

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.

William A. McGill, Chairman

ATTEST:

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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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 GRETNА 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.

Bill McGill, Chairman

ATTEST:

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 4, 1997, THE FOLLOWING
PROCEEDINGS WERE HAD, VIZ.

PRESENT: W.A. (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.

Shanks High School Junior ROTC Color Guard cadets presented the flags then led in pledging allegiance to the U.S. flag. The cadets were Donna Cannon, Princess Pride, Pamela Robinson and Cordelia Hollis. SFC Robert E. Brooks was the Army instructor in charge of the cadets.

Reverend Tony Hansberry, pastor of Arnett Chapel AME Church, Quincy, Florida, offered the invocation.

ADOPTION OF AGENDA

The agenda was amended as follows:

Deleted from the Agenda

Item No. 5 Bill Hardy & Tom Meadows - Gadsden Community Hospital

Item No. 12 Michael Dorian - Alligator Run Road

Addition to the Agenda

Interview schedule for hiring of new county manager. Added as Item No. 12.

Corrections to Agenda

Item No. 4 - Presenter was changed to Pat Thomas instead of Charles McClellan

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

APPROVAL OF MINUTES

January 21, 1997

A correction to the January 21, 1997 (page 7) minutes was offered. Upon review of the audio tape by the recording secretary the motion to endorse Havana's community redevelopment plan was corrected to read as follows:

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.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE MINUTES OF JANUARY 21, 1997 AS AMENDED AND STATED ABOVE.

SENATOR PAT THOMAS

Senator Pat Thomas greeted the Board as friends and commended them for their efforts throughout the County. He reported that he has returned to his duties as State Senator after a period of illness.

Senator Thomas presented the Board with the second installment (\$100,000) of the Historical Preservation Grant for the Quincy Square Project Phase II. He then asked the Board to trim the trees on the south side of the Square so that the Courthouse could be seen from the street.

Senator Thomas reported that the Republican Party has control of the Florida House and Senate now and that it will most certainly have a bearing on the outcome of the upcoming legislative session. He cited the following:

- 1) Rural Florida can expect some very tough times ahead with the implementation of welfare reform.
- 2) 22,000 jobs must be created to take care of those people who will be displaced from the welfare rolls in the district which he represents.
- 3) He has opened dialogue with the business community of All Florida to determine if some type of partnership could be developed to provide job training etc.

Senator Thomas closed by thanking the Board for their past support.

ENHANCED 911 SYSTEM (LIST ATTACHED)

Mr. DeVane Mason presented a list of road names for Gadsden County. He reported the following:

- 1) At the present time, there are more than 1,000 roads in Gadsden County which have been named pending the Board's acceptance and approval of those names. All roads have not been assigned a name yet but work is continuing in that area. (When the project was undertaken, there was not a master list of road names. Additionally, there were only 600 roads in the County with names.)
- 2) It was necessary to rename some roads because there had been several duplications of names.
- 3) Upon approval of the proposed names, road signs can be then be erected.
- 4) Road name packets will be delivered to individual homes beginning March 1, 1997. Each house will be informed of their house numbers and the road name. This task should be completed by January, 1998. At that time, the information will be forwarded to the post offices and they will begin using it as the correct mailing addresses.
- 5) The system must be operational by September, 1998.

Mr. Mason asked the Board to approve the list of names.

A MOTION WAS MADE BY COMMISSIONER FLETCHER AND SECONDED BY COMMISSIONER WATSON TO ACCEPT AND APPROVE THE LIST OF ROAD NAMES AS PRESENTED ABOVE.

DISCUSSION FOLLOWED.

Chairman McGill noted that it had long been the practice of the Board to work with residents when naming a road. He asked Mr. Mason if that practice was followed when assigning the names on the proposed list.

Mr. Mason confirmed that his office had delivered forms to residents along unnamed roads and solicited their input when assigning a new name. When there was not a duplication of a road name, the names offered by the residents had been utilized as much as possible.

Commissioner Dixon asked if the process of road naming would still come before the Board for approval.

Mr. Mason verified that anytime a road name is changed or assigned, it must come back to the Board for approval.

Commissioner Watson stated that he would expect some public outcry when road signs bearing a new name are erected. He asked Mr. Mason what the process would be to have a name changed in the event it met with dissatisfaction by residents.

Mr. Mason indicated that he would not oppose any change as long as the name is not a duplication and is not phonetically similar to another road name.

Mr. Lawson asked if the Enhanced 911 had money in their budget to pay for new road signs.

Mr. Mason answered by saying that the State would not allow grant funds to be spent for making road signs. The State had informed the E911 staff that naming of roads and the erections of road signs should have already been done prior to the implementation of E911. The County must bear that expense.

Chairman McGill asked if there were excess funds in the E911 budget, (money derived from the telephone surcharge) could it be used for road signs.

Mr. Mason responded by saying that the surcharge money can only be used for costs related to receiving and dispatching emergency phone calls. It can not be used for anything else - including road signs. If there should be a surplus of funds, the monthly surcharge must be reduced to the customer.

The cost for materials with which to manufacture the needed signs could not be determined but it was estimated at \$10.00 per sign. The County already owns a new machine which will make the letters to be affixed to a sign post.

Commissioner Dixon asked how many signs would be needed.

Mr. Mason replied that he had not determined how many signs are already in place nor had he determined how many signs would be needed.

It was determined that the costs associated with the erection of road signs could be addressed in the next year's budget cycle.

Mr. Mason then called attention to the fact that each house must also have a numbered sign placed at the driveway of the house. The signs must be uniform throughout the County. (The purpose of the house number signs is to allow easy visibility to emergency vehicle drivers.)

There was some discussion as to who would be responsible for the cost of the house signs. Mr. Mason was asked to ascertain from Wakulla County how they had handled the house sign costs.

COMMISSIONER FLETCHER CALLED THE QUESTION.

THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE LIST OF ROAD NAMES.

COUNTY ATTORNEY

Interlocal Agreement with Senior Citizens

Mr. Richmond reported that he had made one modification (at the request of Commissioner Watson) to the agreement which was presented at the January 21, 1997 meeting. The modification provides that should the local Senior Citizens program lose its state funding, they would have 30 days to vacate the premises. Otherwise, there is a 60 day default clause whereby the County can take possession of the property.

Mr. Richmond explained that the modification was based upon the difficulty expressed by Area Agency on Aging last fall. The modification in the lease would insure that the building would continue to be used for the purpose of providing services to its clients if the contracts should not be renewed with the local council.

Chairman McGill referred to several pieces of correspondence between Mrs. Willie Ruth Williams and Mr. Jim Drake regarding the hiring process of the new Executive Director. The first letter from Mr. Drake to Mrs. Williams indicated that Area Agency wanted the full Council Board to be a part of the hiring of a new director and not the decision of one person. Mrs. Williams, by return mail, notified Mr. Drake that they would comply with their request. The last correspondence from Mr. Drake indicated if they complied with the request, things would be all right. Additionally the last correspondence stated they would review the fiscal situation again at the end of the year before making a recommendation.

Commissioner Dixon voiced his dissatisfaction with being asked to approve a document with changes he would have been unaware of if he had not raised a question.

Mr. Richmond stated that the document was furnished at the last meeting. In presenting the document again, he pointed out the change.

Commissioner Dixon reminded the Board that the Senior Citizens Council is not a business with whom the County engages to provide services. It is a group of volunteers who took it upon themselves to help a needy community. He raised concern about the manner in which the Board has approached the Senior Citizens Council - as though they are a hostile organization. That air of hostility is evidenced in the agreement which is proposed by the Board.

Commissioner Watson contended that it was not his intent to be hostile. He stated that some of the new Council Board members had raised concerns with him that led to the amended language.

Commissioner Dixon stated he would have appreciated having those concerns expressed to the Board, then let the Board make a decision to amend the language. He noted that the process through which the proposed change was made was his major objection - not just the change itself. He asked Commissioner Watson to state his reasons for asking that the language be amended.

Commissioner Watson reminded the Board that the Senior Citizens Council was a great risk of losing its funding last fall. A compromise was reached between the Board and Area Agency whereby they allowed the Council to continue to operate the center at least until June of 1997. As of this date, it is not certain that Area Agency will renew the contract (between Area Agency and Gadsden County Senior Citizens) to administer the programs beyond June. He stated that he did not feel that the services (which the programs provide) should be jeopardized. He stated that he felt the facility should be used by whatever organization is awarded the contract to administer the programs in Gadsden County. Any lease agreement that the County enters into should insure the continuity of the programs.

Chairman McGill stated that he did not want another County to come in and run the programs in Gadsden County when it was the local volunteers who had raised the money to support the local Senior Citizens Project.

Commissioner Watson stated that the money raised by volunteers is not the major source of funds that run the programs.

Commissioner Dixon contended that the money raised by volunteer contributions and the number of volunteer man hours are

basic to the programs. He strongly objected to the "gestapo" tactics from Area Agency.

Mr. Richmond interjected that the fact that the clause which was inserted into the proposed lease is not an automatic in the sense that if the funds are terminated, they must vacate the building. The Board must still put the Council on notice that they are in default and give them 30 days to vacate the premises.

Commissioner Dixon stated that, in essence, losing funding would be considered a default. He went on to say that he was not certain that the Council was totally responsible for the problems which exist.

Chairman McGill asked Clerk Thomas to give his assessment as to whether the Area Agency would renew the Council's contract.

Clerk Thomas stated that he did not know what criteria Area Agency would use to make that determination. The decision would be based on finances and other things. He declined to comment on whether he believed the contract would be renewed but he did say that the fiscal matters are in much better shape.

Chairman McGill then asked if there are procedures in place that can easily be followed in the event the contracts are not renewed.

Clerk Thomas responded that there are sufficient procedures in place to insure program continuity. He added that Area Agency has promised to provide some assistance which they have not done yet. One of them being implementation of the new year's budget.

Chairman McGill asked if the procedures provided for a check and balance to prevent collusion etc.

Clerk Thomas decline to say anything more than the fact that things were operating much better than before. He could not offer any insight as to how Area Agency would proceed.

