance as it relates to sales of alcoholic beverages on Sunday. The City of Havana would like Sunday sales to cease. He called for directions from the Board.

It was the consensus of the Board to take no action.

**Apalachee Center for Human Services Request for County Property**

**.7 Acre Tract on LaSalle Drive (Old holding pond)**

Mr. Ron Kirkland, Executive Director for the Apalachee Center for Human Services spoke to the Board regarding a request for two parcels of property.

He explained that the ACHS bargained to deed 2 acres to Gadsden County for construction of the Senior Citizens Center and construct a new holding pond on its land to accommodate the hospital and health department stormwater. In exchange the County agreed to deed a 1.79 acre parcel to ACHS plus, once the new holding pond was constructed, the County would back-fill the old holding pond and deed the resulting property to ACHS, also.

Since those negotiations occurred the Commission members have changed and the deed for the old holding pond was never transferred to ACHS. He then asked the Board to proceed with the transfer of the deed.

Discussion followed which included some discussions regarding the Strong Road erosion problems and stormwater run-off in the area.

**UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 3 - 1 TO DEED TO APALACHEE CENTER FOR HUMAN SERVICES, INC., THE .7 ACRE LYING IN SECTION 17, TOWNSHIP 2 NORTH, RANGE 3 WEST AND BEING A PART OF TRACT "S" OF SANTA CLARA FARMS. CHAIRMAN FLETCHER DID NOT VOTE AND COMMISSIONER WATSON CAST THE LONE DISSENTING VOTE.**

**Lot - 363 E. Crawford Street, Quincy**

The lot at 363 E. Crawford Street, Quincy is .72 acre lot. It was leased to ACHS was for 50 years with a renewal option for an additional 50 years. It is located east of Tallahassee Community College. With ownership of the property, ACHS the lot would be placed on the agency's long range capital outlay plan to be further developed.

Mr. Kirkland then asked to Board to deed the lot at 363 E. Crawford St. to ACHS.

**UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 3 - 1, BY VOICE VOTE, TO DEED THE LOT AT 363 EAST CRAWFORD STREET TO ACHS. COMMISSIONER FLETCHER DID NOT VOTE AND COMMISSIONER WATSON CAST THE LONE DISSENTING VOTE.**

**RICHBAY ROAD CHANGE ORDER - # 3**

Vice-chairman McGill presided briefly at this juncture of the meeting in the absence of Chairman Fletcher.

Mr. Bill Adams reported on the progress of Rich Bay Road. He told the Board the project is 85 + % complete. It has been paved up to each end of the creek crossing in the center. The shoulders are presently being reshaped and reformed and the sod will be laid on Thursday.

He then informed the Board that there are 3 culverts in the creek bottom on Rich Bay Road. The main one (which the water flows through) and 2 high level 48" pipes culverts. He explained that two weeks ago, a cavity collapsed while mixing the road under one of the culverts. As a result, the pipes dropped down and broke. (Item # 1 in the attachment.) Crowder's estimate to replace them is \$30,600 and is based upon using pre-cast headwalls and setting them.

Mr. Bo Brown of the County public works department stated that he could do the job inhouse for \$20,000 but he would replace the two 48" pipes with 60" pipes.

The second culvert had some shifting in the pipe joints. Site inspection revealed there is some misalignment in the joints. Options include digging the culvert up and diapering the joints then live with the misalignment or replace the second run.

Item # 2 - When the culverts are taken up, 600 square feet of ditch paving which is already in place will likely have to be removed and replaced. The cost to replace it will be \$2,400. (Crowder must do this work)

Item # 3 - (on the west end of the creek) With the permission of the landowners, the road was moved over 4 feet. The ditch bank was cut back and so that a better job could be accomplished with the ditch paving and drainage to prevent erosion. This work has already been done by Crowder.

Item # 4 (on the east side of the creek - outside of the existing right of way) Landowner permission has been obtained to remove trees lay back the slopes in the area. Crowder's estimated the cost at \$8,500. However, Bo Brown told Mr. Adams that the County has the equipment and can do the job for much less.

Commissioner Watson stated that he felt that Bishop Engineers was at least partially responsible for this costly oversight and should share in the cost of the repairs stated above.

Mr. Adams agreed he should have done some things differently on the project - one of which would have been to insist on the 70 ft. right-of-way. Without some compromise however, the paving would have been delayed for at least another two years. He offered to forego any further billing which was due to him for "during construction services" if it would please the Board. (That amount would range between \$2,500 and \$3,500.)

Commissioner Dixon stated that the cost of the Rich Bay Road has gone \$75,000 over budget.

Mr. Adams stated that the original budget was \$400,000. There have been two previous change orders amounting to \$13,000. This change order could amount to \$45,000 unless the County does part of the work to lower the costs.

- Item # 1 - Bo Brown will perform this item twice. It should run \$40,000 (\$20,000 each) but it will be twice the scope that Crowder has described for \$30,600. This work would take 2 - 3 days after delivery of the materials.
- Item # 2 - Crowder will perform. This is ditch paving which is already in place which may need to be removed to accomplish this task, then redone. \$2,500.
- Item # 3 - This is work which has already been done by Crowder. They performed the work while they had machinery in the area. \$3,500.
- Item # 4 - This task will be done by Bo Brown using the same piece of equipment.

The total of this change order to Crowder is \$5,900 bringing the total of all change orders to Crowder to \$18,962.00.

**A MOTION WAS MADE BY COMMISSIONER MCGILL AND SECONDED BY COMMISSIONER WATSON TO APPROVE THE CHANGE ORDER # 3 FOR THE RICH BAY ROAD PROJECT.**

**QUESTION WAS CALLED BY COMMISSIONER MCGILL.**

**THE BOARD VOTED 5 - 0 TO APPROVE THE CHANGE ORDER # 3.**

**LAKE TALQUIN DRAWDOWN**

Mr. Jerome V. Shireman of the Division of Fisheries was present and spoke to the Board briefly to inform them that a drawdown of Lake Talquin is being considered. It will be done in an effort to improve the fisheries and their habitat. The practice is done about every 7 years. The large mouth bass and "spec" populations are going down. They have proposed a drawdown for December of 1997. Public hearings will be held prior to implementing the drawdown. Fishing restrictions are being considered but no recommendation has been made.

Commissioner Peacock asked if the Division of Fisheries would be influenced by public input. Mr. Shireman indicated that the public input will be seriously evaluated. He emphasized the advantages to allowing the water levels to fluctuate - such as improved vegetation growth.

#### **WORKFORCE DEVELOPMENT INTERLOCAL AGREEMENT**

Ms. Lorene Wilson of JTPA was present and spoke to the Board regarding the new Florida Laws affecting the operation of the JTPA program. The bill which was passed is called the Workforce Florida Bill. The bill redirects the service delivery area and the policy making body for JTPA from State Job Coordinating Council to the Jobs in Education Partnership which is under Enterprise Florida. The major effect it will have on local programs is that the Bill will abolish the private industry council on June 30. Counties will be establishing new boards which will be called Workforce Development Boards.

Ms. Wilson introduced an interlocal agreement which outlines the Workforce Development Board. She explained that if Gadsden County should approve the interlocal agreement, it would make appointments to the Workforce Board from Gadsden County. Once the Board is in place, then the Board in conjunction with the County Commissioners would be responsible for selecting the agency that would serve as the grant recipient and administrative agency for JTPA funds.

Ms. Wilson requested Board action.

**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTE 5 - 0, BY VOICE VOTE, TO APPROVE THE WORKFORCE DEVELOPMENT INTERLOCAL AGREEMENT AS PRESENTED.**

Mr. Rick McCaskill then spoke to the Board regarding appointments to the Workforce. He named the following as possible appointments explaining that only five of them will be appointed:

Janie Dupont

Bruce Thomas  
Robert Barkley  
Dr. Jesse Furlow  
Bud Branson  
Nick Bert  
Bob Wetherfod  
Will Ramsey  
Max Fletcher

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO AUTHORIZE THE CHAIRMAN TO MAKE APPOINTMENTS TO THE WORKFORCE DEVELOPMENT.

**COUNTY MANAGER'S AGENDA**

Mrs. Miller had nothing to report.

**CONSENT AGENDA**

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

- 1) FY 1996/97 Preliminary Solid Waste Recycling and Education Grant Application
- 2) FY 1996/97 Preliminary Grant Application for Solid Waste Tire Grant
- 3) FY 1996/97 Preliminary Grant Application for Small County Solid Waste Grant
- 4) FY 1996/97 Preliminary Grant Application for Litter Control and Prevention Grant
- 5) CDBG Grant Amendment Contract No. 95DB-65-02-30-01-H22
- 6) Mutual Aid Compact Modification - Emergency Management
- 7) Payment of Invoice to Purvis, Gray & Company - \$1,350.00 for analysis of bond requirements related to Gadsden Memorial Hospital.

**CLERK OF CIRCUIT COURT**

**Fuel Inventory Review**

Clerk Thomas presented a review of the County's fuel inventory for the record.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO ADOPT ALL OF THE RECOMMENDATIONS OF THE CLERK AND OTHER OVERSIGHT RECOMMENDATIONS WHICH HE MAY DEEM APPROPRIATE AS HE PROCEEDS WITH IMPLEMENTATION.

Clerk Thomas offered to meet with Mrs. Miller and Management Services staff to determine which direction to proceed. He also stated that recommendations will be forthcoming with regard to delinquent accounts, etc.

#### State Revenue Sharing Application

UPON MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO AUTHORIZE THE CHAIRMAN TO SIGN THE APPLICATION FOR STATE REVENUE SHARING FOR 96/97.

#### Fuel License Application

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO AUTHORIZE THE CHAIRMAN'S SIGNATURE ON THE FUEL LICENSE APPLICATION.

#### Budget Amendments

UPON MOTION OF COMMISSIONER WATSON AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE BUDGET AMENDMENTS 96-06-04-01 THROUGH 96-06-04-04.

#### Ratification of Payment of County Bills

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

#### DISTRICT 1 REPORT

##### Community Services Block Grant Resolution 96-021

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO ADOPT THE RESOLUTION STATING THAT CAP IS AUTHORIZED TO APPLY FOR THE CSBG FUNDS FOR GADSDEN COUNTY AND TO APPROVE THE CASH MATCH OF \$131.60 AND \$1,184.40 "IN KIND". THE ALLOCATION FOR GADSDEN COUNTY IS \$6,580.00. COMMISSIONER MCGILL ABSTAINED FROM VOTING AS HE IS THE EXECUTIVE DIRECTOR FOR CAPITAL AREA COMMUNITY ACTION AGENCY, INC.

#### Haywood Dupont Subdivision Paving Request

Mr. McGill told the Board that he would be presenting a request from the Haywood Dupont Subdivision for the County advance enough

money to pave Dupont Road at the next meeting. (The residents would agree to repay the County 100% of the costs for paving in a prescribed manner.)

**Request for Limerock**

Commissioner McGill asked the Board to consider purchasing limerock for several hills - 2 in District 3 and 2 in District 1.

**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 called attention to the need to begin budget workshops.

**ADJOURNMENT**

**UPON MOTION BY COMMISSIONER WATSON, THE CHAIRMAN DECLARED THE MEETING ADJOURNED.**



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**E.H. (HENTZ) FLETCHER, CHAIRMAN**

**ATTEST:**

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**NICHOLAS THOMAS, CLERK**

**AT A SPECIAL MEETING OF THE BOARD OF  
COUNTY COMMISSIONERS, HELD IN AND FOR  
GADSDEN COUNTY, FLORIDA ON JUNE 5,  
1996, THE FOLLOWING PROCEEDINGS WERE  
HAD, VIZ.**

**PRESENT: E.H. (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**

The meeting was called to order by Chairman Fletcher then turned over to Hal Richmond, county attorney.

Mr. Richmond informed the Board that he had been notified that Healthmark had begun to lay off personnel after the Commission meeting on June 4, 1996. Additionally it was reported to him that Healthmark did not intend to stay the entire six months and could leave much sooner. He requested that the Board give him some guidance as to a direction to take should an emergency situation arise and Healthmark should leave overnight.

Mr. Richmond called attention to a letter which was received from MedTech indicating they would be prepared to move into the hospital on a 24-hour notice and then negotiate a lease in good faith at that point in time. He then reported that he had conversations with the bond counsel whereby they indicated there could be some innovative ways to obtain additional funds from the hospital which could be made a point of negotiations with whomever the Board chooses to operate the hospital.

Mr. Richmond told the had furnished MedTech with the most recently available information concerning what it costs to run the hospital. He then stated that MedTech would furnish a letter of credit to establish that they can financially undertake operation of the hospital, realizing that it could take 60 - 90 days until revenues will be generated from insurance companies etc. MedTech is prepared to go forth at no expense to the County.

**COMMISSIONER WATSON MADE A MOTION TO PROCEED WITH MEDTECH - SEND THEM A NOTICE OF COMMENCEMENT, THEN BEGIN NEGOTIATIONS WITH THEM IN GOOD FAITH ON A STRAIGHT LEASE BASIS. COMMISSIONER DIXON SECONDED THE MOTION. IF NEITHER PARTY CAN AGREE ON THE TERMS AND CONDITIONS, THEN THERE WILL BE NO LEASE.**

**DISCUSSION FOLLOWED.**

A spokesman from MGT spoke briefly to the Board regarding the responses to the RFP. He reported the following:

- 1) MedTech provided a firm commitment to a lease arrangement with their RFP. They also provided reasonable evidence of financial capability. They also submitted a lease agreement as a sample. They provided a substantial amount of information by which MGT could evaluate the sincerity and intent of MedTech.
- 2) The only other proposal came from Tallahassee Memorial Regional Medical Center in the form of a letter. In the letter, they said they were willing to discuss and might find a feasible way to work with Gadsden Memorial but did not make a firm commitment.
- 3) Given the responses, MGT concluded that only one of the proposals was a serious offer. Based on that, MedTech had met the requirements; it is a serious offer; and a review of their proposal has demonstrated intent and capability.
- 4) MedTech is a group which has come together for the purpose of operating Gadsden Memorial. It is backed by Home Care, Inc. of Tennessee. Home Care, Inc. has run long term nursing homes and has some financial stability.
- 5) They have a one million dollar letter of credit which suggests that they have a great deal of credibility.
- 6) The resumes of individuals associated with MedTech reflect backgrounds which are appropriate for this an undertaking of this nature.

Mr. Richmond interjected that the Gadsden Memorial Staff is expected to remain in tact including the Administrator.

Mr. Hardy was questioned by the Board. He pointed out the following:

- 1) He has been in the healthcare business since 1973 mostly in insurance aspects.
- 2) In 1992 he opened a home health care agency and a staffing agency.

- 3) In 1994, he met his partner Betty Smith who has extensive hospital experience.
- 4) His personal background in hospital administration is limited but the team in place is extensive.
- 5) He is presently in negotiations to operate Calhoun Liberty Hospital in Blountstown. That negotiation has become stalled by circumstances beyond MedTech's control.
- 6) All the Gadsden Memorial Hospital personnel, administration and all employees who wish to remain at Gadsden Memorial will remain. There could be some repositioning of personnel but no one will be terminated.
- 7) Mr. Hardy ultimately wants to expand the horizons of the hospital. Upgrade the facility to attract Capital Health Plan and others to use Gadsden Memorial.
- 8) He would be willing to stipulate in a contract that he would pay the vendors in a timely manner.
- 9) He would be willing to have proviso language which would allow for termination of the contract if they do not perform to some standard.
- 10) His personal home health care agency is presently operating under Margaret Block's license.
- 11) He would be willing to do his banking in Gadsden County.

Commissioner Peacock stated that he would like to have included in the contract that the lessee would transfer its patients to other hospitals when necessary.

Commissioner Peacock stated that the County was in the same situation it was in four years ago when Healthmark was the sole vendor.

Mr. Richmond pointed out that the County would not have to put out any money with MedTech. They are local people. They have plans to utilize the hospital fully, to improve the services, to increase the number of employees. The situation is different in that regard.

THE CHAIRMAN CALLED FOR THE VOTE BY DISTRICT.

COMMISSIONER MCGILL (DISTRICT 1) - YES  
COMMISSIONER WATSON (DISTRICT 2) - YES  
COMMISSIONER FLETCHER (DISTRICT 4) - YES  
COMMISSIONER PEACOCK (DISTRICT 3) - YES  
COMMISSIONER DIXON (DISTRICT 5) - YES

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

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E. H. (HENTZ) FLETCHER, CHAIRMAN

ATTEST:

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NICHOLAS THOMAS, CLERK

AT A REGULAR MEETING OF THE BOARD  
OF COUNTY COMMISSIONERS, HELD IN  
AND FOR GADSDEN COUNTY, FLORIDA ON  
JUNE 18, 1996 THE FOLLOWING  
PROCEEDINGS WERE HAD, VIZ.

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

ABSENT: STERLING WATSON

CALL TO ORDER

Chairman Fletcher called the meeting to order. Commissioner McGill led in pledging allegiance to the U.S. flag and Commissioner Peacock followed with a prayer.

SPECIAL ANNOUNCEMENT - CITY OF QUINCY AWARDED ALL AMERICA CITY  
RECOGNITION BY NATIONAL CIVIC LEAGUE

Chairman Fletcher announced that the City of Quincy had received a most prestigious award by being named the only unanimous choice of the National Civic League for the 1996 All American City Award. The City sent a delegation of 87 people to Ft. Worth, Texas who gave presentations of the following programs: Quincy Public Safety Youth Intervention Program, Gadsden Youth Connection and Gadsden Men of Action Mentoring Program, D.A.R.E. and G.R.E.A.T. Programs, Gadsden Citizens for Healthy Babies, Migrant Even Start and Gadsden Looks to Books. The delegation was spearheaded by Ken Cowen, City Manager, Jane Parker and Jack Peacock. Chairman Fletcher thanked all the many volunteers who had worked to represent the City of Quincy.

ADOPTION OF THE AGENDA

County Attorney Hal Richmond asked to amend the agenda to include emergency action on Gadsden Memorial Hospital which will allow the hospital to remain open.

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY  
COMMISSIONER MCGILL, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO  
APPROVE THE AGENDA AS AMENDED AND STATED BY THE COUNTY  
ATTORNEY.

APPROVAL OF MINUTES

May 21, 1996 Regular Meeting

**May 30, 1996 Special Meeting**

**June 4, 1996 Regular Meeting**

**June 5, 1996 Special Meeting**

UPON MOTION BY COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE MINUTES OF THE MEETINGS STATED ABOVE.

**COUNTY ATTORNEY**

**Gadsden Memorial Hospital - Healthmark - MedTech of North FL, Inc.**

Mr. Richmond briefed the Board of the following happenings at Gadsden Memorial Hospital:

1. Healthmark has given notice that they will vacate Gadsden Memorial premises as of June 30, 1996.
2. Many employees have been laid off because there are no patients at the hospital.
3. There is a significant question as to whether the hospital can remain viable in the current status.
4. A tentative agreement has been reached with Healthmark that will allow Healthmark to leave at 12:01 p.m. on June 19, 1996. (Through conversations between Healthmark attorney Doug Hall, Dr. Thompson and himself.)
5. MedTech (pursuant to tentative RFP) has moved forward with a licensing applications and now holds a license that would allow them to take over and operate the hospital until negotiations can be completed on the lease agreement. (proposed lease attached) A special meeting will be convened at a later date.
6. There are items of equipment which Healthmark would like to move. They have established that they own the equipment. Chris Moran, county's independent auditor, has signed off on the equipment.
7. Under the terms of the lease, the County has the right to purchase from Healthmark fixed equipment which is needed to operate the hospital (carried on the books at a depreciated rate by Healthmark). That equipment amounts to \$97,349. This

figure should go down following closer review/evaluation of the equipment. The equipment will be purchased under the name Gadsden Memorial Hospital so that in the future, there will be no question that the equipment belongs to Gadsden Memorial Hospital. He recommended that the Board purchase the equipment at up to a cost of \$97,349.00 using the hospital trust fund dividends.

8. There are pharmacy items amounting to \$39,743 which the hospital needs to continue operations. He recommended that the Board purchase those items from Healthmark.
9. There are inventory and supplies amounting to \$177,151 which also needs to remain for the operation of the hospital. (Both MedTech administrator and Chris Moran have verified that the items are in place in the hospital and verified the costs accordingly.) He recommended that these items be purchased. MedTech has indicated that they will purchase those items after a lease agreement is reached.

Mr. Richmond asked the Board to take action to:

1. Purchase the fixed equipment from Healthmark at a cost up to \$97,349;
2. Purchase the pharmacy, inventory and supplies for \$216,894 with the understanding that this amount will be refunded to the County by MedTech within a year;
3. Authority for MedTech (who holds a license from the State) to take over Gadsden Memorial Hospital at 12:01 p.m. on June 19, 1996 on a temporary emergency basis under the terms and conditions of the proposed lease but subject to further good faith negotiations. If the County is unable to satisfy the Commission and complete good faith negotiations, other arrangements will be made for the operation of the hospital.
4. Withhold \$22,767 from payment of the above stated amounts to Healthmark for the Medicaid assessment due from Healthmark to the State of Florida for fiscal year 1994, with the understanding with that the money would be paid by the County directly to the State of Florida to insure that it will be paid.

Clerk Thomas asked if Healthmark would require that a check be cut by the 12:01 deadline.

Mr. Richmond indicated that Mr. Hall had been told that he



was not certain that the check could be cut that soon, but he did request that it be done as quickly as possible.

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 4 - 0 BY VOICE VOTE, TO:

1. Purchase the fixed equipment from Healthmark at a cost up to \$97,349;
2. Purchase the pharmacy, inventory and supplies for \$216,894 with the understanding that this amount will be refunded to the County by MedTech within a year;
3. Authority for MedTech (who holds a license from the State) to take over Gadsden Memorial Hospital at 12:01 p.m. on June 19, 1996 on a temporary emergency basis under the terms and conditions of the proposed lease but subject to further good faith negotiations. If the County is unable to satisfy the Commission and complete good faith negotiations, other arrangements will be made for the operation of the hospital.
4. Withhold \$22,767 from payment of the above stated amounts to Healthmark for the Medicaid assessment due from Healthmark to the State of Florida for fiscal year 1994, with the understanding with that the money would be paid by the County directly to the State of Florida to insure that it will be paid.

#### Introduction of MedTech's Hospital Administrator

Dr. Ralph Nepp spoke to the Board and told them the following:

\*Born and raised in northern Indiana

\*Worked at a 95 bed County owned hospital in Tennessee for 12 years beginning in 1972. The hospital was sold and the new owners brought their own administrator on board to operate the hospital.

\*Worked at an 80 bed hospital in Arkansas as an interim administrator (Hospital Affiliates Management Company) at the invitation of the county judge.

\*Sweet Water, Texas 4 years

\*Back to Arkansas for 3 years at larger hospital.

\*Back to Tennessee to a 200 bed hospital for 4 years.

Dr. Nepp explained that moving is a common occurrence for hospital administrators, particularly with hospital management companies. Hospital Affiliates eventually became Hospital Corporation of America Management Company, then Quorum Health Care.

In all of the hospitals he managed, the hospitals had experienced similar problems - staffing, personnel, image etc. But he reported that he had been fortunate in bringing about improvements with all of them.

Dr. Nepp concluded his remarks by saying he was happy to be in Quincy.

**PUBLIC HEARING - COUNTY PURCHASE OF REAL PROPERTY 96 - 005**

Mr. Richmond announced a public hearing for the adoption of a proposed ordinance which establishes a procedure by which the County may purchase land and real property.

Mr. Richmond read the title of the ordinance as follows:

"AN ORDINANCE OF THE GADSDEN COUNTY BOARD OF COUNTY COMMISSIONERS ESTABLISHING THE PROCEDURE WHEREBY THE COUNTY IS TO PURCHASE LAND; RATIFYING PRIOR PURCHASES OF LAND; PROVIDING FOR THE REPEAL OF INCONSISTENT ORDINANCES; PROVIDING OR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE."

Chairman Fletcher called for comments from the public. There were none.

**UPON MOTION BY COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO ADOPT ORDINANCE 96-006 ESTABLISHING A PROCEDURE BY WHICH THE COUNTY MAY PURCHASE REAL PROPERTY.**

**Legal Services of North Florida - Proposed Ordinance**

Mr. Richmond relayed a request from Legal Services of North Florida for the County to adopt an ordinance providing for an additional filing fee to be imposed on county and circuit civil cases. The fees would go to Legal Services to support indigent services. The fee proposed for Gadsden County is \$5.00.

**UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO AUTHORIZE**

**THE COUNTY ATTORNEY TO PUBLISH A NOTICE OF INTENT TO ADOPT AN  
ORDINANCE IMPOSING A \$5.00 FEE ON ALL COUNTY AND CIRCUIT  
CIVIL CASES TO SUPPORT LEGAL SERVICES OF NORTH FLORIDA.**

**FLORIDA ASSOCIATION OF COUNTIES (FAC)**

Mr. John Smith of FAC introduced Executive Director Vivian Zaricki.

Ms. Zaricki thanked the Board for their support of many years. She recognized Commissioner Dixon as serving on the Board of Directors for the Florida Counties Foundation and Commissioner McGill for having attended many of the FAC meetings. She encouraged the participation of the remaining Board members in the future.

She congratulated the City of Quincy for having received the prestigious All American City award saying that it is an honor especially for a community with strained resources.

Ms. Zaricki focused on some of the activities in which the Association is presently involved. They were as follows:

Interim Commissions and Task Forces - The Legislature and the Governor has created 19 task forces and commissions that will work between now the next legislative session on issues of critical importance to all counties. The Commission on Local Government is particularly critical.

Florida Ad Valorem Tax System Issue - in response to the Presumption of Correctness Bill which was vetoed. The entire tax structure will be examined.

Jail Standards Work Group - Revamp jail standards from the ground up before next session.

Ms. Zaricki then stated that building codes, Healthcare, welfare, etc issues will be addressed before next session.

Mr. John Smith addressed the issue of state mandates. He stated that Legislature passed an APA reform bill that contained language which will impact counties under 50,000 in population. State agencies must now recognize the diversity of the administrative and fiscal constraints of smaller counties as well as how the various policy objectives actually affect the smaller counties as opposed to larger communities. As to rules which presently exist on the books, the smaller local governments now have the ability to request a waiver of the rules or be granted an

alternative whereby they can meet the policy objectives within the economic parameters of their entity.

Mr. Smith then discussed the economic development issues reform package and how it impacts on rural Florida. REDI is still viable but has been placed into the Office of Trade. Tourism and Trade is in the Governor's Office. They will also house the rural community revolving loan fund which a new program for the purpose of putting in infrastructure when small communities are trying to attract new companies to their area.

The "Small County Kicker" fund will grow by 6%.

A number of programs were identified in the Statutes by FAC where population was an issue. Additions have been made in various sections of Statutes, to grant special recognition for small counties - (revenue sharing, grant programs, administrative issues, policy issues, etc.) An amendment was developed with the intention that when a County which qualified for the programs prior to going over the 50,000 population threshold could continue receiving program benefits until the population goes over 75,000. There was a problem in the wording of the bill even though the intent of the amendment is clear. The language will be re-addressed in the next legislative session.

When asked, Mr. Smith stated there is roughly \$3,000,000 for all 22 rural hospitals which participate in the disproportionate share fund. The fund received a modest boost.

Commissioner McGill asked questions regarding homestead exemption and ad valorem tax reform. Ms. Zaricki interjected that homestead exemption is a part of the constitution and cannot be changed by legislation. It must be approved by the voters. She continued by saying there will be a constitution revision placed on the election ballot for voter approval in 1998. FAC has a committee working on constitution revision but it is not likely that the electorate would approve an amendment dealing with homestead exemption. However, the FAC constitution revision committee will respond and take on a posture as directed by the participating counties.

#### **PLANNING AND ZONING ISSUES**

Mr. Mike Sherman, director of department of growth management, presented the following projects for the Board's review/action.:

**Quincy Market (conditional review and site plan review) Project #**

**96PZ-05-205-04-6**

The Quincy Food Stores, Inc. requested conditional approval from the County to build and operate a tomato and flea market business. The proposed site is located at the intersection of CR 274 and US 90, just west of the Quincy city limits.

The original petition was denied by the Board on September 19, 1995.

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

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

Mr. Sherman pointed out that there are two types of flea market activities presently being conducted in the County with more petitions forthcoming. There is one located across the street from this location which is an open-air operation about which the planning office has received numerous complaints. However, that project is consistent with the development order that was issued to the petitioner. Down the road from this project is Mr. Harris's flea market for which he (Mr. Harris) had an engineered site plan and he agreed to conduct the flea market activities in a fully enclosed building.

Mr. Sherman asked the Board to give him some direction as to specifications for petitions for flea markets in the future. (fully enclosed building or allow other open air flea markets such as the one in existence)

Chairman Fletcher stated that he was not in support of any more flea markets or pin hooking operations in the County.

Commissioner Peacock stated that he was not prepared to move on the project until the Board could establish some consistent requirements or criteria for approving flea markets.

**UPON MOTION BY COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO TABLE THE QUINCY MARKET FOR ACTION AT A LATER MEETING.**

**National Health Care, L.P. (conditional review and site plan review) Project # 96PZ-06-205-05-6**

The National Health Care, L.P. has requested conditional approval from the County to build and operate a home health care

facility. The proposed site is located on the east side of Strong Road adjacent to the Dialysis Center, approximately 1/2 mile south of US 90 in Quincy. The subject parcel is located in District 5.

The 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.

Commissioner Dixon asked if the construction of this project had already begun. Mr. Sherman responded that he thought some clearing had begun for which no permit is required.

**UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE NATIONAL HEALTH CARE, L.P. PETITION TO BUILD AND OPERATE A HOME HEALTH CARE FACILITY.**

**Intercel Cellular Tower Site (conditional review and site plan review) Project # 96PZ-07-203-04-6**

The Intercel Jacksonville MTA, Inc. requested conditional approval to build and operate a 250' high guyed cellular communications tower. The proposed tower site is located on the south side of CR 270A, approximately .6 mile west of the City limits of Gretna. The subject parcel is located in District 4.

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.

**UPON MOTION BY COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE INTERCEL CELLULAR TOWER SITE.**

**Courthouse Renovation Change Orders to Tupelo Construction**

Mr. Sherman presented 2 change orders from Tupelo Construction Company amounting to \$1,394.00. The work was for unanticipated repairs which were uncovered during the paint removal process.

Mr. Sherman suggested that the Board authorize himself with the County Manager's approval to authorize change orders up to \$2,500 for the sake of expediency of the renovation project.

Mr. Richmond advised that under the terms of the contract, the Board could delegate such authority to Mr. Sherman.

**UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER PEACOCK TO APPROVE THE CHANGE ORDERS AND TO AUTHORIZE MR. SHERMAN WITH THE APPROVAL OF THE COUNTY MANAGER TO APPROVE FUTURE CHANGE ORDERS UP TO \$2,000. WHEN THE \$2,000 LIMIT HAS BEEN REACHED, MR. SHERMAN MUST COME BACK TO THE BOARD FOR APPROVAL OF ANY FURTHER CHANGE ORDERS.**

#### **Planning Commission Meeting Schedule Change**

Mr. Sherman reported to the Board that he had determined that a quorum could not be accomplished for the P & Z Commission scheduled for July 3, 1996. He asked for authority to change the meeting date. It was the consensus of the Board to authorize Mr. Sherman to reschedule the P & Z Commission meeting for July 10, 1996.

#### **ECONOMIC DEVELOPMENT ACTIVITY UPDATE** (Attachment)

Mr. Rick McCaskill, executive director of Gadsden County Chamber of Commerce, reported the following:

- 1) Flying J Truck Stop construction at I-10 and US 90 interchange is progressing well.
- 2) Paving of Fortune Center Blvd. is at a standstill until Talquin Electric utility poles can be placed. (This could occur during this week.)
- 3) Excel Millwork and Molding Project is on schedule. The concrete slab has been poured with electrical and plumbing structures in place.
- 4) Tremendous interest has been received from other businesses in the I-10/US 90 industrial park. Some of the potential development can possibly be shifted to other industrial development parks in the County.
- 5) Home Health Care will soon be constructing a new building near the hospital and will employ 75 people.
- 6) He is still working with company desiring 50,000 sq. ft. distribution center. They will be visiting the week of June 24-28.

- 7)Prospects are looking at Pat Higdon Industries at possibly re-establishing a crib business. This would generate a minimum of 50 jobs.
- 8)Industrial revenue bonds are being considered. Discussions are transpiring with bond attorneys. This will be conducted through the Industrial Development Authority. The Board will be kept apprised of any/all discussions and any decision in that regard will come back to the Board for approval.
- 9)Work Force Development Board has been appointed. Gadsden County appointees were: Dr. Harold Henderson School Superintendent; Charles Powell of Floridin as organized labor representative; Dr. Jessie Furlow, M.D. as community based organization representative; and Bruce Thomas Robert Barkley, James Dupont, Nick Bert, Bob Weatherford, as private industry representatives.
- 10)The All America City Competition was great. Some community wide celebration plans will be forthcoming.

#### COUNTY MANAGER

There was no report by Mrs. Miller.

#### CONSENT AGENDA

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 4 - 0, BY VOICE VOTE TO APPROVE THE CONSENT AGENDA TO WIT:

- 1)FY 1996-97 Arthropod Control Detailed Work Plan Budget (attached)
- 2)Payment approval to off duty sheriff's deputies who have provided hospital security services for week of June 11 -16, 1996. Total of \$2,012.91 to be taken from hospital trust fund proceeds.
- 3)Library Security System - \$17,760.00 to be paid from state aid budget. 3M Library Systems, 3M Center, Building 225-4N-14, St. Paul, MN 55144-1000.

#### CLERK OF COURT

Barnett Bank Promissory Note Paid in Full - Primary Healthcare Center



Clerk Thomas asked that the Proof of Payoff of the promissory note with Barnett Bank (Primary Healthcare Building) included in the minutes as a matter of record. (attached)

#### **Budget Amendments**

UPON MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE BUDGET AMENDMENTS 96-06-18-01 THROUGH 96-06-18-04.

#### **Ratification of Payment of County Bills**

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE PAYMENT OF THE COUNTY BILLS.

#### **DISTRICT 1 REPORT**

Commissioner McGill asked the Board to consider a paving request from the residents of Dupont Road in Midway to pave their road. The citizens asked the County to front the cost of the road paving with the understanding that the residents would repay the County through some mechanism yet to be decided.

Discussion followed as to the County's position with the City of Midway regarding paving and maintenance of their roads.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 4 - 0 BY VOICE VOTE TO TABLE DISCUSSION OF DUPONT ROAD PAVING UNTIL THE COUNTY ATTORNEY CAN EXAMINE THE CONTRACT WITH THE CITY OF MIDWAY AND MAKE A RECOMMENDATION TO THE BOARD.

#### **DISTRICT 2 REPORT**

Commissioner Watson was excused from the meeting as he was on vacation.

#### **DISTRICT 3 REPORT**

There was no report.

#### **DISTRICT 4 REPORT**

There was no report.

#### **DISTRICT 5 REPORT**

Gadsden County Board of County Commissioners  
June 18, 1996 Regular Meeting

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There was no report.

**ADJOURNMENT**

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

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E.H. (Hentz) Fletcher, Chairman

ATTEST:

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Nicholas Thomas, Clerk

AT A SPECIAL MEETING OF THE BOARD OF  
COUNTY COMMISSIONERS, HELD IN AND FOR  
GADSDEN COUNTY, FLORIDA ON JUNE 24,  
1996, THE FOLLOWING PROCEEDINGS WERE  
HAD, VIZ.

PRESENT: E. H. (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 and stated the purpose of the meeting was to discuss and take action on the proposed lease agreement for Gadsden Memorial Hospital with MedTech of North Florida, Inc. He then turned the meeting over to Hal Richmond, county attorney.

PROPOSED CONTRACT

Mr. Richmond reported that negotiations with Healthmark were concluded at 4:45 p.m. on Friday, June 21, 1996. Healthmark vacated the hospital at 7:00 p.m. at which time MedTech of North Florida took over operations of the hospital.

Mr. Richmond presented the proposed lease with MedTech of North Florida which was negotiated with the assistance of MGT of America. He explained that the proposed lease agreement calls for a five year lease period with an option to renew for an additional five years.

There is also provided a 36 month period whereby the rent and other conditions which may come to attention of the Board may be reviewed.

Thirty (30) days prior to the end of the first 36 months, the Board and MedTech may exchange memorandums of concerns. If those concerns cannot be resolved at the 36 month interval, either party has the right to terminate the agreement upon 90 days notice to the other.

The rent is \$5,000 per month and MedTech has agreed to pay \$40,000 per year additionally in ad valorem taxes for the hospital. The lease was submitted to bond counsel and it has met with their approval.

They will issue a title opinion stating that this agreement does not affect the bond ordinance or the current holders of the bond. (Bonds were issued at \$4 million taxed at 10 mills = \$40,000. The hospital should be on the tax roll as of January 1, 1997.)

Mr. Richmond then stated that he had been contacted by individual commissioners regarding various portions of the agreement. He summarized those concerns as follows:

- 1) **Commencement dates etc. will be filled in appropriately.**
- 2) Section 7.2 Loss and Damage

"In the event of loss or damage to any item of the Equipment for which Tenant is responsible under the foregoing sentence, Tenant shall, at its option, (a) place the same in good repair, condition and working order; or (b) in the event the Equipment is lost, stolen, destroyed or damaged beyond repair, Tenant shall, at its sole election either, (i) replace the same with comparable equipment (as approved by Landlord) in good repair, condition and working order; or (ii) pay to Landlord in cash Landlord's depreciated cost of the Equipment ..."

**Mr. Richmond indicated that he would add some language to allow for some county input prior to any equipment being sold at book value. The County could determine that the equipment should be replaced.**

- 3) Section 7.3 Obsolete, Worn out or Surplus Equipment

"If Landlord does not instruct Tenant as to the disposition of such Equipment within two (2) weeks after written request by Tenant, Tenant may dispose of the items of Equipment..."

**Mr. Richmond recommended that the sentence should be changed to read "four (4) weeks" rather than two (2) weeks.**

- 4) Section 8.2 Quality of Care

"Landlord agrees to upgrade building to permit accreditation by JCAHO."

**Mr. Richmond recommended that the sentence be changed to read as follows: "Landlord agrees to attempt to upgrade the building in an effort to permit accreditation by JCAHO." The County should not be put in a position to guarantee the upgrade.**

- 5) Section 8.6 Covenant of Continuous Use

**Mr. Richmond recommended that the following statement be added to the last sentence: without affecting licensing**

**by the State of Florida for the hospital.**

6) 13.4 Restoration of Facility

Even though one commissioner raised some concerns with this section, Mr. Richmond stated that he felt the County was sufficiently protected with the language as it appears in the contract.

7) XX Advisory Board

**Mr. Richmond recommended that language should be added to specifically include a member of the Board of County Commissioners and a hospital employee from the nursing services area as appointments to the Advisory Board.**

8) Chapter VI - Taxes and Assessment Section 6.1 (Indigent Care Clause)

Mr. Richmond stated that the value of the hospital property will be determined by the Property Appraiser but it is the County's intentions to waive any taxes over \$40,000.