Chairman McGill stated that he hoped that new director would be able to stabilize matters.

Commissioner Dixon asked if there had been any input from the Senior Citizens.

Mr. Richmond responded that the agreement was for the Board's presentation. There has been no approval from the Council's board of directors.

Mr. Lawson stated that he had provided Mrs. Williams with a copy of the former proposed agreement but they have not been provided a copy of the amended proposed agreement.

Commissioner Dixon asked Mr. Lawson to contact the executive director of the Area Agency and get their assessment as to what is happening at the Center.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO TABLE THE DISCUSSION OF THE LEASE AGREEMENT BETWEEN GADSDEN COUNTY AND THE GADSDEN COUNTY SENIOR CITIZENS PROJECT, INC.

Hospital Endowment Trust Fund

Mr. Richmond reported that the Trust would be meeting on February 11, 1997 to discuss the proposed amendment to the agreement. The matter will be placed on the agenda for the February 18, 1997 meeting.

Gadsden Looks to Books Proclamation

Mr. Richmond presented the Gadsden Looks to Books proclamation which he was requested to prepare. He offered it for formal adoption. He then read it into the record.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER DIXON THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO ADOPT PROCLAMATION 97-002 ENDORSING AND SUPPORTING THE CONCEPT OF THE GADSDEN LOOKS TO BOOKS CAMPAIGN AS SPONSORED BY THE GADSDEN COUNTY SCHOOL SYSTEM.

Chattahoochee Fire Service Agreement

Mr. Richmond stated that the City of Chattahoochee has approved the fire services agreement as it was presented and it should be forwarded back to the County in a few days.

Article V Litigation

Mr. Richmond reported that the Dade County Assistant County Attorney had informed him that Dade County is initiating some measure to persuade the State to assume financial responsibility for Article V costs of the judicial system. He explained that Article V of the Florida Constitution provides for the two tier court system in Florida. At the time it was adopted in 1972, it was expected that the State would fund the new system. However, the State has not completely funded it.

Commissioner Dixon added that Dade County actually intends to sue the State. They will be asking other counties to support their efforts.

Clerk Thomas reminded the Board that the State has been good to counties through state revenue sharing etc. and urged caution in the way they approach this matter.

Cooksey v. Gadsden County

Mr. Richmond referenced a memo to the Board from Mr. Lugod regarding the Cooksey litigation. In the memo, he asked if the 24" pipe is going to be counting from the bottom of the existing pipe or whether it should be 24" above the top of the pipe. He asked for directions as whether to proceed as directed and if so, whether to count from the bottom of the pipe or the top of the pipe.

Chairman McGill stated that he had made a site visit to the location in question as did the other commissioners. He stated that he believed that DOT should have 98% of responsibility for the flooding on Dr. Cooksey's property. His main concern was the likelihood of flooding for the three houses on the road.

Commissioner Fletcher stated that the house on the corner has been there 20 years before the pipe was ever put there. He assured the commissioners that the pond will drain itself before it will flood anything. The water will continue to flow the way it has always gone - toward the Telogia Creek drainage basin. It has never flooded - not even when there was a 22" rain in 1969.

Commissioner Fletcher then told the Board that the culvert pipe was put into place in 1988 when Edwards Road was paved. All water west of highway 65 goes to the Telogia Creek drainage basin. The water that falls on the east side goes to Rocky Comfort Creek. The direction in which the water flow is presently being forced to go is not the natural flow of the water. The pipe forces the water to flow in the wrong direction.

Commissioner Watson surmised if the above statement is correct, the problem is not a county liability.

Commissioner Fletcher stated that it is the County's problem because water is being dumped onto a man's land where the County does not have an easement.

Commissioner Watson stated that he believed that the water flowed in the same direction before the pipe was put into place.

Commissioner Dixon asked Mr. Lugod, Public Works Director to address the subject.

Mr. Jed Lugod stated that when the discussion was raised, he had been concerned about the water level - how far it will go up in relation to the homes. He was unsure whether to place the pipe 22" from the bottom or the top so he took an elevation. Should it be raised 22" from the top, it will be at the foundation level. In case of extreme, severe weather conditions, the pipe will be non functional where it is presently placed.

Commissioner Fletcher asked Mr. Lugod if he had observed how the pond drains itself to which Mr. Lugod replied he had not walked to the west side of the pond. He did however, have the opportunity to look at the topography map.

Commissioner Fletcher reiterated again that the pond would drain itself before it will flood the house. The purpose of the pipe was to drain the lower part of the yard.

Mr. Lugod stated that there was no way for any yard to be drained to the pipe because the terrain slopes to the north.

Chairman McGill asked Commissioner Fletcher to clarify what depth he had intended the pipe to be placed.

Commissioner Fletcher stated that he originally intended it to be placed 24" from the top but he conceded that 24" might be too high.

Commissioner Watson asked what was the level of Edwards Road in 1969.

Commissioner Fletcher could not answer but stated that the water never drained that way. He stated that the pond drains to a creek which flows under highway 65-A.

Mr. Lugod asked if the elevation of that point is lower than the elevation of the pipe.

Commissioner Fletcher replied that it is lower.

Mr. Lugod conceded that he had not checked that particular elevation but agreed to do so.

Commissioner Dixon asked Mr. Lugod to make further investigations into Commissioner Fletcher's concerns then prepare a technical recommendation.

Commissioner Fletcher asked to go on record as saying that the longer this issue goes unresolved, the more money it will cost the County.

Mr. Lugod asked and Commissioner Fletcher agreed to go with him to the site and point out the elevations and water flow which he expressed at this meeting.

Commissioner Dixon again asked Mr. Lugod to come back with a recommendation based on real facts and numbers.

PLANNING AND ZONING ISSUES

Rehearing of Polly Burdick Nuisance Case

Mr. Mike Sherman, Growth Management Director, called attention to an appeal which was filed by Attorney John Pelham on behalf of Robert Pennington, Louise Lee, Dorothy Joyner, Robert Joyner, Rollin Livingston, Jr., Bertie Livingston and David Hicks. The appeal was regarding an alleged violation of the County's nuisance ordinance on property owned by Ms. Polly Burdick. The Board heard evidence from the petitioners on November 19, 1996 and ultimately found that Ms. Burdick was not in violation of that ordinance. Subsequent to that date an appeal was filed and the petitioners were present at this meeting to ask the Board to reconsider their November 19, 1996 decision.

Chairman McGill read item number 3 from the Notice of Appeal: "The decision of the Board of County Commissioners was arbitrary and capricious..." He stated that he did not believe that the Board had acted in a capricious manner. He then called Mr. John Pelham to respond.

Mr. Pelham introduced himself as representing the neighbors of Ms. Burdick who brought the complaint to the Board last November. He pointed out the following:

- 1) The focus of the first hearing had been more on the "use" of the property as an appropriate "use" rather the nuisance itself.
- 2) The most competent evidence presented at the November 19, 1996 suggested that there are violations of the nuisance ordinance that exist on the property in question. (Storage of old junk cars and debris associated with car parts and debris holding water which resulted in the accumulation of mosquitos)

- 3) Section 4 of the nuisance ordinance "non-operating, non-registered, unlicensed, partially dismantled wrecked, junked vehicles, accumulations of automotive or other vehicle parts, and accumulation of junked trash, debris, abandoned mechanical equipment, furniture, appliances, and any other accumulation of items or materials are considered a nuisance. Retention of same on property in Gadsden County is deemed to be a violation of this ordinance."
- 4) There was a finding by Mr. Sherman, an unbiased party, there were specifically old junked vehicles and parts stored on the property.
- 5) At the November 19, 1996 hearing, there was some discussion that the business had been in place for 25 years and it would be improper to find them in violation of the nuisance ordinance. Section 4 of the ordinance states "Effective with the approval date of this ordinance, established places of business, i.e. junk yards, junk dealers, automotive repair shops, automotive paint & body shops, individual property owners, home owners, and all other types of businesses are granted 60 days to come into compliance with this provision." The fact that the business was in existence does not preclude them from having to comply with the nuisance ordinance.
- 6) At the November 19, 1996 hearing, Ms. Burdick testified that she had taken some actions to abate the nuisance by erecting a fence, cleaning and scraping of the area and by removing some buckets. However, there are specific county code provisions which specify the kind of fence which is acceptable in a situation such as this one. The fence which was erected by Ms. Burdick does not conform with county regulations.

Mr. Pelham stated that the complainants are not asking that the business be shut down, only that the nuisance be abated. He recalled that there was sufficient evidence presented at the November 19, 1996 hearing to prove there are some potential dangerous situations that exist at the site.

Mr. Pelham closed by asking the Board to reconsider their previous decision by focusing strictly on the violation of the nuisance ordinance and not the "use" of the property.

Chairman McGill called for questions from the Board and the audience.

Commissioner Dixon asked Mr. Sherman to comment as to the abatement of the nuisance.

Mr. Sherman stated that when he first investigated the complaint, he felt there were violations on the property. However, subsequent to that visit, he confirmed that Ms. Burdick has been cooperative and had made attempts to abate the nuisances. He could not verify for certain that all nuisances had been abated.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO MAINTAIN THE BOARD'S ORIGINAL DECISION AND TO FIND THAT MS. BURDICK IS NOT IN VIOLATION OF THE NUISANCE ORDINANCE BUT THAT SHE SHOULD CONTINUE TO WORK TO ABATE NUISANCES AS THEY EXIST.

Consideration of Change Orders Four and Five on Courthouse Renovation Project

Mr. Sherman presented two change orders - Nos. 4 - 5 - on the renovation of the Courthouse Project. He reported that the project is under budget.

Commissioner Watson asked why the fire alarm repairs were not anticipated from the beginning of the project.

Mr. Dick Lee answered by saying that the fire marshall's recommendation relative to the placement of the alarm system control panels were not received until after the contract was let.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE TO APPROVE CHANGE ORDERS # 4 & 5 FOR THE COURTHOUSE RENOVATION (No. 4 - \$9,534.10; No. 5 - \$2,776.21)

Notice of Intent from DCA to Find Comp Plan in Compliance

Mr. Sherman reported that a Notice of Intent to find the Gadsden County Comprehensive Plan Remedial Amendment In Compliance with State Law was advertised on January 30, 1997. Once that notice was issued, all pending sanctions against the County have ceased.

Request for extension of conceptual plat for Hidden Pond Residential Subdivision 96PZ-07-201-01-07

Mr. Sherman reported that he had received a request from Mr. Phil Williams, ASLA who is Mr. Bobby Harrell's representative, for an extension of the conceptual plat for the Hidden Pond Residential

Subdivision. (Conceptual plat approval was granted by the Board on July 16, 1996.)

The P & Z staff recommended approval of a six month extension. He noted that Mr. Harrell has made a good faith effort to meet all of the conditions imposed by the County regarding studies necessary to protect environmentally sensitive areas.

Mr. Sherman also reported that he was quite pleased with the design and layout of the plat. Additionally, he was pleased with the environmental studies.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE A SIX MONTH EXTENSION FOR THE CONCEPTUAL PLAT APPROVAL FOR HIDDEN POND SUBDIVISION.

COUNTY MANAGER'S AGENDA

Fuel Storage Tank Liability Insurance

Mr. Arthur Lawson reported that Florida Law now requires that those entities that have fuel storage tanks must carry liability insurance on those tanks. This cost was not included in the FY 96/97 budget. He recommended that the Board approve the payment of \$2,075.52 to Pat Thomas Insurance Agency from the general fund contingency for the fuel storage tank liability insurance.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE TO APPROVE PAYMENT OF \$2,075.52 TO PAT THOMAS INSURANCE AGENCY FOR FUEL TANK LIABILITY INSURANCE FROM THE GENERAL FUND CONTINGENCY.

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) Approval for continual road maintenance for McMillan Road in Chattahoochee - within the normal maintenance cycle.

CLERK'S AGENDA

Budget Amendments

Clerk Thomas reviewed each of the budget amendments and requested approval.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE BUDGET AMENDMENTS 97-02-04-01 THROUGH 07-02-04-06.

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 RATIFY APPROVAL OF THE PAYMENT OF THE COUNTY BILLS.

HIRING OF COUNTY MANAGER

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0, BY VOICE APPROVAL, TO SET INTERVIEWS WITH CANDIDATES FOR THE POSITION OF COUNTY MANAGER FOR THURSDAY, FEBRUARY 13, 1997 AT 5:00 P.M. IN THE COURTHOUSE BASEMENT BOARDROOM.

Mr. Richmond was excused from the interviews.

Mr. Lawson was instructed to provide each commissioner with a list of "dos and don'ts" with regard to the questions which can be asked of the applicants.

PUBLIC COMMENTS

Mr. Dick Lee stated that he was totally supportive of getting the enhanced 911 system into the County. He noted that when he received forms from the program coordinator, he was told that the road on which he lives must be given a name because there were more than 3 residents on the road. He told the Board that an ambulance would not be able to get down his road and he likes it that way. He had chosen to live on the road because it is secluded and impassable for the most part and desires to keep it that way. However, with the implementation of E911, logic would follow that roads must be made easily identifiable as well as properly maintained to assure access in event of an emergency. He went on to say that he does not desire to have road improvements made to his road. He offered his comments as food for thought.

DISTRICT 2 REPORT

Garbage & Recycling

Commissioner Watson told the Board that the County has a recycling program which is being under utilized. He asked them to

begin to consider a plan whereby the County would again begin a garbage pick up service and expand its recycling program. He noted that the recycling program has done quite well in generating revenue.

In addition to being a service to the public, the County would be cleaner, revenues could be realized from the recycling of the garbage, plus there would be a sizable savings in what it pays for tipping fees at the landfill.

Commissioner Watson passed out applications for each commissioner to sign up for the recycling program and asked them to set an example to the public.

Chairman McGill pointed out that garbage pick-up service would have to be voluntary and not mandatory.

Commissioner Dixon suggested that incentives would have to be put into place to promote the acceptance of such an initiative.

Chairman McGill suggested a massive public relations campaign to expose the advantages of an expanded recycling program and pick-up service. He was supportive of the concept.

Request for Information Relating to the Advantages of Becoming a Chartered County

Commissioner Watson stated that he would like to have someone come into the County to discuss the advantages and/or disadvantages of becoming a chartered county government. He cited the incidents between Leon County and Wakulla County (water supply issue) and wondered if being a charter government would have been an advantage for Wakulla County in that situation.

Chairman McGill stated that he had talked with Leon Commissioner Yordon about the situation that had occurred in Leon/Wakulla. It was reported to him that the intention of Leon was to help Wakulla protect its water supply from going further down South. He was supportive of learning more about charter government.

Mr. Richmond stated that he would prepare a memo to give the Board a starting point to pursue discussions about charter government.

Commissioner Dixon stated that he would also provide information to all commissioners that will be informative. He cited a number of financial considerations that are available to charter governments that are not available otherwise.

Clerk Thomas interjected that he would be happy to discuss charter government with them and explain why he would oppose such a move.

Commissioner Dixon suggested that it would be very wise to open the discussions and hear all sides of such the issue.

DISTRICT 3 REPORT

Commissioner Roberson thank Mr. Oliver Sellars and Mr. Richmond for helping her resolve the problem with the Chattahoochee fire service agreement. She reported that Chattahoochee has approved the agreement.

DISTRICT 5 REPORT

Commissioner Dixon reminded that Commissioners of the new commissioners workshop to be held in Destin, FL on Friday. It is mandatory for new commissioners. He encouraged all the commissioners to attend also to become more aware of the issues that will affect Gadsden County.

DISTRICT 1 REPORT

Chairman McGill reminded the Commissioners of public hearing with Representative Al Lawson and Senator Thomas on Thursday evening at 6:00 p.m. in the Courtroom.

UNRESOLVED ISSUES UPDATE

Chairman McGill reported that he had met with hospital personnel and the attorney regarding two complaints from unpaid vendor invoices at Gadsden Community Hospital. He stated that he did not see that the County had any liability in either case. He noted it for information purposes only.

FAC Meeting

Chairman McGill reported that he had met with the Florida Association of Counties in Chipley two weeks ago. One of the matters discussed was the development of public/private partnerships to address income opportunities for smaller counties. A speaker from Polk County made a very good presentation of the success of their initiative. As part of the discussion a question was posed "What can we (county government) bring to the table from the public prospective as we try to work with the private developer in joint efforts?" In answer to that question several things were

suggested - expedite the permitting process, donate land, tax incentives, tax rebate etc.

Commissioner Dixon stated that the gentleman from Polk County was Jim Brantley. That area had previously been known for its phosphate mining. Once they were no longer able to mine phosphate, they experienced a 30 - 40% unemployment. Jim Brantley was instrumental in bringing Sherwin Williams Paint, Dolly Madison Pies and other business to that area of the State. Now they are the fastest growing region in Florida. They made a remarkable recovery which resulted from a commitment from their Board of County Commissioners and the private sector.

Chairman McGill then reported that he had attended a seminar at Florida State which focused on public/private partnerships for the purpose for developing affordable housing for low to moderate income persons. One of the presentors came from Pennsylvania and told of some things they had done with respect to lenders working with developers and developers working with public officials with regard to tax incentives, etc. He continued his discussion by saying that he would like to see Gadsden County address the issue of affordable housing from the prospective of income job development opportunities in the industry of housing construction.

Additionally he reported that the WAGES bill will be imposed by July, 1998 and the question becomes "How will we respond, when will we respond and again what can we bring to the table?" He suggested that planning for the inevitable welfare reform should begin now.

ADJOURNMENT

There being no other business before the Board, Chairman McGill declared the meeting adjourned.

Bill McGill, Chairman

ATTEST:

Nicholas Thomas, Clerk

UNRESOLVED ISSUES

Hiring of County Manager

Interlocal agreement with Senior Citizen's for Lease of Simon Scott Building

Hospital Endowment Trust Fund Agreement Amendment

Chattahoochee Fire Service Agreement

Cooksey v. Gadsden County

Banks v. Gadsden County

Possibilities for expanding the recycling program

Request for Spokesperson to advise BCC of advantages/disadvantages for becoming a "charter" county government

Gadsden Community Hospital Issues

Richbay Road Repairs

Garden Club's request for courthouse lawn faucets

Fuel System

Contract with Big Bend Technologies to prepare EAR

JTPA & EDWAA Agreements

Midway Sewer Project - joint venture with Talquin, County & City of Midway

AT A SPECIAL MEETING OF THE BOARD OF
COUNTY COMMISSIONERS, HELD IN AND
FOR GADSDEN COUNTY, FLORIDA ON
FEBRUARY 13, 1997, THE FOLLOWING
PROCEEDINGS WERE HAD, VIZ.

PRESENT: W.A. (BILL) MCGILL, CHAIRMAN
STERLING WATSON, VICE CHAIRMAN
CAROLYN ROBERSON
E. H. (HENTZ) FLETCHER
EDWARD J. DIXON (arrived late)
MURIEL STRAUGHN, DEPUTY CLERK
ARTHUR LAWSON, INTERIM COUNTY MANAGER

CALL TO ORDER

Chairman McGill called the meeting to order and announced the purpose of the meeting was to interview the top three applicants for the position of county manager.

The applicants were interviewed by the Board in the order given below.

- 1) Mr. Howard McKinnon
- 2) Mr. Kenneth Barber
- 3) Ms. Chris Cantey

At the conclusion of the interviews a motion was made by Commissioner Watson and seconded by Commissioner Roberson to hire Howard McKinnon.

Commissioner Dixon apologized for having arrived at this meeting so late that he missed the interview with Mr. McKinnon. He asked that Board action be delayed until he had an opportunity to personally speak with Mr. McKinnon.

It was brought to the Board's attention that the meeting had been advertised for the sole purpose of interviewing the candidates and the legality of any board action could be called into question.

Commissioner Fletcher left the room to confer with Mr. Richmond by telephone regarding whether the Board could take action. Upon his return, he reported that Mr. Richmond had confirmed that they could not take any Board action.

Commissioner Watson withdrew his motion and Commissioner Roberson withdrew her second.