Chairman Fletcher suggested that the contract language be amended to specifically state that there will be a levy of \$40,000 in taxes due from MedTech.

Some discussion followed regarding indigent care and the disproportionate share funds received from the State.

**It was the consensus of the Board to change the language to read as follows:**

**The Gadsden County Property Appraiser shall assess the hospital in MedTech's name annually. Gadsden County does hereby waive all county taxes (which would otherwise be levied against Tenant) in excess of \$40,000 annually in exchange for Tenant agreeing to treat medically-indigent residents of Gadsden County. If indigent care cost at Gadsden Memorial Hospital should reach more than \$200,000 per year, MedTech will have the right to petition the County to waive the assessed taxes.**

Commissioner McGill requested the following changes:

Page 2

9) d. Change to read as follows:

**...At the termination of this Lease all records shall be transferred back to the Landlord, including patients' records made during the term of this agreement or any extension thereof or received from any previous operator...**

- 10) e. Change to read as follows:

**...Tenant shall provide the Landlord with financial statements by the 30th of each month...**

- (11) 2.3 Right of Termination

**This language should be removed.**

- (12) Page 4 - 5.1 Rent

**The language should simply state a beginning period and ending period and delete so many words and details.**

- (13) Page 5 - c. Rates and Approval

Change language to read as follows:

**"... The Landlord acknowledges..."**

- (14) Page 13 - 12.1 Landlord's Non-liability

**Add language which would require the Tenant's liability insurance to list the Landlord as an additional named insured.**

- (15) Page 38- Ambulance Service

**Mr. Richmond recommended that an the arrangement allowing EMS to order its supplies through the hospital then subsequently have the hospital bill the County at actual cost be added to the lease.**

**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE PROPOSED LEASE WITH THE CHANGES AS RECOMMENDED ABOVE.**

**ADJOURNMENT**

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

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E. H. (Hentz) Fletcher  
Chairman

Attest:

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Nicholas Thomas, Clerk

AT A BUDGET WORKSHOP OF THE BOARD OF  
COUNTY COMMISSIONERS, HELD IN AND FOR  
GADSDEN COUNTY, FLORIDA ON JULY  
12,1996, THE FOLLOWING PROCEEDINGS  
WERE HAD, VIZ.

PRESENT: E. Hentz Fletcher, Chairman  
Bill McGill, Vice-chairman  
Sterling Watson  
James Peacock  
Edward J. Dixon (arrived late)  
Betty Miller, County Manager  
Nicholas Thomas, Clerk

CALL TO ORDER

The workshop was called to order by Chairman Fletcher. He stated the purpose of the meeting was to discuss budget requests from all constitutional officers and the E-911 Program. He then turned the meeting over to the county manager.

CLERK OF CIRCUIT COURT Page 25,26 & 34

Clerk Thomas asked the Board for an increase of 6% for the departments in his office which are funded by the Board. He explained that he had not received an increase to the county court budget or the finance department budget in 3 years. (94/95 budget was not increased and the customary \$5,000 contingency was deleted; 95/96 budget restored the \$5,000 contingency but did not allow any increases) His total request amounted to \$40,000 over a 3 year period.

Clerk Thomas explained that FL Statutes require the Clerk to operate the finance department and the county court department under a budget system. In return the Clerk's office collects and distributes fees for the Board. (The Clerk's office brings in revenue for the County as a whole - i.e. traffic fines amount to \$300,000 + annually and ultimately go to fund the Sheriff's Office.)

Clerk Thomas then stated that while there are technical avenues he could pursue to cause the Board to fully fund those departments, he chose to subsidize them to the extent his fee collections would permit. He then pointed out that the actual salary requirements for the county court division is \$126,000 yet his budget request was for only \$112,000 - a difference of \$14,000. If the request is approved, the Board would be contributing less than 89% of the actual cost.

As to the finance department Clerk Thomas pointed out that the actual costs are \$183,987.00 but his budget request is \$153,000. (\$30,987 less than it the actual cost) If the budget request is approved in its entirety, the County would be funding 84% of the actual



costs of the finance department.

Commissioner Peacock asked what percentage of the Clerk's salary is charged to the finance department. Clerk Thomas responded by saying 65% of his salary is charged to the finance department, 10% county court and 25% circuit court. (This breakdown was established by the former Clerk.)

Mrs. Miller asked the Clerk to explain what the "other current charges" entailed. (page 25 - \$27,000)

Clerk Thomas took the position that he had furnished the Board with as much detail as required by law and stated that he did not wish to get into the details of the budget at this meeting. He asked the Board to make a decision based on the information provided without further details. He referenced a letter delivered to him at 12:16 p.m. just prior to this 1:00 p.m. meeting requesting a detailed breakdown of his budget requests.

Mrs. Miller responded by saying that as the Board's appointed budget director, she felt that it was appropriate for her to ask for detailed information.

Other remarks and questions were directed to the Clerk but he declined further comment.

#### **ENHANCED 911**

Mr. DeVane Mason, E-911 Director, was present and explained his budget. He asked for \$46,032 of general fund money to be added to the appropriated grant funds.

#### **Board Directives:**

- 1) Commissioner Dixon requested a copy of the E-911 Grant.
- 2) Specific information regarding how the telephone surcharge revenue could be spent.
- 3) Try to find an alternative plan to deliver the new addressing packets to residents throughout the County for less money than requested for that purpose.
- 4) Explore the possibility of leasing equipment as opposed to purchasing it. (or financing arrangements)
- 5) Determine from Mr. Martin how the \$31,000 access money can be spent.
- 6) Prepare total budget figures for each of the next two years. General fund requirements plus surcharge revenues.
- 7) Determine if the access monies can be used to pay for daily fuel

**expenses. (Is fuel considered  
"daily operating expenses"?)**

#### **SHERIFF'S BUDGET**

Cecil Morris and Shelia Chitty were present for the Sheriff for the purposes of this meeting. Mrs. Miller confirmed that the Sheriff had been requested to be present at the workshop but he had chosen to send representatives.

**Directive: Submit a written request to the Sheriff asking him to respond to specific questions and concerns regarding his budget and request that he meet with the Board at a later date.**

#### **JAIL REPAIRS**

Mrs. Miller called attention to a memo citing needed repairs at the jail totaling \$126,800.00. She then reported that there is a balance of \$379,605 left in the correctional facility fund balance. She asked for directions.

**Directive: It was the consensus of the Board to budget for the needed repairs at the jail using part of the fund balance and to leave the remainder in fund balance for future jail repairs as needed.**

#### **PROPERTY APPRAISER'S BUDGET**

George Hamilton and Marsha King were present to explain their budgets and answer questions of the Board. He requested raises for his employees in proportion to other county departments.

No directives were given to Mr. Hamilton.

#### **SUPERVISOR OF ELECTIONS' BUDGET**

No one was present and no directives were given.

#### **TAX COLLECTORS' BUDGET**

No one was present and no directives were given.

#### **Courthouse Renovation/Fire Update**

Chairman Fletcher reported severe structural damages to the cupola on the east side of the Courthouse due to the fire some weeks ago. Three faces of the clock and the mechanisms were broken.

Additionally, the courtroom ceiling is destroyed and the carpet must be replaced. Part of the metal skin roof of the cupola must be replaced. All repairs will be covered by the construction company's insurance.

(The fire erupted when the workers were using a butane torch to burn paint off the window under the east clock. The crew left for a lunch break thinking everything was secure. Burned paint ignited the wood in the cupola.)

**Directive:**

**The county manager was instructed to contact the Sheriff and the Clerk for more detailed information regarding their budgets and schedule another meeting to review their requests.**

**ADJOURNMENT**

Chairman Fletcher declared the meeting adjourned.

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E. H. FLETCHER, CHAIRMAN

ATTEST:

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NICHOLAS THOMAS, CLERK

AT A REGULAR MEETING OF THE BOARD OF  
COUNTY COMMISSIONERS, HELD IN AND FOR  
GADSDEN COUNTY, FLORIDA ON JULY 16,  
1996, THE FOLLOWING PROCEEDINGS WERE  
HAD, VIZ.

PRESENT: E. H. (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

The meeting was called to order by Vice-chairman McGill as Chairman Fletcher was late in arriving. Commissioner Watson led in pledging allegiance to the U.S. Flag. Commissioner Dixon led in a prayer.

ADOPTION OF AGENDA

Mrs. Miller amended the agenda as follows.

Added: Mr. Gordon Jernigan of the Escambia County Housing  
Authority following the County Attorney's Agenda

Discussion of Barnett Bank Proposal to Commissioner  
Watson's Agenda

Moved: Project 2000 - Art Trail Designation Resolution to  
follow the County Attorney's Agenda

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

APPROVAL OF MINUTES

July 16, 1996 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 JULY 16, 1996 MEETING.

**COUNTY ATTORNEY**

**PUBLIC HEARING - Civil Actions Service Charge Ordinance 96-006**

Mr. Richmond stated that a notice of intent to adopt Ordinance 96-006 had been advertised. If adopted the ordinance would allow for the imposition of a \$5.00 service charge on county and circuit civil cases beginning October 1, 1996 for the benefit of North Florida Legal Services. The notice had been properly advertised and the ordinance had been made available to the public for their review.

Mr. Richmond opened the public hearing and read the ordinance into the record by title. Chairman Fletcher called for comments from the public.

Commissioner Watson asked the following questions:

- 1) By what precedent could the Board impose this "use tax" on people who do not receive benefit from the revenues generated - the total proceeds are for a private/nonprofit (non government) organization?

Answer: The constitution provides that every person should have access to the legal system and there is no limitation on how that can happen. All other counties in the Second Judicial Circuit have imposed this fee to provide legal services to indigent people who otherwise could not afford legal counsel.

North Florida Legal Services is a governmental agency set up by the government as a nonprofit organization.

- 2) Will the Board also budget general fund dollars in addition to the "use tax" for legal services? (The use tax is expected to bring in \$10,600 in FY 96/97)

There was no consensus of the Board.

- 3) Is it the intention of the Board to fund all those agencies which loose their federal funding?

There was no consensus of the Board.

**A MOTION WAS MADE BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER MCGILL TO ADOPT ORDINANCE 96-006 PROVIDING FOR THE IMPOSITION OF A \$5.00 SERVICE CHARGE ON EACH CIRCUIT AND COUNTY CIVIL CASE FILED IN GADSDEN COUNTY CIVIL COURT.**

**CHAIRMAN FLETCHER CALLED FOR PUBLIC COMMENT. HEARING NONE, THE CHAIRMAN CALLED FOR FURTHER BOARD DISCUSSION. QUESTION WAS CALLED BY COMMISSIONER DIXON. THE BOARD VOTED 4 - 1, BY VOICE VOTE, IN FAVOR OF THE ORDINANCE. COMMISSIONER WATSON CAST THE LONE DISSENTING VOTE.**

**Hurst Easement Cancellation** (Letter from John Folsom and Quick Claim Deed attached)

On October 2, 1965, Oscar E. Hurst and Myrtice M. Hurst granted Gadsden County an easement. The easement provided that after 10 years the easement would terminate and be cancelled. Attorney John Folsom has notified the County that the cancellation was never recorded. Mr. Richmond asked the Board to approve a quick claim deed cancelling the easement.

**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO AUTHORIZE THE CHAIRMAN TO SIGN THE QUICK CLAIM DEED CANCELLING THE EASEMENT AS DESCRIBED IN O.R. BOOK 77, PAGE 70 IN THE PUBLIC RECORDS OF GADSDEN COUNTY, FLORIDA.**

**Project 2000 - Gadsden County Art Trail Resolution (96-023)**

Former Commissioner Paul Nicholson appeared before the Board on behalf of Gadsden County Chamber of Commerce and their Project 2000. He introduced Mr. Lee Mainella who owns and operates Florida Arts Center and Gallery in Havana. Mr. Mainella described the efforts of the Project 2000 steering committee to further Gadsden County's image. He explained that there are presently 12 art facilities in the County and Project 2000 is working to bring in other favorable art industries. Keeping that in mind, he asked the Board to designate SR 12, CR270 and CR269 as the Gadsden Art Trail.

Mr. Mainella indicated that there is also an effort ongoing with the State to have Highway 12 designated as the North Florida Art Trail.

Geiger and Associates (public relations company hired by the Chamber of Commerce three years ago to promote Gadsden County nationally and internationally) are ready and waiting to make the art trail a part of their promotion of the County.

**UPON MOTION OF COMMISSIONER WATSON AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO ADOPT/APPROVE RESOLUTION 96-023 DESIGNATING SR12, CR270 AND CR269 AS GADSDEN COUNTY ART TRAIL.**



**Gordon Jernigan - Escambia County Housing Authority Bond Program**

Mr. Gordon Jernigan thanked the Board for participating in the Escambia County Housing Authority's 1996 single family revenue bond program. He reported that interest rates are available for residents in Gadsden County at 6.65% through the bond issue. Workshops have been held for local citizens to assist them in becoming home owners through the program.

Mr. Jernigan then turned his attention to the 1995 bond program. Gadsden County SHIP program purchased a \$2.3 million allocation of the '95 program. (at a cost of approximately \$23,000) The funds were made available for loans through Capital City Mortgage Loan Company. The money was originally available for new construction only but the program was later amended to allow for the purchase of existing homes as well. The money has not moved as well in Gadsden County as in other counties which participated. (\$1.9 million still available) Since it must be used within the next year, he proposed to purchase all or a part of the unused bond allocation and refund to Gadsden County a portion of the allocation purchase cost.

Discussion ensued.

Ms. Kristina Holman Mohr of Capital City confirmed that the money had not moved. She explained that soon after the '95 bond money was made available for loans, the interest rates dropped significantly and the '95 bond money was not competitive with the lower interest programs. The interest rate was later lowered but Capital City has not been able to attract qualified prospects despite their marketing strategy.

**UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO MAKE THE UNUSED PORTION OF GADSDEN COUNTY'S ALLOCATION OF THE 1995 ESCAMBIA COUNTY HOUSING AUTHORITY BOND ISSUE AVAILABLE TO MR GORDON JERNIGAN.**

**PLANNING AND ZONING PROJECTS**

Mr. Mike Sherman, growth management director, presented the following for the Board's review.

<b><u>Hidden Pond Subdivision (conceptual review)</u></b>	<b><u>Project #</u></b>
<b><u>96PZ-07-201-01-07</u></b>	(a/k/a Hidden Lake Subdivision)

Mr. Robert Harrell petitioned the County for consideration of a conceptual residential subdivision plat. The proposed subdivision is located on the north side of SR 12, approximately 2 miles south



of the Havana Town limits. The subject parcel is approximately 98 acres MOL. The proposed subdivision would be for mobile homes. The applicant and property owner is Mr. Robert Harrell.

The **Planning Commission recommended denial** because they felt that the density was not compatible with the surrounding subdivisions and unplatted lands and the environmental lands had not been taken into consideration during layout of lots.

The **P & Z staff recommended approval** subject to the special conditions as outlined in the attached memo. Mr. Sherman stated that Mr. Harrell must provide traffic impact reports and as well as reports dealing with the environmental impacts by the subdivision.

He suggested that once the reports have been made available to the P & Z staff, the staff could then address the impacts and assist Mr. Harrell in the layout of the subdivision on the preliminary plat.

If the staff and Mr. Harrell can agree on the preliminary plat it would come before the Board for final approval. If Mr. Harrell and the staff cannot agree on a preliminary plat, Mr. Sherman requested authority to return to the Board for conceptual review once again.

Stuart Parson, attorney for the petitioner, spoke on behalf of Mr. Harrell indicating that Mr. Harrell would attempt to comply with the 24 special conditions with the understanding that the conceptual approval is contingent upon those conditions.

Mr. Richmond asked each commissioner to disclose any contact with anyone regarding the issue of the Hidden Pond Subdivision project.

Commissioner McGill stated that he had been contacted by at least three people - Mr. Robert Harrell, Mrs. Bear, and Mrs. Campbell.

Commissioner Watson stated that he had been contacted by Mr. Harrell, Mrs. Bear and Mrs. Campbell.

Commissioner Fletcher stated that he had been contacted by Joe Harrell, Bobby Harrell and Mr. Shelton. Contact was attempted by Mrs. Campbell to no avail.

Commissioner Peacock stated that he had been contacted by Mr. Harrell and Mrs. Bear.

Commissioner Dixon stated that he had been contacted by Mr. Harrell, Mr. Rudd, Mrs. Campbell and one other unidentified person.

Mr. Parsons indicated that he had no problem with any of the contacts which were disclosed and waived any rights to contest any of those contacts as disclosed.

Mr. Parsons then made a short presentation on behalf of the subdivision development.

Chairman Fletcher recognized the following people for comments and questions:

- 1) Rick Morgan questioned if the issue would come back to the Board for further review.
- 2) Laurie Rigg stated she did not receive notice of this meeting; questioned how the P & Z Commission's recommendation for denial weighed with the Board's decision; questioned the possibility of flooding.
- 3) James Marlow stated that he did not receive notice of this meeting despite having requested to be notified. He lives within 1,000 ft. of the subdivision near the creek; had furnished his address to the P & Z department and requested to be notified of any meetings dealing with the issue. Concerned that he would not be noticed in the future.
- 4) Nickie Bear owns and operates an organic garden berry farm. Her property is located lower than the Harrell's property. Concerned about septic tanks that are certain to come with the development. Did not receive notice of this or any other meeting despite notification to the P & Z office - requested notice of all future meetings.
- 5) Clayton Campbell, adjacent property owner, asked that stormwater management and the roads be made a part of the development order.
- 6) Mike Dorian voiced concern for effluent run-off.

The Board gave Mr. Sherman instructions to make certain that all residents near the vicinity of the property be notified of all future meetings on this issue.

**UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE CONCEPTUAL PLAT OF THE HIDDEN POND SUBDIVISION PROJECT #96PZ-07-201-01-07 SUBJECT TO THE SPECIAL CONDITIONS AS LISTED IN THE ATTACHED MEMO. IF MR. HARRELL AND P & Z STAFF CAN COME TO AN AGREEMENT ON THE PROPOSED LAYOUT OF THE LOTS, MR. HARRELL MAY COME BACK TO THE BOARD FOR PRELIMINARY PLAT APPROVAL. IF THEY CANNOT AGREE ON THE LAYOUT OF THE LOTS, IT WILL COME BACK TO THE BOARD FOR CONCEPTUAL APPROVAL/DENIAL ONCE AGAIN.**

**Intercel Cellular Communication Tower Site (Quincy) Project**  
**#96PZ-08-207-5-07**

The Intercel Corporation of Jacksonville requested conditional approval from the County to build and operate a 250' high guyed cellular communication tower. The proposed tower site will be located at the end of Walsh Road in section 25, township 2N, Range 4W. The subject parcel is located in County Commission district 5. The applicant is the Intercel Corporation of Jacksonville. The property owners are Mr. Gary E. Lehr and Mary Ellen Fletcher Lehr and Linda F. Woodward.

**Intercel Cellular Communication Tower Site (Sycamore) Project**  
**#96PZ-09-204-3-07**

The Intercel Corporation of Jacksonville has requested conditional approval from the County to build and operate a 250' high guyed cellular communication tower. The proposed tower site will be located on the west side of CR 270A, adjacent to the Jai-Ali fronton site. The subject parcel is located in County Commission district 3. The applicant is the Intercel Corporation of Jacksonville. The property owner is Mr. Hort Soper.

**Intercel Cellular Communication Tower Site (Sycamore) Project**  
**#96PZ-10-204-3-07**

The Intercel Corporation of Jacksonville requested conditional approval from the County to build and operate a 250' high guyed cellular communication tower. The proposed tower site will be located on property owned by the St. Joe Corporation. The subject parcel is located in Section 19, Township 2 North, Range 6 West. The applicant is the Intercel Corporation of Jacksonville. The property owner is Neal Land and Timber Company.

The 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.

**UPON MOTION OF COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE THREE INTERCEL TOWER SITES AS LISTED ABOVE.**

**Norman Scholar Tower Site Project #96PZ-13-203-3-07**

Mr. Norman Scholar requested conditional approval from the County to build and operate a 300 ft. high guyed radio communication tower. The proposed tower site will be located on the north side of CR 270A in Section 4, Twonship 2 North, Range 5. The proposed tower site is located in district 3. The applicant and property owner is Mr. Norman Scholar.

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

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

**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE NORMAN SCHOLAR TOWER SITE SUBJECT TO THE SPECIAL CONDITIONS AS OUTLINED IN THE ATTACHED MEMO.**

**Uptain Road Subdivision (final plat consideration)**  
**Mc-T Subdivision - Project #96PZ-03-205-02-4**

Mr. Norman McMillan and Mr. B.J. Turner petitioned the County and received approval of a preliminary subdivision plat on May 7, 1996. The proposed mobile home subdivision is located on Uptain Road, approximately 230' east of the intersection of SR 267 and Uptain Road. The applicants proposed a total of 11 lots, including an area approximately one (1) acre in size to be designated as open space.

The planning commission and the staff recommended approval provided that the concerns of County's surveyor (technical requirements) are made a part of the plat. These comments were not made at this meeting but Mr. Sherman indicated that the petitioners were aware of the concerns and did not object.

Chairman Fletcher called for public comments. There was none.

**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE FINAL SUBDIVISION PLAT FOR MC-T SUBDIVISION SUBJECT TO THE CONDITIONS AS DESCRIBED BY THE SURVEYOR.**

**HOSPITAL - ENGINEERING SERVICES & REPAIRS**

Mr. Frank Ritter reported that he forwarded to the county's engineering firms a list of needed hospital repairs. Bishop

Engineers expressed some concerns in their response that they felt this specific project should go out for RFP. They did not respond with a scope of services they would expect the project to entail nor did they estimate the number of hours they would expect the engineering & consulting would require.

On the other hand, Kunde, Sprecher & Associates, Inc. did respond as requested. (See attached proposal)

Mr. Ritter sought direction from the Board. He explained that an analyst would be needed to look at the entire hospital system and render advice. Professional plans, consulting services, inspection services by engineers and architects, chemical expertise would be required to complete the job properly.

Discussion followed as to which of the two county engineering firms should be awarded the hospital renovation project.

**UPON MOTION OF COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO ACCEPT THE PROPOSAL AS OUTLINED BY KUNDE, SPRECHER & ASSOCIATES, INC.**

Mr. Ritter then described the need for new carpet and portions of tile in the main corridor, nursing station and two room corridors. He asked for permission to seek bids and make the repairs as appropriate.

**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO AUTHORIZE MR. RITTER TO PROCEED WITH MAKING THE ABOVE STATED REPAIRS AT THE HOSPITAL IN THE MANNER HE DEEMS APPROPRIATE.**

**PUBLIC WORKS EQUIPMENT PURCHASE - JETTER VACUUM TRUCK**

Mr. Arthur Lawson, director of management services, told the Board that he had researched the pricing for the Jetter Vacuum Truck and found the Aquatech B-10 can be purchased on a "piggy-back" from the City of Orlando. This means that the City of Orlando has already gone through the competitive bid process and selected a vendor. This process will save the County time and money in the bidding process as well as getting last years pricing on the requested piece of equipment. This unit has a 3000 gallon water capacity for jetting pipes and is capable of storing 2020 gallons (9.5 cubic yards) of debris. The purchase price for this unit is \$148,892. Pats Pump + Blower, Inc. offered Gadsden County financing for five years.

Mr. Lawson requested directions from the Board.

Discussion followed.

Commissioner Peacock stated that he had attended a demonstration of the jetter and was not impressed with the machine. He further stated they he did not think that it would work on the ditches and pipes in Gadsden County. (buried pipes, decades of unpulled ditches, etc.)

Mr. Lugod, public works director, stressed the following facts:

- 1) The County does not have a functional storm sewer system. It has been neglected for many years and has resulted in a system of disrepair. There is water flowing over the roads rather than through ditches and pipes. This causes damages to the roads during the storm season which require many additional man hours to repair. The jetter and vacuum could lend greatly to the task of making the storm system functional again.
- 2) Public works does not have the required forces to accomplish opening all the pipes in the County in the manner it has been done in the past. Productively could improve with the proper equipment.
- 3) Once all the ditches have been excavated, pipes cleaned and reset properly, the storm sewer system would become more efficient. Preventive measures and regular maintenance of the pipes and ditches will result in a properly functioning system and ultimately require fewer man hours to maintain it.
- 4) The local demonstration of the jetter was not a demonstration of the complete process. It was only one phase and not a good indication of the work the machinery is capable of doing. There is a sequence of events involved in entire process - excavation of the ditches must be accomplished first, followed by the jetter and vacuum to open up the pipes. In those cases when the pipe cannot be easily located, the vacuum can be used to find the pipes.

**COMMISSIONER WATSON MADE A MOTION TO APPROVE THE PURCHASE OF THE JETTER. THE MOTION DIED FOR LACK OF A SECOND.**

Commissioner Peacock estimated that 20% of the County's pipes are buried and deteriorated. If the jetter is used to uncover those buried pipes, the pressure of the jetter will break the pipes. He

stated that if the ditches are pulled and cleaned, then set the pipes properly, no jetter would be necessary to clean the pipes.

Commissioner Watson contended that the jetter would work on the other 80% of the culverts.

Commissioner McGill asked what would become of the men who are normally assigned to cleaning ditches if the County should purchase the equipment and decrease the forces required for the job.

Mr. Lugod indicated that they would be assigned to other duties - there would be no lay-offs nor would the equipment require more operators. He expected the operation to require only two men.

Chairman Fletcher called for Mrs. Miller to render her opinion of the demonstration of the jetter.

Mrs. Miller stated that no preparation had been made to the ditches prior to the demonstration and therefore it did not work very well. However, she felt as though it would have been effective given proper preparation.

Commissioner McGill asked if used equipment would accomplish this task. He encouraged the Board to take actions to improve productivity and efficiency of the public works department.

**A MOTION WAS MADE BY COMMISSIONER PEACOCK TO DENY THE PURCHASE OF THE JETTER VACUUM TRUCK. THE MOTION DIED FOR LACK OF A SECOND.**

**UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 4 - 1, BY VOICE VOTE, TO TABLE DISCUSSION THE JETTER PURCHASE UNTIL AFTER THE PUBLIC WORKS WORKSHOP. COMMISSIONER WATSON CAST THE LONE DISSENTING VOTE.**

#### **COUNTY MANAGER**

County Manager Betty Miller commended Frank Ritter and his staff for the fine job they had done with cleaning up the Courthouse following the fire in the cupola. They worked all night to have the courtrooms clean enough to conduct court proceedings the following day.

Mrs. Miller stated that the Tupelo Construction has hired engineers to assess the damages of the courthouse fire. She suggested that the County have Bishop Engineers to also do an assessment of the damages on the County's behalf and ask Tupelo to pay those costs.

Questions were raised regarding the courthouse clocks. Chairman Fletcher reported that the clocks themselves were not damaged but the complex arms and levers of the clock were damaged.

Restoring the faces of the clocks to their original conditions will be difficult because they were made by hand.

Commissioner McGill stated that he had received a letter from a well known citizen of the County protesting the paint colors being used on the courthouse.

It was the consensus of the Board to enlist Bishop Engineers to do a fire damage assessment and bill their services to the insurance company of Tupelo Construction Company.

#### **Sand/Clay Pit - request for purchase**

Mrs. Miller reported that she had received a letter from the public works department requesting that the County purchase a sand/clay pit. She referenced a letter from a property owner who was interested in selling two parcels of suitable land for \$15,000. She asked for directions.

**UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO AUTHORIZE THE ADVERTISEMENT OF A PUBLIC HEARING TO CONSIDER THE PURCHASE OF THE TWO PARCELS OF LAND FOR THE PURPOSE OF A SAND/CLAY PIT. THE LAND WOULD BE PURCHASED USING GENERAL FUND MONEY.**

#### **Gadsden Airport Authority**

**UPON MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO REAPPOINT DON SIRMONS TO THE GADSDEN AIRPORT AUTHORITY RETROACTIVE TO JUNE 6, 1996.**

#### **Special Meeting - July 31, 1996 - Tentative 96/97 Budget - Set Millage**

Mrs. Miller reminded the Board there would be a special meeting on July 31, 1996 to set the tentative millage for the 96/97 budget.

#### **CONSENT AGENDA**

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

- 1) Replacement of Ambulance Vehicle # 9 - authorization for the Chairman to sign over the title to the old vehicle**



to the Insurance Co. for salvage. Authorization to direct purchase of a used or replacement unit under Emergency Purchase, on approval of County Manager/Purchasing Director. Authorization to purchase old vehicle back for parts and salvage purposes.

- 2) Acceptance of payment from Victims Compensation Fund as payment in full for Account # 24-95C196 and write off the balance. (Write off of \$32.20 as uncollectible debt.)
- 3) Approval for the Sheriff's Department to be reimbursed for hospital security services, with payment to come from Hospital Endowment proceeds. (June 10th through June 21st.)
- 4) Letter from Florida Housing Finance Agency acknowledging that the SHIP Three Year Plan was approved for FY 96/97 and 98/99.
- 5) Letter from Governor Chiles granting the Regional Workforce Development Board a charter and approving the plan for the region. (Regional board is also certified pursuant to JTPA)

#### CLERK OF COURT

#### Ratification of Payment of County Bills

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO RATIFY/APPROVE THE PAYMENT OF THE COUNTY'S BILLS.

#### DISTRICT 1 REPORT

Commissioner McGill called attention to the litter and trash along the roadsides. He asked if the ordinance could be amended to add sufficient penalties to deter the littering in Gadsden County.

Attorney Richmond stated that there is already a state statute and a county ordinance with sufficient penalties in place. The difficulty is in getting them processed through the State Attorney's office.

It was the consensus of the Board to authorize the Chairman to send a letter to Willie Meggs asking that litter cases be prosecuted through the local court system.

#### DISTRICT 2 REPORT

Commissioner Watson referenced a letter received from Christopher J. Cox of Barnett Bank which offered the County an offer to purchase the Barnett Bank Building at a cash price of \$362,500.

He asked that the Board proceed to go out for bid for the financing and ultimately purchase the building.

Mr. Richmond reminded the Board that county ordinance requires that purchase of real property be advertised for public hearing.

Chairman Fletcher disclosed that his sister is the Director of the Barnett Bank of Tallahassee. All negotiations were held with the Barnett Bank's Corporate Real Estate Division in Jacksonville and there was no direct relationship between his sister and the Bank in the matter.

Attorney Richmond advised that no conflict existed for Chairman Fletcher on this issue.

**UPON MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO AUTHORIZE THE NOTICE OF A PUBLIC HEARING FOR THE PURPOSE OF PURCHASING THE BARNETT BANK BUILDING ON SOUTH ADAMS ST. IN DOWNTOWN QUINCY.**

**DISTRICT 3 REPORT**

There was no report.

**DISTRICT 4 REPORT**

There was no report.

**DISTRICT 5 REPORT**

There was no report.

**ADJOURNMENT**

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

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**E. H. (Hentz) Fletcher, Chairman**

**ATTEST:**

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**Nicholas Thomas, Clerk**



AT A REGULAR MEETING OF THE BOARD OF  
COUNTY COMMISSIONERS, HELD IN AND  
FOR GADSDEN COUNTY, FLORIDA ON  
AUGUST 6, 1996, THE FOLLOWING  
PROCEEDINGS WERE HAD, VIZ.

PRESENT: E. H. (HENTZ) FLETCHER, CHAIRMAN  
BILL MCGILL, VICE CHAIRMAN  
JAMES PEACOCK  
STERLING WATSON  
EDWARD J. DIXON  
NICHOLAS THOMAS, CLERK  
HAL RICHMOND, COUNTY ATTORNEY

ABSENT: 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

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER PEACOCK THE BOARD VOTED 5 - 0, BY VOICE VOTE TO ADOPT THE AGENDA.

APPROVAL OF MINUTES

July 3, 1996 Budget Workshop

July 16, 1996 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 JULY 3, 1996 BUDGET WORKSHOP AND JULY 16, 1996 REGULAR MEETING.

COUNTY ATTORNEY

Public Hearing - Barnett Bank Building Purchase

County Attorney Hal Richmond announced a public hearing to

receive public comments regarding the County's intention to purchase the Barnett Bank Building. For the record he noted that the hearing was properly noticed by being formally placed on the agenda for this meeting.

Barnett Bank offered the County the opportunity to purchase the building located at 24 North Adams Street for \$362,500. (The building was appraised at more than \$500,000.00.) The building would require renovations in the amount of \$150,000 to make it functional for county purposes.

Discussion followed.

Commissioner Dixon asked for written detailed information from the staff regarding how the purchase of the building would fit into the County's overall plan for present and future space needs. He asked that he be provided this information prior to the signing of a contract on this purchase. (current square footage, current space needs, future space needs, and the numbers upon which the county is basing this purchase.)

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER MCGILL THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO ACCEPT THE OFFER FROM BARNETT BANK TO PURCHASE THEIR BUILDING FOR \$362,500 CONTINGENT UPON FINANCING ACCEPTABLE TO THE BOARD. CHAIRMAN FLETCHER ABSTAINED FROM VOTING. (CONFLICT FORM ATTACHED)

#### Request by Mrs. Margie Johnson for the County to Vacate Drainage Easement on her Property

Mr. Richmond explained proper legal notice had not been given for the public hearing to consider Mrs. Johnson's request. He asked that it be rescheduled for a later date.

#### Clay/Sand Pit Purchase - Mainora Moore, Owner

Mr. Lugod recommended that the County purchase 2 parcels of land at \$7,500 each to be used as a clay/sand borrow pit. The property owners are Mainora Moore, Sr. and Mainora Moore, Jr.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO PURCHASE THE TWO PARCELS AS RECOMMENDED BY MR. JED LUGOD FOR A TOTAL OF \$15,000 FUNDS TO BE TAKEN FROM GENERAL FUND CONTINGENCY.

#### Hospital X-Ray Equipment

This matter was passed to a later meeting.

#### Small County Landfill Reimbursement Payment Clarification

UPON MOTION BY COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO DISTRIBUTE TO THE CITY OF QUINCY \$143,913 OF THE LANDFILL REIMBURSEMENT GRANT.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE TO PLACE \$91,532 OF THE LANDFILL REIMBURSEMENT GRANT INTO A LANDFILL ESCROW ACCOUNT.

#### PUBLIC WORKS

##### Road Signage Additions/Changes

Clifford Schnepf reported unsafe conditions at the intersection of CR 12 and CR 157 and requested permission reduce the speed limit and to post additional signage at the intersection.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO LOWER THE SPEED LIMIT AS RECOMMENDED AND INCREASE SIGNAGE AT THE INTERSECTION OF CR 12 AND CR 157.

#### NON AGENDAED ITEMS

##### Speed Reduction on Atwater Road

UPON MOTION BY COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO POST 35 MPH SIGNS ON ATWATER ROAD NORTH OF US 90.

#### Directives to Public Works:

Closely monitor the maintenance of a stretch of dirt road from Crooked Creek Bridge to Aspalaga Road near Liberty County and insure that motorists can travel it safely in inclement weather.

17th Ave. - needs 1 additional stop sign; 4 "no dumping"

signs; grading of the road

General Road SE - 1 additional street name sign

#### CONSENT AGENDA

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

- 1) Fire Services Mutual Aid Agreement - Decatur County, GA
- 2) Purchase of exterior sign for Gadsden Community Hospital
- 3) Payment of Invoice to Purvis, Gray & Company for services rendered during hospital inventory - \$5,980
- 4) FY 96/97 Waste Tire Grant - WT97-20 (\$26,652)
- 5) Keep Gadsden Beautiful Grant Application (50/50 funding match required) Approved Community Based Program Grant (ACBPG) October 1, 1996 through September 1997 - \$375,000. Pass through grant.
- 6) Promissory note with MedTech - for the record.

#### CLERK OF CIRCUIT COURT

##### Budget Amendments

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 BY VOICE VOTE, TO APPROVE THE BUDGET AMENDMENTS 96-08-06-01 THROUGH 96-08-06-33.

#### Ratification of Payment of County Bills

UPON MOTION BY COMMISSIONER WATSON 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 reported that the 17th Ave. residents have organized a "clean-up committee" and it is working very well. They have experienced frustrations with continued dumping by people who have now been identified. He asked that the Board support a broader clean-up campaign to encourage other communities to get involved with beautification efforts. Additionally, Commissioner McGill reported that he had contacted DOT to get permission to

plant flowers into the median of US 27.

Upon completion of the courthouse renovations, he asked the Board to contact local nurseries for donations of shrubs and flowers for the Courthouse lawn.

#### **DISTRICT 2 REPORT**

Commissioner Watson called the Board's attention to a newspaper article which appeared in the Tallahassee Democrat concerning how another county is dealing with prison overcrowding with the use of tents. He learned that the State would no longer be inspecting the jails.

#### **DISTRICT 3 REPORT**

There was no report.

#### **DISTRICT 4 REPORT**

#### **Affordable Housing Partnership Committee and Affordable Housing Advisory Committee Appointments**

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPOINT COMMISSIONER WATSON TO THE AFFORDABLE HOUSING PARTNERSHIP COMMITTEE AND COMMISSIONER PEACOCK TO THE AFFORDABLE HOUSING ADVISORY COMMITTEE.

#### **DISTRICT 5 REPORT**

There was no report.

#### **ADJOURNMENT**

There being no other business, Chairman Fletcher declared the meeting adjourned.

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E.H. (Hentz) Fletcher, Chairman

ATTEST:



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Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE BOARD OF  
COUNTY COMMISSIONERS, HELD IN AND FOR  
GADSDEN COUNTY, FLORIDA ON AUGUST  
20, 1996, THE FOLLOWING PROCEEDINGS  
WERE HAD, VIZ.

PRESENT: E. H. (HENTZ) FLETCHER, CHAIRMAN  
BILL MCGILL, VICE CHAIRMAN  
JAMES PEACOCK  
STERLING WATSON  
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 Dixon led in prayer.

ADOPTION OF AGENDA

Commissioner McGill made a motion to amend the agenda to allow for reconsideration of the Board's denial to purchase certain equipment for public works department. He asked that it be added following the County Attorney's agenda.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE TO ADOPT THE AGENDA AS AMENDED.

APPROVAL OF MINUTES

July 12, 1996 Budget Workshop

August 6, 1996 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 JULY 12, 1996 BUDGET WORKSHOP AND THE AUGUST 6, 1996 REGULAR MEETING.

COUNTY ATTORNEY

Mr. Richmond had no report.

PUBLIC WORKS EQUIPMENT PURCHASE (Included as amendment to the agenda)

Commissioner McGill recalled that the Public Works Director Jed Lugod came before the Board on May 7, 1996 and requested approval to purchase 15 pieces of equipment. The Board approved the purchase of seven pieces of equipment and denied the request for the remaining eight pieces.

Subsequent to that meeting, Commissioner McGill reported that he has visited public works departments in other counties and is now confident that the Board should reconsider Mr. Lugod's request for the remaining eight pieces of equipment. He could not readily identify the pieces of equipment to which he was referring. He added that he also spoke to financing agencies and confirmed that interest rates on such equipment had risen .9% since May.

**COMMISSIONER MCGILL MADE A MOTION TO APPROVE THE PURCHASE OF THE EIGHT PIECES OF EQUIPMENT WHICH WERE DENIED AT THE MAY 7, 1996 MEETING.**

Chairman Fletcher felt the matter should be tabled until the Board had ample time to reconsider the issue.