Chairman McGill called for a special meeting to be held on

Monday, February 17, 1997 at 5:30 p.m. in the board chambers for the purpose of hiring the new County Manager. Mr. Blackman of the Havana Herald and Ms. Dupont of the Gadsden County Times were present to hear the announcement. Staff was instructed to post appropriate notices of the special meeting.

There being no other business before the Board, the meeting was adjourned.

Bill McGill, Chairman

ATTEST:

Nicholas Thomas, Clerk

AT A SPECIAL MEETING OF THE BOARD OF
COUNTY COMMISSIONERS, HELD IN AND
FOR GADSDEN COUNTY, FLORIDA ON
FEBRUARY 17, 1997, THE FOLLOWING
PROCEEDINGS WERE HAD, VIZ.

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

CALL TO ORDER

Chairman McGill called the meeting to order and announced the purpose of the meeting was to take action on the hiring of a new county manager.

COUNTY MANAGER

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO HIRE HOWARD MCKINNON AS THE NEW COUNTY MANAGER.

CONTRACT NEGOTIATIONS

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO AUTHORIZE CHAIRMAN MCGIILL AND MR. ARTHUR LAWSON TO NEGOTIATE A CONTRACT WITH MR. MCKINNON.

ADJOURNMENT

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

Bill McGill, Chairman

ATTEST:

Nicholas Thomas, Clerk

AT A SPECIAL MEETING OF THE BOARD OF
COUNTY COMMISSIONERS, HELD IN AND
FOR GADSDEN COUNTY, FLORIDA ON
FEBRUARY 26, 1997, THE FOLLOWING
PROCEEDINGS WERE HAD, VIZ.

PRESENT: W.A. (BILL) MCGILL, CHAIRMAN (arrived late)
STERLING WATSON, VICE CHAIRMAN
CAROLYN ROBERSON
EDWARD J. DIXON
MURIEL STRAUGHN, DEPUTY CLERK
HAL RICHMOND, COUNTY ATTORNEY
ARTHUR LAWSON, INTERIM COUNTY MANAGER

ABSENT: E.H. (HENTZ) FLETCHER

CALL TO ORDER

Vice-chairman Watson called the meeting to order in the absence of the chairman who had not arrived. He stated the purpose of the meeting was to take action to approve the proposed contract with Mr. Howard McKinnon as the new county manager.

CONTRACT - EMPLOYMENT - COUNTY MANAGER

A MOTION WAS MADE BY COMMISSIONER DIXON AND SECONDED BY COMMISSIONER ROBERSON TO APPROVE THE PROPOSED CONTRACT WITH HOWARD MCKINNON AS PRESENTED. (ATTACHED)

QUESTION WAS CALLED AND THEN RESCINDED BY COMMISSIONER DIXON.

DISCUSSION FOLLOWED REGARDING THE INSURANCE AND THE COST OF LONG TERM DISABILITY INSURANCE.

QUESTION WAS CALLED BY COMMISSIONER DIXON.

THE BOARD VOTED 3 - 0 TO APPROVE THE PROPOSED CONTRACT.

ADJOURNMENT

THERE BEING NO OTHER BUSINESS BEFORE THE BOARD, THE MEETING WAS ADJOURNED BY THE VICE.

Chairman McGill arrived at this juncture of the meeting.

Bill McGill, Chairman

ATTEST:

Nicholas Thomas, Clerk

AT A SPECIAL MEETING OF THE BOARD OF
COUNTY COMMISSIONERS, HELD IN AND
FOR GADSDEN COUNTY, FLORIDA ON MARCH
4, 1997, THE FOLLOWING PROCEEDINGS
WERE HAD, VIZ.

PRESENT: W.A. (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. He stated the purpose of the meeting was to have a closed door attorney/client session with Attorney Hal Richmond to discuss strategy as it relates to on-going litigation in the Cooksey v. Gadsden County and the Rosemary Banks v. Gadsden County cases.

The Board went into a closed door session at this juncture. A court reporter's transcript will be filled with this set of minutes upon conclusion of the two cases stated above.

ADJOURNMENT

Following discussion the Chairman declared the closed door session adjourned.

Bill McGill, Chairman

ATTEST:

Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE BOARD OF
COUNTY COMMISSIONERS, HELD IN AND
FOR GADSDEN COUNTY, FLORIDA ON MARCH
18, 1997, THE FOLLOWING PROCEEDINGS
WERE HAD, VIZ.

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

CALL TO ORDER

Chairman McGill called the meeting to order. County Manager Howard McKinnon led in pledging allegiance to the U.S. Flag and Dr. Bill Wood offered the invocation.

ADOPTION OF AGENDA

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

APPROVAL OF MINUTES

March 4, 1997 Regular Meeting

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE MINUTES OF MARCH 4, 1997 REGULAR MEETING.

COUNTY ATTORNEY

Bruce J. & Carl Ann Campbell Request for Mobile Home Permit

Mr. Richmond recalled that on February 18, 1997, Bruce J. and Carl Ann Campbell appealed to the Board for a permit to move an older mobile home into the County. He continued by saying that Carl Ann Campbell told the Board that she had called the Building Inspection Department prior to purchasing the mobile home and was told there was no age requirement for moving a mobile home into the County. After the purchase was made, she went to have the home inspected and was told that a home more than 30 years could not be permitted.

Additionally, Mr. Richmond recalled that Frank Ritter, Building Inspector, had informed the Board that the Building Inspector's Procedures Manual states that mobile homes manufactured prior to January 1, 1968 cannot be permitted for residential use because they do not meet the federal statute requirements for inhabitable space. Mr. Ritter cautioned the Board that the County would become liable for the home if it granted the request. The Board tabled the matter pending further research.

Following an investigation into the matter, Mr. Richmond reported that Mr. Ritter's interpretation of the law is correct. He advised that if the Board granted the permit, it could potentially open the County up to liability. He cautioned the Board about setting a precedent for similar requests in the future.

Commissioner Watson stated that he did not believe that the request should be granted.

Mrs. Campbell again told the commissioners that she had made inquiries of the county staff and was told that age was not a factor when requesting a mobile home permit. She added that if the wiring was a problem, they would agree to rewire the home and install a new panel box.

Mr. Ritter explained that a standard for mobile homes went into effect January 1, 1968. The home in question does not meet that standard. He recommended that the County deny the permit.

Commissioner Fletcher stated that he was sympathetic with the Campbell's because they made an investment based on bad information received from the county staff.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 4 - 1, BY VOICE VOTE, TO DENY THE REQUEST FOR A WAIVER OF THE MOBILE HOME STANDARDS AND DENY THE REQUEST FOR A PERMIT FOR THE CAMPBELL'S MOBILE HOME. COMMISSIONER FLETCHER CAST THE LONE DISSENTING VOTE.

Contingency Fund Request for Settlement Costs for Rosemary Banks v. Gadsden County

Mr. Richmond stated that at a special meeting the Board had approved the "Settlement Stipulation, Dismissal and Mutual Release" in the Rosemary Banks v. Gadsden County civil suit. He asked the Board to stipulate a funding source whereby the money could be paid to Mrs. Banks.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO PAY THE SETTLEMENT COSTS FOR ROSEMARY BANKS V. GADSDEN COUNTY FROM GENERAL FUND CONTINGENCY.

COUNTY HEALTH DEPARTMENT - REVISED FEE SCHEDULE

Mr. Jerry Wynn, Gadsden County Health Department Administrator, appeared before the Board and presented a comprehensive and revised fee schedule for services rendered by the County Health Department. He explained that most fees match the actual costs. He asked for approval of the fees.

Chairman McGill asked Mr. Wynn how often the fees are revised. Mr. Wynn responded that some fees are adjusted annually in connection with the contract with the County.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE REVISED FEE SCHEDULE FOR THE SERVICES RENDERED BY THE COUNTY HEALTH DEPARTMENT.

PLANNING AND ZONING

Highland Lakes Subdivision Conceptual Review - Project 97PZ-03-201-02-03

Mr. Steve Skipper and Mr. Charles Harvey petitioned the County for consideration of a conceptual residential subdivision plat. The subject parcel lies in a portion of Section 24, Township 3N, Range 3W and Section 19, Township 3N, Range 2W comprising of parcels #00430-0000 and parcel 00330-000 and is adjacent to Chaff Chason Road. The subject parcel is 145 acres MOL. The property owner is Mr. Steve Skipper. The applicants requested 149 lots in the subdivision.

The property is in a rural residential land use category in which densities vary from one unit per two acres to two units per acre (based on the available infrastructure.) The site is in District 2.

The Planning Commission recommended approval subject to the special conditions in the attached memo as well as two others recommended by the staff and listed in the attached memo.

The Planning staff recommended approval subject to the conditions as listed in the agenda packet. Additionally, the staff

recommended that the average lot size be increased and the number of lots be reduced by at least 15%.

Commissioner Dixon asked Mr. Sherman if he could determine the exact number of lots which he was requesting of the petitioner.

Mr. Sherman explained that the rural residential categories in the Comp Plan discusses the densities based on the infrastructure in place. If there is a central water system available to serve the development, septic tanks and a paved road, the County may grant up to two dwelling units per acre. He added that he did not recommend a density which exceeds two dwelling units per acre.

Mr. Sherman noted that 51% of the proposed site is open space. Approximately 70 acres will be developed for home sites on which they have proposed to place 149 homes. He recommended that the number of lots be reduced to 120 on those 70 acres.

Mr. Bruce Ballister of Big Bend Technologies was present to represent the petitioner. He stated that he had prepared the plats and then he offered to answer any questions from the Board. He commented that he would work with the Planning Department staff to reduce the number of lots. (The lots range in size from 1/4 acre to 5 acres. The majority of the lots are 1/4 acre lots.)

Commissioner Watson asked Mr. Sherman what was the lowest density the Board could allow. Mr. Sherman answered that it could range from two dwellings per acre to one dwelling per two acres.

Commissioner Watson stated that the Board should be more concerned with the density of the area of where the home sites will be located and not the number of lots associated with the gross acreage of the parcel. He observed that much of the property in question cannot be developed. He stated that Mr. Skipper appears to be trying to cluster the entire parcel's density onto a smaller amount of acreage. He recommended that the density of the "home site" area be decreased so as to require larger lot sizes.

Commissioner Dixon stated that he could support the conceptual approval with the added requirement that the density of usable space be reduced so as to make the lot sizes larger.

The Chairman called for public comments and asked that each person limit their remarks to two minutes.

Paul Dame presented petitions from the area residents stating their opposition. The petitions were received by the Clerk for the record.

Bryan Kerwin - opposing
Steve Skipper - supporting
Sherri Holcomb
Steve Kellog- opposing
Mildred Webb - opposing
Mary Portwine - opposing
Bob Tiefel - opposing
Roderick Whitehurst - opposing
Mark McKinney - opposing
John Boswell - opposing
Virginia Bowen - opposing
Charles Harvey - supporting

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO REMAND THE PROJECT BACK TO THE PLANNING COMMISSION WITH THE RECOMMENDATION THAT THE DENSITY REQUIREMENTS BE ADJUSTED TO CREATE A MORE DESIRABLE SUBDIVISION PLAN.

Chairman McGill asked that the Planning Commission pay particular attention to stormwater control as they adjust the density of the parcel.

Mr. Sherman asked if the Board wanted to abandon the cluster concept with the project. He was instructed to work to improve it but not abandon it.

Magnolia Ridge Subdivision Conceptual Plat Approval - Request for Extension

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE EXTENSION FOR THE CONCEPTUAL PLAT APPROVAL FOR THE MAGNOLIA RIDGE SUBDIVISION.

Richbay Road - Bill Adams of Bishop Engineers

Mr. Bill Adams presented a tentative agreement which had been reached with Crowder Construction relating to Richbay Road. It dealt with additional construction costs for the paving of Richbay Road and subsequent damages to the road caused by pipe clay under the road bed. He presented change order number 3 in the amount of \$21,660.16 and asked for approval. This change order would bring the total project cost to \$440,622.16.

Mr. Adams added that Crowder had agreed for the warranty period to begin upon final payment. He called attention to the

areas of the road where there is "alligatoring" pavement. He indicated that Crowder has agreed to monitor them until the full extent of the damage is known.

Commissioner Watson maintained that the pipe clay should have been found before the project began, and appropriate measures should have been taken prior to the paving. He was also opposed to allowing the warranty period to begin until the alligatoring problem has been resolved.

Commissioner Dixon asked for Mr. Jed Lugod's recommendation.

Mr. Lugod stated that he was of the opinion that the County did not get what it paid for in the paving of Richbay Road. He stated that the fill dirt should have been laid rather than trying to mix and compact the clay. In addition, he stated that he has concerns about some ridges that are coming through the asphalt -an indication of improper rolling during the construction of the road. He concluded that the road would be a continual maintenance problem. He recommended withholding the final payment.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER WATSON THE BOARD VOTED 4 - 1, BY VOICE VOTE, NOT TO ENTER INTO THE SETTLEMENT AGREEMENT WITH CROWDER CONSTRUCTION COMPANY. CHAIRMAN MCGILL CAST THE LONE DISSENTING VOTE.

Commissioner Dixon asked that Crowder be required to repair the road.

ECONOMIC DEVELOPMENT

Mr. Rick McCaskill reported on the economic development activities going on throughout the County. See attached report.

MANAGEMENT SERVICES

Hospital Roof Replacement - Bid 97-005

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO AWARD THE BID FOR THE HOSPITAL ROOF TO BEL-MAC ROOFING INC. OF FORT WALTON BEACH, FLA FOR \$269,000.

Architectural Services - Quincy Square Project Phase II Bid 97-007

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO

AWARD BID NO. 97-007 FOR ARCHITECTURAL SERVICES FOR THE QUINCY SQUARE PROJECT PHASE II TO LEE AND BRIDGES FOR \$30,500.00.

Roof Replacement - Livestock Pavilion Bid No. 97-008

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO AWARD BID NO. 97-008 FOR THE ROOF REPLACEMENT AT THE LIVESTOCK PAVILION TO COMMERCIAL ROOFING OF TALLAHASSEE, FL FOR \$28,280.00.

COUNTY MANAGER'S AGENDA

Mr. Howard McKinnon 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) National Public Health Week Proclamation
- 2) Settlement Agreement with Rosemary Banks - \$14,014.32
- 3) Amendment to the Hospital Endowment Trust Fund Agreement allowing income earned from the trust fund to be used to pay for any and all expenses associated with the operation and maintenance of Gadsden Community Hospital, f/k/a Gadsden Memorial Hospital
- 4) Courthouse Renovation - Change Order NO. 6 Tupelo Construction Company - \$3,643.67 bringing the total cost to \$433,681.22
- 5) EMS Request to Declare mobile home ID # F261S3FB2012GA as surplus property - (mobile home transferred from County Health Department to EMS) and authorization for the county manager to advertise and accept the highest bid to dispose of this property.
- 6) Library Security Policy & Video Policy
- 7) Notice of Administrative Close out of CDBG Grant (25% match for shoulder and road erosion projects) 95DB-19-02-30-02-S03
- 8) Request from City of Gretna (Wastewater System Improvement) - to use trench for an additional 10 to 15 hours over a two week period for the purpose of testing effluent disposal system.

CLERK'S AGENDA

Budget Amendments

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE BUDGET AMENDMENTS 97-03-18-01 THROUGH 07-03-18-04.

Financial Statement

Clerk Thomas presented the attached financial statement and gave a brief overview of it. In a response to a question regarding additional gas tax revenue, Mr. Thomas reported had noted a slight increase in local option gas tax revenues for the months of October through January. He cautioned however, there is no real evidence at this point that there will be a huge increase. Based on last quarter's trend, the County could expect approximately \$100,000 more than was budgeted for the current year.

Commissioner Dixon reported that because there is such a tremendous lag time in distributing the taxes to the local governments, the Small Counties Coalition is trying to get legislation passed that will change the way Department of Revenue (DOR) handles gas tax money. He confirmed that Gadsden County is receiving the unleaded gas taxes, but the diesel fuel taxes have not been realized yet.

Ratification of the Payment of County Bills

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER ROBERSON, 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

Commissioner Roberson reported that she had talked with the City of Chattahoochee regarding the fire services agreement. She was told there would be a special meeting on this evening to act on it.

She announced that she would be holding a series of town meetings to keep her constituents informed of what is going on in Gadsden County. The first meeting is set for April 24, 1997 at the Public Library in Chattahoochee.

DISTRICT 4 REPORT

Senior Citizens Council Appointment

Commissioner Fletcher appointed Betsy Edwards to the Senior Citizen's Council.

DISTRICT 5 REPORT

Telecommunications Tax

Commissioner Dixon reported that he met other commissioners last week on the telecommunications issues. He stated that he did not believe that the flat tax (utility) will pass this year but he would apprise the Board as legislative progress on the issue is made.

Article V Costs (Court Related Costs)

Commissioner Dixon reported that on a state-wide average, counties are bearing roughly 55 - 60% of the court costs. According the Constitution, the State should be funding the court system - not the counties. He reported that there should be some partial relief coming to the counties to offset the local costs.

DISTRICT 1 REPORT

Chairman McGill stated that Commissioner Watson requested that action on the grant making policy be deferred to a later meeting.

ADJOURNMENT

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

Bill McGill, Chairman

ATTEST:

Nicholas Thomas, Clerk

Gadsden County Board of County Commissioners
March 18, 1997 Regular Meeting

Unresolved Issues of the March 18, 1997 Meeting

Highland Lakes Subdivision Conceptual Plat Approval
Remanded back to Planning Commission

AT A REGULAR MEETING OF THE BOARD OF
COUNTY COMMISSIONERS, HELD IN AND
FOR GADSDEN COUNTY, FLORIDA ON APRIL
1, 1997, THE FOLLOWING PROCEEDINGS
WERE HAD, VIZ.

PRESENT: W.A. (BILL) MCGILL, CHAIRMAN
STERLING WATSON, VICE CHAIRMAN
CAROLYN ROBERSON
E. H. (HENTZ) FLETCHER
EDWARD J. DIXON
NICHOLAS THOMAS, CLERK
HAL RICHMOND, COUNTY ATTORNEY
HOWARD MCKINNON, COUNTY MANAGER

CALL TO ORDER

Chairman McGill called the meeting to order. Commissioner Dixon led in pledging allegiance to the U.S. Flag and Commissioner Watson led in prayer.

ADOPTION OF AGENDA

The agenda was amended to include an appointment to the Capital Area Community Action Agency.

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

APPROVAL OF MINUTES

March 18, 1997 Regular Meeting

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE MINUTES OF MARCH 18, 1997 REGULAR MEETING.

COMMITTEE APPOINTMENTS

Capital Area Community Action Agency - Sam Palmer

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPOINT SAM PALMER AS GADSDEN COUNTY REPRESENTATIVE TO THE CAPITAL AREA COMMUNITY ACTION AGENCY. CHAIRMAN MCGILL ABSTAINED FROM VOTING ON THIS MOTION AND FILED THE ATTACHED CONFLICT OF INTEREST FORM WITH THESE MINUTES.

COUNTY ATTORNEY'S AGENDA

Rich Bay Road Project Update - Proposed Settlement (attached)

Mr. Richmond reported that Bishop Engineers, the County's engineering representative on the Rich Bay Road project, has acted as a neutral arbitrator in the negotiation process with Crowder Construction regarding the dispute on the project. Bishop Engineers recommended a settlement as outlined in the attached letter. Mr. Richmond went on to explain that if the County could not agree with the settlement, the matter would have to be litigated. He advised that it would be in the best interest of the County to settle with Crowder and resolve the matter. The settlement offered a one year warranty for the entire road which would begin once a settlement agreement is reached.

Commissioner Dixon stated that he had a serious problem with naming the County's engineer as a neutral arbitrator in this negotiation.

Mr. Richmond explained that under the terms of the contract, Bishop Engineers was designated as the neutral and impartial party to determine potential problems. He went on to say that in spite of the evidence given by Mr. Lugod (that there was knowledge of defects to the road ahead of time), the independent neutral party determined that the County was responsible.