**COMMISSIONER MCGILL WITHDREW HIS MOTION.**

It was the consensus of the Board to reconsider the equipment purchase for the next regular meeting in September.

#### **PLANNING AND ZONING**

#### **Fortune Center; Commercial/Industrial Subdivision; Project #96PZ-13-206-01-08**

The Hunt/White Partnership has petitioned the County for consideration of final plat review for the commercial/industrial subdivision known as Fortune Centre. The subdivision is located in a portion of section 10, Township 1 North, Range 2 West. A portion of the site is bound on the west by U.S. Hwy 90 and to the east by Gadsden Station DRI. (The site is located in a commercial land use category just west of the I-10 and US 90 interchange.

Mr. Mike Sherman informed the Board that there are some existing problems in controlling the erosion and some of the storm water systems. For the purpose of processing the project, the P&Z Staff recommended approval subject to the developer satisfying the concerns addressed by Public Works Director Jed Lugod and the County's engineers regarding storm water management and soil erosion on the site.

Commissioner McGill suggested that special condition # 8 be changed to read "All storm water improvements must be ~~acceptable~~ approved by the public works director."

**A MOTION WAS MADE BY COMMISSIONER WATSON AND SECONDED BY COMMISSIONER MCGILL TO APPROVE THE FINAL PLAT FOR FORTUNE CENTER AS RECOMMENDED AS STATED ABOVE AND SUBJECT TO THE SPECIAL CONDITIONS IN THE ATTACHED MEMO.**

Mr. Richmond interjected that if the Board gives final plat approval, Hunt/White Partnership will have a legal position to force the Board to execute the document. He advised the Board to address and satisfy the staff's concerns prior to giving final plat approval. He added that any concerns could be addressed in the development order in such a way as to offer the County a legal right to protect its position.

**COMMISSIONER WATSON WITHDREW HIS MOTION.**

**UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 3 - 2, BY VOICE VOTE, TO APPROVE THE FINAL PLAT FOR FORTUNE CENTER SUBJECT TO THE SPECIAL CONDITIONS AS STATED IN THE ATTACHED MEMO WITH ONE ADDITIONAL SPECIAL CONDITION THAT FINAL SIGN OFF AUTHORITY SHOULD NOT TAKE PLACE UNTIL SUCH TIME THAT ALL REQUIREMENTS HAVE BEEN FULLY COMPLETED AS REQUIRED BY OR SET FORTH IN THE DEVELOPMENT ORDER. COMMISSIONERS DIXON, MCGILL AND FLETCHER IN FAVOR OF THE MOTION; COMMISSIONERS PEACOCK AND WATSON OPPOSING.**

#### **ECONOMIC DEVELOPMENT**

Mr. Rick McCaskill was present and updated the Board of the economic developments going on throughout the County for June and July. (See attached report)

#### **COUNTY MANAGER**

#### **State Attorney's Request - Installation of Computer System/Possible relocation**

Mrs. Miller reported that the State Attorney's office expects to install a new computer system during next fiscal year. They are somewhat reluctant to proceed with the installation if the County expects to relocate their offices in the near future. There was discussion but no resolution was reached.

**UPON MOTION BY COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPOINT A**

**COMMITTEE TO DETERMINE HOW TO BEST UTILIZE THE COUNTY'S OFFICE SPACE. THE COMMITTEE IS TO CONSIST OF COMMISSIONER WATSON, BUILDING INSPECTOR FRANK RITTER, COUNTY MANAGER BETTY MILLER AND, CLERK NICHOLAS THOMAS.**

**ROAD AND BRIDGE - PUBLIC WORKS**

Mrs. Miller apprised the Board of a drainage problem which exists on CR 270 in Greensboro. The Town of Greensboro has requested the County to correct the problem just within the city limits on the north side of CR 270. The public works department attempted to correct the problem but it still exists.

At Chairman Fletcher's request, Bill Adams of Bishop Engineers made a recommendation to pave a swale with valley gutters at the driveway (Jim Folds) to move the trapped water out of the ditch. Approximate cost to the County would be \$3,000.

Chairman Fletcher stated that there is a DOT easement on the property and the County acquired it when DOT gave the road to Gadsden County.

Mr. Lugod explained that the drainage easement is blocked and must be cleared in order for the water to drain. He indicated that if the records reveal that the easement belongs to Gadsden County, he will proceed to clear the easement and correct the drainage problem.

There was a suggestion to install a culvert. However, Mr. Lugod determined through site investigation that there is not enough shoulder to support the needed depth to place a culvert. Regardless, the easement remains blocked and must be cleared before it will drain properly.

**UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO INSTRUCT MR LUGOD TO GET WITH THE TOWN OF GREENSBORO, DETERMINE TO WHOM THE EASEMENT BELONGS, FIND A REASONABLE SOLUTION TO THE PROBLEM AND PROCEED TO CORRECT THE DRAINAGE PROBLEM.**

**Public Works Four-day Work Week**

Mrs. Miller reported that Mr. Lugod has requested that his department be authorized to go to four ten-hour days per week. His rationale is included in the attached memo.

**A MOTION WAS MADE BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON TO APPROVE A FOUR-DAY (TEN HR. DAYS) WORK WEEK FOR THE PUBLIC WORKS DEPARTMENT.**

**DISCUSSION FOLLOWED.**

Mr. Lugod indicated that he would conduct training and safety classes during the winter months and optimize all hours of the day.

Commissioner Dixon asked Mr. Lugod to monitor the productivity and man hours worked over the next three months and come back to the Board for an evaluation of the four day week.

**QUESTION WAS CALLED BY COMMISSIONER DIXON. THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE A FOUR (TEN HOUR) DAY WORK WEEK FOR THE PUBLIC WORKS DEPARTMENT.**

**Canopy for Fuel Site at Sheriff's Garage**

Mrs. Miller reported that she had obtained an estimate of \$10,000 to construct a canopy for the fuel site at the Sheriff's garage. She asked for authority to advertise for bids to install the canopy and to take the needed money from General Fund Contingency.

**UPON MOTION BY COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 4 - 1, TO AUTHORIZE MRS. MILLER TO PROCEED WITH ADVERTISEMENT FOR BIDS TO CONSTRUCT A 24' X 24' CANOPY FOR THE FUEL SITE AT THE SHERIFF'S GARAGE AND TO TAKE NECESSARY FUNDING FROM THE GENERAL FUND CONTINGENCY TO PAY FOR IT. COMMISSIONER DIXON CAST THE LONE DISSENTING VOTE.**

**Airport Authority's Request for \$19,000 Resulting From Past Years Under Funding**

**UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 3 - 2, BY VOICE VOTE, TO DENY PAYING THE AIRPORT AUTHORITY THE \$19,000 WHICH THE AIRPORT AUTHORITY CLAIMS THE COUNTY OWES THEM FOR PAST YEAR'S UNDERFUNDING. COMMISSIONERS DIXON, PEACOCK, MCGILL VOTING TO DENY; COMMISSIONERS WATSON AND FLETCHER OPPOSING THE DENIAL.**

**CONSENT AGENDA**

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

- 1) Quincy Square Project Grant Agreement SC741  
(attached)

- 2) Memorandum of Understanding between Florida Cooperative Extension Service, Institute of Food and Agricultural Sciences, University of Florida and The Board of County Commissioners of Gadsden County, Florida (attached)
- 3) GSA Purchase of Storage Units with grant funds - HHW #310 in the amount of \$60,065. To store safety equipment required by the grant program. (attached)
- 4) Bid Committee Recommendation to award closing of old jail site fuel storage tank to QRC in the amount of \$3,958 with the understanding that funds will be taken from general fund contingency in amount sufficient to cover the bid plus an additional \$1,000 for unforeseen related cost. (attached)
- 5) Tax Collector Refund Request - \$528.24 - cancellation of Tax Deed application on certificate No. 373 in 1993. (attached)
- 6) All America City Proclamation (attached)
- 7) Marine Fisheries Commissioner Resolution (attached)
- 8) Gadsden Youth Connection Partnership Agreement - for the record (attached)

#### CLERK OF CIRCUIT COURT

#### 1988 Jail Bond Issue Paid in Full - For the Record

Clerk Thomas reported that the jail bond issue was paid in full in June 1996. There will be surplus money returned from the First Union Bank which will be placed into the Fire Fund.

#### Financial Statements (attached)

Clerk Thomas presented the financial statements and made comments regarding several entries then summarized by saying the County is in good shape.

#### Budget Amendments

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO APPROVE THE BUDGET AMENDMENTS 96-08-20-01 THROUGH 96-08-20-09 (ATTACHED).

#### Ratification of payment of County Bills

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER PEACOCK, 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**

There was no report.

**DISTRICT 3 REPORT**

There was no report.

**DISTRICT 4 REPORT**

Chairman Fletcher yielded his time to Dr. John Cooksey from the Sawdust Community. He requested help with a drainage problem on his property to which he has been unable to resolve with County staff.

It was the consensus of the Board that Mr. Richmond would make contact with Dr. Cooksey's attorney and take appropriate actions as he deems necessary.

**Big Bend Health Council**

UPON MOTION BY COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0 TO RE-APPOINT SUSAN FITE AND JERRY WYNN TO THE BIG BEND HEALTH COUNCIL.

**Postponement of the September 3, 1996 Regular Meeting to September 10, 1996**

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0 TO POSTPONE THE REGULAR MEETING OF SEPTEMBER 3, 1996 UNTIL SEPTEMBER 10, 1996.

**Value Adjustment Board Appointees**

Chairman Fletcher appointed Commissioner Dixon, Commissioner Watson and himself to the Value Adjustment Board for 1996.

**DISTRICT 5 REPORT**

There was no report.



**ADJOURNMENT**

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

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E.H. (HENTZ) FLETCHER, CHAIRMAN

ATTEST:

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NICHOLAS THOMAS, CLERK

AT A REGULAR MEETING OF THE BOARD OF  
COUNTY COMMISSIONERS, HELD IN AND  
FOR GADSDEN COUNTY, FLORIDA ON  
SEPTEMBER 10, 1996, THE FOLLOWING  
PROCEEDINGS WERE HAD, VIZ.

PRESENT: E. H. (HENTZ) FLETCHER, CHAIRMAN  
BILL MCGILL, VICE CHAIRMAN  
JAMES PEACOCK  
STERLING WATSON  
EDWARD J. DIXON  
HAL RICHMOND, COUNTY ATTORNEY  
BETTY MILLER, COUNTY MANAGER  
MURIEL STRAUGHN, DEPUTY CLERK

ABSENT: NICHOLAS THOMAS, CLERK

CALL TO ORDER

Chairman Fletcher called the meeting to order. Commissioner McGill led in pledging allegiance to the U.S. Flag and Commissioner Watson led in prayer.

ADOPTION OF AGENDA

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0, BY VOICE VOTE TO ADOPT THE AGENDA.

COUNTY ATTORNEY

Mr. Richmond was present but had nothing to report.

PLANNING AND ZONING

Public Hearing - Vacation of Drainage Easement for Ms. Margie Johnson

Ms. Margie Johnson was present with her attorney, Jacob Varn. Public Records indicate that Ms. Johnson holds title to property in Section 31, TWP 3, Range 4 West and Section 6, Twp. 2 North, Range 4 West in Gadsden County. In 1970 Ms. Johnson conveyed at no cost to the State a drainage easement to the Florida Department of Transportation. The drainage easement runs southerly from what was

formerly State Road 270-A. The road is now maintained by the County and the County owns the easement and right-of-ways.

Although a drainage easement was conveyed, no drainage improvements were ever constructed. The easement runs through the middle of Ms. Johnson's property and she has requested to have the County release the easement since it is not being used.

**Staff Recommendations:**

**Public Works Director Jed Lugod** stated in the attached memo that site inspection of the property revealed that there is an active drainage easement even though the area has not been maintained. Stormwater naturally flows through the easement. He recommended denial of the vacation of easement.

**Growth Management Director Mike Sherman** also recommended denial of the vacation of the easement since the easement is active. He further recommended that if the County should decide to abandon the easement that another easement and drainage way should be created.

Discussion followed.

Mr. Jake Varn (Civil Engineering Degree, registered land surveyor, head of Department of Environmental Protection, and past experience with Department of Transportation) made a presentation to the Board arguing that the easement should be abandoned. He stated that the easement serves no practical purpose to the County. He referenced letters from neighbors indicating they supported the abandonment of the easement.

Attorney Richmond referenced the resolution prepared by the petitioner which states that the petitioner would hold the County harmless from any liability of the water or anything else resulting from the abandonment of the easement.

**UPON MOTION BY COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 3 - 1 TO ABANDON THE DRAINAGE EASEMENT SUBJECT TO THE INCLUSION OF THE HOLD HARMLESS CLAUSE. COMMISSIONER WATSON CAST THE LONE DISSENTING VOTE. CHAIRMAN FLETCHER DID NOT VOTE. ( ACCORDING TO ROBERTS RULES OF ORDER, THE CHAIRMAN WAS NOT REQUIRED TO VOTE EXCEPT IN CASES OF A TIE VOTE.)**

**Fee Schedule for Development Review Process**

Mr. Sherman recalled to the Board that on July 3, 1996, the Board adopted a new land development code. To implement the code as well as defray costs associated with the implementation, the staff devised a fee schedule for each type of permit review which is required by the code. (Proposed Fee Schedule attached.)

**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE FEE SCHEDULE AS PROPOSED. CHAIRMAN FLETCHER DID NOT VOTE.**

#### **Historic Preservation - Courthouse Renovation - Change Order**

**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE CHANGE ORDER NO. 2 FOR THE COURTHOUSE RENOVATION. NET CHANGE - \$2,345.82 BRINGING THE TOTAL TO \$415,284.85. CHAIRMAN FLETCHER DID NOT VOTE.**

#### **Request for Qualifications to Prepare the Evaluation and Appraisal Report for Gadsden County**

Gadsden County is required to prepare and adopt an Evaluation and Appraisal report (EAR) by November 1, 1997. (Local government's conclusions regarding the success and failures it has had in implementing its own comprehensive plan.) The information required is very technical in nature. The State is offering the County \$14,000 to defray the costs associated with the preparation of the EAR.

Mr. Sherman asked for authorization to use those funds for hiring a consultant to work for the County in preparing the EAR. He also asked for authorization to advertise a request for qualifications (RFQ) and scope of services to be performed by the consultant.

**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 4 - 0, BY VOICE VOTE TO AUTHORIZE MR. SHERMAN TO ADVERTISE AN RFQ AND SCOPE OF SERVICES TO PREPARE THE EAR REPORT FOR GADSDEN COUNTY. CHAIRMAN FLETCHER DID NOT VOTE.**

#### **Road Closing**

Mr. Sherman reported that he had received a request for a road closing in District 4 which affects only three property owners who

have alternative access to their property. The purpose of the request is to insure safety.

The Board had previously expressed a desire to have written criteria and procedures in place to follow when considering road closings. Mr. Sherman asked for directions as to whether he should proceed with this single request without criteria in place or delay it until criteria and procedures can be adopted.

**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER MCGILL THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO AUTHORIZE MR. SHERMAN TO ADVERTISE A PUBLIC HEARING TO CONSIDER ABANDONMENT OF DEAN ROAD IN THE PROVIDENCE COMMUNITY OF DISTRICT 4. CHAIRMAN FLETCHER DID NOT VOTE.**

It was the consensus of the Board that staff should have prepared some preliminary criteria for road closings before the public hearing date.

#### **GADSDEN COMMUNITY HOSPITAL REPORT**

Mr. Bill Hardy appeared before the Board and presented Gadsden Community Hospital's financial statement for July, 1996. He briefed the Commissioners as to the progress of the hospital and its services as follows:

- 1) Average census - 9-12 patients
- 2) Health South Rehab Hospital has contracted to provide in-house physical therapy, occupational therapy, speech therapy, for in-patients and out-patients.
- 3) The hospital has provided space for Healthy Start (education to new mothers on how to care for their children)
- 4) Space has been provided to AHEC to teach Spanish to hospital staff and the community.
- 5) 5 new and additional ER physicians have been hired.
- 6) A full time radiologist has been hired - Dr. Nichols.
- 7) A Candy Stripper program has begun with the high schools.
- 8) Civic clubs have returned to the hospital for their meetings. (Kiwanis, Lions, Gideons)
- 9) The floursocopy equipment is now operational.
- 10) The staff is stable.
- 11) New flooring is installed.
- 12) Housekeeping has improved.
- 13) State deficiencies are being addressed but they may still need an extension of time to accomplish all of them.

Mr. Hardy then proposed to the Board that they write a letter to Capital Health Plan requesting that they (CHP) give the hospital an opportunity to provide laboratory testing for local residents who are participants of CHP.

Mr. Hardy then expressed a need for additional equipment in the radiology and dietary areas which needs to be replaced. He will prepare a list and submit it to the County for consideration.

The hospital has instigated a program that will bring the facility itself (from a clinical standpoint) suitable for accreditation from the Agency for Health Care to become a fully certified institution within 2 - 3 years. (JACO committee)

**IT WAS THE CONSENSUS OF THE BOARD TO HAVE MR. RICHMOND PREPARE A LETTER/DOCUMENT (FOR APPROVAL AT A LATER MEETING) TO CHP REQUESTING THEY AFFORD LOCAL CHP PARTICIPANTS THE OPPORTUNITY TO HAVE LABORATORY TESTS PERFORMED AT GADSDEN COMMUNITY HOSPITAL.**

#### **COUNTY MANAGER'S AGENDA**

##### **Reception - Museum for Florida History**

Mrs. Miller reminded the commissioners of the reception to be held on September 11, 1996 from 5:30 p.m. - 7:30 p.m. at the Museum of Florida History. She urged them to be in attendance to support the County's application for a grant for Phase II of the Courthouse.

#### **CONSENT AGENDA**

**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE CONSENT AGENDA TO WIT:**

- 1) Mosquito Control Certified Annual Budget 96/97
- 2) Acceptance of maintenance agreement for Willacoochee Creek Bridge (500121) from FDOT - Resolution # 96-028.
- 3) Fee Schedule for handling Hazardous Waster accepted from businesses within the County qualifying as conditionally exempt small quantity generators. (schedule attached)
- 4) EMS Write Off of bad debts - Resolution # 96-031 totaling \$35,102.84.

- 5) EMS County Award Grant - HRS \$19,674.14 (requires no match)
- 6) Interlocal Agreement - City of Chattahoochee - Ambulance Services
- 7) Interlocal Agreement - Fire Service Agreements
  - a) City of Quincy
  - b) Coonbottom
  - c) City of Greensboro
  - d) City of Gretna
  - e) Town of Havana (including addendum for loan of truck)
  - f) City of Midway
  - g) Mt. Pleasant
  - h) Robertsville
  - i) Sycamore
  - j) Wetumpka

Note: Chattahoochee was not included on this consent agenda. It will appear at a later date after an agreement for funding can be reached between the city and the County.

- 8) Employment agreement with Dr. Gloria Ramos as jail physician
- 9) FY 96/97 EMPA Grant Agreement (Emergency Management, Preparedness and Assistance Trust Fund)
- 10) 96/97 bi-annual Hazardous Materials Analyses.
- 11) 96/97 Solid Waste Grant Agreement SC97-09 - \$50,000.00
- 12) 96/97 Solid Waste Recycling and Education Grant RE97-18 - \$112,103.00
- 13) 96/97 Litter Control and Prevention Grant LC 97-18 - \$10,000.00
- 14) Resolution - Small County Coalition - authorizing payment of \$2,150.00 to Robert P. Jones & Associates for legislative consultant services Gadsden County's share of bill. Resolution #96-026.
- 15) Domestic Violence Awareness Resolution 96-027.

THE CHAIRMAN DID NOT VOTE.

#### CLERK OF COURT

Clerk Thomas was not present.

#### Budget Amendments

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE BUDGET AMENDMENTS 96-09-10-01 THROUGH 96-09-10-09. CHAIRMAN FLETCHER DID NOT VOTE.

#### Ratification of Payment of County Bills

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO RATIFY THE PAYMENT OF THE COUNTY BILLS. CHAIRMAN FLETCHER DID NOT VOTE.

#### DISTRICT 1 REPORT

##### Equipment Purchase for Public Works

A MOTION WAS MADE BY COMMISSIONER MCGILL TO PURCHASE 9 PIECES OF EQUIPMENT (AS DESCRIBED IN THE ATTACHED LIST) WHICH WERE BID OUT IN MARCH BUT NOT YET PURCHASED. THE MOTION WAS SECONDED BY COMMISSIONER WATSON.

QUESTION WAS CALLED BY COMMISSIONER MCGILL. THE BOARD VOTED 3 - 1 TO PURCHASE THE 9 PIECES OF EQUIPMENT. COMMISSIONER PEACOCK CAST THE LONE DISSENTING VOTE. CHAIRMAN FLETCHER DID NOT VOTE.

#### DISTRICT 2 REPORT

Commissioner Watson encouraged all commissioners to attend the reception to be held at the Florida Museum of History on September 11.

#### DISTRICT 3 REPORT

##### Morning Star Baptist Church Request to Waive Inspection Fees

Commissioner Peacock reported that Morningstar Baptist Church had been struck by lightening and completely destroyed. The congregation will be constructing a new building. The church has evidenced a financial hardship and has requested that the County waive the inspection fees on their new building.

UPON MOTION BY COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO FIND THAT A FINANCIAL HARDSHIP AND CATASTROPHIC CIRCUMSTANCES DO EXIST FOR



**MORNINGSTAR BAPTIST CHURCH AND THEREFORE INSTRUCTED THE BUILDING INSPECTION DEPARTMENT TO WAIVE THE INSPECTION/PERMIT FEES NORMALLY CHARGED BY THE COUNTY.**

**Vote of No Confidence in Public Works Director Jed Lugod**

Commissioner Peacock gave a brief presentation outlining his displeasure with the work performance of Jed Lugod, Public Works Director. His remarks included:

- 1) No evidence of trimming of tree limbs on county roads.
- 2) District 3 citizens frustrated with their road conditions.
- 3) 2 new employees hired and certified to work DOC inmates, yet very few inmates have been utilized to date.
- 4) Previous request for public works to purchase limerock was made by the Board, yet has not been delivered.
- 5) A death occurred in a family residing on Potter Road over holiday week-end. People could not travel the road and they contacted him for help. He had Bo Brown to send someone to look at the road and they told the family that nothing could be done without approval from Mr. Lugod and he could not be reached. It was Mr. Peacock's understanding that R/B workers were afraid to do anything to the road without instructions from Mr. Lugod.
- 6) It appears that a commissioner must go to another commissioner before he can get any road work done in one's district. He voiced his displeasure with that arrangement.
- 7) Mr. Lugod is not accustomed to working in a small rural county where department heads work together to accomplish tasks. Other department heads have complained and are frustrated because they have not received Mr. Lugod's cooperation in accomplishing particular tasks (as has been the custom of previous public works directors.)

**COMMISSIONER PEACOCK MADE A MOTION TO TERMINATE MR. LUGOD, PUBLIC WORKS DIRECTOR, IMMEDIATELY GIVING HIM 4 WEEKS SEVERANCE PAY.**

Attorney Richmond cautioned the board that according to county ordinance, that only the county manager can terminate Mr. Lugod.

**COMMISSIONER PEACOCK AMENDED HIS MOTION TO DECLARE A VOTE OF NO CONFIDENCE IN JED LUGOD. IT WAS SECONDED BY COMMISSIONER**

**MCGILL.**

**DISCUSSION FOLLOWED.**

Commissioner Watson stated that the motion was out of line and asked Commissioner Peacock for an explanation. Commissioner Peacock declined to make further comments.

Commissioner Dixon stated that he had literally walked every road in his district. He had found satisfaction with his constituents. He reported that his communication with the public works department had always been made in normal business order and he had always experienced satisfaction. However, he voiced dissatisfaction with the county manager.

**THE BOARD VOTED 3 - 2 IN FAVOR OF THE VOTE OF NO CONFIDENCE.  
COMMISSIONERS PEACOCK, MCGILL, AND FLETCHER VOTING IN FAVOR.  
COMMISSIONERS WATSON AND DIXON OPPOSING.**

**DISTRICT 4 REPORT**

There was no report.

**DISTRICT 5 REPORT**

Commissioner Dixon reported that a Rural Economic Development symposium will be held in Lake City, Florida during the week of September 17. They will be making efforts to "pigeon-hole" money for small rural counties to make certain that small counties don't get left out in the huge "Enterprise Florida" shuffle.

Discussion was entertained regarding funding for travel related expenses for commissioners to attend this type meeting. It was the consensus of the Board to make certain that the upcoming budget has adequate funds to encourage attendance at meetings to gather insight and information relative to the County's ability to increase its revenues.

Commissioner Dixon requested another budget workshop with the Board prior to a vote on its adoption.

Commissioner Watson was opposed to another workshop.

**Public Comments**

There was an unidentified person asking to make remarks relative to Alligator Run Road. The Chairman did not recognize him and referred him to the County Manager's office to be placed on the agenda for the next meeting.

**ADJOURNMENT**

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

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E.H. (HENTZ) FLETCHER, CHAIRMAN

ATTEST:

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NICHOLAS THOMAS, CLERK

Minute Attachments for September 10, 1996

Public Hearing - vacation of Drainage Easement for Ms. Margie Johnson

.....09/10/96 Page 1 of 9

Fee Schedule for Development Review Process

.....09/10/96 Page 2 of 9

Historic Preservation - Courthouse Renovation - Change Order

.....09/10/96 Page 3 of 9

Request for Qualifications to Prepare the Evaluation and

Appraisal Report (of the Comp Plan) for Gadsden County

.....09/10/96 Page 3 of 9

Gadsden Community Hospital Report

.....09/10/96 Page 4 of 9

Mosquito Control Certified Annual Budget 96/97

.....09/10/96 Page 5 of 9

Acceptance of maintenance agreement for Willacoochee Creek

Bridge (500121) from FDOT - Resolution # 96-028.09/10/96 Page 5 of 9

Fee Schedule for handling Hazardous Waster accepted from businesses within the County qualifying as conditionally exempt small quantity generators. 09/10/96 Page 5 of 9

EMS Write Off of bad debts - Resolution # 96-03109/10/96 Page 5 of 9

EMS County Award Grant - HRS \$19,674.14 (requires no match)09/10/96 Page 5

Interlocal Agreement - City of Chattahoochee - Ambulance Services09/10/96 Page 5 of 9

Interlocal Agreement - Fire Service Agreements

a) City of Quincy

b) Coonbottom

c) City of Greensboro

d) City of Gretna

e) Town of Havana (including addendum for loan of truck)

f) City of Midway

g) Mt. Pleasant

h) Robertsville

i) Sycamore

j) Wetumpka

.....09/10/96 Page 5 of 9

Employment agreement with Dr. Gloria Ramos as jail physician09/10/96 Page

FY 96/97 EMPA Grant Agreement (Emergency Management,  
Preparedness and Assistance Trust Fund) 09/10/96 Page 6 of 9

96/97 bi-annual Hazardous Materials Analyses 09/10/96 Page 6 of 9

96/97 Solid Waste Grant Agreement SC97-09 - \$50,000.00 09/10/96 Page 6 of 9

96/97 Solid Waste Recycling and Education Grant RE97-18 09/10/96 Page 6 of 9

96/97 Litter Control and Prevention Grant LC 97-18 -  
\$10,000.00 09/10/96 Page 6 of 9

Resolution - Small County Coalition - authorizing payment of  
\$2,150.00 to Robert P. Jones & Associates for legislative  
consultant services Gadsden County's share of bill.  
Resolution #96-026. 09/10/96 Page 6 of 9

Domestic Violence Awareness Resolution 96-027 09/10/96 Page 6 of 9

Budget Amendments 96-09-10-01 through 09 09/10/96 Page 6 of 9

Purchase 9 Pieces of Equipment - attachments IST) 09/10/96 Page 6 of 9

AT A PUBLIC HEARING OF THE BOARD OF  
COUNTY COMMISSIONERS, HELD IN AND  
FOR GADSDEN COUNTY, FLORIDA ON  
SEPTEMBER 16, 1996, THE FOLLOWING  
PROCEEDINGS WERE HAD, VIZ.

PRESENT: E. H. (HENTZ) FLETCHER, CHAIRMAN  
BILL MCGILL, VICE CHAIRMAN  
JAMES PEACOCK  
STERLING WATSON  
EDWARD J. DIXON  
HAL RICHMOND, COUNTY ATTORNEY  
BETTY MILLER, COUNTY MANAGER  
MURIEL STRAUGHN, DEPUTY CLERK

CALL TO ORDER

Chairman Fletcher called the meeting to order. He then turned the meeting over to Betty Miller, county manager.

Mrs. Miller reported that she had provided each commissioner with a copy of the tentative budget the week of September 10. She gave a brief overview of the budget summary.

Commissioner Peacock reported that he had already reviewed the budget and was satisfied with it.

Commissioner McGill stated that he had some concerns with it but felt this hearing was not the appropriate forum to address them.

GENERAL OPERATING MILLAGE RATE

UPON MOTION BY COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO SET THE TENTATIVE MILLAGE RATE AT 10 MILLS FOR THE GENERAL OPERATING FUND.

HOSPITAL DEBT SERVICE MILLAGE

UPON MOTION BY COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO SET THE TENTATIVE MILLAGE FOR THE HOSPITAL BOND DEBT SERVICE AT 1.158 MILLS.

**ADOPTION OF THE TENTATIVE BUDGET FOR FY 96/97**

**A MOTION WAS MADE BY COMMISSIONER PEACOCK AND SECONDED BY COMMISSIONER MCGILL TO ADOPT THE TENTATIVE BUDGET FOR FY 96/97 at \$15,432,401.**

**DISCUSSION FOLLOWED.**

Commissioner Dixon asked if raises were included in the budget.

Mrs. Miller responded that the budget did include 3% salary increases and a \$150,000 contingency fund.

Commissioner Dixon asked if raises other than the 3% were included.

Mrs. Miller responded that there was a increase of \$4,000 for the building official; \$2,000 increase for the principle planner; \$2,000 building inspector Earl Williams; \$2,000 building inspector Jim Burton; a new position - GIS Planner at \$25,000; new special projects coordinator position - \$25,000; two new sheriff deputies at \$25,000 each. (The current employees will also receive the 3% in addition to the salary adjustments.)

Commissioner Dixon asked Mrs. Miller to explain the \$4,000 increase for the building official.

She responded that the raise is justified due to a dramatic increase in responsibilities which includes office space planning for all the county buildings (Barnett Bank, Fletcher Cantey building etc.), oversight of the hospital repairs and the jail repairs.

Commissioner Dixon asked if there were other changes which one should be made aware.

Mrs. Miller responded that some fund balances was used to balance the budget and provide a 5% cushion in event of revenue shortfalls.

Commissioner Dixon asked if the EMS budget took into account the rearrangement of services previously offered by the EMS Director.

Mrs. Miller indicated that the budget supported maintaining the EMS services at the same level as the previous year.

THE BOARD VOTED 3 - 2 TO APPROVE THE TENTATIVE BUDGET.  
COMMISSIONERS PEACOCK, MCGILL AND FLETCHER VOTED YES.  
COMMISSIONERS WATSON AND DIXON VOTED NO.

ADJOURNMENT

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

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E. H. (HENTZ) FLETCHER, CHAIRMAN

ATTEST:

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NICHOLAS THOMAS, CLERK



AT A REGULAR MEETING OF THE BOARD OF  
COUNTY COMMISSIONERS, HELD IN AND  
FOR GADSDEN COUNTY, FLORIDA ON  
SEPTEMBER 17, 1996, THE FOLLOWING  
PROCEEDINGS WERE HAD, VIZ.

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

#### CALL TO ORDER

The meeting was called to order by Chairman Fletcher. Clerk Thomas led in pledging allegiance to the U. S. Flag and Commissioner Peacock led in prayer.

#### ADOPTION OF THE AGENDA

##### Amendments to the Agenda

ADDITION TO CLERK'S AGENDA: Memo dated September 13, 1996 memo regarding warehouse storage and surplus inventory

ADDITION TO PLANNING & ZONING AGENDA: Stipulated Settlement Agreement to Comp Plan Amendment 96-001

ADDITION TO COUNTY MANAGERS AGENDA: Gadsden County Health Department Contract for FY 96/97

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

#### APPROVAL OF MINUTES

##### August 20, 1996 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 THE AUGUST 20, 1996 MEETING.

**COUNTY ATTORNEY**

**Town of Greensboro Request for Amendment to Ordinance 95-006 (One cent sales tax)**

Mr. Richmond stated that discussions there had been discussions between the attorney for the Town of Greensboro and himself and the issue described above had been resolved and warranted no action from the Board. He explained that the Florida Statutes allow the municipalities to use their share of the distribution in any way they choose.

**AREA AGENCY ON AGING FOR NORTH FLORIDA, INC. (AAANF) - SENIOR CITIZENS PROJECT**

Mr. Jim Drake, Director of the Area Agency for Aging for North Florida, Inc. appeared before the Board and explained that his agency is a private- not-for-profit agency which distributes federal and state funding on behalf of the Department of Elder Affairs. He requested that the Gadsden County Board of County Commissioners allow the Calhoun County Senior Citizens Association to administer the elderly programs in Gadsden County on an interim basis. It stated that it was their intention to have the Calhoun Senior Citizens Association maintain all staff currently working in the Gadsden County Senior Citizens Project (GCSCP).

Mr. Drake explained that GCSCP has had management problems for some time. (Difficulty finding and keeping a good fiscal officer. There have been 3 - 4 during the last year. AAANF staff has been in Gadsden County since January of 1995 assisting them but he can no longer afford to keep a staff person in Gadsden County. ) He reported that the GCSCP has had several six month contracts which would normally be one year contracts. Because of those management problems, GCSCP was placed on a three month contract from July - September 30. No improvements were evidenced during that time and the AAANF Board of Directors voted not to renew their contract.

Mr. Drake requested that the Board allow Calhoun County Senior Citizens Association to administer Gadsden County's programs at the Simon Scott Center.

It was the consensus of the Board that they should have been informed of the problems either by Senior Citizens or by AAANF long before things got so out of hand. It was also the consensus of the Board that they would rather try other remedies as opposed to allowing another county to come in to run its programs for the elderly.

Commissioner Dixon asked Mr. Drake to explain what he meant by interim period and to define the management problems of which he was speaking.

Mr. Drake clarified that there had been absolutely no misappropriation of funds or criminal activity. However, he could not say with certainty that services had not been decreased as a result of poor management. He stated that the major problems centered around GCSCP's inability to establish procedures and their billing for appropriate funds through the medicaid waiver program. He stated that their compliance in those areas are not acceptable. He added that one program which ended June 30, 1996 had a \$24,000 deficit and their revenues are behind the expenditures. He stated that the problem appears to be that they did not have appropriate procedures in place to bill medicaid for all the services which they provided. Mr. Drake went on to say he did not wish to comment further about the deficiencies and noted that Gadsden Senior Citizen's Board of Directors has filed an appeal of the AAANF decision.

Mr. Drake defined interim period as being through June, 1997 at which time the Area Agency will issue a Request for Proposal in the spring which will encompass the elderly programs. At that time, any organization may bid for the contract. He stated that it is conceivable that some health care agency or hospital corporation could possibly bid for the contract.

Commissioner Dixon asked how the local community could interact with a corporation which is not from Gadsden County.

Mr. Drake answered by saying his agency is looking at combining various counties into larger entities for economy of scale. Federal funds are decreasing and the Area Agency is already suffering in administrative reduction. However, Mr. Drake reiterated that the measures taken most recently with Gadsden Senior Citizens was not a result of the move toward regional administration.

Commissioner Dixon asked if the AAANF had tried other local concepts to solve the situation other than cutting off the funds to the Center.

Mr. Drake replied that he had not, but insisted that he would like to continue the services.

Commissioner Dixon replied that continuation of the services depends a great deal upon volunteers which could go away with an outside county administering the programs.

After lengthy discussion, the following facts were determined:

- 1) AAANF Board of Directors voted not to renew the management contract with Gadsden Senior Citizens. The current contract ends September 30, 1996. Fiscal and management problems of an unacceptable level continue to exist despite on site technical assistance from AAANF since January of 1995.
- 2) AAANF desires to continue to administer the elderly programs at the Center with the Calhoun Senior Citizens association managing the center during an interim period (through June of 1997). AAANF will advertise an RFP for management services in the spring of 1997 and award the contract to the lowest bidder. Gadsden County could make a competitive bid to regain management of the programs at the Center.
- 3) If the Board of County Commissioners do not agree to allow the AAANF to use the Senior Citizens Building to administer the elderly programs, they would have to suspend services until such time as they could secure another site;
- 4) An appeal has been filed by Gadsden Senior Citizens with AAANF. An impartial hearing officer will review the appeal and make a recommendation to the AAANF Board of Directors. There is no appeal to a higher decision maker.
- 5) The equipment and furnishings purchased with federal and state funds will revert back to the AAANF if they are not allowed to operate at the Gadsden Center.

Chairman Fletcher proposed that Gadsden County Senior Citizen Project be allowed to continue to administer the programs with oversight by Board of County Commissioners and fiscal supervision by the Clerk's office until the appeals process is exhausted.

AAANF Board President Nolen Treglan (Gulf County), Joe Downing (Leon County) and Donna Stinson, AAANF Attorney was present and responded to questions by the Board.

An understanding was reached between the Board and AAANF representatives that AAANF would convene a special meeting of their Board to consider the BCC proposal (to be provided in writing from

the Chairman and/or the Clerk) then they would report back to the BCC at which time the BCC would convene an emergency/special meeting to take appropriate actions.

Chairman Fletcher recognized the following people for comments:

Mrs. Willie Ruth Williams  
Mr. John Yerkes  
Mr. Horace Graham  
Unidentified person  
Pastor from First Elizabeth Baptist Church

### **RECESS**

Chairman Fletcher called for a five minute recess.

### **PLANNING AND ZONING**

Mr. Mike Sherman, Growth Management Director, presented the following:

### **Intercel cellular communication Tower Site (Havana South) Project # 96PZ-14-206-1-09**

The Intercel Corporation of Jacksonville requested special exception approval from the County to build and operate a 250' guyed cellular communication tower. The subject parcel lies in Section 31, Township 2 North, Range 2 West. The property owners are the heirs of Ms. Mattie Belford.

Mr. Sherman stated that policy 1.11.2 of the comprehensive plan permits by special exception in all land use categories, essential services which are hereby defined to include and not be limited to water, sewer, gas, solid waste disposal, telephone, television, radio electrical systems and telecommunication towers provided all other requirements of the comprehensive plan are met.

The P & Z Commissioner recommended that the project be denied stating that the proposed site is inappropriate.

The staff recommended denial of the project. He additionally recommended that applicants should be encouraged to co-locate with existing towers. When that cannot be accomplished, then build towers either in an industrial/commercial or agricultural category. The site in question is in a rural residential category. (See

attachment)

The applicants were not present.

Mr. John Yerkes presented as evidence for the record petitions bearing 138 names of residents of the affected community who oppose the placement of the proposed tower. (Attached) Also entered for the record was a letter from Dan Cox (citizen) opposing the placement of the tower. (Attached)

Commissioner Dixon recalled that the Board had directed the staff to develop site criteria for this type petition.