Commissioner Dixon took the position, that if it was intended for Bishop Engineers to be the impartial party, Crowder should pay a part of the compensation to them.

Commissioner Watson stated that he was not prepared to make a decision on the settlement at this meeting.

Mr. Bill Adams, Bishop Engineers, reported that there has been an inspection of the road with all the county parties. He added that that he his presently working on a written response as a result of that inspection.

Commissioner Dixon asked Mr. Adams if the road becomes bad in the next two years, would the County be stuck with having to build a new road.

Mr. Adams responded that if there is a premature failure of the road, beyond the warranty period, there would be legal remedy for the County.

Commissioner Dixon contended that the County must still front the money to provide safe passage on the road until such time as a Court could grant the County sufficient remedy.

Mr. Adams explained that the life of a road is expressed in truck passages. He stated that he would expect the road (as it is) to last 5 - 10 years. During that time span, the surface itself will begin to crack and it will begin to need some patching. After 10 - 20 years, the road will need to be resurfaced.

The traffic count on Rich Bay road was determined to be 715 trips per day.

Commissioner Dixon stated for the record that he was not satisfied with the road nor was he satisfied with the information which the Board has received from Bishop Engineers.

Chairman McGill stated that he would like to see Crowder Construction deleted from the list of contractors from which the County solicits bids for paving contracts.

Mr. Adams stated that the road work is good. He went on to say that it would have been desirable to have more right-of-way but the work itself was good. He stated that when he walked the road with the County staff, they found the 2 areas of failure which were already documented and reported to the Board. In addition, they found 1 other small area of spider cracks. He admitted that it is more failure than one would like to find so early. However, he contended that the road work was good. He then assured the Board that Crowder intends to cut out the damaged areas and repair them.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO TABLE ACTION ON THE RICH BAY ROAD SETTLEMENT AGREEMENT.

Committee Appointments - Hospital Board - Howard McKinnon

Mr. Richmond called attention to the fact the lease agreement with MedTech of North Florida, Inc. requires that the one of the County Commissioners or their designee be appointed to the Hospital Board.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPOINT THE COUNTY MANAGER, HOWARD MCKINNON, TO THE HOSPITAL BOARD.

Law Suits - Cooksey v. Gadsden County

Mr. Richmond reported that it would be necessary to obtain an expert's official report to support the County's position in the Cooksey v. Gadsden County lawsuit. The expert from the Northwest Florida Water Management District has requested further testing to

document and support the testimony he will offer in a court proceeding. Since there is a hearing set for the case in two weeks, Mr. Richmond asked the Board to authorize the tests and payment for performing those tests.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO AUTHORIZE THE COUNTY MANAGER TO ENGAGE A HYDROLOGIST OR WHATEVER EXPERT IS NECESSARY TO PERFORM TESTING TO SUPPORT THE COUNTY'S POSITION IN THE COOKSEY V. GADSDEN COUNTY LAWSUIT; AND TO GIVE THE COUNTY MANAGER THE AUTHORITY TO EXPEND THE FUNDS TO PAY FOR THE TESTING.

PLANNING AND ZONING ISSUES

J & J Automotive Shop Project # 97PZ-02-203-4-02 Reconsideration for special exception permit

Mr. Mike Sherman told the Board that Mr. Joseph Oliver first petitioned the County for a special exception permit and a variance of the front set-back requirement of 12 ft. for the J & J Automotive shop of March 4, 1997. The motion to grant the commercial use and the set back variance failed by a 2 - 2 vote. However, the petitioner was told that if some of the concerns could be resolved that the Board would hear the petition again.

Mr. Sherman reported that he had requested a professionally drawn (to scale) site plan from the applicant but has not received it.

Mr. Sherman told the Board that he had personally informed the applicants of the re-hearing. However, they were not present.

It was determined that the business is operating without a commercial permit which is a code violation.

A MOTION WAS MADE BY COMMISSIONER WATSON AND SECONDED BY COMMISSIONER ROBERSON TO DENY THE COMMERCIAL USE.

Following discussion, it was determined that the land use is one which is a permissible land use according to the Comp Plan. Additionally the problem was determined to be the set back variance requested by Mr. Oliver. All other concerns of the Board relative to the project could be addressed in the development order.

Commissioner Dixon suggested that the Board approve the commercial use of the property but deny the set back variance request. (This would require the applicant to tear down the existing structure and move it.)

Chairman McGill recalled that the applicant objected to relocating the building because of the expense involved in moving the building.

Mr. Frank Ritter called attention to the fact that the current structure does not meet any of the minimum building codes.

Mr. Richmond recommended that the Board deal only with the variance issue at this meeting. He explained that the land use issue could be dealt with at whatever time Mr. Oliver complies with all other requirements set forth by the Planning Department.

COMMISSIONER WATSON WITHDREW HIS MOTION. COMMISSIONER ROBERSON WITHDREW THE SECOND.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO DENY THE SET BACK VARIANCE REQUEST. COMMISSIONER FLETCHER ABSTAINED FROM VOTING. A CONFLICT OF INTEREST FORM WAS FILED WITH THE CLERK AND HAS BEEN INCLUDED WITH THE MINUTES OF THIS PROCEEDING.

Mr. Sherman was instructed to issue a "cease and desist" order to the J & J Automotive shop immediately.

(COMMISSIONER FLETCHER LEFT THE MEETING AT THIS JUNCTURE.)

Old School Lounge Project #97PZ-03-201-2-02 - Appeal

Mr. Sherman recalled to the Board that on March 4, 1997, the Board voted to grant a special exception permit to operate a lounge in an existing building formerly known as Star Point Lounge. Subsequent to that meeting a "Notice of Appeal" has been filed by Attorney David A. Theriaque on behalf of Eunice Condry-Morgan. He requested the Board set a date for the appeal hearing.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO SET AN APPEAL HEARING FOR APRIL 15, 1997 FOR THE OLD SCHOOL LOUNGE.

Mr. Sherman was instructed to notify all parties of the hearing date.

Contracts & Agreements - Big Bend Technologies - Evaluation and Appraisal Report (EAR)

Mr. Sherman presented the outline of professional engineering services proposal submitted by Big Bend Technologies for

preparation of the Evaluation and Appraisal Report (EAR) of the County's Comprehensive Plan. He then reminded them that the County will receive a \$14,000 grant for the preparation of this report. He added that Big Bend Technologies has agreed to compile the report for the amount of the grant.

Mr. Bruce Ballister of Big Bend Technologies was present. He spoke briefly to the Board and described the process in which they anticipate compiling the EAR. He assured them that there would be considerable publicity and public input sought during the process.

Chairman McGill asked him to post notices of the public hearings in addition to advertisements in the newspapers.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE SCOPE OF SERVICES AND CONTRACT WITH BIG BEND TECHNOLOGIES TO PERFORM THE COUNTY'S EAR REPORT FOR THE AMOUNT OF THE GRANT COMING FROM THE STATE.

COUNTY MANAGER'S AGENDA

Big Bend Jobs & Education Partnership Plans

Mr. Howard McKinnon recalled that in March, the Board approved Tallahassee Community College as being the subgrantee to administer JTPA programs for the Workforce Development Board. In view of that change and transition, it is necessary for the Board to approve the Administrative Plan and the Modification to the Two Year Employment and Training Plan. To avoid funds being cut off, these plans must be approved and returned by April 11, 1997.

Mr. McKinnon reported that Mrs. Janey DuPont of the Workforce Development Board has asked that the Board approved the plans subject to any modification which may be needed. Additionally, Mr. McKinnon reported that he had talked with Wakulla County and found they had no objections to the language contained in the plans.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE ADMINISTRATIVE PLAN AND THE TWO YEAR EMPLOYMENT AND TRAINING PLAN FOR THE WORKFORCE DEVELOPMENT BOARD.

Grants - HOME/SHIP Partnership Program

Mr. McKinnon reported that the County had received 21 days notice from the Florida Housing Finance Agency that the County's remaining allocation of \$67,188 would be withdrawn and reallocated because the County had not requested a disbursement of the funds for more than 6 months. This action would affect Gadsden County's

Community Development Department and North Florida Education Development Corporation who is the developer of the project.

The State has since been informed that there are 6 on-going home projects which will be affected by the withdrawal. (Four homes are very close to closing and another two will be ready to close by the end of April.) The funds can be reinstated if the Gadsden County will file an appeal. He recommended that the Board authorize the Chairman to file an appeal.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO AUTHORIZE THE CHAIRMAN TO FILE THE APPEAL TO THE FLORIDA HOUSING FINANCE AGENCY REGARDING THE WITHDRAWAL OF GADSDEN COUNTY ALLOCATION OF \$67,188.

CONSENT AGENDA

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

- 1) Transfer of mobile home ID#F261s3fb2012GA and the central heat and air unit, to Housing and Community Development Department for use as a relocation unit. BCC property numbers unknown.
- 2) Memorandum of Understanding with Florida Cooperative Extension Service/Florida A & M University and Gadsden County.
- 3) Notice of Bid Award 97-008 to Commercial Roofing of Tallahassee, FL in the amount of \$28,280.00.
- 4) E-911 Road Name Changes and Additions (list attached)
- 5) Fire Service agreement with City of Chattahoochee for the record
- 6) Department of Corrections Interagency Agreements on use of inmate labor - for information purposes

CLERK'S AGENDA

Budget Amendments

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE BUDGET AMENDMENTS 97-04-01-01 THROUGH 97-04-01-04.

Authorization for Budget Advertisement

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO AUTHORIZE THE CLERK TO RE-ADVERTISE THE 96/97 BUDGET TO PROVIDE FOR PROPER ACCOUNTING FOR THE FINANCING OF PUBLIC WORKS EQUIPMENT.

Ratification of Payment of County Bills

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

PUBLIC COMMENTS

There were no comments.

DISTRICT 2 REPORT

Commissioner Watson reported that he had been by the Administrative office on Saturday afternoon and found the door unlocked. He cautioned everyone to take proper precaution to pull the door completely closed when leaving the building.

DISTRICT 3 REPORT

Commissioner Roberson thanked all the commissioners for the donations they gave to help the Girl Scouts who lost their cookie money when the Public Library in Chattahoochee was burglarized.