Mr. Sherman asked if he should prepare a separate ordinance to amend the land development regulation portion of the comprehensive plan or include it with the next amendment .

It was the consensus that an in-house criteria should be developed quickly but incorporate the changes into the next ordinance amendment.

Mr. Sherman stated that he has already begun to make recommendations to petitioners which reflect the Board's position of co-location and placement into commercial, industrial or agricultural categories.

**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO DENY THE PETITION FOR INTERCEL CELLULAR COMMUNICATION TOWER SITE - HAVANA SOUTH PZ 96-14-206-1-09)**

**Magnolia Ridge Residential Subdivision - Project 96PZ-15-201-1-09**

Mr. Virgil Justice petitioned the Board for consideration of a conceptual residential subdivision plat. The applicant proposed to develop the parcel in a cluster fashion, keeping approximately ½ the development in open space. The subject parcel is designated rural residential on the County's land use map. The rural residential land use category allows up to a 2 dwelling unit per acre density. The subject parcel lies in the southeast quarter of Section 28, Township 3N, Range 2W. The subject parcel is approximately 10.5 acres more or less. The applicant proposes 20 lots.

The P & Z Commission recommended approval subject to special

conditions as outlined in the attached memo.

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

Public comments were heard from James Marlow.

**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO GIVE CONCEPTUAL PLAT APPROVAL TO MAGNOLIA RIDGE RESIDENTIAL SUBDIVISION #96PZ-15-201-09 SUBJECT TO THE SPECIAL CONDITIONS AS LISTED IN THE ATTACHED MEMO.**

#### **Stipulated Agreement Comprehensive Plan Amendment 96-001**

Gadsden County was found to be not in compliance with its comprehensive plan by the Department of Community Affairs (DCA). Since that time, the staff worked to negotiate a settlement agreement

Mr. Sherman asked for authority to publish a notice of public hearing to consider the remedial amendment.

If the Board should adopt the remedial amendment, the pending sanctions will be resolved and DCA will issue a notice finding the County in compliance and no other hearings will be necessary. (This amendment will specifically allow Gadsden County to implement development orders which will allow historic properties and sites to be developed for commercial purposes in accordance with the Secretary of Interiors rehabilitation standards. This would bring financial relief to those who own historic properties who wish to develop them for income purposes. )

**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE STIPULATED AGREEMENT WITH DCA AND AUTHORIZE THE ADVERTISEMENT OF THE NOTICE OF INTENT TO ADOPT AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN AS DESCRIBED IN THE STIPULATED AGREEMENT.**

#### **COUNTY PROPERTY**

Management Services Director Arthur Lawson presented the recommendation of the bid committee regarding the financing of the Barnett Bank Building which the Board voted to purchase. He explained that the bid was advertised for the purpose of

purchasing the building and an additional line of credit with which to renovate the property. (See attached Bid Tabulation Form)

The bid committee's recommendation was to accept Capital City Bank Group proposal for a fixed rate of 5.55% for five years then 70% of the chase prime rate at each of the five years periods that follow.

After more consideration and examination of the amortization schedules of the five years which follow the first five years, Mr. Lawson recommended that the Board award the bid to Commercial and Municipal Capital because they offered a fixed rate for the entire 10 years.

Discussion followed.

**A MOTION WAS MADE BY COMMISSIONER MCGILL ACCEPT THE RECOMMENDATION OF MR. LAWSON.**

Discussion followed.

**COMMISSIONER MCGILL WITHDREW HIS MOTION.**

Further discussion ensued regarding current leased space and their lease agreements; the impact of those leases on the budget for years to come; and space needs for present and future.

Commissioner Dixon asked to examine all leases which the County currently has with the State Attorney, Public Defender, Property Appraiser and Tax Collector and a schedule of all expenses incurred with those leases over the lifetime of the leases. (Rent, utilities, insurance, maintenance, etc.)

**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO AWARD THE BID TO COMMERCIAL AND MUNICIPAL CAPITAL AT A FIXED RATE OF 6.59 FOR 10 YEARS THEN A ONE TIME RATE ADJUSTMENT AFTER 10 YEARS FOR AN ADDITIONAL FIVE YEARS OF FINANCING AT THE MARKET RATES AT THE END OF THE FIRST TEN YEARS.**

#### **COUNTY MANAGER**

County Manager Betty Miller presented the standard contract with HRS to operate the County's Health Department.

**Contract - HRS to Operate the Gadsden County Public Health**



Department

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE CONTRACT WITH HRS TO OPERATE THE COUNTY HEALTH DEPARTMENT.

Advertisement for Position of County Manger

County Manager Miller asked for authority to advertise for a new county manager.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5- 0 , BY VOICE VOTE, TO APPROVE ADVERTISEMENT FOR A NEW COUNTY MANAGER.

CONSENT AGENDA

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

- 1) 1997 State Aid to Libraries Grant Application (approximately \$190,000.00)
- 2) Payment of TDS Telecom Invoice for \$888.00 on behalf of Gadsden Community Hospital for replacement of paging amplifier Invoice No. 2096
- 3) Resolution 96-029 - State Awareness Month
- 4) Proclamation 96-030 Sandra B. Mortham in appreciation for assistance in improving our community with financial grants
- 5) Gadsden County Public Health Unit Funding Changes for the 95/96 HRS contract.
- 6) CDBG Grant # 95DB-65-02-30-01-H22 Modification # 3 - extension of time to May 20, 1995.

CLERK OF CIRCUIT COURT

Warehouse/Surplus Inventory

Clerk Thomas stated that a sale of the surplus property was arranged by county personnel and that it had netted the County only \$400.00. He questioned how the sale took was accomplished and expressed concern that it only netted the County \$400.00. He noted that he has made a number of recommendations dealing with warehouse inventory and how it could be addressed differently in the future.

He asked that those recommendations be made a part of the record. (See attachment) As the County's auditor, he then asked Mr. Ritter provide him with a written explanation of how the last sale transpired.

Discussion ensued.

Mr. Arthur Lawson stated that there was an advertisement for an auction. An auctioneer was used to auction the surplus items placed in the warehouse. He explained that the items had almost no value.

#### Authorization to Advertise a Budget Change for 95/96 Budget

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO AUTHORIZE AN ADVERTISEMENT FOR 95/96 BUDGET CHANGE AND SET A PUBLIC HEARING FOR THE SAME.

#### Waste Management Buy-out Agreement - Paid in Full

Clerk Thomas called the Board's attention to the fact the 60 month buy out agreement with Waste Management has been paid in full.

#### Budget Amendments

UPON MOTION BY COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE BUDGET AMENDMENTS 96-09-17-01 THROUGH 96-09-17-08.

#### Ratification of payment of County Bills

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

#### DISTRICT 1 REPORT

##### Highway Beautification

Commissioner McGill reported that he has done some preliminary investigations with DOT in response to a group from Havana who are interested in doing some highway beautification. DOT will not contract with any organization other than local governments.

### **Recreation**

Commissioner McGill reported that the Legislature has approved funds for High Bluff Landing but did not provide a mechanism for distribution of those funds. He stated that he has talked with agencies to seek all counties to support a resolution to urge the Legislature to find a way to disperse the funds.

### **Animal Ordinance**

Commissioner McGill again relayed concerns of citizens in his district to enforce the animal control ordinance. He indicated that he would address then issue again at a later meeting.

### **Legislative Issues**

Commissioner McGill asked the Board to begin looking at the juvenile justice and recreation issues in anticipation of a more successful legislative session in 1997.

### **DISTRICT 2 REPORT**

Commissioner Watson expressed his disappointment at the firing of the public works director and reviewed a series of events which he felt led to the termination. He concluded his remarks by calling for the Board to extend an apology to Mr. Lugod and invite him to return. (A verbatim account of this portion of the meeting is on file with the Clerk's office but not made a part of these official minutes.)

### **DISTRICT 3 REPORT**

There was not report.

### **DISTRICT 5 REPORT**

In anticipation of the hiring a new county manager, Commissioner Dixon urged the Board to make careful consideration of the candidates qualifications and credentials during the selection process and not to waive the qualifications as was done in the hiring of the current county manager. He expressed his displeasure with the termination of the public works director. (A verbatim transcription of this portion of the meeting is on file with the Clerk's office but is not made a part of the official minutes.)

DISTRICT 4 REPORT

Appointment to Regional Economic Development Coalition

UPON MOTION BY COMMISSIONER AND SECOND BY COMMISSIONER WATSON  
AND SECOND BY COMMISSIONER PEACOCK THE BOARD VOTED 5 - 0, BY  
VOICE VOTE, TO APPOINT RICK MCCASKILL TO THE REGIONAL ECONOMIC  
DEVELOPMENT COALITION AS GADSDEN COUNTY LIASON.

ADJOURNMENT

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

\_\_\_\_\_  
E. H. (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  
SEPTEMBER 25, 1996, THE FOLLOWING  
PROCEEDINGS WERE HAD, VIZ.

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

CALL TO ORDER

Chairman Fletcher called the meeting to order.

ADOPTION OF THE AGENDA

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER  
MCGILL, THE BOARD VOTED 5- 0, BY VOICE VOTE, TO APPROVE THE  
AGENDA AS WRITTEN. (ATTACHED)

SENIOR CITIZEN'S PROJECT (Proposal attached)

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER  
MCGILL TO APPROVE THE RECOMMENDATIONS AND PROPOSAL OF THE  
AREA AGENCY ON AGING FOR NORTH FLORIDA, INC. AS STATED IN THE  
ATTACHED LETTER DATED SEPTEMBER 23, 1996.

RECONSIDERATION OF BARNETT BANK BUILDING FINANCING

A MOTION WAS MADE BY COMMISSIONER WATSON AND SECONDED BY  
COMMISSIONER PEACOCK TO TRANSFER \$500,000 FROM GENERAL FUND  
APPROPRIATED FUND BALANCE TO THE BUDGET FOR 96/97 FOR THE  
PURCHASE AND RENOVATION OF THE BARNETT BANK BUILDING.

DISCUSSION FOLLOWED.

Commissioner Dixon voiced his displeasure that no written  
proposal and justification for the proposal was provided to him  
with which he could base his decision. He continued with questions  
regarding the future use of the building. He questioned whether

it was an intelligent decision to use the fund balance to purchase the building.

Clerk Thomas stated that the money could be taken from the fund balance. He asked Mrs. Miller how much of the fund balance was used in balancing the new year's budget? She answered by saying that \$275,000 of true fund balance was used to balance next year's budget plus the 5% revenue cushion required by the State.

It was the consensus of the Board that there should be a workshop scheduled to determine the use of the bank building.

QUESTION WAS CALLED BY COMMISSIONER WATSON.

THE BOARD VOTED 4 - 1 IN FAVOR OF THE MOTION. COMMISSIONER DIXON CAST THE LONE DISSENTING VOTE.

#### ADJOURNMENT

THERE BEING NO OTHER BUSINESS BEFORE THE BOARD, CHAIRMAN FLETCHER DECLARED THE MEETING ADJOURNED.

\_\_\_\_\_  
E.H. (HENTZ) FLETCHER, CHAIRMAN

ATTEST:

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

AT A PUBLIC HEARING OF THE BOARD OF  
COUNTY COMMISSIONERS HELD IN AND FOR  
GADSDEN COUNTY, FLORIDA ON SEPTEMBER  
30, 1996, THE FOLLOWING PROCEEDINGS  
WERE HAD, VIZ.

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

CALL TO ORDER

Chairman Fletcher called the meeting to order then turned it over to Mrs. Betty Miller, county manager.

Mrs. Miller announced that the meeting was the final budget hearing to adopt the FY 96/97 Budget for Gadsden County. She announced the roll-back rate \$9.488 per \$1,000. The percentage of increase over the rolled back rate is 5.396 %. The proposed millage rate for the County for 96/97 is 10 mills. The proposed hospital millage rate is 1.158 mills which is down from 1.428 mills last year. The proposed budget is \$20, 160,374 to cover the operating expenses for 1996/97 year. She explained how the new figure differed from the advertised budget amount:

Advertised budget amount	\$16,184,205
Add Interfund transfers of	2,839,979
Hospital Renewal and Replacment fund at	593,029
Hospital Revenue of	57,000
General Fund Adjustments	486,161
Public Defenders Budget lease decrease-	
23,912	
Capital Outlay Purchase for Barnett Bank	- 362,500
Closing costs -	5,000
Renovation Barnett Bank Building of	132,500
State mandated increase to property appraiser salary	1,826
Increase to the drug abuse transfer	8,247
Total	\$ 20,160,374

Gadsden County Board of County Commissioners  
September 30, 1996 Budget Hearing

**PUBLIC COMMENTS**

Chairman Fletcher called for public comments.

Mrs. Willie Ruth Williams of Gadsden Senior Citizen's Project was present to request an increase to the Senior Citizens Project budget. (\$10,000 was proposed in the current budget) She asked the Board to increase their budget by \$5,000 for their building maintenance.

Commissioner Dixon supported the request for \$15,000 stating that it was a mere pittance to do for "our seniors". He recommended that their budget be increased as requested by Mrs. Williams.

Commissioner McGill concurred with Commissioner Dixon stating that the County budget could not be balanced at the expense of the older citizens.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO INCREASE THE SENIOR CITIZENS PROJECT BUDGET BY \$5,000 AND TAKE THE MONEY FROM THE APPROPRIATED FUND BALANCE.

There was no further public comments offered.

**ADOPTION OF MILLAGE**

UPON MOTION BY COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE RESOLUTION ADOPTING THE MILLAGE AT 10 MILLS.

**ADOPTION OF HOSPITAL MILLAGE**

UPON MOTION BY COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE RESOLUTION SETTING THE HOSPITAL MILLAGE AT 1.158 MILLS.

**ADOPTION OF FY96/97 BUDGET**

A MOTION WAS MADE BY COMMISSIONER PEACOCK AND SECONDED BY COMMISSIONER WATSON TO APPROVE THE RESOLUTION SETTING THE BUDGET FOR FY 96/97 AT \$20,165,374.



Gadsden County Board of County Commissioners  
September 30, 1996 Budget Hearing

**DISCUSSION FOLLOWED.**

Commissioner Dixon expressed continued concern that the budget does not contain money

for a housing director. He rationalized that the housing program leads to jobs and increased tax roll. He voiced concern also that the housing director's position was changed into a special projects coordinator position with little qualifications attached to it. He reiterated that the grants coordinator requires strong competent professional people who will be aggressive in their pursuit for grant funding.

**COMMISSIONER PEACOCK WITHDREW HIS MOTION TO ADOPT THE PROPOSED BUDGET.**

**DISCUSSION CONTINUED. A COMPROMISE WAS REACHED WHEREBY THE BOARD AGREED TO FUND THE GRANTS/HOUSING DIRECTOR'S POSITION WHEN IT CAN BE DETERMINED WHAT THE TOTAL COSTS FOR THAT POSITION WILL BE AND WHAT THE RESPONSIBILITIES OF THAT STAFF PERSON WILL BE. IN EXCHANGE FOR THAT PROMISE, COMMISSIONERS DIXON AND MCGILL AGREED TO PROCEED WITH THE ADOPTION OF THE PROPOSED BUDGET FOR FY 96/97.**

**A MOTION WAS MADE BY COMMISSIONER DIXON AND SECONDED BY COMMISSIONER MCGILL TO ADOPT THE PROPOSED BUDGET FOR 96/97 BUDGET.**

**QUESTION WAS CALLED BY COMMISSIONER MCGILL.**

**THE BOARD VOTED 5 - 0 TO APPROVE THE RESOLUTION ADOPTING THE BUDGET AT \$20, 165,374.**

Gadsden County Board of County Commissioners  
September 30, 1996 Budget Hearing

**ADJOURNMENT**

THERE BEING NO FURTHER BUSINESS ON THE AGENDA, THE CHAIRMAN  
DECLARED THE MEETING ADJOURNED.

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E. H. (HENTZ) FLETCHER,  
CHAIRMAN

ATTEST:

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NICHOLAS THOMAS, CLERK

AT A REGULAR MEETING OF THE BOARD OF  
COUNTY COMMISSIONERS, HELD IN AND  
FOR GADSDEN COUNTY, FLORIDA ON  
OCTOBER 1, 1996, THE FOLLOWING  
PROCEEDINGS WERE HAD, VIZ.

PRESENT: E. H. (HENTZ) FLETCHER, CHAIRMAN  
BILL MCGILL, VICE CHAIRMAN  
JAMES PEACOCK  
STERLING WATSON  
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

Chairman Fletcher amended the agenda by removing the "Gretna Effluent Disposal" issue from the County Attorney's Agenda.

UPON MOTION BY COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO ADOPT THE AGENDA AS AMENDED. (COMMISSIONER DIXON WAS NOT PRESENT AT THIS JUNCTURE OF THE MEETING)

#### APPROVAL OF MINUTES

##### September 10, 1996 Regular Meeting

UPON MOTION BY COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE MINUTES OF SEPTEMBER 10, 1996 REGULAR MEETING. (COMMISSIONER DIXON WAS NOT PRESENT AT THIS JUNCTURE OF THE MEETING.)

#### COUNTY ATTORNEY

Mr. Richmond had nothing to report.

## **PUBLIC WORKS**

### **Progress Report on Rich Bay Road and CR 270 Bridge Report**

Mr. Billy Bishop of Bishop Engineers gave the Board a brief update on the progress of the bridge replacement on CR 270. He estimated that the bridge would be open to traffic in approximately two weeks if weather permits. He reported also that the barricades at one time by had been removed (unauthorized by engineers) and people had begun crossing the bridge. He cautioned that it is far too dangerous to allow crossing at this time and the barricades have been replaced.

(Commissioner Dixon arrived at this juncture of the meeting.)

### **HOSPITAL (Report on file with Clerk's Finance Office)**

Mr. Michael Boeke was present to discuss the Phase I study and analysis performed by Kunde, Sprecher & Associates (KSA) on the Gadsden Memorial Hospital Repairs. Mr. Boeke explained that phase I repairs are considered to be high priority items. Section A of the report dealt with the mechanical repairs which KSA recommended to be made by a mechanical contractor. (approximate cost \$30,500.)

Section B of the report dealt with the electrical repairs which will cost approximately \$57,000.

Section C of the report dealt with the roof replacement which will cost approximately \$423,511.

Phase II (not presented) will deal with repairs not as essential but still necessary - ADA repairs and other systems such as windows.

**A MOTION WAS MADE BY COMMISSIONER WATSON AND SECONDED BY COMMISSIONER MCGILL TO PROCEED WITH IMPLEMENTATION OF THE HOSPITAL REPAIRS AS RECOMMENDED BY KUNDE, SPRECHER AND ASSOCIATES IN THE PHASE I REPORT; SECTIONS A, B, C.**

**DISCUSSION FOLLOWED.**

**THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE MOTION TO PROCEED WITH PHASE I; SECTIONS A, B, AND C.**

## **COUNTY MANAGER'S AGENDA**

### **Emergency Repairs to Hospital Chillers**

Mrs. Miller reported that it had been necessary to make emergency repairs to one of the chillers at the hospital. She asked for authority to pay the invoices which totaled \$6,224 from the hospital endowment trust fund.

Peter McGinnis of McGinnis Plumbing Engineering was present to explain the chilled water system and the extent of the repairs needed.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO PAY THE CHILLER REPAIRS TOTALING \$6,224.00 FROM THE HOSPITAL RENEWAL AND REPLACEMENT FUND.

#### Small County Landfill Reimbursement Grant Distribution

A MOTION WAS MADE BY COMMISSIONER WATSON AND SECONDED BY COMMISSIONER DIXON TO DISPERSE \$91,532 TO THE CITY OF QUINCY TO BE PLACED IN THE BYRD LANDFILL ESCROW ACCOUNT FOR THE CLOSURE COSTS ASSOCIATED WITH CELL # 8 AS PREVIOUSLY RECOMMENDED BY JOE WOODBERRY, CPA.

DISCUSSION FOLLOWED BUT NO VOTE WAS TAKEN.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO TABLE THE ABOVE MOTION PENDING FURTHER INVESTIGATION.

It was the consensus of the Board to have the county attorney write a letter to the City of Quincy to see if the County can expect any kind of consideration in tipping fees if the money is placed into the Byrd Escrow Account administered by them.

#### 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) FY 1996-97 Keep Florida Beautiful Grant Agreement

- KFB Amount - \$4,750.00  
County Match - \$4,750.00 (in-kind or cash)
- 2) Gadsden County Sheriff's Narcotic's Anti-Drug Abuse Grant Award 97-CJ-6J-02-30-01-074  
\$ 98,971.00 Federal funds; local match - \$32,990.
  - 3) Division of Forestry's FY 95-96 Annual Report - for the record
  - 4) Waste Management Rate Increase effective October 1, 1996 - tipping fees to increase from \$48.00 per ton to \$50.00 per ton.

#### CLERK OF CIRCUIT COURT

##### Public Hearing for 95/96 Budget Change

Clerk Thomas announced the opening of a hearing to take public comments regarding the advertised budget change for FY 95/96. (Setting up of a separate fund for the Supervisor of Elections Office; recognizing additional revenue in the transportation fund and related expenditures; EMS Fund; Hospital Endowment Trust Fund)

Chairman Fletcher called for public comments. There were none.

UPON MOTION BY COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE ADVERTISED BUDGET CHANGE.

##### Budget Amendments

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE BUDGET AMENDMENT 96-10-01-01 THROUGH 96-10-01-06. (attached)

##### Ratification of Payment of County Bills

UPON MOTION BY 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

There was no report.

**DISTRICT 2 REPORT**

There was no report.

**DISTRICT 3 REPORT**

There was no report.

**DISTRICT 4 REPORT**

There was no report.

**DISTRICT 5 REPORT**

There was no report.

**ADJOURNMENT**

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

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E. H. (HENTZ) FLETCHER, CHAIRMAN

ATTEST:

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NICHOLAS THOMAS, CLERK

AT A REGULAR MEETING OF THE BOARD OF  
COUNTY COMMISSIONERS, HELD IN AND  
FOR GADSDEN COUNTY, FLORIDA ON  
OCTOBER 15, 1996, THE FOLLOWING  
PROCEEDINGS WERE HAD, VIZ.

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

CALL TO ORDER

Vice-chairman McGill called the meeting to order.  
Commissioner Watson led in pledging allegiance to the U.S. Flag and  
Commissioner Peacock led in prayer.

ADOPTION OF AGENDA

ADDITION TO CLERK'S AGENDA

Clerk Thomas asked to amend his agenda to include the Tax  
Collector's Year-End report for the record.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER  
DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE TO ADOPT THE  
AGENDA AS AMENDED.

APPROVAL OF MINUTES

September 16, 1996 Public Hearing

September 17, 1996 Regular Meeting

September 25, 1996 Special Meeting

September 30, 1996 Public Hearing

October 1, 1996 Regular Meeting



Commissioner McGill asked to have the minutes of September 17, 1996 Regular meeting amended to include his dialogue with Mr. Drake concerning the Senior Citizen's Project be added to page 3.

**UPON MOTION BY COMMISSIONER WATSON AND SECON BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE THE MINUTES WITH AMENDMENTS AS LISTED AND STATED ABOVE.**

#### COUNTY ATTORNEY

#### Final Judgement of Default in Gadsden County v. DISC Village Case No. 96-160-CAA

Mr. Richmond reported that Judge Sauls ruled that DISC Village did owe Gadsden County \$21,970.44 plus filing fees and service process fees. The County received payment of \$21,990.44 which leaves a balance of \$80.00 owing in the case. He asked the Board to give the Chairman the authority to satisfy the judgement for the record.

**UPON MOTION BY COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTE 5 - 0, BY VOICE VOTE, TO AUTHORIZE THE CHAIRMAN TO SATISFY THE JUDGEMENT ENTERED AGAINST DISC VILLAGE IN THE AMOUNT STATED CASE.**

It was the consensus of the Board not to pursue trying to get the remaining \$80.00 and that it should paid from the County's budget.

#### HOSPITAL - MEDTECH/HEALTHMARK HOLD HARMLESS AGREEMENT

Mr. Richmond reported that a difficulty had arisen at the hospital with regard to some medicaid and medicare payments. MedTech has requested that the County enter into an agreement with them that the County would hold them harmless with regard to any monies which may be owed by Healthmark.

The shortfall in a Medicare audit stays with the facility itself. It could result in MedTech being cut off if it is not properly handled. The position of MedTech is that they did not have an agreement with Healthmark for them pay what they owe.

Mr. Bill Hardee was present and explained that the most recent medicare audit cost report was for the year 1994. It reflected a shortfall of \$18,000 which must be repaid. Medicare will withhold that amount from the MedTech's next reimbursement to the facility if it is not repaid before then. Mr. Hardee went on to say that

Medicare officials had informed him that a hold harmless agreement from the County stating that MedTech is not responsible for medicare shortfalls for 1995 and 1/2 of 1996, it would eliminate any financial liability for MedTech for that time period.

Mr. Richmond stated that Healthmark recognized that they are responsible for the debt and it is stated in the lease agreement between Healthmark and Gadsden County.

**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER MCGILL THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO AUTHORIZE THE COUNTY ATTORNEY TO PREPARE A HOLD HARMLESS AGREEMENT FOR THE CHAIRMAN'S SIGNATURE STATING THAT MEDTECH IS NOT RESPONSIBLE FOR MEDICARE SHORTFALLS FOR THE TIME PRIOR TO THE BEGINNING DATE OF THEIR LEASE AGREEMENT WITH THE COUNTY.**

Commissioner Dixon asked that the staff to exhaust all measures to try and ascertain (based on an average basis) how much the medicare shortfall debt could become and to attempt to get some legal commitment from Healthmark to pay the debt if.

Mr. Richmond stated that the legal commitment is already in place with the lease agreement itself.

#### **HOSPITAL - EMERGENCY REPAIRS/REPLACEMENT OF HEATERS**

Mr. Richmond stated that it had been called to the County's attention that the room heaters in patient rooms are in extreme disrepair. Only 7 have functioning heaters at this time.

Mr. Hardee explained that the heating units are obsolete and parts cannot be obtained to repair them. The past practice has been to replace the non operating heaters with good heaters from other unused rooms of the hospital. The supply has now been exhausted and another measure must be taken.

Mr. Frank Ritter, county buiding official, explained that the heaters were designed to last 10 years. They are now 14 years old and have exceeded their life expectancy. He went on to say that the Board had previously authorized an emergency replacment of 25 heaters. Since that time Kunde, Sprecher has been hired to schedule overall repairs to the hospital and they have included replacement heaters in the phase II repairs.

Mr. Hardee cautioned that JACHO standards require all heaters to be operational.

Mike Boeke, engineer for Kunde Sprecher was present. He stated that an evaluation of the heating and airconditioning system of the hospital is now in progress but he could not confirm any recommendations for the purpose of this meeting.

UPON MOTION BY COMMISSIONER DIXON AND SECOND MCGILL BY COMMISSIONER THE BOARD VOTED 5 - 0 TO AUTHORIZE KUNDE SPRECHER TO MAKE AN EVALUATION AND RECOMMENDATION CONCERNING THE HEATING SYSTEM OF THE HOSPITAL PATIENT ROOMS AND FURTHER AUTHORIZE MR. RITTER TO FOLLOW THEIR RECOMMENDATIONS.

#### **HOSPITAL - FINANCIAL STATEMENT**

Mr. Bill Hardee offered the financial statement for Gadsden Community Hospital for August 1996.

Commissioner McGill questioned Mr. Hardee about the \$13,000 deficit.

Mr. Hardee explained that if he had all the receivables which show as outstanding, he would have a net profit.

Commissioner McGill then questioned the depreciation of equipment.

Mr. Hardee confirmed that home health patient census is now 43-44 patients and the hospital census is now 8 - 10 patients and the cash on hand fluctuates from day to day.

#### **JACK HARNETT - NICHOLSON FARM HOUSE REQUEST FOR VARIANCE**

Mr. Jack Harnett, attorney for Nicholson Farm House Restaurant, appealed to the Board for a waiver of the emergency lighting requirements as required by the ? Code for a number of the dining rooms of the Nicholson Farm House Restaurant.

Mr. Harnett recalled to the commissioners that restaurant began in 1987 when it first renovated the historic Nicholson home.

Since that time, other historical homes and buildings were moved to the site and renovated as additional dining rooms. County building inspections were conducted when each of the buildings were permitted and approved the exit lights as adequate. Subsequent inspections were conducted by the State's Hotel and Restaurant Division without mention of any safety violations. The

County nor the State required Mr. Nicholson (during permitting and inspection process of the renovations) to install lighted exit signs over the doorways.

However, during the renovation of the most recent addition to the restaurant, the "Shady Rest", the county building inspector required Mr. Nicholson to install the lighted exit signs and battery operated back-up lights placed in such a way as to light the exit signs in the event of a power failure. This was accomplished during the renovation process without hardship or incident.

During the last annual inspection by the Hotel and Restaurant Commission, Mr. Nicholson was told that he must install the lighted signs over the exit doors in the Littman House, McCall House, Smoke House and the Farm House itself - all of which are on the National Registry for historic buildings. To accommodate this requirement at this juncture would not only deface the historic buildings but could pose safety hazards to the persons doing the installations. In addition it would create a considerable expense and disruption to business.

Mr. Harnett called attention to the fact (except for the Shady Rest Building which has its own kitchen) the kitchen is located in a totally separate building from each of the dining rooms and each dining room is situated separately to each other on the grounds. The danger to the public is minimal.

The State told Mr. Nicholson they could exempt him from the requirement for the lighted exit signs if the County Commission would provide a letter stating that the County has exempted the restaurant from those requirements.

Mr. Harnett contended that the fluorescent exit signs already in place which are lighted by emergency lighting are sufficient to insure the safety of dining patrons in emergency situations. He went on to say that in view of the historical significance of the buildings and the minimal safety risks involved, it would be reasonable for the County to grant the exemption request for the restaurant (for those dining rooms mentioned above.)

Mr. Harnett argued that the County Commission has the authority and power to exempt the ordinance requirements.

Commissioner McGill asked why the Hotel and Restaurant

Commission did not grandfather the buildings upon initial inspection.

Mr. Harnett surmised that the last inspection was performed by a young and ambitious worker who was unwilling to waive the requirement. It was written in his report and his superiors supported his position but did go so far as to offer the possibility of waiver by the County Commission.

Commissioner Peacock asked to clarify the point that there is battery-operated backup lighting in place in each of the buildings.

Commissioner Dixon asked Mr. Ritter to respond as the County building inspector.

Attorney Richmond asked why and how the County Commission became involved in this situation.

Mr. Ritter reported that Mr. Nicholson had approached him recently asking him to write a letter to the Board recommending that he be exempted from the requirements stated above. Mr. Ritter pointed out that the requirement in question is a life safety call made by the State. He could not understand why the State put the responsibility of the call when the County did not make the call. He further stated that he would not assume the responsibility to exempt the requirement nor would he recommend that the Board waive the requirement because of the liability for inhabitants of the building in an emergency situation.

Mr. Ritter continued to explain that the measure is a life safety code. If the County erred in ignorance to the existence of the code when the initial inspections for the earlier buildings were renovated, there is some measure of protection through sovereign immunity from prosecution for resulting injuries. On the other hand, if the County knowingly grants a variance or overlook any part of the code and someone becomes injured through that negligence, then the County can be held liable. Mr. Ritter refused to jeopardize himself or the County by signing a release.

Mr. Ritter stated the code provides five stipulations for which a variance may be given. The fifth stipulation reads that "the grant of the variance will be in harmony with the general intent and purpose of this code and will not be detrimental to the public health, safety and general welfare." Mr. Ritter contended that this particular safety requirement is for the health and

safety of the public.

Mr. Ritter reminded that Commissioners that the County is currently spending thousands of dollars in the Courthouse to meet these identical safety requirements. It, too, is a historical building. He suggested that if safety could be compromised for a private business to avoid the expense, perhaps the County should also grant a variance for the Courthouse and save approximately \$10,000.

Chairman Fletcher asked what kind of liability would the County assume if Mr. Nicholson should be granted the variance he has requested.

Mr. Richmond stated that actual knowledge of an unsafe condition and allowing it to continue creates a liability on the part of the governing agency and takes it out of its sovereign immunity status. The County could assume some legal responsibility if the requirement is waived.

Commissioner Dixon stated that he was not certain that the Board is the proper venue for the variance request. He asked if there are avenues of appeal to the State.

Mr. Harnett answered that there are lengthy appeal avenues to the state which could also require the closing of the restaurant. The State offered the County variance as a shorter alternative. He stated that he had hoped that the home-town government would intervene.

Commissioner Dixon reminded the Board that this is an issue of safety. The County itself is subjected to the same requirements for its historical buildings and have made considerable expense and efforts to maintain safety. He continued that regardless of his own opinion on the issue, he felt that another venue would be proper.

Mr. Nicholson argued that if he had known of the lighting safety requirements when he was renovating the buildings initially, it could have been easily accomplished. However, now that the buildings are finished, it would damage the integrity of the buildings.

Commissioner Peacock asked what kind of letter could the Board provide to the State granting the variance without placing the

County in any kind of liability.

Mr. Richmond asked that the matter be tabled for further investigation.

**UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 4 - 1, BY VOICE VOTE, TO TABLE DISCUSSION OF THE NICHOLSON FARM HOUSE RESTAURANT VARIANCE REQUEST. COMMISSIONER MCGILL CAST THE LONE DISSENTING VOTE.**

#### **PLANNING AND ZONING ISSUES**

Growth Management Director Mike Sherman present the following issues for the Board's consideration:

#### **Public Hearing for abandonment of Dean Road**

Mrs. Margaret Pelletire petitioned the County to consider the abandonment of a portion of Dean Road. Dean Road is in District 4 located adjacent to CR 270 and CR65A. The portion of the road which is to be abandoned is adjacent to CR 270 and is approximately 1320 feet in length. The reason for the request is to help the community of provide better security for the area. The abandonment will not land lock any property.

P & Z staff recommended approval of the vacation of the road.

Commissioner McGill commented that he recalled that the Board had agreed not to abandon any more roads until some criteria and procedure can be adopted by the County.

Mr. Richmond recalled that this request was brought to the County prior to the Board's decision to delay abandonment requests until such time as the criteria and procedures can be implemented. This exception was noted at the time the Board reached the consensus to delay other requests for abandonment.

**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE ABANDONMENT OF DEAN ROAD.**

Mr. Sherman was instructed to prepare a resolution indicating the Board's actions on Dean Road for the proper signatures.

#### **Cellular Communication Tower Location Requests**

Mr. Sherman told the Board that the County has received numerous petitions to construct cellular towers. There are currently ten (10) towers in the unincorporated areas of Gadsden County. Policy 1.11.2 of the Future Land Use Element permits by special exception approval of the location of certain essential services in any land use category. Essential services includes cellular communication towers.

At the present time, there is no criteria in the county's land development codes to direct the location of cellular communication towers.

Mr. Sherman recommended that the policy be amended to allow telecommunication towers by a special exception permit in industrial, commercial and agriculture 3 categories only. Additionally, the petitioner could be required to demonstrate that co-location with existing towers was attempted. Once approval is granted, a dual lighting system must be used (white light by day/red by night.) If a dual lighting system is not permitted by the FCC, then the permit shall be rescinded.

Commissioner McGill asked how a cellular tower was determined to be an essential service.

Mr. Sherman responded that it was identified in the comprehensive plan as an essential service by the County Commission.

Commissioner Dixon reported that he had attended the association meeting the week of October 7, 1996 and at that meeting telecommunications were discussed. He stated the following:

- 1) The federal government has bidden away \$2 billion worth of telecommunication services.
- 2) The industry is way ahead of Gadsden County.
- 3) There are 6 major companies in the State all of whom wish to have their own towers. By all indications, there will be more. They will all want their own towers just for the sake of competition.
- 4) The issue however is far larger than just towers. It goes to taxes and big dollars.
- 5) If the state sites one on state property, it will never come to the Board.
- 6) There are many twists going on in the new law governing them. More information will be forthcoming.



- 7) Most counties have adopted moratoriums until they can get a handle on what is happenings with telecommunications.
- 8) A general ordinance recommendation will be coming from the FAC very soon.

Commissioner Dixon suggested that the County ask a telecommunications expert to conduct a workshop to help Gadsden County begin the process of dealing with telecommunications. Until such time as the P & Z staff can get more acquainted with what the counties obligations are to petitioners for cellular towers, he proposed that Gadsden County impose a moratorium until some proper ordinance and policy can be adopted.

A MOTION WAS MADE BY COMMISSIONER DIXON AND SECONDED BY COMMISSIONER MCGILL TO IMPOSE A MORATORIUM ON PLACEMENT OF CELLULAR TOWERS FOR A MAXIMUM OF SIX MONTHS OR UNTIL AN ORDINANCE TO REGULATE CELLULAR TOWERS AND TELECOMMUNICATIONS CAN BE ADOPTED.

PUBLIC COMMENTS WERE HEARD FROM DAN COX OPPOSING ANY NEW CELLAR TOWERS IN GADSDEN COUNTY. (LETTER RECEIVED AS EVIDENCE AND MADE PART OF THE RECORD FOR PURPOSES OF THIS MEETING.)

QUESTION WAS CALLED BY COMMISSIONER MCGILL.

THE BOARD VOTED 5 - 0 IN FAVOR OF THE MORATORIUM.

It was the consensus of the Board to allow public input and industry input in formulating the policy and ordinance dealing with telecommunication towers.

Public Hearing for remedial amendment 96-001 and 96-002

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO AUTHORIZE THE ADVERTISEMENT OF A PUBLIC HEARING FOR NOVEMBER 19, 1996 FOR THE PURPOSE OF ADOPTING THE ORDINANCES 96-001 AND 96-002 ALLOWING FOR AMENDMENTS TO THE COMPREHENSIVE PLAN.  
(Commissioner Dixon was not present for this vote.)

Code Enforcement

Mr. Sherman reported that the staff had made several attempts to work with the Joseph Oliver family to effect abatement of a number of code violations. No response from the Oliver family has been evident. He asked for directions from the Board.

Mrs. Ernestine Oliver, sister of Joseph Oliver, stated that she had not seen any notice of violation nor had she received notice of the hearing on this date. She asked the Board to table any action on the complaint until she has had an opportunity to intervene with her family.

Mr. Sherman reported that a certified letter was mailed and returned unclaimed. A letter was then had delivered by the Sheriff's office.

**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO TABLE FURTHER ACTIONS ON THE NUISANCE CODE VIOLATIONS COMPLAINT AGAINST JOSEPH OLIVER.**

#### **ECONOMIC DEVELOPMENT**

Mr. Rick McCaskill gave the Board an update of the economic developments throughout the County. They were as follows:

- 1) Flying J travel plaza will be opening soon
- 2) DOT Maintenance facility is nearing completion and is expected to open in November.
- 3) Excel Millwork and Molding Building is expected to open in 4 - 6 months.
- 4) Home Health Center located on Strong Road will open in 4 - 6 weeks.
- 5) Gadsden County has made it into the final cut for a number of relocation of large businesses. Several of them hinge of the availability of the road fund grant - but the application for the grants cannot be turned in until the company makes the commitment to relocate.
- 6) The North Florida Art Trail designated by the County Commission is progressing. The first brochure will be out in November. There are 29 galleries and studios listed in the brochure and they run from Havana to

Chattahoochee.

- 7) An Economic Development Conference was held in Tallahassee which was comprised of 20 counties surrounding the Tallahassee area - including Georgia counties. Gadsden County was highlighted for having their economic development plans in place and organized.

Mr. McCaskill referred to a status report provided to the Board in the agenda packets which outlined the activities throughout the County.

When questioned by Commissioner McGill, Mr. McCaskill reported that Osceola Supply has completed their site preparation and is prepared to turn in their permitting paperwork for the building. MedTech Labs is also in the paper development stage.

In closing Mr. McCaskill also stated that there are three motels and two restaurants interested in the 10/90 interchange.

#### **COUNTY MANAGER**

Mrs. Miller had nothing to report.

#### **CONSENT AGENDA**

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

- 1) Resolution providing for execution of an agreement between the State of Florida DOT and the County of Gadsden for transfer of ownership of Bailey Bridge #504135 on Barineau Road over Willochoochee Creek
- 2) Surplus Property Receipt for Bridge #504135
- 3) Habitat for Humanity Request for Waiver of building permit fees for home being built on Goldwire Road in the St. John Community.
- 4) Work Authorization No. 1 for Gadsden Memorial Hospital Renovations

- 5) Resolution for EMS Write-off of Bad Debts totaling \$32,636.25.
- 6) Northwest Florida Water Management 96/97 FY Budget and Resolution
- 7) Ridgewood Road (Sawdust Community) Road Paving Request and citizens petition filed for the record.

#### CLERK OF CIRCUIT COURT

#### Year-end Report - Tax Collector

Clerk Nicholas Thomas presented Tax Collector Dale Summerford's year end report and a check for \$36,135.53 which he collected in excess fees for the fiscal year 95/96.

#### Budget Amendments

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE BUDGET AMENDMENTS 96-10-15-01 THROUGH 96-10-15-04.

#### Ratification of Payment of County Bills

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

#### DISTRICT 1 REPORT

Commissioner McGill yielded his time to Mrs. Linda Jamison who lives on Deer Run Road in District 1. She delivered a letter of complaint with ten signatures for the record. The letter summarized problems she and other residents have experienced with road conditions.

#### DISTRICT 2 REPORT

Commissioner Watson suggested that the November 5, 1996 meeting be changed to another date since that is the day of the General Election.

**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER PEACOCK THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO CHANGE NOVEMBER 5, 1996 MEETING TO MONDAY, NOVEMBER 4, 1996.**

### **DISTRICT 3 REPORT**

#### **Appointment to Senior Citizens Council**

Commissioner Peacock appointed Mrs. Maggie Estes to the Senior Citizens Council as representative for District 3.

It was the consensus of the Board that all commissioners would make their appointment known to Mrs. Miller and all appointments would be placed on the consent agenda for their approval at the November 4, 1996 meeting.

Commissioner Peacock then referenced a letter he had received from HRS concerning repairs that will be done on US 90 at Mosquito Creek in Chattahoochee. He indicated that the matter will be on the agenda for discussion on November 4, 1996.

### **DISTRICT 5 REPORT**

#### **Florida Association of Counties Meeting Report**

Commissioner Dixon reported that he had attended the FAC meeting the week of October 7. He stated that he would provide copies of documents which were on the agenda. The seminars were good and very helpful.

#### **Senior Citizens - Horace Graham- request for clarification**

Mr. Horace Graham, executive director for the Senior Citizen Project asked the Board to clarify what was budgeted for the Senior Citizen's Project for FY 96/97 since on \$10,000 was received from the County. He was told by Mrs. Miller's office that \$5,000 was withheld for the building's maintenance cost. He asked if it was customary for the Board to do so with all county buildings. If it is not customary, then why was this distinction made to Sr. Citizen's Project.

Mrs. Miller responded stated that there was no agreement in place with the council on who will cover the maintenance costs.

Mr. Graham reminded the Board that the Sr. Citizen's building

is owned by the County and they should be taking the responsibility for all the maintenance and repairs. Mr. Graham indicated that he has been trying to locate the original agreement that the County had with the Sr. Citizen's Project with regard to the building. So far, he has not found a copy of it, but he assumes that the County should take responsibility for it.

Mrs. Miller reminded the Board that the Old Stevens School is also owned by the County but there is a lease agreement whereby the tenants are responsible for the maintenance. All other county buildings are used for government. Sr. Citizens is not a county department.

Commissioner Dixon stated that it was his intent that all of the money should go to the Sr. Citizen's Council. Repairs were not discussed. He further stated that if there were changes or questions, it should have come back to the Board for clarification. He was of the opinion that the County should be responsible for repair and maintenance of all county buildings. He suggested that a policy be developed to provide for that.

Commissioner McGill concurred that it was his understanding that all \$15,000 should go to the Council.

It was the consensus of the Board and the Clerk that the full \$15,000 should be forwarded to the Sr. Citizen's Council.

#### **DISTRICT 4 REPORT**

Commissioner Fletcher asked the Board to authorize the Chairman to appoint a committee of three to review and screen the applicants for the position of county manager and bring back to the Board a list of 5 potential candidates.

**A MOTION WAS MADE BY COMMISSIONER MCGILL AND SECONDED BY COMMISSIONER PEACOCK TO AUTHORIZE THE CHAIRMAN TO APPOINT A COMMITTEE OF THREE TO SCREEN THE APPLICANTS FOR THE COUNTY MANAGER'S POSITION AND TO BRING BACK TO THE BOARD A LIST OF POSSIBLE CANDIDATES. THE BOARD VOTED 5 - 0 IN FAVOR OF THE MOTION.**

**CHAIRMAN FLETCHER APPOINTED THE CHAIRMAN, HAROLD HENDERSON (SUPERINTENDENT OF SCHOOLS) AND CRAIG MACMILLAN.**

**CITIZEN REQUEST TO BE HEARD**

Mrs. Mable S. Bethea appeared before the Board to request the Board's consideration to pave MACMILLAN Road in Chattahoochee. She explained that there had been a recent incident (rape) which resulted from the inability of the bus to go down the road. The children have to walk to the next nearest road - Lincoln Road.

Mrs. Bethea stated that all the property owners are willing to donate whatever right-of-way is necessary to get the road paved or at least rocked and properly maintained.

The county manager was instructed to proceed with taking measures to correct the road to the extent that it will provide for passage of a school bus.

Commissioner Dixon asked if it is the Board's intention to follow the county manager's ordinance in screening applicants for the final selection. He further asked how many names should be brought to the Board.

Chairman Fletcher stated that he had thought the committee should bring three names for the Board's review.

Commissioned Watson stated that he would like to see every application.

It was the consensus of the Board that the screening committee should bring five applications for the Board's review.

**ADJOURNMENT**

**THERE BEING NO OTHER BUSINESS BEFORE THE BOARD, THE CHAIRMAN  
ADJOURNED THE MEETING.**

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**E. H. FLETCHER, CHAIRMAN**

Gadsden County Board of County Commissioners  
October 15, 1996 Regular Meeting

**ATTEST:**

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**NICHOLAS THOMAS, CLERK**



AT A REGULAR MEETING OF THE BOARD OF  
COUNTY COMMISSIONERS, HELD IN AND  
FOR GADSDEN COUNTY, FLORIDA ON  
NOVEMBER 4, 1996, THE FOLLOWING  
PROCEEDINGS WERE HAD, VIZ.

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

#### CALL TO ORDER

Chairman Fletcher called the meeting to order. Clerk Thomas led in pledging allegiance to the U.S. Flag and Commissioner Dixon led in prayer.

#### ADOPTION OF AGENDA

The agenda was amended as follows:

##### ADDITION TO COUNTY ATTORNEY'S AGENDA:

State's Response to Nicholson Farm House Restaurant's Request for Safety Code Variance

##### ADDITION TO CLERK'S AGENDA

Sheriff's Year End Report for the Record

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 MINUTES

##### October 15, 1996 Regular Meeting

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE MINUTES OF OCTOBER 15, 1996 REGULAR MEETING.

**COUNTY ATTORNEY**

**Nicholson Farm House Restaurant Request for Waiver of Regulations  
Relating to Lighted Exit Signs**

Mr. Richmond reported that he had received correspondence from Mr. Jack Harnett concerning a request from Nicholson Farm House Restaurant to the County to waive its requirement for lighted exit signs in several of the historic buildings. Mr. Harnett had also requested that the County write a letter to the State Hotel and Restaurant Commission requesting that they (the State) waive their requirements.

Mr. Frank Ritter, Gadsden County building official, reported that he had talked with Mr. Peter Newman at the Department of Business and Professional Regulations, Division of Hotels and Restaurants to determine what the State would require from the County. Mr. Newman responded that due to the type of construction of the buildings and their age, he would not recommend exemption of the safety requirement even if the County wrote to them requesting exemption. Mr. Newman stated that he felt certain that the State would not grant the exemption because their fire marshall would question the local Board's authority and credentials to grant the exemption. Mr. Ritter went on to say that Mr. Newman did not believe that the Board of County Commissioners can supersede the fire marshall's authority. Mr. Newman did suggest that the establishment might possibly pursue some initiative through the Historic Commission based on the historical significance of the buildings, but it would still be possible that a request for a waiver would be denied.

Mr. Richmond clarified that the issue before the Board at this meeting is whether the Board wished to write to the State to request a waiver of the electronic lighted exit sign for the three buildings.

Mr. Harnett, attorney for Nicholson Farm House Restaurant, asked the Board to write a letter requesting that they waive the requirement.

**A MOTION WAS MADE BY COMMISSIONER PEACOCK AND SECONDED BY COMMISSIONER MCGILL TO WRITE A LETTER TO THE FLORIDA DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION, DIVISION OF HOTEL AND RESTAURANTS REQUESTING THAT THEY WAIVE THE SAFETY REQUIREMENT FOR ELECTRONICALLY LIGHTED EXIT SIGNS FOR THE LITTMAN HOUSE, MCCALL HOUSE AND THE NICHOLSON HOUSE OF THE**

**NICHOLSON FARM HOUSE RESTAURANT.**

**DISCUSSION FOLLOWED.**

Commissioner Dixon stated that he felt that the letter would have weight at the State level. But he reminded them that the staff building inspector had recommended that the Board not write a letter requesting such a waiver. The County has not waived those same requirements for itself or anyone else.

**THE BOARD VOTED 3 - 2 IN FAVOR OF THE MOTION. COMMISSIONERS PEACOCK, MCGILL AND FLETCHER VOTING "AYE" AND COMMISSIONERS DIXON AND WATSON VOTING "NAY".**

**Small County Landfill Reimbursement Distribution**

Mr. Richmond reported that there had been correspondence with the City of Quincy regarding the \$91,532 from the Small County Landfill Reimbursement grant which was allocable to Cell # 8 of the Byrd Landfill. The City of Quincy advised that the money would be placed into the Byrd Landfill Management Escrow Account which the City maintains. The money would be available for future closing and monitoring costs associated with the landfill.

**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 4 - 1 TO SEND \$91,532 OF THE SMALL COUNTY LANDFILL REIMBURSEMENT GRANT FUNDS TO THE CITY OF QUINCY WITH THE UNDERSTANDING THAT THE MONEY WOULD BE PLACED INTO THE BYRD LANDFILL ESCROW ACCOUNT ADMINISTERED BY THE CITY.**

Commissioner Dixon questioned who set the tipping fees at the landfill.

Mr. Richmond responded by saying that the City of Quincy sets the fees based on the consumer price index by the authority provided to them in their contract with Waste Management.

Commissioner Dixon then asked if tipping fees are tied to the interlocal agreements in any way.

Mr. Richmond explained that the transfer fee is with the City of Quincy but the tipping fees are under the terms of each

individual contract with Waste Management.

It was the consensus of the Board to delay making a decision on what to do with the remaining \$143,000 of the reimbursement grant until a later meeting.

**Fire Services Agreement with City of Chattahoochee**

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0 TO DISBURSE 25% OF THE FIRE FUNDS TO EACH DEPARTMENT ON A QUARTERLY BASIS UPON RECEIPT OF THEIR QUARTERLY RUN REPORTING AND FINANCIAL STATEMENTS. IT WAS FURTHER APPROVED THAT HAL RICHMOND SHOULD MEET WITH THE CITY OF CHATTAHOOCHEE ON THE BOARD'S BEHALF AND INFORM THEM THAT THEY MUST ENTER INTO AND COMPLY WITH THE SAME INTERLOCAL AGREEMENT AS ALL OTHER FIRE DEPARTMENTS BEFORE THEY WILL RECEIVE THEIR BUDGETED FUNDS.

This agenda item was transcribed verbatim upon request.

Richmond: Gentlemen, the last matter that I believe I have for you tonight is on the proposed fire agreement with the City of Chattahoochee. We had brought this up before. There has been a response from Mr. Parsons. Ah, Mr. Sellars has been talking with them, we have not reached an agreement with the City of Chattahoochee with regard to our interlocal agreement. We probably need to have one of the board members appointed to meet with their attorney and a board member from the City of Chattahoochee and see if we can negotiate what this means. They want the money unrestricted. I think we had talked about well, this year that is fine, and then we will work out something more direct next year. The second thing is there is some other language in the agreement that they objected to and is contained in Parson's letter. I think probably we need to have a meeting to see if we can resolve these differences.

Peacock: I recommend that the Board appoint a commissioner to meet with them and see if we can work it out.

McGill: I would like to question though, that, as I interpret the letter, next year they want at least 50% of the total cost of operating the fire department in Chattahoochee. That will increase by \$8,847 I believe or there about.

Ah, to be added to the \$27,476.

Peacock: That's not what they are wanting to agree on now.

Dixon: Mr. Chairman, let me interject something.

Chairman: Mr. Peacock, was that your motion, in the form of a motion?

Peacock: That was just a suggestion to that, I didn't make a motion.

Dixon: If I might. Because the concerns the City of Chattahoochee has and things they are asking for, all the other municipalities and fire stations want also. So, you know, we might be dealing with the City of Chattahoochee, but the implications are throughout the fire system. So, I would not want to sit down and cut a deal with the City of Chattahoochee only to have to turn around and deal with each other entity out there. I think this is a problem that we have got to settle in house because some of that money that was assessment money, which really was tied to specifics.

Richmond: Those are some of the difficulties we are having. One of the suggestions that Mr. Sellars made is that we could try and prepare ourselves to have something in place in the Chattahoochee area in the surrounding area by next year so that we would not have to deal with the City of Chattahoochee anymore. That is something we can look out.

Peacock: In terms of money, they are dealing with the same amount of money that they dealt with last year, \$27.476. I don't think that is a concern of them for the next 12 months. Their concern is, so I understand in talking with one of the councilmen, is that they don't want to keep two separate books on this. Now, I don't know how, is Oliver, is Oliver here? I don't know how they have been doing it, but they have no problem doing what they have been doing. What they are thinking here is that you're asking them to keep two separate sets of books for their fire department over there.

Sellars: No, that is not what I am asking. They have not been

reporting anything. No run reports, no , they don't want to be obligated to nothing is basically what they are saying.

Peacock: Well, what are, the other fire departments, they're doing their reporting?

Sellars: A few of them are and a few of them are not. But hopefully this year, they'll all do it.

Watson: You sent a letter out this year didn't you.

Sellars: Yeah, I sent a letter to all of them.

Peacock: Well then, you know, if we going to ask one to do it, we should have all of 'em to do it.

Sellars: I agree with you.

Peacock: So, if we are going to sit here and say they got to do it, then let's say everybody's got to do it and vote to that effect and if they don't do it, then don't give any of them any money - those that don't do it.

McGill: I don't have any problem with that, but as I look at that same paragraph,

Peacock: Well, that's what I thought, but from what I am hearing now is we got others that are not reporting it either.

Watson: That did not last year. But when we had that meeting, if you recall, that was something that we said must be done.

Peacock: Well that's right. You are exactly right. We did. And They agreed on it.

Watson: They agreed that day.

Peacock: Well, the entire council didn't agree on it, we had one councilman here that did. But then when he went back to their council, they disagreed on it.

Dixon: Mr. Sellars, what do we intend to do to bring them into conformance.?

Sellars: About the run reports?

Dixon: Yes.

Sellars: I wrote a letter to all of them and they had to send them in within 5 days after the run plus send them into the fire marshall's office like the fire marshall requested plus they need to send in a report to the Board on each quarter of how they used the money.

Dixon: What happens after the letter if they are yet to come into compliance?

Sellars: They don't get any money next budget year.

Dixon: No. NO. NO.

Sellars: Because a lot of them already get their money. They have already requested their money for this year already.

Dixon: But, what we have got to do is put into place something that works if not quarterly, annually or something. I mean, one year, and all they are going to do next year, is promise to do it again.

Sellars: It was in the letter that they had to comply this year.

Dixon: But, there is no enforcement of that. That's what you are telling me is - That we can't make them do anything that now they've got their money.

Peacock: They haven't got their money.

Sellars: They hadn't got their money yet for this year. But, some of them have requested their money already.

Dixon: Are you telling me that we can't make them come into compliance?

Watson: Why don't we distribute it 25% with each quarterly report?

Sellars: That will be o.k. if the Clerk agrees.

Sellars: That will be o.k. if the Clerk agrees.

Thomas: Sure!

Dixon: I mean, you know, this just creates problems for everybody. They are suppose to be in compliance. It is your job to make sure that they are in compliance.

Watson: I mean. That would be a fair way to do it. They get their money when we get our report.

Sellars: 25%. That is fair enough.

Peacock: When they comply, give them the money. When they don't comply, keep the money.

McGill: That in effect has the ability to reduce the County's ability to provide fire protection though in outside areas, outside the city limits. I understand where you are coming from, but is there a fall back method to provide protection in the event that they don't? If they get us a report, they don't get their money. If they

Dixon: There is no reason for them not to get the reports, to turn in the reports.

McGill: There must be some reason, they haven't done it yet.

Dixon: Then he needs to find out why and deal with it. We can't deal with it here. The policy needs to be enforced.

McGill: Well, I go along with that. I just wonder what will happen if they choose not to. But going down to line 7 Commissioner Peacock, they do indicate that they want 50% of their operating costs.

Peacock: That's what they say, but that is next year. When you work your budget up next year, you can work on that. What we got to deal with now is \$27,476 and that is the same thing they got last year. And that is what they agreed to. They don't have any problem with the money. The problem they having is the record keeping. And if everybody is keeping records, then they should keep them too. But, if everybody else is not keeping records, then you can't expect one to keep 'em and everybody else is



not keeping them.

Dixon: That is not my attitude. My attitude is that every one of them should have them. And for everyone that doesn't it, its money ought to be cut off. His excuse is not that no one else is doing it. Everybody should have those run reports in place regardless of what the fire station next to them is doing.

Sellars: I haven't had any control over their funds. If they sent in a letter requesting their funds, the Clerk sends it to them. That was the previous set up. Now, if ya'll want to set it up and give it to them on a quarterly basis, then you can.

Dixon: Then call the Clerk and say Mr. Thomas ...

Thomas: I think that Connie, in the past, has not released money unless she had run reports. She has been very emphatic. I don't think that is an accurate statement, Mr. Sellars.

Sellars: That was just the run reports, that was no financial statements.

Thomas: That is all that we were told we needed to release the money.

Dixon: Memo the Clerk's office as to what it is that you would like to see before they send a check and the Clerk's office will do it.

Sellars: I can do that.

Miler: And what is it? What would you like to see?

Sellars: I need the financial statements and the run reports.

Thomas: Let me clarify here. We have not sent checks unless we have had run reports. We have not asked for any financial statements because that has not been part of the deal. But, I think there has been a lot of controversy between Mr. Sellars and some of the other, especially some of the volunteers. I don't know what all the problems were, but we have had them in our office

complaining, so that may be something you want to check into in the process of all this.

Dixon: I mean, you can't by-pass Mr. Sellars. It should not come to your office unless it is approved by Mr. Sellars, period. Those are problems we shouldn't be having.

McGill: If I understand it, this is the first time we have requested financial statements.

Sellars: We just started this. We haven't requested the quarterly reports before.

Watson: Mr. Chairman, let me make a motion that we do not distribute the fire funds to the departments until we have the financial records and the quarterly reports.

Chairman: Do I hear a second?

Dixon: I'll second that.

Thomas: A point of clarification again, I'm sorry. Is that quarterly?

Dixon: Quarterly.

Thomas: You want the money distributed quarterly. Is there any problem with that and the agreements? I thought they all had due dates.

Richmond: I have a question, if I could. Have the cities signed the new agreements that require the financial reporting?

Sellars: All of the cities except for Chattahoochee and there are two volunteer units that have not.

Richmond: O.K. Then we need to get an agreement with them where they commit to doing this.

McGill: That is an identical contract isn't it.

Richmond: Well, it is in the contract, the proposed contract, with Chattahoochee and with the two volunteers. The City of Havana and the City of Quincy, I believe, have already executed the agreements that require these. And I guess

they are set up to provide them and I doubt if there will be a problem. This is the first time we have put these requirements in these interlocal agreements because we need to have that information. That is why the difficulty has come up as something new for some of them.

Thomas: O.K. Fine. But I know we have always required run reports but that is all. And they have all submitted them.

Richmond: I know, I know. Oh yeah! But there are other forms required in there too this year.

Dixon: Let me ask a question. Why is the Clerk's office getting run reports?

Thomas: That was one of the requirements before they distribute money.

Dixon: I know, but do you know what to do with run reports?

Thomas: Yeah!

Dixon: But they should be going to him.

Thomas: He gets them.

Sellars: They come to me first and I make a copy for them.

Dixon: Why don't we stop the Clerk's. The Clerk's office doesn't need any of this stuff. You do! Certainly you! You approve a voucher, send it to the Clerk's office and the Clerk will mail the check.

Sellars: All he really needs is a financial statement to be honest with you, the way I see it. All he really needs is a letter from me.

Dixon: He don't even need that. All he needs is a note saying send Chattahoochee 25%.

Sellars: O.K. That is fine.

Dixon: Gee man. We ain't got to build nothing great here.

Thomas: If you are going to require specific things , I mean it

is in the budget, if you are going to require specific things, then we would like to see a copy of those specific things required.

Peacock: Let me ask a question, when did the financial statement come into the picture.

Sellars: This budget year.

Peacock: Why?

Sellars: Because the people kept asking for more and more money each year. I am trying to get a handle on what they are using it for. To get a good feeling for what we need to do to set up their budget each year.

Peacock: They haven't been reporting up to this year on what they have been spending the money for?

Sellars: They have just been saying "I want x number of dollars and you just give it to me and let me spend it."

Watson: It was believed that they were balancing their general fund money with money that they should have been using for fire protection.

Peacock: I can understand why we need it then? I think we should get it.

Sellars: Because I make each volunteer unit do a budget each year of how they spent their money so I can get an idea of what we need to appropriate for each one each year when we do the budget.

Dixon: Do we have an amount set that we will allow them to, shall we say supplant, their budgets?

Sellars: They basically send in what they want to.

Thomas: Since we are talking about this, there is another thing I wish ya'll would look at. We have had a number of departments that submitted a whole bunch of bills approved by Mr. Sellars and the county manager that was beyond what was budgeted. Now, usually these are under

what can be approved by the county manager. But, there are a lot of little issues that the finance department would like to get addressed in this process. I think it would make life easier for us too.

Watson: Bills beyond what the budget calls for?

Thomas: Sure. Repairs and things like that.

Sellars: That was the emergency repair we had for Wetumpka truck. That is the only thing that I know of.

Thomas: There have been a number of them.

Sellars: I set up a line item in my budget this year to handle that sort of thing.

Watson: How was it paid then?

Thomas: Well, because, the budget was amended and the county manager has certain authority to approve money up to a certain amount and then there is a general budget under the fire department that has line items for equipment and repairs and stuff like that.

Watson: Beyond each department?

Thomas: Well, see, the budget was broken down to amounts distributed directly to the fire departments. Then you also had a part of the budget that was just general that dealt with administrative cost - salaries, repairs and a contingency. So. If it is approved, and there is money in a line item to pay it, then of course, it can be paid.

Miller: Well, that is what that line item is set up for.

Sellars: That is why I set it up for.

Thomas: The point is though, that there are certain departments that we kept getting bills from certain departments when other departments, no. So there are things that need to be looked at there.

Dixon: So, there seems to be a feeding frenzy in some

departments and while others do not even know that the  
trough exists?

Thomas: Exactly.

Dixon: We need to talk Mr. Sellars. We need to , this is ah.  
But as I said Mr. Chairman, this problem with  
Chattahoochee, to even consider granting some of the  
stuff they have asked for, ah, I think that we would be  
getting ahead of ourselves. That is some stuff we  
actually need to work out and decide what we're going to  
offer not only the cities but the volunteers.

Richmond: The amount negotiated with Mr. Sellars is what they had  
last year. That is not the issue. It is the other  
issues concerning the financial arrangements and the  
reporting system that we need to discuss or have a  
meeting with them on. Because we do not have an  
interlocal agreement with them at this point in time.

Watson: I think you will see the next to the last paragraph in  
this letter is what is causing all the problems. I think  
that is what they are trying to get around. If there is  
no accounting, they want to buy the equipment and then if  
they choose not to any more, then there is no accounting  
of what funds paid for that equipment. So we have no  
recourse. So I think that next to the last paragraph  
tells me what the problem. I think that we need to  
adhere to the policy like we originally discussed. They  
could easily buy equipment with county money and then  
choose at some future date not to participate in that  
according to agreements that equipment reverts back to  
the County. If there is no accounting, we have no way of  
knowing what was bought with what. I think that is  
where they are coming from.

McGill: But Mr. Thomas, the funding sources always maintains  
claims for equipment.

Peacock: What I am saying is that all of them should do it.

Watson: But as you recall, during that, Mr. Sellars was not going  
to fund some of the departments because they were not  
adhering to the original policy and that was overridden.  
Everybody agreed to "we will if we can be funded at our

last year's rate."

Dixon: Right, but that was with the stipulation that you follow all policies developed, not just some of them.

Watson: But as Mr. Peacock said, there was just one commissioner here from Chattahoochee and he couldn't speak for the entire Board.

Dixon: Agreed. Then if they don't want the money, then I understand. But I think they want the \$27,000. I don't have a problem giving them the \$27,000 as long as they know that they know they have to come into compliance.

Watson: Well, I say provide whatever Nick needs to distribute the money.

Peacock: I have no problem with that.

Watson: I have motioned it already.

Peacock: We got a motion and a second on the floor.

Dixon: What was the motion, repeat the motion Mr. Chairman.

Chairman: Mr. Watson.

Watson: Muriel, roll the tape back.

Muriel: Require quarterly reporting before funds are released on a quarterly basis.

McGill: But it has noting to do with the next to last paragraph.

Watson: Well, you see, that will take care of itself when we require quarterly reports.

Dixon: This in essence, the motions grants the City of Chattahoochee the \$27,000 on a quarterly basis, provided they come into compliance.

Richmond: But we still do not have the interlocal agreement and they are requesting a meeting to discuss some of these other issues which is the reason I brought it up.

Peacock: You don't want to give them the money without them signing the interlocal agreement.

Richmond: No. We've got to have the agreement, those are the issues we need to discuss. You are correct we can't work them out here tonight. But, somebody has to be present from the Board to provide proper direction as to how this agreement should take form and then it will be presented back to the Board for discussion after we reach those agreements.

Watson: It will be the same agreement that everybody else has signed.

Richmond: Well, that is fine with me. O.K. Do you want me to go meet with them.

Watson: Either they sign the agreement that everybody else signed or not. I don't see what a meeting is going to do. If we alter that agreement, then we are going to have to go to every department and alter their agreements also.

Richmond: I agree with you 100% but I had to present it to you because we don't have an agreement.

Peacock: We are not altering it. It's the same agreement that everybody else has got.

Dixon: I don't have a problem with sending a representative to take that message from the Board.

Richmond: I don't need to but I need to present it to you for a decision as to what ya'll want to do. I can't go out there and do that myself. Ya'll have got to tell me what to do.

Dixon: I have no problem sending a commissioner as long as you don't send the one from that district 'cause he is a bit friendly.

Peacock: Who you talking to?

Dixon: Amend your motion for Hal to go talk to them.

Chairman: Don't we want a commissioner to go with him?



Richmond: The message is simple. Sign it and send it back. I can do that.

Watson: That's basically it. Can you handle that Hal?

Richmond: I think so.

Dixon: Call the question Mr. Chairman.

Chairman: Alright. The question has been called. All in favor of the motion as amended say "aye".

All: Aye.

Chairman: Opposed?

No response.

Chairman: The motion passes.

## **ROAD AND BRIDGE**

### **COUNTY ROAD 268 BRIDGE REPLACEMENT**

Mr. Graves Williams was present to represent the residents of his community which would be affected by the closure of CR 268 while a new bridge will be constructed. He asked to Board to build a temporary bridge which will allow for continual use of the road.

Discussion followed as to the cost to construct a temporary bridge. It was determined that the out-of-pocket expenses would be \$11,750 to place five 60" 30 ft. long pipes to serve as a temporary bridge.

**A MOTION WAS MADE BY COMMISSIONER PEACOCK AND SECONDED BY COMMISSIONER MCGILL TO APPROVE INSTALLING A TEMPORARY BRIDGE ON CR 268 AS DESCRIBED ABOVE.**

**DISCUSSION FOLLOWED.**

Commissioner Dixon suggested that the City of Quincy should be approached to share in the cost of the temporary bridge.

It was the consensus of the Board that the County would build the replacement bridge regardless of the level of participation from the City of Quincy.

**QUESTION WAS CALLED BY COMMISSIONER PEACOCK.**

Mr. Clifford Schnepf (public works department) asked to clarify that the bridge described would be a two-lane car-only traffic. It will not support truck traffic. He added that the bridge may not hold in the event of heavy rain. He advised that if the Board wishes to install a bridge capable of handling trucks, the cost would increase to \$93,000.

Mr. Schnepf informed the Board that installation of the new bridge can be accomplished by the contractor in 8 - 10 weeks. It is expected to cost \$260,000.

**THE BOARD VOTED 4 - 1 IN FAVOR OF THE ABOVE MOTION.  
COMMISSIONER WATSON CAST THE LONE DISSENTING VOTE.**

Chairman Fletcher agreed to contact the City of Quincy regarding cost sharing of the replacement bridge and report back to the Board with their decision.

**PLANNING AND ZONING ISSUES**

**Sawdust Supermarket Project NO. 94PZ-32-208-4-12**

The Board granted Ms. Adell Giliam approval to construct the Sawdust Grocery on December 20, 1994. The development order expired one year later with no construction having been accomplished nor was a request for an extension of the development order made by Ms. Gilliam at that time. Ms. Gilliam has now requested an extension of the development order and to reactivate the special exception approval which was previously granted.

The P & Z staff recommended approval of the extension as requested by Ms. Gilliam.

County Manager Betty Miller asked that the Board table action on the request until residents in that area could be notified that it had been brought to the Board again. She recalled that the project had been a very controversial matter when it was previously granted.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER PEACOCK THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO DENY THE REQUEST FOR THE EXTENSION OF THE DEVELOPMENT ORDER FOR SAWDUST GROCERY.

**Note:**       *The recording secretary of this meeting did not hear a "nay" vote at the meeting nor was it audible on the tape recording. However, subsequent to this meeting, Chairman Fletcher phoned the Clerk's office to confirm that his vote on the above stated motion was "nay" making the vote 4 - 1 in favor of the denial with Chairman Fletcher casting the lone dissenting vote.*

It was the consensus of the Board that a policy should be put into place whereby the P & Z staff would instruct all petitioners that when a development order expires, it becomes null and void and the petitioner must go through the entire P & Z process again. There would be no need to come before the BCC Board for clarification and/or intervention in the future.

**Nuisance Violations - Ms. Polly Burdick**

UPON MOTION BY COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO TABLE ANY ACTION ON THE NUISANCE VIOLATIONS OF MS. POLLY BURDICK.

**Courthouse Renovation Project - Consideration of Change Order**

P & Z staff requested that the Board investigate the possibility of making a change order to the courthouse renovation project which would allow for moving the HVAC improvements from Phase II of the project to Phase I of the project. The current scope of work is approximately \$435,000. The project cost associated with the HVAC improvements would be approximately \$114,000 which exceeds the phase I budget.

Clerk Thomas referenced a memo he had written regarding the need for an upgraded HVAC system. He noted that the Board has made a commitment to continue using the older buildings and with that commitment comes the associated cost of upgrading them and maintenance. He noted that he was returning \$12,983 to the County and would like to see that money and the remaining \$20,000 in the historic preservation grant money used toward improving the HVAC of

the Courthouse.

Chairman Fletcher suggested that the Board seek competitive bids for the HVAC of the Courthouse. He noted that the architects specifications for the HVAC have already prepared.

**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO SEEK COMPETITIVE BIDS FOR THE REPLACEMENT OF THE HEATING AND AIR-CONDITIONING SYSTEM OF THE COURTHOUSE.**

**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO HAVE THE ARCHITECTS TO PREPARE THE HVAC SPECIFICATIONS IF THEY HAVE NOT ALREADY BEEN PREPARED FOR THE COURTHOUSE RENOVATION PROJECT.**

#### **COUNTY MANAGER'S AGENDA**

##### **City of Quincy's Request for Office Space**

Captain Barkley from the Quincy Police Department was present seeking assistance from the Board in the form of building space. He explained that the police department needs a facility to house the arbitration programs and truancy program which hopes to divert juvenile offenders from the criminal justice system. The program will be administered county-wide.

Captain Barkley indicated that the program would supply renovation and materials costs needed to implement their requirements.

**UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0, TO FIND A PLACE TO HOUSE THE ARBITRATION PROGRAM AND THE TRUANCY PROGRAM FOR THE QUINCY POLICE DEPARTMENT.**

##### **Request from Supervisor of Elections**

Supervisor of Elections Denny Hutchinson appeared before the Board requesting \$12,166.00 in additional funds to clean up his budget for FY 95/96 due to over expenditures.

**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER**

**DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE TAKING \$12,166.00 FROM THE FY 95/96 GENERAL FUND CONTINGENCY TO COVER THE OVEREXPENDITURES OF THE SUPERVISOR OF ELECTIONS 95/96 BUDGET AND TO APPROVE THE BUDGET AMENDMENT TO ACCOMPLISH THIS ACTION OF THE BOARD.**

Mr. Hutchinson stated also that his FY 96/97 budget did not include sufficient funds to cover the costs of his executive salary for the year. He asked that his budget be amended to add \$1,186.00 to the executive salaries line item.

Mrs. Miller explained that ACIR information was not received in time to include that amount in his executive salary line item. In the past, this expense has been covered through amending various line items within his budget during the year to cover the costs.

No action was taken on the Supervisor's request to amend his FY 96/97 budget to cover his executive salary.

#### **Barnett Bank Space Utilization**

Mrs. Miller presented the proposed Gadsden County Office Space Plan as prepared by the Office Space Committee. (attached)

Comments were heard from Assistant State Attorney Richard Combs, State Attorney Willie Meggs, Mrs. McNeil (Public Defender Administrator)

Mr. Combs stated that he had only been informed on the day of this meeting that his office would be moved to the Barnett Bank Building. While he did not object to being relocated to the building, he did suggest that the County consider making the bottom floor of the building into badly need courtroom space. He told the Board that he has found the present alternative courtroom located at the annex # 3 building to be an unsatisfactory solution. (The jury rooms are located adjacent to the witness room which has already jeopardized the due process of law. This type problem will continue to develop because of the design and layout of the building. The problems with heating and air-conditioning of the building is worse than the problems that exist in the Courthouse.)

Commissioner Watson explained that the state attorney's urgent need for electrical upgrade had been a big factor in deciding to place that office into the Barnett Bank building. In addition to that urgency, placing the state attorney in the same proximity to

the public defender's office would allow for cost sharing between the offices for computer access connections.

Clerk Thomas interjected that Judge Sauls has expressed concerns to him about the courtroom at Annex # 3. He pointed out that the roof is in bad need of repair - there were some major leaks during the last rain and some of the records were damaged. He also pointed out that when the judge is not in the building, there is no bailiff present which causes him some concern about the safety of his staff that work in the building.

Mr. Combs reminded the Board that the competition for courtroom space is primarily between the county court and the circuit criminal court - not between circuit civil and circuit criminal.

After considerable discussion, it was the consensus of the Board to re-evaluate the space study and continue discussion with the agencies involved.

Mrs. McNeil, administrator in the public defender's office informed the Board that the money appropriated by the State for the state attorney and the public defender to install and implement the new communications system will revert back to the State if it is not utilized during FY 96/97. Additionally, she requested the County's consideration for a more adequate floor space, electrical upgrades and other pressing needs.

#### **Mosquito Creek Bridge and Roads at Florida State Hospital**

Mrs. Miller stated that at the last meeting of this Board, Commissioner Peacock advised that he had received a request from HRS for the County to agree to maintain a bridge over Mosquito Creek and some roads through HRS while the State is replacing the bridge over the bridge on Mosquito Creek on Highway 90. She went on to say that DOT has not furnished the bridge plans to the County as yet but they have been requested. There will be a recommendation from the public works department on the agenda for the November 19, 1996 meeting for the Board's consideration.

#### **Resignation of County Manager and Request for Continued Employment**

Mrs. Miller referenced her letter to the Board outlining her intentions to resign her responsibilities as county manager

effective November 19, 1996. She also requested to be reinstated to her former position as executive assistant to the county manager per her employment agreement.

Commissioner Peacock asked Mrs. Miller if she would consider staying on until a replacement could be hired.

Mrs. Miller responded that she would do as the Board requests. Commissioner Dixon was opposed to her continued employment as county manager.

**A MOTION WAS MADE BY COMMISSIONER DIXON TO ACCEPT HER RESIGNATION EFFECTIVE IMMEDIATELY AND THAT SHE BE REINSTATED TO HER FORMER POSITION AS STATED IN HER CONTRACT WHICH IS ANSWERABLE TO THE COUNTY MANAGER WITH REGULAR EXEMPT STATUS.**

**THE MOTION WAS SECONDED BY COMMISSIONER WATSON BUT ONLY BECAUSE IT WAS MRS. MILLER'S WISH TO RETURN TO HER FORMER POSITION.**

Commissioner McGill stated that he was very concerned and felt that the Board should be more compassionate and demonstrate more concern for the people in key positions in county government. He questioned how the Board would fill the void in the interim period and to what degree that interim person would be allowed to manage the County's affairs. He supported her resignation only because it was her desire to leave the position and hoped that it would be amicable. He asked the Board to make a commitment to behave in a more kind fashion than it has demonstrated in the past.

Hal Richmond clarified that Mrs. Miller's resignation as tendered was effective November 19, 1996 yet the motion was effective immediately. He advised that the Board was at cross purposes because there was no resignation tendered effective November 4, 1996.

Commissioner Dixon refused to amend the motion.

Commissioner Watson asked Mrs. Miller if she would resign effective November 4.

Mrs. Miller stated that she would like to continue her employment as county manager until November 19 as requested.

Hal Richmond then stated that the motion must be amended to

terminate the county manager effective immediately since the proposition to resign was to be effective November 19.

Commissioner Peacock stated that he believed it was only fair to accept the resignation as tendered.