DISTRICT 4 REPORT

Commissioner Fletcher was not present.

DISTRICT 5 REPORT

Commissioner Dixon reported that Legislative Day at the Capitol was very effective this year. In addition to himself, Gadsden County was represented by County Manager McKinnon and Commissioners Roberson and McGill. Overall, there were over 200 commissioners statewide who attended.

Commissioner Dixon then reported that the EAR and Recycling funds appear to be in jeopardy.

DISTRICT 1 REPORT

Grant Funding Policy

Commissioner Watson asked to table action on the grant funding policy.

Chairman McGill spoke briefly to the changes which have been made in the Florida House of Representatives with regard to appropriations.

Commissioner Dixon interjected that 3 million dollars have been appropriated for small county courthouse renovations; 3 million in Article V costs and another 3 million for other purposes from which small counties will benefit.

Employee Recognition

Chairman McGill presented a plaque of appreciation and recognition to Frank Ritter for having been selected as "Florida's Outstanding Building Official for the Year". The entire Board and audience stood and applauded Mr. Ritter for his efforts and contributions to Gadsden County.

Mr. Ritter thanked the Board for the plaque but was quick to point out that the award was really a community award. He stated that he could only be as good as his staff, administration, commission and most importantly the community. Additionally he thanked his wife for supporting him throughout the time which these changes took place.

ADJOURNMENT

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

Bill McGill, Chairman

ATTEST:

Nicholas Thomas, Clerk

Unresolved Issues from 04/01/97 Meeting

Rich Bay Road Settlement Agreement
Cooksey v. Gadsden County
J & J Automotive Project - Rehearing
Old School Lounge Project - Appeal Hearing

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

PRESENT: W.A. (BILL) MCGILL, CHAIRMAN
STERLING WATSON, VICE CHAIRMAN
CAROLYN ROBERSON
E. H. (HENTZ) FLETCHER
EDWARD J. DIXON
HAL RICHMOND, COUNTY ATTORNEY
HOWARD MCKINNON, COUNTY MANAGER
MURIEL STRAUGHN, DEPUTY CLERK

CALL TO ORDER

Chairman McGill called the meeting to order. He stated the purpose of the meeting was to discuss the future operations of the Gadsden County Senior Citizens Program. He noted that the public was duly notified.

Mr. Jim Drake, Executive Director of the Area Agency on Aging of North Florida (AAANF) gave a presentation to the Board explaining how the services and contracts are currently being administered by the local Gadsden County Senior Citizens Project. He then informed the Board that the AAANF Board of Directors had determined that they would not renew the contracts with the local council beyond June 30, 1997. However, he offered that they would consider contracting with the Board of County Commissioners to administer the contracts if an agreeable arrangement could be reached with the County.

Discussions between the Board and Mr. Drake revealed the following facts:

- * If the County were to take over the contracts, the employees would become county employees and be subject to all benefits including retirement. At least part of the benefits could be charged out to the grants.
- * It could not be determined exactly how much additional money would be involved if the County were to take over the contracts but it was estimated to be approximately \$80,000.
- * The County could not simply act in an oversight capacity and in turn subcontract with a non-profit organization to administer the programs.
- * If the County were to take over the operation of the Center, the County would assume the staffing responsibility.
- * A budget would be negotiated between the County and AAANF based upon the units of services the County would choose

- to provide.
- * The grants allow for technical support for computer services.
- * AAANF could assume the role as service provider only on an emergency basis if another agency cannot be secured to administer the services.
- * Discussions have been held with out-of-county non profit agencies to administer the Gadsden County Senior Citizens programs.
- * The County cannot legally solicit funds to help meet the cash match requirements for the grants. It can, however, accept donations on behalf of the Center.
- * Volunteer hours can be calculated and counted as in-kind contributions toward meeting the grant cash matches requirements. However, the building itself normally meets the all in-kind matches.

Mr. McKinnon was asked to prepare a model for the Board to review which would show the exact costs to the County if it should assume the operation of the Senior Citizens Center.

The following people were recognized for comments:

Keith Dowdell	Executive Director of the Gadsden Citizen's Project
Auburn Ford	President of local chapter of NAACP
Wilford Kennedy	Gadsden County Senior Citizen Council Member
Howard Young	FL Department of Elder Affairs
Ethel Cunningham	Gadsden County Senior Citizen Council Member

No action was taken.

There being no other business before the Board, the Chairman adjourned the meeting.

Bill McGill, Chairman

ATTEST:

Gadsden County Board of County Commissioners
April 7, 1997 Special Meeting

Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE BOARD OF
COUNTY COMMISSIONERS, HELD IN AND
FOR GADSDEN COUNTY, FLORIDA ON APRIL
15, 1997, THE FOLLOWING PROCEEDINGS
WERE HAD, VIZ.

PRESENT: W.A. (BILL) MCGILL, CHAIRMAN
STERLING WATSON, VICE CHAIRMAN
CAROLYN ROBERSON
E. H. (HENTZ) FLETCHER
EDWARD J. DIXON
NICHOLAS THOMAS, CLERK
HAL RICHMOND, COUNTY ATTORNEY
HOWARD MCKINNON, COUNTY MANAGER

CALL TO ORDER

Chairman McGill called the meeting to order. Attorney Jack Harnett led in pledging allegiance to the U.S. Flag and County Manager Howard McKinnon led in prayer.

ADOPTION OF AGENDA

The agenda was amended to include the Board's authorization for the Chairman to sign the response letter to the FY 95/96 Audit Report. It was added to follow the official acceptance of the Audit Report.

Commissioner Dixon asked to table the Clerk's fiscal and investment policy. He asked for an opportunity to talk with the Clerk prior any discussion.

Clerk Thomas explained that the items were provided purely for informational and record purposes. He stated they did not require approval or discussion. However, he did not object to it being removed from the agenda.

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

April 1, 1997 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 APRIL 1, 1997 REGULAR MEETING.

COUNTY ATTORNEY' AGENDA

Mr. Richmond had nothing to discuss.

COUNTY MANAGER'S AGENDA

Reports - FY95/96 Independent Audit

Mr. Chris Moran, CPA with Purvis, Gray and Company, stated that the financial condition of Gadsden County had improved once again. He went on to say that he had observed marked improvement year after year in the overall record keeping and recording of financial activities. He credited the improvement to the county's Finance Department. He remarked that the accounting is accurate, the books are clean and they fairly reflect what goes on in the County.

Mr. Moran then introduced Mike Patillo, who was the manager in charge of the audit.

Mr. Patillo, reiterated Mr. Moran's compliments of the financial records. He stated that he found the financial records in excellent condition and the audit went smoothly. He indicated that the financial position of the County has improved significantly. He called attention to the following portions of the audit report.

Combined Balance Sheet on page 5:

There is more than \$2 million dollars in undesignated money in the General Fund. There was an increase of \$326,000 over last year's fund balance. He attributed the increase to conservative revenue projections and better than expected revenues coming in from state revenue sharing proceeds.

Page 24 - Notes to the Financial Statement:

The County's general long term portion of debt dropped from \$2.6 million to \$2 million (This figure does not include the hospital bonds.) The debt to equity ratio for the County is quite strong.

Pages 32-33 - Special Revenue Funds- Transportation 1 & 2

There is 1.3 million dollars in total fund balance.

Pages 48 - 49 - Grant Funds

Page 27 Footnotes:

There was a slight over expenditure in one fund. He added that this footnote is a result of a technical accounting adjustment. He explained that when the County incurs a debt, an expenditure must be recorded immediately and recognize the other financing source. He reiterated that it is merely a technical over expenditure.

Mr. Patillo closed by saying the County is in very strong financial condition. The debt is low and the budget versus actual expenditures was good. He then thanked the Clerk's office for their cooperation.

Chairman McGill called attention to the opinion statement.

Mr. Patillo reported that the County had received an unqualified audit opinion which is the highest level of assurance which they can provide on a financial statement.

Chairman McGill then asked about their recommendations.

Mr. Patillo highlighted each of the recommendations. He stated that there were no new comments in the management letter.

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Mr. Patillo called attention to the fuel inventory which was a prior year recommendation and had been highly publicized lately. He recalled that his firm has been commenting on it for a couple of years.

Chairman McGill asked if there had been any improvements over last year with the fuel inventory.

Mr. Patillo responded by saying there had been some improvement in efforts but an accurate inventory still has not been accomplished. As far as the problem experienced with the systems override capability, Mr. Patillo stated that he had been told by staff that there seems to be a system defect. He added that the County Manager is aware of it and is investigating the problem.

Page 42 - Over expenditures (reviewed earlier in the meeting):

Mr. Patillo was quick to point out that this was not a real issue but that this comment is one which the auditors were required to make regardless of the circumstances which caused it.

Page 44 - Internal Controls Issue

The comment was made merely as a point of order and for the Board's information. He went on to say that it would not be economically feasible for the County to do things differently at this point. However, the comment was made to keep the Board aware that there is not segregation of duties in that area.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO ACCEPT THE FY 95/96 INDEPENDENT AUDITORS REPORT AND FINANCIAL STATEMENT PREPARED BY PURVIS, GRAY AND COMPANY.

Audit Response Letter

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE TO AUTHORIZE THE CHAIRMAN'S SIGNATURE ON THE AUDIT RESPONSE LETTER.

PLANNING AND ZONING AGENDA

Appeal of the Old School Lounge Special Exception Land Use

Mr. Richmond reported to the Board that a Notice of Appeal had been received on the Board's decision on the Old School Lounge. It was on the agenda for this evening's meeting. Mr. Richmond recommended that the Board grant a re-hearing but hold it at another time. He stated that when he reviewed the record, he found some inconsistency as to what the Board had approved and not approved.

Mr. David Theriaque, attorney representing Eunice Condry-Morgan, reported that he has filed a lawsuit in Gadsden County Circuit Court on behalf of his client. Mr. Theriaque also told the Board that he had filed a verified complaint with the County Commission which challenges the approval which the Board granted for the Old School Lounge. He asked the Board to reconsider its decision based upon the arguments contained in the Writ of Certiorari and in the verified complaint. (Attached)

A MOTION WAS MADE BY COMMISSIONER FLETCHER AND SECONDED BY COMMISSIONER WATSON TO SET A REHEARING FOR THE OLD SCHOOL LOUNGE PROJECT.