Mr. Richmond explained that Commissioner Dixon has the absolute right to either request her resignation immediately or to make his motion properly that she be terminated immediately. The motion on the floor is not an enforceable motion.

**COMMISSIONER DIXON WITHDREW THE MOTION.**

**A MOTION WAS MADE BY COMMISSIONER DIXON AND SECONDED BY COMMISSIONER WATSON, TO TERMINATE MRS. MILLER EFFECTIVELY IMMEDIATELY.**

Commissioner McGill questioned how much difference it would make to allow her stay on for an additional 15 days.

Commissioner Dixon stated it was a great problem for him.

Commissioner McGill asked Mrs. Miller if she would reconsider and make it effective immediately.

Mrs. Miller responded that she would not.

Commissioner Dixon stated that things were going on within the County with which he is not comfortable and does not appreciate that they are taking place. He remained adamant about his motion.

Commissioner McGill asked if a motion to table could take precedence over the motion to terminate.

Chairman Fletcher responded that it would and there can be no discussion on a motion to table.

Commissioner McGill asked for a recess so that he could discuss the issue with Commissioner Dixon.

Mr. Richmond informed him that he could not discuss the issue with another commissioner in private - it must be done in the public.

Commissioner McGill called for silent meditation.



After discussion with Mrs. Miller, Mr. Richmond proposed that Mrs. Miller's resignation would be tendered effectively immediately if she would be paid all her accrued annual leave except for 80 hours at the county manager's rate of pay. (Approximately \$7,500)

**COMMISSIONER MCGILL ASKED TO AMEND THE MOTION TO ACCEPT MRS. MILLER'S RESIGNATION EFFECTIVE IMMEDIATELY AND THAT SHE SHOULD BE PAID HER ALL OF HER ACCRUED ANNUAL LEAVE EXCEPT FOR 80 HOURS IN A LUMP SUM AT THE COUNTY MANAGER'S SALARY RATE.**

**COMMISSIONER DIXON ACCEPTED THE AMENDMENT TO THE MOTION. THE AMENDMENT WAS SECONDED BY COMMISSIONER WATSON.**

Mr. Richmond clarified that the resignation is now effective for November 4, 1996 with the request that she be permitted to remain as the executive assistant to the new county manager.

**QUESTION WAS CALLED BY COMMISSIONER MCGILL.**

**THE MOTION WAS RESTATED AS FOLLOWS:**

**MRS. MILLER'S LETTER OF RESIGNATION TENDERED EFFECTIVE NOVEMBER 19, 1996 BE MODIFIED TO REFLECT A RESIGNATION EFFECTIVE NOVEMBER 4, 1996 WITH THE REMAINING CONTENTS OF THAT LETTER ATTACHED AS CONDITIONS OF THE RESIGNATION WITH THE ADDITIONAL CONDITION THAT APPROXIMATELY 400 HOURS OF ACCRUED ANNUAL LEAVE BE REDUCED BY TWO WEEKS AND THE BALANCE TO BE PAID TO HER IN A LUMP SUM AT THE RATE SHE IS EARNING AS COUNTY MANAGER AT THIS TIME. HER SALARY IS TO GO BACK TO WHATEVER IS IN THE BUDGET FOR THE POSITION OF EXECUTIVE ASSISTANT.**

As a point of clarification, it was determined that the position to which she will return is an exempt position and is subject to the pleasure of the county manager. It was confirmed with the Mr. Lawson, general services director.

It was determined that the position was given a 3% increase during the budget process.

Chairman Fletcher asked to dispose of the motion concerning the county manager's resignation.

**THE BOARD VOTED 3 - 2 IN FAVOR OF THE MOTION. COMMISSIONERS DIXON, WATSON AND MCGILL VOTING "AYE". COMMISSIONERS FLETCHER**

**AND PEACOCK VOTING "NAY".**

**A MOTION WAS MADE BY COMMISSIONER MCGILL AND SECONDED BY COMMISSIONER PEACOCK TO INSTRUCT THE INTERIM COUNTY MANAGER NOT TO HIRE ADDITIONAL PERSONNEL UNTIL THE NEW COUNTY MANAGER IS HIRED.**

Mrs. Miller called attention to the fact that by moving her back to the position of executive assistant, another employee will be bumped out of a position. She stated that there is another position which will be available after November 8 to which she would like to see the bumped employee placed.

Commissioner Dixon stated that such a move is a personnel matter and that Commissioner McGill's motion was inappropriate.

Mr. Richmond stated that the Board has designated through an ordinance for the powers dealing with personnel to be held by the County Manager. Unless the ordinance is amended, the interim county manager will hold full authority and must carry out the functions of that ordinance. He further stated that the Board can instruct the county manager to carry out the requests of the Board. If he does not carry out the request of the Board, the county manager can then be fired.

**COMMISSIONER MCGILL WITHDREW HIS MOTION.**

Chairman Fletcher turned the gavel over to Commissioner McGill.

**COMMISSIONER FLETCHER MADE A MOTION TO HIRE TOMMY BAKER AS THE INTERIM COUNTY MANAGER. COMMISSIONER PEACOCK SECONDED THE MOTION.**

Commissioner Dixon stated that he believed that Mr. Lawson would be a better candidate to hold the office of interim County Manager.

**QUESTION WAS CALLED BY COMMISSIONER FLETCHER.**

**THE BOARD VOTED 3 - 2 IN FAVOR OF THE MOTION. COMMISSIONERS FLETCHER, PEACOCK AND MCGILL VOTED "AYE". COMMISSIONERS WATSON AND DIXON VOTING "NAY".**

Commissioner McGill stated that he was very uncomfortable doing business for the county at this meeting.

CONSENT AGENDA

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

- 1) Bid Award Recommendation for Hospital Boiler Repairs - to Natkin Service Company at the rate of \$45.00 per hour per journeyman; \$12.00 per hour per helper man hour; \$58.00 per overtime hour per journeyman; \$14.00 per overtime rate per helper.
- 2) Award of Bid 96-25 for EMS Blood Pressure Monitors to Universal Health Services in Columbus, Mississippi for \$15,284 plus \$814 in supplies and printed materials.
- 3) Memorandum of Agreement between Gadsden County SHIP Program and Rural Economic Community Development (RECD) to provide assistance for new construction and rehabilitation of owner occupied units under the existing Section 502 and 504 for eligible residents within the jurisdiction of Gadsden.
- 4) CDBG Rehabilitation Contract 95DB-65-02-30-01-H22 approval of construction contracts and approval of change orders
- 5) EMS Request to Advertise for Bids for new ambulance and to advertise for RFP for the remount/refurbish and /or trade in to upgrade two onto to new chassis.
- 6) DOT Maintenance Agreement on CR269 Project from Mosquito Creek Bridge to the R/R Overpass in Gadsden County. Work Program Item No. 3123068 Resolution 96-040.
- 7) Resolution 96-039: EMS Write-Off of Bad Debts totaling \$32,195.78.
- 8) Carolyn J. Roberson Public Official's Bond

9) Dept. of Revenue Certification Acceptance (TRIM)

CLERK OF COURT

Clerk's Bond

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTE 5 - 0 BY VOICE VOTE TO APPROVE THE \$5,000 PUBLIC OFFICIALS BOND FOR CLERK NICHOLAS THOMAS.

Clerk's Year End Report for the Record

Clerk Thomas submitted the year-end reports for Sheriff W.A. Woodham and the Clerk of Circuit Court for the record. The Sheriff returned \$94.33 and the Clerk returned \$12,983.33.

Budget Amendments

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0, BY VOICE VOTE TO APPROVE THE BUDGET AMENDMENTS 96-11-04-01 THROUGH 96-11-04-41.

Ratification of Payment of County Bills

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

DISTRICT 1 REPORT

There was no report.

DISTRICT 2 REPORT

Commissioner Watson yielded his time to Ms. Marilyn Russ.

Ms. Russ came to the Board to request permission to move a mobile home from its present (inside the County) location to Prescott Trailer Park and waive the ordinance requirement that it meet a the county's specific standards prior to its relocation. (See attached Sheriff's offense report)

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO WAIVE THE

COUNTY'S REQUIREMENTS FOR RELOCATION OF MOBILE HOMES AND ALLOW MS. MARILYN RUSS TO MOVE HER MOBILE HOME TO ANOTHER SITE PRIOR TO MAKING RENOVATIONS WITH THE UNDERSTANDING THAT THE REPAIRS WILL BE MADE WITHIN ONE WEEK OF ITS RELOCATION.

### Reorganization of the Board

The Board will reorganize for the upcoming year at the meeting on November 19, 1996.

### DISTRICT 3 REPORT

There was no report.

### DISTRICT 4 REPORT

Chairman Fletcher asked Mrs. Miller to make comments on the interview process for the county manager's position.

Mrs. Miller confirmed that interviews with the review committee is set for November 12, 1996. The committee then will submit 5 candidates to the Board for the interview process to begin on November 20, 1996.

Chairman Fletcher turned the gavel over to the vice-chairman and offered the following motion.

A MOTION WAS MADE BY COMMISSIONER FLETCHER AND SECONDED BY COMMISSIONER PEACOCK TO REOPEN THE APPLICATION PROCESS AND EXTEND THE DEADLINE SEVEN DAYS TO RECEIVE OTHER APPLICATIONS FOR THE POSITION OF COUNTY MANAGER'S POSITION.

DISCUSSION FOLLOWED.

Commissioners Dixon and Watson voiced their displeasure that the deadline could be extended.

QUESTION WAS CALLED BY COMMISSIONER FLETCHER.

THE BOARD VOTED 3 - 2 IN FAVOR OF THE MOTION. COMMISSIONERS FLETCHER, PEACOCK AND MCGILL VOTED "AYE" AND COMMISSIONERS DIXON AND WATSON VOTED "NAY".

### DISTRICT 5 REPORT

Commissioner Dixon remarked that this was Commissioner Peacock's last meeting and he had enjoyed serving with him on the Board.

**THERE BEING NO OTHER BUSINESS, CHAIRMAN FLETCHER DECLARED THE MEETING ADJOURNED.**

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**E. H. (HENTZ) FLETCHER,  
CHAIRMAN**

**ATTEST:**

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**NICHOLAS THOMAS, CLERK**

AT A REGULAR MEETING OF THE BOARD OF  
COUNTY COMMISSIONERS, HELD IN AND  
FOR GADSDEN COUNTY, FLORIDA ON  
NOVEMBER 19, 1996, THE FOLLOWING  
PROCEEDINGS WERE HAD, VIZ.

PRESENT: E. H. (HENTZ) FLETCHER, CHAIRMAN  
BILL MCGILL, VICE CHAIRMAN  
CAROLYN ROBERSON  
STERLING WATSON  
EDWARD J. DIXON  
NICHOLAS THOMAS, CLERK  
HAL RICHMOND, COUNTY ATTORNEY  
TOMMY BAKER, INTERIM COUNTY MANAGER

CALL TO ORDER

Chairman Fletcher called the meeting to order. Commissioner Watson led in pledging allegiance to the U.S. Flag and Commissioner Dixon led in prayer.

SWEARING IN OF COMMISSIONERS FROM DISTRICT 1, 3, AND 5

Clerk Nicholas Thomas administered the oaths of office to the newly elected Commissioner Carolyn Roberson and re-elected Commissioners McGill and Dixon.

ELECTION OF NEW CHAIRMAN - Bill McGill

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0 TO APPOINT BILL MCGILL AS CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS FOR THE NEXT YEAR.

ELECTION OF NEW VICE-CHAIRMAN

UPON MOTION BY COMMISSIONER ROBERSON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO APPOINT COMMISSIONER STERLING WATSON AS THE VICE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS FOR THE NEXT YEAR.

SEATING OF THE NEW CHAIRMAN

Outgoing Chairman Fletcher passed the gavel to the in-coming Chairman Bill McGill and he presided over the remainder of the meeting.

Chairman McGill stated that he appreciated the vote of confidence the Commissioners had expressed by electing him as their chairman for the upcoming year. He then stated that he hoped that meetings would be "user-friendly" as well as be a forum whereby the business of Gadsden County would be conducted in the best possible way.

#### **ADOPTION OF AGENDA**

Chairman McGill asked if there were any additions or changes to the agenda prior to its adoption.

#### **ADDITION TO THE AGENDA:**

##### **DISTRICT 2 REPORT - POSITION OF INTERIM COUNTY MANAGER AS IT RELATES TO THE SELECTION PROCESS OF PERMANENT COUNTY MANAGER**

Commissioner Watson asked to amend the District 2 agenda to allow for discussion of the position of the Interim County Manager and its relationship to the selection process of the permanent County Manager.

##### **CLERK'S AGENDA - ADD APPROVAL OF PUBLIC OFFICIALS BONDS FOR COMMISSIONERS DIXON AND MCGILL**

Clerk Thomas asked to amend the Clerk's agenda to include approval of the public officials bonds for Commissioners Dixon and McGill.

##### **COUNTY ATTORNEY'S AGENDA - ABANDONMENT OF LOTS 24 - 34 OF PEACOCK ESTATES (MARCH 1, 1994)**

Mr. Richmond asked to amend his agenda to allow for discussion of the Board's actions on March 1, 1994 to abandon Lots 24 -34 of Peacock Estates.

#### **DELETION FROM THE AGENDA**

##### **AGENDA ITEM NO. 10 - MAJOR ALVAN J. PICKELS - EMERGENCY MANAGEMENT PROGRAMS**



Interim County Manager Tommy Baker stated that he had been notified by Sheriff W.A. Woodham to remove item no. 10 from this meeting agenda.

**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE TO ADOPT THE AGENDA AS AMENDED ABOVE.**

#### **APPROVAL OF MINUTES**

##### **November 4, 1996 Regular Meeting**

**UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE MINUTES OF NOVEMBER 4, 1996 REGULAR MEETING.**

#### **COUNTY ATTORNEY**

##### **Abandonment of Lots 24 - 34 of Peacock Estates**

Mr. Richmond recalled that on March 1, 1996, a duly noticed public hearing was held at which Lots 24 - 34 of Peacock Estates were abandoned. There were conditions in the discussion at the public hearing that were incorporated in the motion which was approved 4 - 0 by the Board. Subsequent to that hearing, some concerns have been raised by the property owner about two of those conditions and there appears to have been a misunderstanding on his part about the special conditions. The conditions in question are as follows:

**Conditions # 2)            That the property owner will maintain the private drainage easements that are associated with the acreage which is to be abandoned and is no longer a part of Peacock Estates.**

Mr. Richmond explained that the easement takes water off a county road and there is now some question as to whether the County should maintain it.

**Condition # 3) In the event the property in question should be sold, the existing land owners in Peacock Estates would be informed and they must approve the intended use of the land.**

Mr. Richmond stated that this condition required that Mr. Peacock to obtain the signatures of all the current land owners.

Mr. Richmond explained to the Board that they could notice for another hearing on the abandonment issue to remove conditions no. 2 & 3 or they could simply do nothing.

Mr. Grady Peacock was present along with Mr. Al Poppell who spoke on Mr. Peacock's behalf. He pointed out that in the two years following the Board's approval of the abandonment, no resolution of abandonment had been recorded in the official public records. On November 12, 1996, a private citizen had recorded the minutes of the March 1, 1994 meeting in what appears to be an attempt to prevent Mr. Peacock from having free title to his property to sell. As a result, it appears that Mr. Peacock's title to the property is clouded. He asked the Board to clarify what the formal position of the Board is on the abandonment of the lots so that the acreage can become marketable. He also asked why a resolution was never signed and recorded following the Board's actions.

Mr. Richmond acknowledged that a formal written resolution was never recorded. He apologized for the oversight. He went on to say that it appears (from the verbatim transcription of the meeting) that specific conditions were imposed on the abandonment with the agreement of all parties. In order to change those special conditions, another advertised public hearing for the abandonment will be necessary. A formal written resolution reflecting the Board's actions must then be recorded to remove the cloud over the title.

Chairman McGill called for questions from the Board.

Commissioner Dixon asked for the minutes and the transcription.

**UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO**

**TABLE THE ISSUE OF THE ABANDONMENT OF LOTS 24 - 34 OF PEACOCK  
ESTATES UNTIL THE MEETING OF DECEMBER 3, 1996.**

**ESCAMBIA COUNTY HOUSING AUTHORITY MULTI COUNTY SINGLE FAMILY  
MORTGAGE REVENUE BONDS, SERIES 1997**

Mr. Gordon Jernigan, executive director of Escambia County Housing Finance Authority, was present to explain that his organization issues tax exempt bonds for first time home buyers on behalf of several counties in the State of Florida. He went on to say that they expect to have a new issue in 1997 and the money should be made available to eligible home buyers as early as February or March of 1997. In order for Gadsden County residents to participate in the issue, they must advertise a public hearing to be held as required by federal law.

Mr. Jernigan then explained that a \$1,000,000 allocation would be requested for Gadsden County and the usage of those funds would be retained for Gadsden County for a specific length of time. There would be no expense to the County whatsoever. He was hopeful that a local lender would be interested in handling the mortgages for Gadsden residents.

Mr. Jernigan then requested that the Board participate in the bond issue and advertise a public hearing for that purpose for December 17, 1996 at 6:00 p.m.

**UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY  
COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO  
PARTICIPATE IN THE BOND ISSUE AND PROCEED WITH ADVERTISEMENT  
FOR THE PUBLIC HEARING ON DECEMBER 17, 1996.**

**LAKE TALQUIN DRAWDOWN**

Mr. John Mark Bell appeared before Board to state his opposition to the proposed drawdown of Lake Talquin. He expressed concerns for the long term economic and environmental impact that he and others believe will result from the drawdown. He offered evidence to his position and gave an impassioned plea for the Board to show up and support his position at the public hearing set for November 21, 1996 from 7:00 - 9:00 p.m. at the Quincy Recreation Department.

Chairman McGill encouraged all members of the Commission to attend.

#### **HOSPITAL EQUIPMENT**

Mr. Bill Hardy, CEO of MedTech of North Florida, Inc. informed the Board that it had been necessary to replace one of four batteries essential to operate the hospital's portable X-Ray machine. He explained that the battery appeared on the County's inventory as item number 5708 and he asked the Board to pay the \$1,6000 cost of replacing it. (On the County's last inventory report, it was noted that the battery needed to be replaced and this one should be discarded.)

**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO EITHER PAY THE INVOICE FOR THE BATTERY OR TO REIMBURSE MEDTECH IF THEY HAVE ALREADY PAID THE INVOICE.**

#### **ECONOMIC DEVELOPMENT UPDATE**

Mr. McCaskill was not present at the juncture, therefore, it was passed until later in the meeting.

#### **PLANNING AND ZONING ISSUES**

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

#### **Ms. Polly Burdick - Nuisance Ordinance Violation**

(This item was tabled from the previous meeting.)

Mr. Sherman reported that the County has received numerous complaints regarding the existing junk yard belonging to Ms. Burdick. The parcel is being used to store old junked cars and debris associated with car parts.

Upon site inspection, the staff found numerous violations to the County's nuisance ordinance as well as to the comprehensive plan. Also noted by the staff was the accumulation of mosquitos associated with the debris which holds water.

The parcel of land is designated as rural residential on the county land use map. This type of land use activity is not consistent with the comprehensive plan. The impacts associated with the debris are acting as a breeding ground for mosquitos.

The business has been in operation for over 25 years and prior to the adoption of the comprehensive plan. The nuisance ordinance allows for legal non-conforming uses to be discontinued if a business is determined to be a nuisance.

Mr. Sherman noted that Mrs. Burdick had been notified of the complaints and possible violations of the ordinance.

A petition was presented as evidence of the complaints. Photographs also were presented as evidence of the nuisance (burning of plastics, debris holding water, etc.)

Mr. Sherman asked the Board to determine if nuisances do exist. He offered that the property owners have made efforts to abate the nuisances.

Commissioner Watson stated that he did not believe that it could be called a nuisance because the junk yard has been there for over 25 years. Ms. Burdick has erected a fence and complied with many of the County's requests. Those people making the complaints knew the junk yard was there before they moved into the area.

Mr. Richmond advised that it would be extremely difficult to proceed legally on this complaint when the business was in existence prior to the adoption of the comprehensive plan. It has continued in existence for many years. The County could get into substantial legal complications by imposing new conditions on the business at this juncture. If there are current conditions that are a nuisance which differ from what has been there before, it could possibly be a nuisance, but that is not the case with Ms. Burdick.

Mr. Sherman expressed concern about burning of plastics and other types of debris on the property in addition to the items which hold water and mosquito larvae. He cited that burning plastics is a violation of the agriculture services requirements.

Ms. Burdick was present and explained that she had taken measures to abate some of the alleged violations. She reported that she had erected a fence between her property and the neighbors, cleaned and scraped the area, cleared away the buckets.

She also acknowledged that she was now adequately informed regarding certain practices which she can no longer repeat.

Chairman McGill asked for comments from the audience.

Robert Pennington (resident in the area for three months) spoke requesting the Board to take measures to abate the nuisances in an effort to help eradicate the mosquito problems which are so prevalent due to the junk and debris. Mr. Pennington was told by the County's mosquito patrol that tiger mosquitos (which carry deadly diseases) have been identified in the junk yard.

Mrs. Dorothy Joyner and Robert Joyner (complainants who live across the street from the junkyard) asked if Mrs. Burdick had applied for a non conforming use permit from the County.

Mr. Richmond responded by saying that the business was in existence prior to the comprehensive plan and therefore was exempt from the permitting requirement.

Mrs. Joyner complained that the property appraiser had changed the zoning of the property in question from residential to commercial for tax purposes. She cited ground water problems with the wells in the area. She asked the Board to investigate further.

Mr. Robert Joyner, adjacent property owner, complained that the property appraiser had changed the zoning of the property and asked that the junk yard be moved.

Mr. Richmond explained that the Board has no authority or control of the property appraiser's tax evaluations and designations of the parcel. His purpose for making changes has no effect on anything other than taxes - it has nothing to do with the comprehensive land use.

Commissioner Dixon stated that until the present legal non-conforming use of the property ceases to exist, the junk yard remains a legal use of the property. If the current use of the land changes, then the parcel would be subject to the zoning requirements of the comprehensive plan.

Commissioner McGill stated that since the business was in operation at the time the comp plan was adopted it was his opinion that it should have been grandfathered in.

**UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO**

**FIND THAT NO ENFORCEABLE NUISANCE EXISTS ON THE PROPERTY OF MS. POLLY BURDICK AND THE BOARD SHOULD NOT PROCEED ANY FURTHER ON THE ISSUE.**

**Public Hearing - Stipulated Settlement Agreement**

Mr. Sherman recalled to the Board that Gadsden County adopted Ordinance 96-002 on February 6, 1996 (adopting Comprehensive Plan Amendment 96-1A) Upon submittal of that amendment to DCA, it was found "not in compliance" with the State Comprehensive Plan as well as the Regional Comprehensive Plan. On April 3, 1996, DCA filed a "Notice of Intent to find the Gadsden County Amendment 96-1A Not in Compliance." The reasons stated by DCA were as follows:

- 1) Use in Agricultural Areas - Density bonus point system for uses in agricultural areas. This amendment as proposed would have given a developer density bonuses for building a development close to public systems. (DCA stated there is not sufficient data analysis to support the necessity for this change)
- 2) Uses in Historic Areas - allowing historic sites to be used for commercial purposes provided that the BCC grant a special exception permit - DCA found that while the amendment complied with Secretary of the Interior's standards for rehabilitation, it was not clear that all such activities would have to comply with these standards to ensure that the commercial use of historic sites will not compromise their historical features or the integrity of the site or structure.

A compromise between DCA and Gadsden County has been reached (titled Exhibit "B" to Stipulated Settlement Agreement, Gadsden County, Florida - attached) whereby the portion of the Amendment to the Comprehensive Plan which deals with density bonus point system will be removed. DCA did not feel that there was sufficient data analysis to support the necessity for the change. If an agreement is not reached and this matter goes to "Administrative Hearings", there is a chance that sanctions could be imposed against the County.

Additionally, DCA recommended revision of the Policy 1.1.5 to state that prior to the use or redevelopment of any historic structures for commercial uses, such commercial use or activities must first comply with the "Secretary of Interior's Standards for

Rehabilitation and Guidelines for Rehabilitating Historic Buildings". The compliance will clearly be demonstrated prior to the approval of such commercial uses of such commercial uses or activities by the County. This will allow for bed & breakfast type commercial uses as well as hunting lodges, etc. This change is reflected by additional language in "Exhibit B" also.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO ACCEPT THE STIPULATED SETTLEMENT AGREEMENT AS DESCRIBED ABOVE.

**Public Hearing - Remedial Amendment to Comprehensive Plan**

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO HOLD ANOTHER PUBLIC HEARING TO CONSIDER THE REMEDIAL COMPREHENSIVE PLAN AMENDMENT.

**Public Hearing - Amendment to Land Use Map** Ordinance 96-007

Mr. Sherman announced a public hearing (duly advertised) to consider the adoption of two (2) land use amendments to the Gadsden County Comprehensive Plan. The proposed map will change portions of Selman Road from AGRICULTURE 3 category to MINING land use category and it will also change the RURAL RESIDENTIAL category to an AGRICULTURAL 3 category.

Mr. Richmond read the title of the ordinance into the record.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO ADOPT ORDINANCE 96-007, AN ACT AMENDING THE COMPREHENSIVE LAND, PROVIDING FOR CHANGES TO THE FUTURE LAND USE MAP AS DESCRIBED IN THE ATTACHED MAP.

Commissioner Dixon asked that when land use changes are being considered in the future, that the Board do more than just the minimum statutory requirements for notice to the public. It should be a larger more noticeable advertisement which offers the public an informative description of the changes under consideration.

Mr. Sherman stated that the advertisement was a quarter page display advertisement with a map. No notice was mailed to adjacent property owners.



**Southern Homes, Inc., Project # 96PZ-12-206-1-11**

Mr. Donald Gibson, of Southern Homes, Inc. petitioned the Board to consider granting a Special Exception permit that would allow construction of a mobile homes sales development. The subject parcel is designated commercial on the County's Future Land Use Map. The land is located at the Southwest corner of the intersection of CR 270 and US 27. It is approximately 4.43 acres.

Mr. Sherman stated that notices had been mailed to all adjacent property owners within 1,000 ft. of the proposed site.

P & Z Commission reviewed the petition with eight members approving it and one member opposing it.

P & Z staff recommended approval subject to the special conditions as listed in the attached memo and one other special condition that the existing trees on the site be preserved.

Chairman McGill called for public comments on the proposed project.

Michael Dorian spoke on behalf of Gadsden United. He urged the Commissioners to take measures to protect the aesthetic characteristics and the view along US 27 because it is a scenic corridor. (Tree protection, sign ordinance, etc)

**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE SPECIAL EXCEPTION PERMIT THAT WOULD ALLOW FOR SOUTHERN HOMES, INC. TO CONSTRUCT A MOBILE HOME SALES DEVELOPMENT AS DESCRIBED IN THE ATTACHED MEMO WITH THE SPECIAL CONDITIONS AS LISTED PLUS ANOTHER SPECIAL CONDITION THAT THE EXISTING TREES ON THE SITE BE PRESERVED.**

**Economic Development Update**

Mr. Rick McCaskill was present to give the Board an update of economic activities taking place throughout the County. He emphasized the following:

Flying J will open on November 26, 1996  
DOT Administrative office will open December 1, 1996

\$2 million of property was sold at the 10/90 interchange  
the month of October.

An undisclosed large company (possibly 240 jobs) is  
presently in discussion with Talquin Electric regarding  
possible construction of a sewer facility at the 10/90  
interchange. If the company makes a commitment, grant  
funds could become available for the construction of the  
sewer system. If that should happen, growth at the  
interchange could become explosive. The City of Midway  
would benefit from the sewer system as well.

There are only two lots left on Fortune Center Blvd. for  
sale.

Two large motels have purchased property adjacent to each  
other at the 10/90 interchange. Each of them will have a  
restaurant. They can not begin building until the sewer  
system is in place.

Meetings with Midway officials have been ongoing  
regarding the proposed growth at the interchange.

#### **COUNTY MANAGER'S AGENDA**

There was no report.

#### **CLERK OF COURT**

#### **Public Official's Bonds**

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER  
FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE  
PUBLIC OFFICIAL BONDS FOR COMMISSIONERS DIXON AND MCGILL.

#### **Bank Resolution, Signature Cards for New Chairman's Signature**

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER  
FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE

**BANK RESOLUTION AND SIGNATURE CARDS AUTHORIZING CHAIRMAN  
MCGILL'S SIGNATURE ON THE BANK ACCOUNTS.**

**Financial Reports**

Clerk Thomas reviewed the financial reports briefly.

**Interest Allocation for 95/96**

Clerk Thomas reported that the total interest earned during the past fiscal year was \$452,322.56.

**Budget Amendments**

UPON MOTION BY COMMISSIONER WATSON AND SECOND DIXON BY COMMISSIONER, THE BOARD VOTE 5 - 0, BY VOICE VOTE, TO APPROVE BUDGET AMENDMENTS 96-11-19-01 THROUGH 96-11-19-17.

**Ratification of Payment of County Bills**

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

**DISTRICT 2 REPORT**

Commissioner Watson remarked that he would like to delay the selection of the new county manager until the first of 1997. Until that time, he expressed reservations about whether it is fair to expect Mr. Baker to handle the responsibilities of the interim county manager in addition to the demanding responsibilities of his own department. He suggested that Mr. Arthur Lawson is already in the same proximity as the county manager's office and he would be able to handle the dual responsibilities much easier than Mr. Baker.

**COMMISSIONER WATSON OFFERED A MOTION TO MAKE MR. LAWSON THE INTERIM COUNTY MANAGER.**

Commissioner Fletcher stated that Commissioner Watson was out of order to make such a suggestion since he was not on the prevailing side of the motion when it was addressed at the last meeting on November 4, 1996.

Mr. Richmond recalled that there was never a motion made at the last meeting to hire Mr. Lawson therefore Commissioner Watson's

motion was proper. However, Mr. Baker would either have to resign or be terminated before a motion to hire Mr. Lawson could be made.

Commissioner Fletcher countered that if Mr. Baker should be replaced perhaps it should be with someone who is not already on the county staff.

Commissioner Watson expressed gratitude to Mr. Baker for having accepted the interim county manager's position when he was asked to do so. He then asked Mr. Baker if he would consider resigning as interim county manager and return to his fulltime position as EMS Director.

Chairman McGill beseeched the Commissioners to put an end to the dissention and conduct themselves in a manner more conducive to the county's business. He then turned to Mr. Baker to ask him what he would like to do.

Mr. Baker stated that he was agreeable to do whatever the Board wished him to do.

Commissioner Fletcher stated that the "short-list" committee had reviewed the applications for the new county manager and would apprise the Board by memo of the top five candidates within the week. Interviews could begin as early as the following week.

Chairman McGill reasoned that in view of that information, it would not be necessary to vacate his interim position.

Commissioner Watson restated that he was uncomfortable with the rapid pace at which the selection process was going. He urged the Board to take more time to make the decision.

Commissioner Dixon reluctantly agreed with Commissioner Watson but for a different purpose. He asked the Board to take sufficient time to work as a Board to come to a consensus among themselves about how county business should be conducted. He agreed that Mr. Lawson is in a better position to run the County than Mr. Baker.

Commissioner Dixon then suggested that a facilitator be invited to help the Board discuss the issues at hand and the agendas between each of the board members so that they could reach a consensual point before a decision is made on the hiring of a new manager. He went on to say that he would personally like to see a requirement put into place that would necessitate a super majority

vote for the next choice for county manager. In the meantime, business must go on.

**COMMISSIONER DIXON SECONDED THE MOTION TO HIRE MR. LAWSON AS THE INTERIM COUNTY MANAGER.**

It was clarified by Mr. Richmond that a motion to hire a new interim manager could not be valid until Mr. Baker either resigned or was terminated.

Mr. Baker tendered his resignation effectively immediately.

**A MOTION WAS MADE BY COMMISSIONER FLETCHER TO HIRE MR. ED BUTLER AS INTERIM COUNTY MANAGER UNTIL A NEW MANAGER CAN BE FOUND.**

**THE MOTION DIED FOR LACK OF A SECOND.**

**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPOINT MR. ARTHUR LAWSON AS THE INTERIM COUNTY MANAGER.**

**A MOTION WAS MADE BY COMMISSIONER WATSON AND SECONDED BY COMMISSIONER DIXON TO GIVE MR. LAWSON A 10% RAISE DUE TO HIS INCREASED RESPONSIBILITIES AND THAT HIS SALARY REMAIN AT THE INCREASED WAGES WHEN HE RETURNS TO HIS FORMER POSITION.**

**DISCUSSION FOLLOWED.**

While it was the consensus of the Board that Mr. Lawson's increase in salary should remain with him when he returns to his former position, it was determined that it would be a matter for the next county manager to determine and not that of the Board.

**COMMISSIONER WATSON AMENDED HIS MOTION TO PROVIDE THE 10% RAISE TO MR. LAWSON DURING THE INTERIM PERIOD AND IT WILL BE SUBJECT TO THE NEW MANAGER'S APPROVAL AS TO WHETHER HE SHOULD RETAIN THE RAISE WHEN HE RETURNS TO HIS FORMER POSITION. COMMISSIONER DIXON SECONDED THE AMENDED MOTION.**

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

It was the consensus of the Board to have a facilitator meet with them and help them establish a consensus regarding the current issues and establish guidelines as to how to operate within the system.

Chairman McGill stated that he hoped that in the year 2000 that Gadsden County would have a really user-friendly form of government - friendly to constituents, staff, contractors and all people with whom the County does business. He went on to say there are some deep seeded problems and frustrations that must be worked out in an honest manner in a guided forum.

### **DISTRICT 3 REPORT**

Ms. Roberson reported that no decision has been reached regarding the temporary road going into the hospital from U.S. 90. Research is proceeding. She stated there are roads in need of repair in her district but she would address those at another time.

### **DISTRICT 4 REPORT**

There was no report.

### **DISTRICT 5 REPORT**

There was no report.

### **DISTRICT 1 REPORT**

There was no report.

### **ADJOURNMENT**

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

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Bill McGill, Chairman

ATTEST:

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Nicholas Thomas, Clerk

Unfinished Business from Meeting of November 19, 1996

Agenda Item NO. 10 - Major Alvan J. Pickels - Emergency Management Programs

Abandonment of Lots 24 - 34 of Peacock Estates

Public Hearing - Remedial Amendment to Comprehensive Plan\_

Temporary road going into the State Hospital from U.S. 90. in Chattahoochee

Request made by Board Members

Sessions with a facilitator

Policy Recommendation for Future Purposes

Commissioner Dixon asked that when land use changes are being considered in the future, that the Board do more than just the minimum statutory requirements for notice to the public. It should be a larger more noticeable advertisement which offers the public an informative description of the changes under consideration.



**AT A REGULAR MEETING OF THE BOARD  
OF COUNTY COMMISSIONERS, HELD IN  
AND FOR GADSDEN COUNTY, FLORIDA ON  
DECEMBER 3, 1996, THE FOLLOWING  
PROCEEDINGS WERE HAD, VIZ.**

**PRESENT: BILL MCGILL, CHAIRMAN  
STERLING WATSON, VICE-CHAIRMAN  
CAROLYN ROBERSON  
E. H. (HENTZ) FLETCHER  
EDWARD J. DIXON  
NICHOLAS THOMAS, CLERK  
HAL RICHMOND, COUNTY ATTORNEY  
ARTHUR LAWSON, INTERIM COUNTY MANAGER**

**CALL TO ORDER**

Chairman McGill called the meeting to order. Commissioner Watson led in pledging allegiance to the U.S. Flag and Commissioner Dixon led in prayer.

**ADOPTION OF AGENDA**

Commissioner Watson questioned the purpose of Item No. 12 of the agenda - Public Comments.

Chairman McGill explained that it was his desire to offer the public an opportunity to speak to the Commission about matters of specific concern to them.

Mr. Richmond clarified that the Board could not take action on any matter that surfaces during that portion of the agenda unless it happens to be an emergency.

Clerk Thomas asked to amend the Consent Agenda to include approval of the public officials bond for Supervisor of Elections Denny Hutchinson.

**UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY  
COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO  
ADOPT THE AGENDA AS AMENDED ABOVE.**

**APPROVAL OF MINUTES**

**November 19, 1996 Minutes**

**UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE MINUTES OF NOVEMBER 19, 1996 MEETING.**

**COUNTY ATTORNEY**

**Interlocal Agreement with City of Quincy for Downtown Quincy Parking Lot**

Mr. Richmond called attention to the downtown parking lot which has now been completed. He presented an interlocal agreement prepared by the City of Quincy regarding the use of the parking lot. He stated that the agreement was in proper form but he questioned contents of Paragraph 2 & 3. He asked that the matter be tabled until he could get better clarification.

**A MOTION WAS MADE BY COMMISSIONER FLETCHER AND SECONDED BY COMMISSIONER DIXON TO TABLE ANY ACTION ON THE INTERLOCAL AGREEMENT WITH THE CITY OF QUINCY FOR THE DOWNTOWN PARKING LOT.**

**DISCUSSION FOLLOWED.**

**QUESTION WAS CALLED BY COMMISSIONER FLETCHER.**

**THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO TABLE ACTIONS ON THE PARKING LOT AGREEMENT.**

**PLANNING AND ZONING ISSUES**

**RFQ for Consultants to Prepare the County's Evaluation and Appraisal Report (EAR)**

Mr. Sherman reported that the P & Z staff had received responses from the advertised RFQ and had ranked the top three firms. He requested authority to discuss a scope of work and a contract price for providing the EAR services with the top ranked firm - Wade-Trim, Inc.

**A MOTION WAS MADE BY COMMISSIONER FLETCHER AND SECONDED BY COMMISSIONER DIXON TO AUTHORIZE MR. SHERMAN TO NOTIFY WADE-TRIM, INC. THAT THEY WERE THE TOP RANKED FIRM AND BEGIN NEGOTIATING A SCOPE OF SERVICES AND A CONTRACT PRICE TO PERFORM THE EAR.**

**DISCUSSION FOLLOWED.**

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

### **Clarification of the Peacock Estates Plat Vacation**

Sherman: The next item is a continuation from our last commission meeting. What I understood was that this was for clarification regarding the Peacock Estates Subdivision vacation or a portion of that - Lots 24-34. What I have done since that meeting is spoken to the applicant's surveyor and gone back and Mrs. Straughn has provided me a copy of the minute summary as well as a verbatim minutes. And also calling one of the staff people who was here at that time to discuss what happened at that meeting.

My recollection is that the County Commission moved to vacate those portions of the plat, those lots in the plat, and ah, the conditions that were attached, I believe are very similar to what Mrs. Straughn included in the verbatim minutes. I would like to briefly go over those. Mr. Poppell is in the audience tonight as well as Mr. Peacock. Let's see, let me make sure that I have the right, excuse me just a second.

O.K. The conditions, there were three conditions. Ah, which I included in the agenda for the commission to look at. The first one I believe is correct. The covenants and restrictions will remain in effect unless 100% of the land owners sign off on vacating those agreements. **Ah, The second one says that the property owner will maintain the private drainage easement which is associated with the acreage. I was not able to come to a conclusion as to whether that was actually what was recommended by the commission.** But, normally when a subdivision is vacated or the easements that were recorded as part of that plat would be vacated as well. I have a concern that if these easements are not maintained by somebody, there could be some drainage problems later down the road for folks who have purchased property in Peacock Estates.

The third item which says, in the event that the property in question is sold, the existing land owners in Peacock Estates would be informed and they must approve of the intended use of the land. What I think the intent of condition was is that if the property is sold and any future use is indigenous of those properties which is not consistent with the recorded restrictions and covenants then they would have to have approval. But I do not believe that the intent was that when each individual lot was sold they must get concurrence with the property owners.

Richmond: Michael, I think that part of that may have been resolved as well. There is an agreement that was executed by the land owners subsequent to the meeting and the presentation of the agreement with the Board. I think that

agreement was signed two or three months later and I think it resolves that issue. It imposes the conditions on the land except for the one - ah, the formal abandonment, I believe. All the original conditions are reimposed. And, so I don't think that is a problem. I think the question becomes whether to advertise for a public hearing or whether to do a resolution. What the problem is, that there was never a quote "formal resolution" recorded in the public records. Whether you want to ah, change it, do it the way it was, or just make it current by eliminating condition # 3. Now, the question of the drainage easement is something Michael has a concern about and you might want to ah,

Watson: Who has been maintaining it?

Sherman: I don't know that anyone has maintained it. I think the County may have come in and done some improvements in there, but I don't

Fletcher: It is still a private drainage easement isn't it?

Richmond: There is a question whether the abandonment would affect that I believe.

Vanlandingham:

I have ah, My name is Clay Vanlandingham. I am employed with Gadsden Abstract Company. I have been doing some research on ah, Peacock Estates. The ah, the County Commission minutes that were, I think there were three pages of them recorded a week or so ago that state that the property owners would keep up the private drainage easements, and I think Mr. Sherman just reiterated that. There are three documents on record in the courthouse, two of which are drainage easements from Mr. Peacock to the County granting the County drainage easements. Then there is a separate document ah, on county commissioners stationary addressed to Mr. Peacock, that says, "during the regular session of November 7, 1989 meeting, the Board of County Commissioners voted unanimously to accept the deed from Peacock Estates homeowners association for the paved roads and the drainage easements within Peacock Estates. So, I think there would be at least, there is some question as to who these drainage easements really belong to and this should be specifically addressed in the resolution in the formal abandonment. It would appear from the documents on record, that the County has already accepted these drainage easements.

Dixon: Could we get a copy of that Clay? Do you have that Mr. Sherman?

Sherman: No, sir. I don't.

Vanlandingham:

I'd be glad to let you have the copies that I have.

Dixon: Would you be so kind. Thank you.

McGill: O.K. What is the pleasure of the Board? Are you finished?

Vanlandingham:

Ah, as far as the ah, the three pages of minutes that are on the public records now as certified copies, not being an attorney and not knowing if they actually constitute any kind of legal action by the Board, paragraph 3 in those minutes causes me a lot of concern in my business. I am with the abstract and title insurance company here and we do title searches and title insurance for prospective buyers and lenders of property in the County. Traditionally these people, as buyers and lenders, want a clean commitment with no exceptions to the title. What I am asking the Commission to do is specifically, if they could, to address item 3 of those minutes and put something in the resolution to say they are no longer in effect because those would be exceptions that I would have to make on my title insurance commitments.

Richmond: The only way to do that is to have a formal hearing after notice in two weeks. That is what it is here for - whether we want to advertise to do that to clarify this and bring it up to date on the record and do a formal evaluation.

Fletcher: Do you want a motion to advertise for that?

Richmond: That is correct.

Fletcher: Alright you got it.

Watson: Second.

McGill: Sir, what minutes are you talking about?

Vanlandingham:

There are three pages of March 4, 1994 minutes County Commission Minutes which are by themselves recorded. There is no chairman signature with the minutes, there is no letter of introduction, it is just stamped "certified copy". I have copies of those also.

Dixon: Let me ask a question of the attorney, Mr. chairman.

McGill: The question before us is that Mr. Peacock wants us to abandon the easements?

Richmond: At the time of the hearing, it was brought up by I believe Mr. Poppell, that this was an issue that needed to be addressed. That the County, by abandoning the plat, would be abandoning the easements. Ah, that was specifically made a part of the motion with the attached stipulations. There was also a discussion at the time of the land owners, ah, would be protected. Well, that had been done by separate instrument, but, there still remains the issue, that by the abandonment, at the time we didn't have the documents in front of us that the County had that easement. It would appear that needs to be made a formal part of it one way or the other, whatever ya'll choose to do. You can abandon the plat, maintaining the easement, or abandon the easement and the plat, I believe can't you Clay?

Vanlandingham:

I think that is Mr. Peacock's intent, I'm not sure but to abandon the plat and the drainage easements themselves and then to relieve any private property owners of one of those lots from any responsibility for maintaining those easements.

McGill: How does that differ from the last time we discussed this?

Vanlandingham:

Item number 2 in those minutes states that the property owner will maintain the private drainage easements that are associated with the acreage which is to be abandoned. That means if I were to go out there and buy one of those lots, somebody is looking at me to maintain those drainage easements.

Richmond: Well, I think that was the question that came up. If the County was going to abandon the plat and did not necessarily want to agree to maintain those easements. Somebody was going to have to maintain them or else there would be some potential law suits against the County down the road. But those are issues that probably need to be addressed at the public hearing.

Watson: Who is going to own them.

Vanlandingham:

If you buy lots 27, 28, 29, 30, or 31, it will cross your land.

Watson: So, you'll have to have to, if you choose to, maintain it or whatever,

Vanlandingham:

No, sir. The property owner will maintain it. That is the way it reads now.

Richmond: That is the way it reads now.

McGill: But if, once you buy the property, don't you buy the easement?

Richmond: That is the natural flow of the water, I would assume.

Dixon: Now, lets get to the public question. What do we incur by abandoning them? Or what have we set the public up for by abandoning them? And I guess this will all come out at the hearing. What I want to make sure is what - I want to try and get specific about the question that is before us in terms of what is Mr. Peacock asking for in order that we might be able to prepare to go forth and bring forth the proper material for the hearing.

Vanlandingham:

I am not sure what Mr. Peacock wants. I am just apprising you of what is already on the record.

Richmond: I believe the indication is

Dixon: It sounds to me like we are going to have to have some technical help here in terms of whether we should abandon those easements. Is it in the best interest of the public to abandon those easements, and what are we setting those folk up for down the line if those easements are abandoned? All those questions will need to be answered by the public meeting.

Watson: Did you, ah, you had concern with number 3.

Vanlandingham: And number 2.

Watson: Fine, but let's talk about number 3 for a second.

Dixon: Where are we?

Watson: At the top of page 4 of 15. At the top. Now, Hal, you said number 3 was taken care of by separate instrument.

Richmond: After we did this and imposed this condition, there was an agreement reached by the land owners, or the existing land owners that had an interest in the restrictive covenants, as to what the future use of that land would

entail. I think that instrument addresses the issues and concerns that we had in number 3.

Watson: Where is that, are you familiar with that?

Richmond: I've got a copy of it at the office. I don't have it here tonight. Does that not satisfy your concern, Clay as a title company?

Vanlandingham:

I mean you can be picky and close a deal or you can use a lot of leave-way. Ah, I mean it is true that all the landowners or the lot owners at this date this document was signed participated in this agreement. They stated that Mr. Peacock is the developer, he does want to abandon the lots, the undersigned owners have agreed that the restrictive covenants will remain on the land with the exception for the usage of agricultural purposes. Ah, so I think that all probably this document is dealing with is just the usage itself, but I don't know if it is from a landowner or lot owner's prospective, or planning or zoning perspective.

Richmond: It is probably the private use. The landowner would have the right to sue if it wasn't used in compliance with that agreement. But, I don't know that we have got any further involvement in it or not or should have legally.

Vanlandingham:

But then, my question is, can a group of landowners get together and draw up an agreement and supersede a County ruling?

McGill: No, I would think not. Now, inasmuch as we are going to have a public hearing on that document anyway,

Fletcher: I call the question on the motion to advertise.

McGill: O.K. Question has been called on the motion to advertise.

Poppell: I would like to speak to that before the motion is ruled upon.

McGill: I beg your pardon?

Poppell: We want to speak regarding that before that motion is ruled upon.

McGill: O.K.

Dixon: I will second to bring it to discussion, Mr. Chairman.



McGill: Is there more discussion?

Fletcher: We already had a second, Commissioner.

Dixon: Oh, I am sorry.

McGill: Discussion?

Peacock: I am Jack Peacock, I am a nephew of Mr. Grady Peacock and a land owner of Peacock Estates. What our point is very simply that we have already gone through all the motions of the public hearing. We feel that it would be redundant to go through this once again when we have already gone through and done in good faith everything that the County asked us to do. We have gone and had the landowners to sign an agreement that the land would be used for mini-farms and have livestock on it with the exception of swine. And, we, really the only thing that we see that is lacking, ah, we feel that this problem wouldn't exist today if the County in fact would have adopted the resolution in a timely manner. But, now, we are several years ahead of ourselves here and still trying to do what should have been done several years ago.

Fletcher: The attorney has advised us that the public hearing is going to be the only way, is that not correct?

Richmond: Well, if they want a resolution based upon what happened, there is nothing that can't keep us from doing the resolution exactly the way it was voted on then and that has three conditions, and that is what they object to is those ah, 2 of the 3 conditions.

Dixon: It is the only way.

Fletcher: So, to change the three conditions, we have got to have it. So, it is a mute for us to go any further with this.

Richmond: To change those conditions, you have got to have a public hearing and go back through it.

Peacock: Well, our, our, our, our viewpoint on it is this. These drainage easements, not a penny of county money has been in this. All it was that at one time, it was a plat on paper and now it is not anymore. These are just natural formations of land and they are not a bonafide easement.

Richmond: I am not disagreeing with anything you said here, Jack, except that the way it was presented and the way it was voted on with those conditions in there, and the easements were brought up, and it was recommended that they be

in our resolution, privately maintained by the ownership of the land which at that time, it was Mr. Peacock, the petitioner.

Peacock: But, the way we see it is

Richmond: We can't change that without another public hearing.

Peacock: I understand.

Fletcher: Unless he tells us that we can do that, then I don't see that we have any choice but to go on with a public hearing.

Peacock: But the way we perceive it is if in fact there, the property is abandoned, there is no easement.

Richmond: You may be right, but all I am saying is, based on what the public record is now and the confusion that it is in, to change the resolution that is a part of the minutes, there has to be another public hearing. Now it may be pro form. Nobody may show up. The people who would be here to complain have signed an agreement as to what the use of the land's gonna be, so, you know, there shouldn't be any argument.

Dixon: But, Jack, this ain't necessarily against you. We've got a mess out there that we need to clean up.

Peacock: I understand.

Dixon: Now, whether that is to or against your favor, I don't know. But, you know, we are going to clean it up in a public meeting and I am sure that we will all be the better because of it. These little "stinkies" like this really make business hard for you and for us.

Peacock: O.K.

McGill: Is there further discussion on the motion? Hearing none, huh?

Poppell: My name is Al Poppell. I am a professional land surveyor helping Mr. Peacock on this project. Ah, just to bring the Commission up to speed. Ah, the abandonment of the particular lots that we are here tonight, lots 24 - 34, went through the normal publication for public hearing. Ah, this meeting had taken place and the minutes that we are all talking about - what is in front of you tonight, ah, is result of that meeting, and reading from a

verbatim discussion of that meeting, what I would like to bring to the attention of Commissioner Powell at that time, ah, I'd like to read this

"Mr. Chairman, I would like to offer a motion that we approve the abandonment with those special conditions as listed by Mr. Poppell and the attorney", and I would like to add emphasis to this, "and the drainage easement abandonment as well, and also for the other persons who own the property out there, covenants and restrictions must remain unless they all agree otherwise, and approve the future use of the acreage also. "

Under Chapter 177 of the Florida Statutes which is the chapter that is involving platting of property as well as vacating and nullifying what has been done under the plat process. To vacate a plat of property is to make it as if it never existed. Now, to abandon the easements was for the benefit of the County as well as Mr. Peacock in any future land holder that were gonna hold title to that property.

Mr. Peacock now has a buyer ready, willing and able to buy these particular lots that was under this vacation of this Peacock Estates. He is ah, under a time commitment with a contract to sell. He has to provide marketable title and Mr. Vanlandingham sat right here and said "unless you correct it, he can not guarantee title and insure it". Now that is affecting Mr. Peacock. Ah, the instrument of record that you have that shows that all the land owners of Peacock Estates agreed to the use of the property that we are vacating from this Peacock Estates as to the use of it has been signed, sealed agreed upon and delivered and recorded in the public records. The discussion that evening, as I recall it, was for, when you vacate a plat and its easements, it is as if it never existed. Now, there are deeds of record from Mr. Peacock to the County for those easements, but, the formal actions of the Board at that time, the formal action voted upon unanimously and approved. If there is any need for clarification as far as the easements go, there are no more easements. It is a raw piece of land as if I owned it forever and there is a drainage way that goes down to this particular lake. But, anybody that owns that land, as you know, any landowner is accountable for what happens to run off from any piece of property that affects another. You are subject to ah, ah, other laws that guide, you know damage downstream from any water body. Now, there is no easements by the action of the Board. Now, I can understand the lay person's understanding of what an easement is. Ah, but, sometimes they don't quite understand what a right-of-way easement, ah, flow-way, and all those particular things are.

As a professional surveyor, in vacating plats as well as going through the plat process, according to this vote, there are no more easements for anybody and in this behalf the County, by their actions, did away with that easement.

And what we have is a natural tributary going down, spring-fed, there is some road run-off but, ah, ah, the County is no more responsible for that. Those particular easements that run the length of that property down to Lake Stephen, which is still a part of Peacock Estates.

Watson: Mr. Poppell, is it your contention that the minutes that were taken and recorded November 12, they were not accurate as to what truly happened that night? Because it is clearly in contradiction to the verbatim transcript?

Poppell: That is correct. I am saying

Watson: Mr. Attorney, where do we stand with, I mean, this is a verbatim. And I agree - the Board voted that night to abandon.

Richmond: I don't disagree with that. But what has happened is there were special conditions attached in the motion made by Commissioner Powell.

Watson: But according to this, there were not.

Richmond: It is right there.

McGill: On number, I think is was of the March 4th minutes,

Watson: But, But

Richmond: If I can, at the bottom of page 3 of 4

"Mr. Chairman, I would like to offer a motion that we approve the abandonment with those special conditions as listed by Mr. Poppell and the attorney and the drainage easement abandonment as well..."

That is all a part of the resolution.

Watson: But drainage easement as well, I take that as he wanted to

Richmond: Yeah, he wanted to abandon the easement.

Watson: But it came in as a special condition of the recorded minutes.

Richmond: I see what you are saying in that regard, but it would still be an abandonment. The resolution has not been reduced to writing. It can be reduced to writing. But there is that third condition.

Fletcher: But you still maintain that we have to have a public hearing.

Richmond: To change what is already there, you have to give public notice or you are going to have a law suit anyway. There is no, I don't see that there is a conflict in any of it, it is just to make sure there's not a difficult situation down the road. I recommend that we have a hearing that we get it done. I agree that we have abandoned and intend to abandon the county's drainage easement. I agree that as of this time, there is full compliance based upon the recorded instrument signed by all the property owners as to what happens to the future use of the land, and therefore, the County does not have to put any restrictions on that in any resolution of the abandonment. There doesn't need to be that special condition. So, we are down to just a simple abandonment at this point and I think that is all that is before you. But, at the time it was acted upon and voted upon, those special conditions were incorporated into Mr. Powell's motion. To change that, to undo that, to correct that, you have to have a public hearing. That is all there is to it.

McGill: If I understand that, somebody has to make a motion to rescind the previous motion which we acted on.

Richmond: To rescind those special conditions of 2 and 3.

Fletcher: And you have to have a public hearing to do it.

Richmond: Yeah. You can't, Yeah.

Fletcher: So, we are wasting our time, we need to go ahead and have a public hearing. I know, I want to give Mr. Peacock what he wants, but if we got to have a public hearing, we got to have it. Is that right?

Richmond: Yeah!

McGill: I think so.

Fletcher: So, I'm calling the question on the advertisement motion.

McGill: The question has been called for. All those in favor say "aye".

All commissioners: Aye

McGill: All Opposed?

Poppell: You have already closed the matter, is that not correct?

Fletcher: Mr. Poppell, what else can we do. If our attorney advises us that we've got to have a public hearing, I don't see where the Board has a choice, but to do so.

Poppell: Well, in my professional opinion, it boiled down to a matter of clarification and not a re-hearing. Because, and, Mr. Vanlandingham ah, Mr. Richmond's opinion, you are going to untinnacle a situation either way.

Fletcher: I respect your knowledge in your profession. But you are not an attorney and he is still in this forum and we've got no choice but to listen to him.

Poppell: That is correct and I can appreciate that.

Watson: But really, I want to ah, where was the mess up here. In the recording of this set of minutes, versus this verbatim.

Richmond: What has happened is

Dixon: We need a single set of minutes here.

Watson: Yeah, I mean

Richmond: What we need is an official action by this Board in a simple formal written resolution. If we had recorded a written resolution back then, it would have incorporated things just out of the minutes as, because they were adopted and became the public instrument as to what happened. Some private people just went and recorded that in the pubic records of Gadsden County. That creates a nightmare for Clay to get around and we have got to straightened it out. It is very simple to do. Now, everybody wants to do this quick because Mr. Peacock needs to sell that land and he's got a buyer with money. I understand that. But, the only way to work it out, I think, is to go through the formal publication, get it done, have a meeting, do it. I mean, it's gonna come out. We can't go back, and my recommendation to you right now, is don't change what you have done. Just abandon the drainage easements. They have complied with condition # 3. Knock it out, and abandoned it and let it rip.

Fletcher: And I think we should do what you advised us to do.

Richmond: To clarify it to make it easier on Clay, the only way I know to do that is to solve everybody's problems, is to go back through public hearing. And if anybody shows up, we will listen to them. I apologize if that causes any inconvenience.

Poppell: Just one last statement. Ah, in, ah, it would seem odd to me that a vote, a unanimous vote of the commission could be overridden by an individual person's interpretation of the minutes and frivolously recorded by a public citizen that would cause a situation like this.

Richmond: Let me sit here and tell you that without notice to those people that we are changing the proposed resolution that was adopted voted on and not publicly recorded is creating a law suit that is giving them a second life. We can solve this problem, but we got to do it the right way.

McGill: Mr. Sherman do you want to continue?

Sherman: I have one question regarding this. What night do ya'll want to have that public hearing.

Richmond: As soon as possible within the statutory limitations.

Sherman: I don't know how long we have to advertise, but I will find out and we will go ahead and advertise that, o.k.

Fletcher: We want it as soon as possible.

McGill: I will be out of town from Thursday until Saturday.

Dixon: It will have to be next week.

McGill: Well, o.k., that's good.

Sherman: The next item is that ah, the County Commission had asked me to get with the architect of the courthouse project to see if he could come up with a, give us a proposal to do some bid documents.

Dixon: Mr. Chairman, before Mr. Sherman gets into this, can I get a summary from the attorney and from Mr. Sherman on this thing, just so that I am not still reading off two pieces of paper and two different documents. Of what we actually intend to do.

McGill: On the courthouse renovation?

Dixon: No, on the Peacock Estates situation.

Richmond: A summary?

Dixon: From you, your prospective and Mr. Sherman, his perspective.

Richmond: We are going to advertise a resolution of proposed abandonment of lots 24 - 34 of Peacock Estates, period.

Dixon: Fine.

Richmond: The procedure is advertise it, have a public hearing, take comments from the land owners if they are affected by the abandonment, at this point they are not because they signed the other document, then do it.

Dixon: I just want to know, that's all. What we intend to do here and fall out if there is any. From your purview and Mr. Sherman's purview and that way I am fine.

Richmond: O.K. I apologize.

Fletcher: I completely concur.

Richmond: Do you want that now?

Dixon: No, no, before the meeting, before the meeting.

Sherman: Going back to the quote from Lee and Bridges.

### **Courthouse Renovation**

In response to the Board's directions at the November 4, 1996 meeting (the Board voted to seek competitive bids for installing central heat and air for the first and second floors of the courthouse and to have architects prepare the specifications) Mr. Sherman reported that he had contacted Lee and Bridges to get a price and scope of services from them to prepare heating/air-conditioning specifications. In return, they submitted a proposal of \$12,000 to prepare the specifications, construction and bid documents. Mr. Sherman asked for the Board's directions.

Commissioner Dixon asked if \$12,000 was a good price.

Chairman McGill stated that he thought that \$12,000 was too high.



Mr. Sherman responded that he had not contacted any firms other than Lee and Bridges.

Commissioner Watson asked Mr. Frank Ritter of the Building Inspection Department to express his opinion as to the cost proposal.

Mr. Ritter responded that the standard rate for architectural consulting services is 9% of the anticipated cost of the project. He had previously stated that the approximate cost for installation of HVAC would be \$114,000. (9% of \$114,000 is \$10,260)

Mr. Sherman pointed out that the proposal included construction administration in addition to the document preparation. He continued by saying he could contact other firms to get additional quotations for the services.

Commissioner Dixon stated that Lee and Bridges should get more competitive with their proposal.

Chairman McGill questioned who would provide the supervision and administration of the construction work if it was not made a part of the services provided by the architect.

There was no response.

Commissioner Dixon continued by saying that he was only interested in getting the best price for the scope of work, not eliminate any of the work.

Commissioner Fletcher stated that he had been in the courtroom all day on Monday and had experienced first hand the dire need for HVAC upgrade for the courthouse. (At the beginning of the day, the building was freezing cold. When the radiators finally began to produce heat, the building became overly warm making it necessary to turn on the air-conditioning even though the outside temperature was 40 degrees.)

It was the consensus of the Board to seek proposals from other architect firms to prepare the HVAC of the Courthouse.

Clerk Thomas asked Mr. Sherman and Mr. Ritter to respond to the reference of the asbestos surrounding pipes in the Courthouse.

Mr. Ritter reported that the County would save money in the long run by contracting with an asbestos removal company for the removal of the asbestos rather than allow the project contractor to do the work. It is possible that portions of the building would have to be closed for the length of time it takes to remove the asbestos and

do the follow-up cleaning and air cleansing. Night work and week-end work may be necessary to prevent loss of services by the Clerk's staff.

## **PUBLIC WORKS**

### **Acceptance of the Maintenance for a By-Pass Road in Chattahoochee**

Mr. Jed Lugod explained to the Board that Florida Department of Transportation is doing construction on U.S. 90 in Chattahoochee making it necessary to provide a by-pass route for through traffic in the interim period. The proposed by-pass road was a serviceable road until 1994 when it was closed as a result of storm damage to the bridge over Mosquito Creek. The by-pass is expected to be in place for at least two years until the construction work on U.S. 90 is completed. DOT has agreed to place a permanent structure over the creek if the County will agree to maintain it. Otherwise, they will construct a wooden temporary bridge for the life of the project and then remove it upon completion of the construction of U.S. 90. The by-pass would allow for another entrance into the state hospital grounds which would diminish the flow of traffic through the downtown area of Chattahoochee. The by-pass lies within the city limits of Chattahoochee and should the County agree to maintain the bridge, some agreement must be forthcoming with Chattahoochee.

Mr. Lugod stated that he thought the connection would serve the community well.  
**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO AGREE TO MAINTAIN THE PROPOSED BRIDGE AND TO PROCEED WITH SECURING AN INTERLOCAL AGREEMENT WITH THE CITY OF CHATTAHOOCHEE STATING THAT THE COUNTY WILL TAKE RESPONSIBILITY FOR THE BRIDGE MAINTENANCE.**

### **McMillan Road in Chattahoochee Update**

Mr. Lugod reported that he had talked with Mr. John Coggin, Gadsden County School Board Transportation Department, regarding what alterations are necessary to McMillan Road in Chattahoochee to make it passable for the school bus. Mr. Coggin confirmed that the culvert on the road needs to be extended in order to accommodate the wide turn area needed for the school bus. Additionally he confirmed that a safe turn around area was needed on the inside of the road. Mr. Lugod stated that the work could be accomplished by his road crew without problems. The road is within the city limits of Chattahoochee but the County has maintained it in the past.

Commissioner Fletcher asked if the County has an obligation to maintain county roads within the city limits of a municipality.

Chairman McGill stated that he was of the opinion that the County should maintain them.

Mr. Richmond stated that the County is responsible for county roads within a municipality only when the road is a thoroughfare and it is a question of fact on each and every road. McMillan Road was a county road that became annexed to the City of Chattahoochee. It is not through road and therefore is the responsibility of Chattahoochee.

Commissioner Watson asked if a compromise could be reached whereby the County performs the necessary upgrade to meet the requirements for safe bus passage then turn the maintenance over to the City of Chattahoochee.

Commissioner Fletcher stated that he had made a site visit to the road in question and the residents on that road need relief.

**UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO AUTHORIZE THE PUBLIC WORKS DEPARTMENT TO PROCEED WITH THE INSTALLATION OF A WHATEVER SIZE CULVERT IS NECESSARY TO INSURE SAFE SCHOOL BUS PASSAGE ON MCMILLAN ROAD, PROVIDE A TURN-AROUND AREA ON THE INSIDE OF THE ROAD, THEN ACQUIRE AN INTERLOCAL AGREEMENT WITH THE CITY OF CHATTAHOOCHEE WHEREBY THE CITY WILL ACQUIRE MAINTENANCE RESPONSIBILITY OF THE ROAD AFTER THE UPGRADE IS ACCOMPLISHED.**

Commissioner Roberson reported that the City of Chattahoochee has already installed street lights on the road.

### **SHERIFF'S REQUEST FOR MODULAR BUILDING**

Major Pickles appeared before the Board on behalf of Sheriff W.A. Woodham. He recalled to the commissioners that the Sheriff's Investigations office had been damaged by fire some weeks ago. The building housed a staff of 25 people. Since the fire, those people have been crowded into the jail facilities. The current provisions are grossly inadequate. He asked the Board to consider purchasing a modular office which could be located on the same site as the jail. This would allow for better supervision of the entire Sheriff's department.

Major Pickles provided the Board with a proposal for a 2,432 square ft. building which totaled approximately \$54,000. Additional construction requirements would be

necessary for the site (sewer taps, electrical taps, wheelchair ramps, sidewalks, foundation, etc.) It could be constructed and installed quickly.

Commissioner Dixon questioned why purchase a modular unit as opposed to a permanent building. He stated that he was not opposed to modular housing but voiced concern for the appearance which a modular unit might create in the vicinity.

Commissioner Fletcher stated that a permanent structure could not be constructed for a price comparable.

**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER FLETCHER THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE PURCHASE OF THE PROPOSED MODULAR UNIT FOR THE SHERIFF'S DEPARTMENT.**

It was determined that the insurance benefit on the burned building would be \$70,000. It was the consensus of the Board that the insurance money should be used to purchase the building.

### **INTERIM COUNTY MANAGER**

#### **County Probation - Request for Space in the Barnett Bank Building**

Mr. Arthur Lawson, Interim County Manager, relayed a request from the County Probation Department to be relocated to the Barnett Bank Building. (recently acquired by the County) He explained that discussions are still ongoing regarding how the space will be utilized and the building is not ready for occupancy.

Mr. Ritter requested authority to proceed with renovation of the Bank's old finance department to meet the needs of the County Probation Department and proceed with their move.

Commissioner Watson explained that the State Attorney's office has agreed to bear the cost of the wiring upgrade of their present facility in order to give the County more time to accommodate the space needs of county agencies. (At a previous meeting, Mr. Combs suggested that the ground floor space of the Barnett Bank might be better utilized as courtroom rather than for State Attorney office space.)

Commissioner Dixon asked Chairman McGill to request that Commissioner Watson keep all the commissioners informed through memos as to the status of the space allocation of the county buildings.

**UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER WATSON THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO AUTHORIZE THE RELOCATION OF THE COUNTY PROBATION DEPARTMENT TO THE BARNETT BANK BUILDING.**

**Gadsden Community Hospital - Boiler System Repairs** Letter attached

Mr. Lawson called attention to a letter to McGinnis & Fleming Engineering, Inc. regarding the progress of the boiler repairs to the hospital's boiler system. Some of the repairs listed (identified by and "\*\*") in the letter were not made a part of the original list of emergency repairs (estimated at \$25,000) which was approved by the Board at a previous meeting.

Chairman McGill asked if the items which were not included on the approved list of repairs are included in the \$18,000 estimate to complete the repairs.

Mr. Frank Ritter responded that all emergency repairs recommended to day amounts to \$37,500. The original \$25,000 plus an additional \$18,000 in repairs. He then asked direction from the Board as how to proceed with the repairs.

**A MOTION WAS MADE BY COMMISSIONER WATSON AND SECONDED BY COMMISSIONER DIXON TO APPROVE THE AMENDED LIST OF EMERGENCY BOILER REPAIRS AT GADSDEN COMMUNITY HOSPITAL - TOTALING \$37,500.**

**DISCUSSION FOLLOWED.**

Clerk Thomas remarked that he had examined the Hospital Trust Agreement closely and found that it allows the trust funds to be used for only two specific purposes - capital improvements and Florida patients claims. He explained that he has some questions as to whether some of the bills which were approved by the Board to be paid from the trust funds really met the criteria established by the trust agreement. He went on to say that those payments which do not fall into the category of capital improvements will have to be reclassified. (The definition of capital improvements are things which have a five year life and at least a \$5,000 cost.) The payments which do not meet the criteria will be reclassified and taken from another fund.

Chairman McGill stated that he interpreted capital improvements to be a cost associated with the cost of an individual item and not numerous items totaled together.

The Clerk and Mr. Richmond concurred with the Chairman.

It was the consensus of the Board that the boiler repairs should be paid from the hospital renewal and replacement funds.

Commissioner Dixon asked how the costs are totaling against the total budget for the project.

Mr. Ritter answered by saying that the project costs are actually under budget at this point.

Chairman McGill asked Mr. Ritter if the unanticipated repairs and their related costs are handled by change orders with the contractors.

Mr. Ritter responded that they are handled through change orders.

The Clerk recommended that the above described repairs be paid from the renewal and replacement funds.

**COMMISSIONER WATSON AMENDED HIS MOTION TO APPROVE THE ADDITIONAL \$18,000 IN REPAIRS AS DESCRIBED IN THE ATTACHED LETTER AND TO PAY ALL OF THE BOILER REPAIRS FROM THE HOSPITAL RENEWAL AND REPLACEMENT FUND. COMMISSIONER FLETCHER SECONDED THE AMENDED MOTION.**

**QUESTION WAS CALLED BY COMMISSIONER FLETCHER.**

**THE BOARD VOTED 5 - 0, BY VOICE VOTE IN FAVOR OF THE MOTION.**

#### **Senior Citizens Building Repairs**

Mr. Lawson referenced a letter from Mr. Horace Graham, executive director of Senior Citizens Project, Inc., noting a number of needed repairs to the building. He recalled that the Board had appropriated \$15,000 to Senior Citizens with \$5,000 of that earmarked for building maintenance. He asked for directions from the Board as how he should proceed. He added also that there was no agreement between the County and Senior Citizens regarding the responsibility for maintenance of the building.

Chairman McGill pointed out that there is some conflict between one agency and another regarding the responsibility for maintenance of buildings. He noted that NFEDC uses Stevens School and pays no rent but they maintain the building. He stated that he would like to see the Commission adopt a policy for those agencies who come to the County requesting funds to accompany those requests with a detailed budget for the use of those funds and then submit quarterly reports showing how the funds were used. He stated that he had provided a sample of such a policy to the interim manager and would like to see it implemented prior to next year's budget preparation.

As to the issue at hand, Chairman McGill did recall that the Commissioner Dixon's motion to give Senior Citizens \$15,000 did not restrict the use of the money and that the County had agreed to maintain the building until such time as an agreement could be put into place with regard to the building.

It was determined that the Senior Citizens do not pay any rent on the building and there is no lease agreement with them.

Commissioner Dixon took the position that the County needs to be in control of the maintenance standards for all its buildings that house private non-profit agencies to insure that they do not fall into disrepair.

Chairman McGill concurred and added that there should not be a double standard for any of those agencies.

Clerk Thomas interjected that the Board of County Commissioners was only the conduit through which the Senior Citizens applied for and received a grant to construct the Simon Scott Center. No County funds were used for the construction but the property is titled to the County.

Area Agency on Aging recently disclosed problems with the management and operations of the Center to the Board and stated their intentions to not renew their contracts with the local Senior Citizens Project Council to administer several of the grant programs. The Board intervened and an agreement was reached with Area Agency to allow the programs to continue until June of 1997 with fiscal oversight by the Clerk's office.

Clerk Thomas told the Board that in the subsequent weeks, the fiscal operations are much improved but other operational problems continue to be of some concern to Area Agency. He went on to say that when the current contract has expired, it is very possible that Area Agency will choose not to renew the contracts for the ensuing year. He emphasized that the reason for their decision (whatever it will be) will not be related to the finance operations of the Center. Clerk Thomas declined to make other comments but told the Board he would inform them of the Area Agency's position by way of memo.

Commissioner Dixon stated that when the Board deems that a service is important to the citizens of Gadsden County, it is proper for the County to provide shelter for the delivery of that service. The building remains the responsibility of the County and it is incumbent on the County to insure that they are kept to a standard comparable to all other county owned buildings.

Commissioner Watson asked that the Board get an agreement with the Council.

Chairman McGill asked if the Board charged other non-profit agencies rent. It was determined that the County's practice varies.

**A MOTION WAS MADE BY COMMISSIONER DIXON AND SECONDED BY COMMISSIONER FLETCHER TO AUTHORIZE THE STAFF TO MAKE A DETERMINATION FOR REPAIR NEEDS ON ALL THE COUNTIES PROPERTIES INCLUDING THE SIMON SCOTT CENTER (THOSE LISTED IN THE ATTACHED MEMO) AND TO BEGIN SOLICITING QUOTATIONS TO EFFECT THE NEEDED REPAIRS.**

DISCUSSION FOLLOWED.

**A MOTION WAS MADE BY COMMISSIONER FLETCHER AND SECONDED BY COMMISSIONER DIXON TO MOVE FORWARD WITH THE REPAIRS TO THE SIMON SCOTT CENTER AND TAKE THE MONEY FROM FUND NO. 031.**

The motion was withdrawn in order to move on the first motion.

**COMMISSIONER FLETCHER CALLED THE QUESTION ON THE FIRST MOTION.**

**THE BOARD VOTED 5 - 0, BY VOICE VOTE IN FAVOR OF THE MOTION.**

**A MOTION WAS MADE BY COMMISSIONER DIXON AND SECONDED BY COMMISSIONER FLETCHER TO AUTHORIZE THE REPAIRS TO THE SIMON SCOTT CENTER USING FUNDS FROM FUND NO. 031.**

**QUESTION WAS CALLED BY COMMISSIONER FLETCHER.**

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

It was the consensus of the Board to pursue an interlocal agreement with Senior Citizens regarding the maintenance responsibilities - standards for maintenance, definitions of interior, exterior etc.

Mr. Ritter suggested that the County should be responsible for the maintenance of the capital items and the Senior Citizens be responsible for day to day maintenance.

### **County Manager Position**



Mr. Lawson asked the Board to give him directions as what he should tell the applicants who had applied for the position of County Manger when they inquire about a final decision and a time frame.

Commissioner Fletcher reported that the "short-list" committee had reached a decision on the selection of the top five candidates. Sheriff Woodham suggested to the committee that he should do a background check on the applicants prior to releasing the names. He stated that he anticipated having the background checks completed within the week and he would provide that list to Interim County Manager who could then inform the remainder of the Board members.

It was the consensus of the Board to have Mr. Lawson to begin the reference process of the applicants.

### **CONSENT AGENDA**

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

- 1) Property Appraiser's Public Official's Bond**
- 2) Tax Collector's Public Official's Bond**
- 3) Sheriff's Public Official's Bond**
- 4) Settlement of EMS Account for Tracy Wright Invoice numbers 23-H60167 (\$345.00) and 23-H60168 (\$420.00). Total amount of both invoices \$765.00. Payment from State of Florida was for \$243.00. Difference of \$522.00 to be included in the balance of the regular monthly "write-offs".**
- 5) Land Management Plan Approval for Wetumpka Volunteer Department Fire Station Site by Department of Environmental Protection. Trustees Lease NO. 3599.**
- 6) Response from Capital Health Plan regarding the use of Gadsden Community Hospital**
- 7) Communications Service Authorization (CSA) for Gadsden Community Network for 2 analog Centrex lines on rotary; 11 analog Centrex lines for Gadsden Community Network; 4 analog Centrex lines, individual - not part of rotary. Dial-up access for Gadsden Community Network**
- 8) Appointments to Senior Citizen's Board - Claudette Cromartie; Bruce Rowan; Maggie Estes; Dan Boutwell; Yolando Williams Edwards**
- 9) Supervisor of Elections Public Official's Bond**

### **CLERK OF COURT**

Clerk Thomas referenced a memo he had provided to the Board in their agenda packets regarding the EMS Revenues included in the last financial statement. He explained that the amount was for the amount that was billed out by EMS (\$1,308,643.) It is not reflective of what is actually collected (\$607,537.)

### **Invoice from Bryant, Miller and Olive - Hospital Refunding Bonds Opinion**

Clerk Thomas asked for approval to pay the invoice from Bryant, Miller and Olive for \$10,000. He explained that it was for their opinion rendered on how the new lease agreement with MedTech of Florida would affect the hospital bonds.

Mr. Richmond explained that when there is any change in management of the hospital or the lease structure, a title opinion is required for the benefit of the bond holders to validate any current lease. It was required and the lease agreement could not have proceeded without it. There was substantial assistance rendered by them.

Clerk Thomas stated that the money could not be taken from the hospital endowment trust fund and he recommended that it be paid from general fund contingency.

There was some discussion regarding the trust agreement and how its dividends could be spent. It was suggested that the agreement could be amended to allow for payment of expenses other than what is specifically permitted at the present time.

**UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0 TO TABLE ANY ACTION ON THE INVOICE FROM BRYANT, MILLER AND OLIVE FOR \$10,000.**

It was the consensus of the Board that Mr. Richmond and the Clerk should discuss how the Board should proceed in getting the trust agreement amended.

### **Budget Amendments**

**UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE BUDGET AMENDMENTS 96-11-19-01 THROUGH 96-11-17-04.**

### **Ratification of Payment of County Bills**

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

### **DISTRICT 2 REPORT**

There was no report.

### **DISTRICT 3 REPORT**

There was no report.

### **DISTRICT 4 REPORT**

Commissioner Fletcher called attention to the Memorandum of Agreement between Gadsden County and the City of Gretna and DEP. He asked the Board to approve the agreement which extends the time limit for Gretna to provide Advanced Waste Treatment to its waste water until December 1997.

**UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE TO APPROVE THE MEMORANDUM OF AGREEMENT BETWEEN THE CITY OF GRETN, GADSDEN COUNTY AND DEP.**

### **DISTRICT 5 REPORT**

Commissioner Dixon reported that Florida Association of Counties met for Legislative Day. He reported that one-third of the county commissioners throughout the state are new commissioners. He reported that the workshops had been very good and well attended. Future workshops dealing with telecommunications are planned and he urged all the other members to participate. Issues such as a flat rate public utilities tax (which would replace a lot of taxes that are in place now) will be a big topic and could benefit Gadsden County. A flat tax would tax things which this county does not currently tax such as telephone companies. The workshops will also address taxing of cellular phones for purpose of E-911 costs, etc.

### **DISTRICT 1 REPORT**

Chairman McGill referred to a letter from Mr. Marcus Edwards regarding the District Meeting of the Soil Conservation on Thursday, December 5, 1996 at 6:00 p.m. He encouraged all board members to attend the meeting.

He then reported that he met with two different citizens groups in Havana and he will report of those meetings at a later time.

Chairman McGill then referenced a letter he had received from Department of Community Affairs dealing with several local initiatives that will be taking place in the next few weeks. He asked Mr. Lawson to disseminate copies of the letters to all commissioners. He asked them to review the letter, sign it and return it to him.

Chairman McGill then stated that he would discuss some road clean-up initiatives at the next meeting.

### **PUBLIC COMMENTS**

Chairman McGill asked if there was anyone present who wished to address the Board. He announced that he would limit comments from individuals to two minutes.

Willie (inaudible), who lives on Brown Road in St. Hebron Community spoke to the Board regarding a water run-off problem he had on his property. He asked for someone in the public works department to make a site visit to see if something can be done to help him. His remarks were redirected to Mr. Lugod who was present at the meeting.

### **UNFINISHED BUSINESS UPDATE FOR THE RECORD**

Chairman McGill explained that he had included an "Unfinished Business Agenda" in an effort to keep the Board mindful of incomplete and unresolved issues that are still before the Board.

These issues are listed below and correspondence is attached to these minutes.

1. **Letter to Professional and Business Regulation regarding lighted exit signs for Nicholson Farmhouse Restaurant**
2. **Letter to City of Chattahoochee regarding Fire Service Agreement**
3. **Lawsuit filed by John Cooksey - Motion to Dismiss and/or for More Particular Statement**
4. **Letter to Bishop Engineers - Richbay Road Paving WMBC Project No. 4134.8 - Requesting Bishop to inform Crowder Paving that the County to bear the cost of repairs to Rich Bay Road**

### **ADJOURNMENT**

**UPON MOTION BY COMMISSIONER FLETCHER, CHAIRMAN MCGILL  
ADJOURNED THE MEETING.**

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**BILL MCGILL, CHAIRMAN**

**ATTEST:**

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**NICHOLAS THOMAS, CLERK**

**Unresolved Issues from 12/03/96 Meeting**

Interlocal Agreement with City of Quincy on the Downtown Parking Lot

Contract with Wade-Trim to Prepare Gadsden County Evaluation and Appraisal Report (Comp Plan)

Vacation of Lots 24 - 34 in Peacock Estates

HVAC Specifications - Courthouse

Interlocal Agreement with City of Chattahoochee for the County to maintain bridge over Mosquito Creek

Interlocal Agreement with City of Chattahoochee whereby the County will upgrade McMillan Road then City of Chattahoochee will maintain it.

Space allocation for county buildings

Interlocal Agreement with Senior Citizens Center

Determination of repair needs and related costs for all county buildings and a plan of how they are to be accomplished.

County Manager's Position

Invoice from Bryant, Miller & Olive

Hospital Endowment Trust Agreement Amendment to allow money to be used for expenses other than those specified.

Proposed fiscal policy change requiring agencies who request funding from the County to submit a detailed budget outlining how the money will be spent then requiring a quarterly financial statement showing accountability for those funds.

Implementation of a policy regarding use of county buildings by non-profit organizations - maintenance, leases, etc.

**UNFINISHED BUSINESS PRIOR TO DECEMBER 3, 1996 MEETING**

City of Chattahoochee Fire Service Agreement

Lawsuit filed by John Cooksey

Rich Bay Road repairs - Crowder Paving



AT A REGULAR MEETING OF THE BOARD OF  
COUNTY COMMISSIONERS HELD IN AND FOR  
GADSDEN COUNTY, FLORIDA ON DECEMBER 17,  
1996, THE FOLLOWING PROCEEDINGS WERE HAD,  
VIZ.

PRESENT: BILL MCGILL, CHAIRMAN  
STERLING WATSON, VICE-CHAIRMAN  
CAROLYN ROBERSON  
E.H. (HENTZ) FLETCHER  
EDWARD J. DIXON  
NICHOLAS THOMAS, CLERK  
HAL RICHMOND, COUNTY ATTORNEY  
ARTHUR LAWSON, INTERIM COUNTY MANAGER

CALL TO ORDER

Chairman McGill called the meeting to order. Attorney Hal Richmond led in pledging allegiance to the U.S. Flag and Commissioner Watson led in prayer.

ADOPTION OF THE AGENDA

Commissioner Watson asked to amend the agenda to allow the Quincy Garden Club to make a request of the Board. He agreed to yield his District Report time to them.

Commissioner Roberson asked to remove the Rosemary Banks settlement agreement from the consent agenda and add it to the County Manager's agenda for discussion.

Attorney Richmond asked that Item # 7 - Blucher Lines be moved to follow Mr. Charles McClellan (Item # 4).

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY  
COMMISSIONER ROBERSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE,  
TO APPROVE THE AGENDA AS AMENDED ABOVE.

APPROVAL OF MINUTES

December 3, 1996

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY  
COMMISSIONER WATSON THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO  
APPROVE THE MINUTES OF THE DECEMBER 3, 1996 MEETING.

### **HISTORICAL PRESERVATION GRANT - CHARLES MCCLELLAN**

Mr. Charles McClellan appeared before the Board on behalf of Senator Pat Thomas. He presented the Board with the first installment (\$100,000) of the \$400,000 Historic Preservation Grant which was awarded to Gadsden County to restore/renovate the Jefferson Street buildings owned by the County.

He complimented the Board on the improvements made to the Courthouse. He asked them to consider trimming the magnolia trees on the south side of the square to allow a better view of the Courthouse to those passing by it.

### **BLUCHER LINES - COURTHOUSE CUPOLA**

Mr. Blucher Lines, local attorney, appeared before the Board to complain about the new color (brown) of the Courthouse cupola. He told the Board that Reed and Hentz Architect Firm of Atlanta had designed the courthouse which was built in 1912. Mr. Hentz grew up in Quincy and went on to become a renown architect in the South. The original design called for the dome to be silver. Mr. Lines made an impassioned plea for the Board to use the remaining funds in the grant to return the dome to its originally designed color - silver.

### **COUNTY ATTORNEY'S AGENDA**

#### **Experiment Station Road Quick Claim Deed to City of Quincy**

Mr. Richmond explained that the Florida Department of Transportation had deeded Experiment Station Road to the County in error many years ago when it should have been deeded to the City of Quincy. This was discovered recently when the City began making efforts to rename the road for Martin Luther King, Jr. Mr. Richmond presented a quick claim deed transferring title to the City of Quincy. He asked the Board to authorize the Chairman to execute the deed.

**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO AUTHORIZE CHAIRMAN MCGILL TO EXECUTE THE DEED TRANSFERRING TITLE OF EXPERIMENT STATION ROAD TO THE CITY OF QUINCY.**

#### **Interlocal Agreement with City of Quincy for Downtown Parking Lot**

Mr. Richmond told the Board that he had researched the interlocal agreement with the City of Quincy. He explained that

under the terms of the grant, if the parking lot ceases to be used as a parking lot and is used for some other County purpose within a specific time period, the County must replace it with another parking lot at whatever cost it will be at such future time. With that understanding, Mr. Richmond recommended approval of the interlocal agreement.

**UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE INTERLOCAL AGREEMENT WITH THE CITY OF QUINCY REGARDING THE DOWNTOWN PARKING LOT.**

**Public Hearing - Escambia County Housing Finance Authority - 1997 Multi-County Bond Program** (Resolution and Interlocal Agreement attached)

Mr. Richmond announced the opening of a public hearing to allow the public an opportunity to hear discussion and make their remarks on the 1997 Escambia County Housing Finance Authority's Bond issue.

Mr. Gordon Jernigan of the Escambia County Housing Finance Authority was present and explained that the 1997 Bond Issue will make money available to first time home buyers in Gadsden County. He stated that Gadsden County would be allocated \$1,000,000 of the bond money. He added that the program would not cost the County anything.

**A MOTION WAS MADE BY COMMISSIONER WATSON AND SECONDED BY COMMISSIONER DIXON TO APPROVE THE RESOLUTION AND INTERLOCAL AGREEMENT IN ORDER TO PARTICIPATE IN THE ESCAMBIA COUNTY HOUSING AUTHORITY 1997 BOND ISSUE.**

Chairman McGill called for public comments.

Dr. Hoechstetter asked questions of Mr. Jernigan to which he explained the following:

- 1) The goals of the program are to provide safe, decent and affordable homes to the residents of Gadsden County by marketing tax-exempt bonds which allows for lower mortgage interest rates for first time home buyers.
- 2) One million dollars will be allocated to Gadsden County which would build approximately 160 dwellings.

**QUESTION WAS CALLED BY COMMISSIONER FLETCHER.**

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

**GADSDEN COMMUNITY HOSPITAL**

**Fuel Tank Services Invoice**

Mr. Bill Hardy, CEO of MedTech of North Fla., Inc. spoke to the Board regarding an invoice from Fuel Tank Services of Atlanta, GA for \$590.00 for fuel tank repairs and cleaning. This service would normally be considered routine maintenance, however, the problem existed before MedTech leased the hospital from the County. He asked the Board to consider payment of the bill.

**A MOTION WAS MADE BY COMMISSIONER FLETCHER AND SECONDED BY COMMISSIONER DIXON TO PAY THE INVOICE TO FUEL TANK SERVICES IN THE AMOUNT OF \$590.00.**

Clerk Thomas stated that if the Board should agree to pay it, it would have to be paid from the hospital renewal and replacement funds.

Commissioner Dixon asked Clerk Thomas if the bill was a justifiable expense that the County should bear.

Clerk Thomas declined to make further comment.

Chairman McGill referred to a letter from Interim County Manager Arthur Lawson to the hospital stating that the bill was the responsibility of the hospital.

Mr. Richmond stated that if this had happened during the term of the lease, it would be the responsibility of MedTech. However, the problem existed before MedTech took over the lease of the hospital.

**QUESTION WAS CALLED BY COMMISSIONER FLETCHER. THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE PAYMENT OF THE INVOICE.**

**UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO PAY THE INVOICE USING FUNDS FROM THE HOSPITAL RENEWAL AND REPLACEMENT FUND.**

**Hospital Renovation Update**

Mr. Mike Boeke, Kunde Sprecher & Associates, appeared before the Board and gave a progress report of the repairs and renovations

which is ongoing at the hospital. See an attached report.

The report included the following:

- 1) The roof repairs will begin after January 1. The plans for the roof are 90% complete.
- 2) Phase II report phase is 65 - 70% complete. Field investigations and gathering of data is complete; phase II budget has not yet been determined.
- 3) Phase I report-Primary issues are primarily mechanical, electrical and plumbing.
- 4) Chilled water system - equipment has been repaired but some of the equipment may still need to be replaced.
  - a. Refrigerant leaks to chillers # 1 & # 2 - complete
  - b. Repair to expansion valve for circuit 1 of Chiller # 1 - complete.
  - c. Chilled water flow switch repair - complete
- 5) Steam System Repairs - complete
- 6) HVAC water treatment systems - complete
- 7) Medical Gas System - Equipment on order - completion expected by 1/15/97
- 8) Nurse call system - in design stage
  - a. Repairs for temporary fix being attempted. Success is doubtful.
  - b. New design is being considered.
  - c. Additional staffing is presently required to compensate for loss of the nurse call system.
- 9) Emergency Repairs to Boiler # 1 burner seals - complete
- 10) Expanded corrections to heating system - complete.
  - a. Replacement of defective feed water piping and valves
  - b. Cleaning and repair of all air handler and auto-clave steam traps

- c. Reset water flows to all air handling units
- 11) General mechanical improvements - complete
  - a. Installation of backflow preventers to isolate HVAC systems from the drinking units - drinking water contamination has been resolved.
  - b. Re-piped emergency shower
  - c. Replace gas pipe to Boiler # 1
- 12) New steam control valves - on order - completion expected by January 1, 1997.
- 13) Hot water generator inspection and cleaning - complete
- 14) Minor instrument repairs - complete
- 15) Replacement of oxygen outlets - equipment on order - expected to be complete by January 1, 1997.

Chairman McGill referred to the attached report and asked how he could make a final report on January 7 if the completion date is not expected on some items until January 15.

Mr. Boeke responded by saying that the final report referred to on page two of the attached reports referred to only the emergency repairs listed on page two. That report will be separate from the report for the phase I repairs.

Chairman McGill asked Mr. Frank Ritter, Building Official, if he had inspected the hospital.

Mr. Ritter responded saying that he had performed weekly inspections of the hospital and that the progress has been good.

#### **ECONOMIC DEVELOPMENT ACTIVITIES REPORT** (report attached)

Mr. Rick McCaskill appeared before the Board to brief them on the economic development activities happening throughout the County.

#### **10/90 Park Activity**

- 1) A construction company which has the potential of employing up to 250 employees has made a verbal commitment.

- 2) DOT is expected to move on January 15, 1997
- 3) Flying J is open and pumping gas.
- 4) Plans to provide sewer facility in the area is ongoing with Talquin Electric (hotels and restaurants must have sewers) grant applications, plans, etc.
- 5) There are pending road fund projects which will go through the County.

He stated that he believed that the new Quincy Park could benefit from some of the interest in the 10/90 park if the City could get it up and running. Some interest has also been shown in the Gretna Park.

Chairman McGill questioned Mr. McCaskill regarding the concrete pipe manufacturers which appears in the attached report.

Mr. McCaskill stated that he was working with two different concrete pipe manufacturers. One of them has put a hold on the project but the other one seems to be close to making a commitment. He then explained that when a prospective business shows a sincere interest in coming into the County they are provided a demographics package which describes such things as average wages, etc. Once a prospect has come into the County for a site tour, the Chamber of Commerce makes a written proposal which outlines how the infrastructure can be accomplished for their needs and what they can expect from the local Chamber and the County. (Training etc.)

Chairman McGill asked if the Chamber performs market analysis for prospective businesses.

Mr. McCaskill replied that the State Enterprise Florida helps with providing demographic packages and market analysis. The City of Tallahassee has also put together a regional demographic package which benefits Gadsden County.

**PLANNING AND ZONING ISSUES** (Memo attached)

**Peacock Estates Subdivision Plat Vacation ( Lots 24 - 34)**

Mr. Mike Sherman announced a public hearing for the purpose of vacation of the plat for lots 24 - 34 in Peacock Estates. These lots were vacated at a public hearing on March 1, 1994 subject to three conditions but the County failed to have prepared and filed in the Public Records of Gadsden County, a Resolution evidencing that vacation.

The three conditions were as follows:

- 1) The original covenants and restrictions of the subdivision would remain in effect except by 100% agreement and signatures of the land owners who have purchased lots in Peacock Estates.
- 2) That the property owner will maintain the private drainage easements that are associated with the acreage which is to be abandoned and is no longer a part of the Peacock Estates.
- 3) In the event the property in question should be sold, the existing land owners in Peacock Estates would be informed and they must approve the intended use of the land.

He went on to explain that confusion has since arisen as to the conditions of the vacation adopted on March 1, 1994 as a result of the recording of a portion of the Minutes of this Board in Official Records Book 455, at Page 868.

In order to correct the confusion with respect to the action of this Board on March 1, 1994 and to vacate Lots 24 - 34, the Board decided to comply with all aspects of Section 177.101, Florida Statutes (1995) as if no action had been taken on March 1, 1994.

The instruments not affected by the proposed vacation are as follows:

- 1) Declaration of restrictive covenants, dated May 16, 1989 and recorded in OR Book 358; page 339;
- 2) Amendment to Declaration of Restrictive Covenants dated October 19, 1989 and recorded in OR Book 363; page 859; and
- 3) Agreement dated June 12, 1994, recorded in OR Book 419 at page 1723; and
- 4) Drainage easement dated January 12, 1989 - OR Book 355 at pat 1320 and
- 5) Drainage easement dated January 17 1989 - OR Book 355 at page 1318.



Mr. Sherman maintained that the County owns the drainage easements and should be responsible for maintaining them.

Chairman McGill called for public comments.

Mr. Charles Gardner, attorney for Grady Peacock, stated that the only rights that Gadsden County has are from a dedicated plat or recorded easement agreements. In this case, there are two types of easements which give rights to the County - the easements that are on the plat in this particular section of Peacock Estates and other drainage easements. He explained that when a plat is vacated, all easements created by the plat are also vacated - not easements created by any other document. The special conditions which were associated with the vacation in March of 1994 may not have been the real intentions of the Board.

Mr. Gardner stated that Mr. Peacock would like to get the matter properly recorded and has asked the Board to hold this public hearing and vacate the plat for Lots 24 - 34. He continued by saying that he is not asking the County to give up any easements which are recorded in separate easement agreements.

Mr. Gardner presented a resolution vacating the plat for Lots 24 - 34.

Commissioner Dixon asked Mr. Richmond for a recommendation.

Mr. Richmond stated that the staff's recommendation would be in force by the dedicated easements already in place by separate instruments. This vacation would have no effect on them. Mr. Richmond asked that language be added to the resolution to state that no one's rights would be affected by the vacation of the plat and specifically list those instruments which are not affected by the vacation of the plat.

Chairman McGill called for public comments.

Mrs. Janice Maxwell stated that further subdivision of the tract is of particular concern to the current residents. She asked also if the agreement signed by the residents following the first abandonment would be affected by this proposed resolution.

Mr. Richmond answered by saying that the proposed resolution provides for clarity of title and does not affect the land owners' rights in Peacock Estates.

Mrs. Maxwell commented that there is no clarification as to how far each tract can be subdivided.

Mr. Sherman responded to her remark by saying that the density

for that area is one dwelling per 10 acres. He assured her that it could never go greater and the County will enforce that density requirement.

Commissioner Watson stated that it appeared to him that the Board had done something in the first abandonment that it did not have the authority to do.

Mr. Richmond concurred that the Board had placed stipulations on the first plat vacation which by FL Statute 177, it did not have the power to do. The Board's concerns which resulted in making those special conditions have since been remedied to protect the property rights of the land owners.

Mrs. Maxwell acknowledged that she had no problem with the lot abandonment if the deed restrictions and the density requirements remain in tact.

Mr. Richmond explained that problems could have occurred if there were to be a family transfer of property. P & Z staff could have been put into a position to issue a permit to a family where they were subdividing. However, the property owners are now protected from such occurrence because there was an agreement recorded which imposed the restrictive covenants to those tracts - one dwelling per tract.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5- 0, BY VOICE VOTE, TO ADOPT THE PROPOSED RESOLUTION, WITH THE FOLLOWING CHANGE: Page one, last paragraph, change to read "Whereas there are recorded in the Public Records of Gadsden County, Florida, instruments pertaining to Peacock Estates, which are not affected hereby, as follows:

- 1) Declaration of Restrict Covenants, dated May 16, 1989 - OR 358 at page 339
- 2) Amendment to declaration of restrictive covenants dated October 19, 1989 - OR Book 363 at page 859
- 3) Agreement dated June 12, 1994 - OR 419 at page 1723
- 4) Drainage easement dated January 12, 1989 - OR 355 at page 1320
- 5) Drainage easement - OR 355 at page 1318.

Proposal for Preparation of

**Report (EAR) Services from Wade-Trim, Inc.**

Mr. Sherman recalled that the Board had authorized him to negotiate with Wade-Trim, Inc. to prepare the EAR Report for Gadsden County. He reported that the original amount negotiated was \$23,100. Through further negotiations he had reduced the figure to \$21,000. However the grant which the County will receive to pay for these services is only \$14,000. He went on to say that the amount could be reduced further, but it would entail the staff taking more responsibility in the work plan.

Mr. Sherman asked for authority to negotiate with the other applicant to see what type of proposal they could offer.

Chairman McGill asked how much time it would take away from the staff in order for Wade Trim to do the report at a reduced amount.

Mr. Sherman stated that he had never done a report of this type before and could not judge how much time it would require. He added that he is short staffed at the present time.

Chairman McGill asked how he would handle a usual workload if he was put in the position to take on more responsibility for the preparation of the EAR.

Mr. Sherman replied that he had a number of projects which he has already been delayed until a new planner can be hired. This report would delay those projects further as well as delay projects that he is presently working on. He stated that he could not reduce the work down to \$14,000 and maintain continuity in his department.

He asked once again if he could open negotiations with the other firm.

**It was the consensus of the Board to authorize Mr. Sherman to negotiate with the other firm for a proposal to prepare the EAR.**

**PUBLIC HEARING - REMEDIAL AMENDMENT TO GADSDEN COUNTY COMPREHENSIVE PLAN** (Attached)

Mr. Sherman announced the opening of a public hearing to consider a remedial amendment to the County's comprehensive plan. At the last meeting, the Board approved a settlement agreement regarding the comprehensive plan amendment 96-001. Once the settlement agreement is signed off on by DCA, the County must give notice of the remedial amendment. This purpose of the amendment is

to change policy language which would allow for commercial type activity in historic structures provided they adhere to the standards for rehabilitation of historic buildings set by the Secretary of Interior as well as the County's land development code and issuance of a special exception permit from the Board of county Commissioners. It would also delete portions of the amendment which the County adopted granting density bonuses for proximity to public facilities in urban service areas.

Commissioner Fletcher asked Mr. Sherman for his recommendation.

Mr. Sherman recommended that the amendment be approved.

Commissioner Watson read the ordinance title into the record.

Chairman McGill called for public comments.

There were no comments.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0 TO ADOPT THE ORDINANCE 96-008 WHICH PROVIDES FOR A REMEDIAL AMENDMENT TO GADSDEN COUNTY COMPREHENSIVE PLAN. (ATTACHED)

#### **Polly Burdick Nuisance Case - Rehearing**

Mr. Richmond stated that the Board's decision (November 19, 1996) on the Polly Burdick Nuisance complaint has been appealed by a group of citizens who have retained Mr. John Pelham as their attorney. Mr. Pelham has requested that the Board schedule the rehearing for January 21, 1997.

Mr. Richmond stated that the basis for the appeal is that the complainants do not think they were afforded due process.

#### **COUNTY MANAGER'S AGENDA**

##### **Fire Insurance Claim - Sheriff's Investigator's Office**

Mr. Arthur Lawson, Interim County Manager, reported that the County has received a payoff from the insurance company for the fire damages to the Sheriff's investigator's office. The amount of the check amounted to \$83,333.00 on the building; \$4,200 + for the contents; \$11,133 for computer equipment. The Sheriff received the check for the computer equipment directly from the insurance company. The other checks were given to the finance department. The proceeds will be used to purchase the modular building which

the Board approved at a previous meeting.

**Settlement Agreement with Rosemary Banks**

Mr. Lawson reported that he had negotiated with Mrs. Banks to resolve a lawsuit she has pending against the County. The agreement proposes that Mrs. Banks be paid \$12,000 in back pay and \$2,014.32 in her attorney's fees. Additionally Mrs. Banks would have her annual leave, sick leave and retirement credited back to her as though her employment had been continuous and uninterrupted.

Mrs. Banks, upon full payment, agreed to drop all pending legal matters she had filed against the County and to hold the County harmless.

Mr. Lawson asked for questions from the Board.

Commissioner Roberson stated that she had no problem with Mrs. Banks returning to work but she questioned if she was really entitled to the compensation.

Mr. Lawson stated that Mrs. Banks had originally requested \$29,000 in back pay. That amount was negotiated down to \$12,000. He recommended that it would be more expedient for the County to resolve the matter with Mrs. Banks at the negotiated amount. Aside from the monetary issue, Mr. Lawson stated that the County would benefit by having a competent individual to head up the community development block grant program.

Commissioner Fletcher agreed that Mrs. Banks was a very competent employee and was doing a fine job. He added however, that Mrs. Banks did have an outburst in an open County Commission meeting which was totally uncalled for and was beyond the dignity of the position to which she held. He stated that he had no problem with her coming back to work, but he opposed awarding her the back wages and attorney fees. It was not done with another employee and he did not support it for Mrs. Banks.

Clerk Thomas added that if the agreement states that the money is back pay, it will be subject to federal taxes and retirement on the money. It would amount to \$918 in federal taxes and \$2,091.60 in retirement making the additional \$3,010.00. (\$17,024.00 total cost)

Chairman McGill noted that her attorney has withdrawn from the case and he questioned why. He pondered whether the case had real merit. He stated that he could not see that there was enough specificity in the suit to withstand the legal muster. He asked Mr. Richmond to respond.

Mr. Richmond stated that the attorney was from Miami and the mere distance could have been the reason for his withdrawal. As far as the form of the case, he stated that anytime there is a settlement offer, he is duty bound to present it to the Board for its consideration. With regard to the specifics of the lawsuit, Mr. Richmond stated that he is reluctant to give the position of the County in a public meeting where there may be ongoing litigation. He told them that he could meet with them in private meetings to discuss settlement litigation.

With regard to the status of the case, Mr. Richmond stated that he filed a motion for summary judgement and he stated that he felt that the County is generally in a good position. The Florida Bar will not allow him to guarantee results, therefore, he must present any and all settlement offers. He went on to say that the Board may make a counter proposal if they wish to do so.

The motion for summary judgement has not been called for a hearing.

Commissioner Fletcher suggested that the Board delay a settlement agreement decision until the County has a ruling on the motion for summary judgement.

Clerk Thomas stated he would be remiss if he did not inform the Board that the case was initially dismissed by the Circuit Judge, but there was an opportunity left to Ms. Banks to refile the suit. The attorney refiled the suit then withdrew as her attorney. The plaintiff has since proceeded pro se.

Mr. Richmond agreed with Commissioner Fletcher's assessment of Mrs. Banks job performance. He stated that he had known Mrs. Banks for many years and thought she was a thorough professional and did an excellent job for the County in her capacity in the community development department. However, his opinion of her has nothing to do with the lawsuit.

Chairman McGill called for a motion.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 3 - 2, BY VOICE VOTE, TO TABLE DISCUSSION OF THE ROSEMARY BANKS SETTLEMENT AGREEMENT UNTIL THE JUDGE RULES ON THE MOTION FOR SUMMARY JUDGEMENT. COMMISSIONERS FLETCHER, ROBERSON, MCGILL VOTED "AYE"; COMMISSIONERS DIXON AND WATSON VOTED "NO."

#### CONSENT AGENDA

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

- 1) Interlocal Agreement with the City of Quincy for use of the county owned building at 22 S. Madison St. for use by the Arbitration Program and Truancy Program.
- 2) Waste Management Fee Increase of 3% effective January 1, 1997.
- 3) Appointment/reappointment of Bill McGill, Evelyn Rollins, Craig McMillan to the Governing Board of the Apalachee Regional Planning Council.
- 4) Award of Bid to Howell Refrigeration for \$11,800 to replacement the A/C at the Livestock Pavilion.

#### CLERK'S AGENDA

##### County Fuel System Report

Clerk Thomas called attention to the County's fuel system. He reminded the Board that he prepared a report last June bringing attention to a number of concerns with the system which he felt should be addressed. The Board voted to adopt the recommendations that were a part of that report. However, Mr. Thomas reported that as of the date of this meeting, none of the recommendations have been acted upon.

Clerk Thomas reiterated that he felt strongly that there are some serious problems. The controls are being routinely overridden. There are questionable charges being made. The stick readings are being performed intermittently which makes it difficult to perform fuel reconciliations.

He offered examples:

- 1) An employee driving a Crown Victoria with a 20 gallon fuel capacity, pumped 33 gallons of fuel at 1:00 a.m. on Thanksgiving morning. On another occasion they pumped 27 gallons.
- 2) There appear to be double fill-ups on many cases. Someone will fill a tank, and within 10 minutes, they fill up again. There have been cases when a person will fill up 4 - 5 times within 24 hour period.

- 3) Stick Readings should be done every day and its importance has been stressed for years. The last stick reading at the fuel tank at the Byrd Landfill was August 5, 1996. Since that time it has been reported that the pumps are not working therefore they did not take stick readings. However, when the Clerk's staff went to the site to take a stick reading, they found there were 1,334 gallons of fuel which has been unaccounted for. Even though the pumps are not working, there is evidently a way to get the gasoline from the fuel tank.
- 4) Over-ride codes are intended to be used only in cases of emergencies, however, use of codes to over ride the system is more the norm than the exception.

Mr. Thomas stated that the fuel system should be a priority and it has not been operated as such. He asked that the Board take action to have the recommendations implemented.

It was determined that the County Manager's office was in charge of the fuel system operations.

Chairman McGill asked the Clerk to provide Mr. Lawson with a copy of all the recommendations that were included in his report last June.

Commissioner Watson asked Mr. Thomas which agencies are responsible for the concerns.

Clerk Thomas stated that there are questionable charges coming from all municipalities as well as several of the county departments. Instances of possible abuse can be easily demonstrated.

Commissioner Watson asked if the hardware and the software of the system were sophisticated enough to perform as it was intended.

Mr. Thomas replied by saying that one of his recommendations had been to upgrade the computer and install a newer version of the software. However, he added that the system is a good system. The controls should be followed and it needs to be operated properly. All users should be required to input all the pertinent information and the cards need to be coded correctly. If those measures were adhered to, the system would work well.

Mr. Lawson noted that responsibility for the fuel system has been passed from one department to another for years. It was first in the County Manager's office then moved to the Recycling Department. It was later moved to the Purchasing Department



without any explanation or training. The staff has barely managed to maintain the system with the practices that existed when it was placed in their charge.

Mr. Lawson stated that no one acted on any of the Clerk's recommendations because a new position (effective October 1, 1996) was created to oversee the fuel system. There seemed to be little reason to implement changes in view of the fact that it was to be moved yet again. However, the new position has not been realized as of this date. Problems in hiring a County Manager have delayed the implementation of measures to correct problems of the fuel system.

**A MOTION WAS MADE BY COMMISSIONER DIXON AND SECONDED BY COMMISSIONER FLETCHER TO AUTHORIZE MR. LAWSON TO DO THE FOLLOWING:**

- 1) Investigate the fuel system problems as referenced by Clerk Thomas
- 2) Implement the recommendations in the Clerk's report - if it requires a new PC and new software - proceed with getting it installed.
- 3) Put into place the safeguards of the system that are required by the system which will resolve the abuses.
- 4) Put into place measures to identify abusers and deal with them as appropriate.
- 5) Report back to the Board with a plan of purpose to bring about the changes needed for the fuel system.
- 6) Make abusers responsible for their actions.

The Clerk declined to make any comments as to an amount of money which could be involved in fuel system abuses.

Commissioner Watson cautioned that he did not want to spend \$40,000 in additional staff and equipment to correct a \$20,000 problem.

Mr. Lawson argued that the City of Quincy must be made responsible for the stick readings and operation of the pumps of the landfill.

Clerk Thomas clarified that the County runs the entire system. The County pays for the fuel up front that goes into the landfill tank. The City is billed for the fuel and they, in turn,

reimburse the County. Ultimately the County is responsible for the stick readings because the County is the only entity that has need for the stick readings. They should be taken daily - regardless of whether the pumps are working. He added that training has long been a critical need and was included as one of the recommendations he made last June.

Commissioner Roberson asked if the cost for implementing these measures could be passed along to the users.

Clerk Thomas replied that there is an administrative fee which the City of Quincy and the County shares. The other agencies already pays an additional \$.10 per gallon to offset the cost of administration.

Clerk Thomas added that he did not believe oversight of the system would require a new position. After the controls are implemented, cards collected and re-coded, it could be analytically monitored without being cumbersome.

**QUESTION WAS CALLED BY COMMISSIONER FLETCHER.**

**THE BOARD VOTED 5 - 0 ON THE ABOVE MOTION.**

**Invoice from Bryant, Miller & Olive - Opinion Letter**

Clerk Thomas reported that he had researched the hospital trust agreement and was of the opinion that the \$10,000 invoice from Bryant, Miller and Olive (for opinion rendered on how the new lease of the hospital with MedTech of North Florida, Inc. would impact the hospital bonds) could not be paid from the endowment trust fund. He recommended that the bill be paid from the general fund contingency. He added that it had been necessary to reclassify (by way of a journal entries) several other hospital related expenditures which had been improperly paid from the endowment fund.

Mr. Richmond stated that the endowment trust agreement could be amended to allow for uses other than capital expenditures.

Commissioner Watson asked if the amendment could be worded in such a way as to allow for the general fund to be reimbursed by the hospital endowment trust fund for this expense.

Mr. Richmond replied that determination would be made by the Clerk.

Clerk Thomas stated that he would not reimburse the general fund with funds from the endowment trust fund after the fact.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO PAY THE \$10,000 INVOICE FROM BRYANT, MILLER, & OLIVE FROM GENERAL FUND CONTINGENCY.

#### Budget Amendments

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE BUDGET AMENDMENTS 96-12-17-01 THROUGH 96-12-17-07.

#### 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 2 REPORT

##### Request from Quincy Garden Club for Additional Funding

Mrs. Jean Peacock appeared on behalf of the Quincy Garden Clubs to request an additional \$600 in funding to be used in their efforts to maintain the Courthouse Square grounds.

Mrs. Peacock informed the Board that the Garden Clubs have kept the Courthouse Square grounds for 47 years. The nurseries in the County have been very gracious in donating the flowers used on the grounds. (Hackney Nursery, May Nursery, Fernlea Nursery and Fletcher Nursery)

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE FUNDING THE GARDEN CLUB OF QUINCY AN ADDITIONAL \$600 BRINGING THE TOTAL FOR THE YEAR TO \$1,000.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO TAKE THE \$600 FROM THE GENERAL FUND CONTINGENCY.

The Board asked Mrs. Peacock to look into having the trees trimmed so as to allow for a better view of the Courthouse.

She replied by saying that the subject of trimming the trees has been debated for several years. It was called to her attention that the two magnolia trees on the south side of the square were planted as a memorial to someone and the Garden Clubs have been very hesitant to do anything with them. She went on to say there have also been discussions about removing them.

Mrs. Peacock then asked the Board to install some kind of system which would allow for watering of the lawn on the square and the flower pots. Additional faucets would suffice for the present time but ultimately an underground sprinkling system would be very beneficial. Mr. Ritter was asked to work with Mrs. Peacock to resolve their needs for access to water.

### **DISTRICT 3 REPORT**

#### **Quincy Gadsden Airport Authority**

Mr. Jerry Owens, Chairman of the Quincy Gadsden Airport Authority, spoke to the Board briefly to plea for \$19,000 in additional funds. He referred to the attached report which outlines the necessity for the funds. He pointed out that the five-year plan to reach a point of self sufficiency depends upon recovering the \$19,000. The money will be used to meet the match requirements for state funding to upgrade the airport.

**A MOTION WAS MADE BY COMMISSIONER FLETCHER AND SECONDED BY COMMISSIONER WATSON TO APPROVE GIVING THE AIRPORT AUTHORITY THE ADDITIONAL \$19,000 THEY HAVE REQUESTED.**

**COMMISSIONER FLETCHER MADE A MOTION TO CALL THE QUESTION.**

**THERE WAS DISCUSSION REGARDING CALLING OF THE QUESTION.**

**COMMISSIONER FLETCHER RELENTED AND ALLOWED FOR DISCUSSION.**

Commissioner Dixon stated that he was not surprised to see this issue before the Board again. He recalled that the Airport Authority had been asked to provide documentation which would reflect the County's financial responsibility to the Airport Authority. He went on to say that the Authority had not provided the Board with sufficient evidence that the County "owed" them the \$19,000. The Authority has not made reference to a law or action of the Board to indicate a particular dollar amount of financial responsibility by the County nor have they provided proof of the Board's acknowledgment of financial responsibility for a certain dollar amount. While he stated that the Board may vote to "give" the Airport Authority the additional money, but he contended that the County did not "owe" the money.

Chairman McGill stated that he has reservations about funding the additional \$19,000.

THE BOARD VOTED 3 - 2 TO GIVE \$19,000 TO QUINCY GADSDEN AIRPORT AUTHORITY. COMMISSIONERS WATSON, FLETCHER AND ROBERSON VOTE "AYE." COMMISSIONERS DIXON AND MCGILL VOTED "NO."

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO TAKE THE \$19,000 FROM THE GENERAL FUND CONTINGENCY.

#### DISTRICT 5 REPORT

There was no report.

#### DISTRICT 1 REPORT

##### Employee Christmas Holidays

Chairman McGill reported that he had talked with the Board staff and has determined that the staff would prefer to be off ½ day on Christmas Eve, Christmas Day and the day after Christmas. In view of the fact that the Board did not pursue the usual Employee Appreciation Luncheon this season, he recommended that they be given the additional ½ day off on Christmas eve.

Commissioner Watson stated that he would support the additional ½ day this year only because of the turmoil in the County, the Board was unable to plan for the usual luncheon. He stated that he would not support this as a practice.

Commissioner Dixon was opposed to the additional ½ day because of the loss of productivity that would result. He contended that the County is already generous with giving time off to its employees.

Clerk Thomas stated that his office would be closed Christmas Eve and Christmas Day only.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 4 - 1, BY VOICE VOTE, TO WAIVE THE PERSONNEL RULES AND TO ALLOW COUNTY EMPLOYEES TO BE OFF ½ DAY ON CHRISTMAS EVE (TUESDAY), CHRISTMAS DAY AND THE DAY AFTER CHRISTMAS FOR THIS YEAR ONLY. COMMISSIONER DIXON CAST THE LONE DISSENTING VOTE.

#### Committee Assignments

Chairman McGill asked the commissioners to examine the list of committee assignments and make any desired changes known to him before the next regular meeting in January. He stated that he

would ask for approval of the appointments at the January 7, 1997 meeting.

### **Unfinished Business Agenda**

Chairman McGill stated that the "Unfinished Business Agenda" was not included on this meeting agenda but he requested that it be continued for future meetings. He reasoned that it would help to keep pending matters before the Board as a reminder until they are brought to some type of resolution.

### **PUBLIC COMMENTS**

Chairman McGill called for public comments. He cautioned that he would limit remarks to two minutes.

Litheria Charleston approached the Board saying that she had been told that she would appear on the agenda for the Board's consideration of a variance request on a Planning & Zoning agenda.

Mr. Sherman stated that he did not agenda the item. He explained that Mrs. Charleston has requested a variance from the requirements of the mobile home park ordinance. He informed the Board that an advertisement must be done before the issue can be heard by the Board.

Mr. Sherman was instructed to meet with Mrs. Charleston and take necessary measures to have her request placed on the agenda.

### **ADJOURNMENT**

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

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Bill McGill, Chairman

ATTEST:

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Nicholas Thomas, Clerk

Unresolved Issues from this Meeting:

Consultants to prepare the EAR

Rehearing on Polly Burdick Nuisance Complaint

Settlement Agreement with Rosemary Banks

County Fuel System Concerns

Amendment to Hospital Endowment Trust Fund Agreement

Garden Club's request to have water faucets installed on courthouse lawn

Committee Assignments

Litheria Charleston - P & Z Issue