DISCUSSION FOLLOWED.

Commissioner Dixon stated that he had a problem with the timeliness in which the appeal was filed. He went on to say that after he talked with Mr. Sherman prior to this meeting he realized that appeal is based on County Ordinance 90-003 and not the Land Development Regulations upon which the Board based its approval of the project. He added that he thought the ordinance which adopted the Land Development Regulations should supersede 90-003 even though the Board never formally repealed it. Now, there appears to be some inconsistency between the ordinance and the Land Development Regulations.

Commissioner Dixon insisted that all parties who have had dealings with the proposed project should have been provided the same complete information.

Mr. Richmond stated that under 90-003, Mr. Theriaque has timely filed his appeal.

Commissioner Dixon asked if others who have come before the Board in the past had the opportunity to file an appeal under 90-003.

Mr. Richmond replied that he knew of no appeal or notices of appeal which had not been timely filed.

Commissioner Dixon maintained that the average citizen would only have access to the Comp plan and the Land Development Regulation. They would not know that 90-003 existed. He also stated that Mr. Theriaque probably would not have known of its existence if Mr. Sherman had not told him. He stated "This appeal smells of favoritism." He said he was disturbed that a county staff person would have displayed unequal treatment to persons requesting information.

Mr. Theriaque responded that he contacted the staff and the County's counsel and asked for the information that led him to this point. He continued by saying that regardless of the existence of 90-003, there is another option for legal remedy under the Growth Management Act. Chapter 163.2 under 32.15 provides local citizens the right to raise a question about consistency with the Comprehensive Plan. He explained that the reason it is served on the local government before going to court is because it has a remedial intent to allow the local government to reconsider what it has done. Further he stated that regardless of whether Gadsden relies upon the ordinance (which is not incorporated into the Land Development Regulations), there is another vehicle as well to hear the appeal.

Commissioner Dixon stated that while Mr. Theriaque was correct, he was concerned that other people did not have the same opportunity. The average citizen does not have a growth management attorney representing them. Therefore, the Board is in the position of one side having more information than the other. He then asked which direction the County should take to guard against unequal access to information.

Mr. Richmond suggested that he work with Mr. Sherman to come up with unified plan as to what is in the best interest of the citizens in the County. He stated that he would provide a proposal which should clarify the County's position. He added that he did not know of an incident where the County ever raised technicalities to defeat a citizen who may be wandering through complicated issues. He maintained that there was no intention to do so in this case either.

COMMISSIONER FLETCHER ADDED TO HIS MOTION THAT THE REHEARING SHOULD BE HELD ON APRIL 23, 1997 AT 6:00 P.M.

QUESTION WAS CALLED BY COMMISSIONER FLETCHER.

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

Mr. Charles Evans stated for the record that he objected to the appeal. Additionally, he stated that he had not been notified according to the code nor did he believe that due process had been followed in the filing of the appeal.

Commissioner Dixon asked Mr. Sherman if he had notified Mr. Evans.

Mr. Sherman responded by saying that Mr. Evans was sent notice by certified mail to the address on the petition.

Commissioner Dixon then asked if the receipt was returned.

Mr. Sherman could not confirm that the receipt was returned. He added that other letters had been sent to the same address without incident. Mr. Evans presence at the first hearing was an indication that he received notice of some kind.

Mr. Sherman searched through his file and confirmed to Commissioner Dixon that the address to which the notice was mailed was. P.O. Box 333, Quincy, FL 32353.

Mr. Evans stated that the address was correct and had been his mail delivery address for more than 50 years. He added that he had

never had a problem with getting mail at that address. He maintained that he had not received a certified letter.

Commissioner Dixon asked Mr. Sherman to make the receipt available to the County Manager when it is returned.

Commissioner Watson asked what process was followed when Mr. Frank Simpson's appeal was heard.

Mr. Richmond replied that the Board did not grant a re-hearing on the Simpson case. The Board went on the record that existed and it has not been appealed further.

Hidden Lake Subdivision (Preliminary Review) - Project #96PZ-07-201-01-07

Mr. Sherman reported that he has been doing some traffic projections based on unimproved lots in pre-approved subdivisions (recorded and unrecorded) that will impact SR 12. He reported that he was prepared to make a recommendation to approve the preliminary plat based on a 50% reduction in the number of lots as originally proposed by the applicants. However, Mr. Sherman told the Board that the applicants have employed a traffic engineer to do a study also. He asked the Board if they would like to proceed on the petition based upon his recommendation or wait until the new traffic studies are complete.

COMMISSIONER WATSON MADE A MOTION TO TABLE THE DISCUSSION OF THE HIDDEN LAKE SUBDIVISION. COMMISSIONER FLETCHER SECONDED THE MOTION.

Mr. Stewart Parson, attorney for the developer, recalled that the project had been given conceptual approval on July 16, 1996. At the time the conceptual approval was granted, the level of service was not questioned because the speed limit in the area was 55 mph. Since conceptual approval was granted, the speed limit has been reduced to 45 mph which may impact the level of service. He asked that the project be approved subject to the special condition that it must meet the traffic level of service requirements.

THE QUESTION WAS CALLED BY COMMISSIONER FLETCHER. THE BOARD VOTED 5 - 0 IN FAVOR OF THE MOTION TO TABLE ITS DISCUSSION.

Chairman McGill called for those in the audience who were opposed to the project to stand. There were approximately 20 people who opposed. He asked for those in support of the project to stand. There were 3.

Mr. Sherman was instructed to bring the matter back to the Board upon completion of the traffic study. Additionally he was instructed to send notices of the next meeting to area residents who would be affected by a decision on this subdivision.

Highland Lakes Subdivision Conceptual Review - Project 97PZ-03-201-02-03

Mr. Sherman recalled to the Board that Mr. Steve Skipper and Mr. Charles Harvey petitioned the County for consideration of a conceptual residential subdivision plat. The subject parcel lies in a portion of Section 24, Township 3N, Range 3W and Section 19, Township 3N, Range 2W comprising of parcels #00430-0000 and parcel 00330-000 and is adjacent to Chaf Chason Road. The applicants originally requested 149 lots in the subdivision but have now reduced them to 38 lots in response to the area residents and the Board's recommendation.

Staff recommended approval subject to a number of conditions as outlined in the attached memo.

Mr. Sherman added one additional special condition which was not listed. He asked that guard rails be placed along Chaf Chason Road to the extent that the public works department deems necessary.

The applicants requested a waiver of the requirement for subdivision roads to be paved.

Commissioner Watson asked what specific criteria could be used for the County to grant the variance from the paved roads.

Mr. Sherman stated that he was not recommending a waiver of the paving requirement. Mr. Harvey has requested the variance based on the rationale that he is proposing 2 acre lots. The Comp Plan does state that in the Rural Residential 3 sections, 2-acre lots on unpaved roads with deep wells and septic tanks are permissible.

Chairman McGill asked how fire protection will be provided.

Mr. Sherman responded that it would be left up to the project engineer. However, he suggested that dry hydrants could be installed on the lakes.

One of the area residents spoke up and stated that the Forestry Division responded to a fire at her house before a fire department arrived.

Mr. Sherman stated that the County does not require a level of service standard for fire protection. State law does not require it.

Commissioner Dixon reminded the Board that the developer responded to the Board's concerns and redesigned the plat. However, he stated that he was uncomfortable even considering a waiver of the paving requirements.

Chairman McGill stated that he would expect those residents to be back before the Board in just a few years requesting their road to be paved.

Mr. Richmond recommended that the Board follow the subdivision ordinance requirements.

Commissioner Dixon reported that he had observed a road (Ranch Road) which had been chemically treated and stabilized without paving. He added that he is not opposed to dirt roads and suggested that the County begin to look to the possibility of improving the dirt roads with paved drainage ditches as opposed to requiring all roads to be paved.

Mr. Charles Harvey, developer of Highland Lakes, gave a brief history of how the development came into being:

- 1) Prior to the purchase of the property, Mr. Skipper received a letter from Gadsden County Growth Management which stated the parcel was eligible for 211 possible home sites. The parcel was purchased with the assurance provided by that letter.
- 2) The Growth Management Department confirmed again in January of 1997 that the information contained in the 1993 letter was still valid.
- 4) The conceptual plan was found to be in compliance with the Comp Plan by the Planning Commission and thus approved. They then recommended approval to the County Commission.
- 5) Regardless of P & Z approval, the Board expressed concerns about the clustering of the homes on the plat. The subdivision was then redesigned to provide larger lots with considerable community involvement. (The plan presented at this meeting was a collaborative effort between Mr. Harvey and residents in the Chaf Chason Road Community.)

Mr. Harvey asked the Board to grant the variance and allow the unpaved roads for the following reasons:

- 1) There is a responsible plan in place for the maintenance of the roads.
- 2) There was a reduction of home sites from 149 lots to 38 lots, thus eliminating so much impact on the road.
- 3) Many of the area residents objected to road paving just as much as they objected to small lots. They want less impact on their lives, not more.
- 4) At the request of the County Commissioners, the developer made drastic changes to the proposed plan. There has been a dramatic shift in the proposed plan already by the developer.
- 5) The Public Works Director has no violent objections to the concept including dirt roads provided that the home owners documentation for the maintenance of the unpaved roads contains proper language and adequate funding to ensure proper maintenance.
- 6) There is a case study which is 9 years old (similar subdivision) in another county which is working very well.

Again Mr. Harvey asked the Board to approve the conceptual plat and waive the requirement for paved roads on the condition that the Board is satisfied with the mechanics and funding of the home owners association which will be presented in May.

Commissioner Watson asked what specific reason could the Board use for not requiring them to pave the roads. He continued by saying if the waiver is granted, a precedent will have been set. Without some well defined reason to justify the deviation from the ordinance, similar requests for waivers will surely follow.

Mr. Harvey responded by saying the specific reason is the dramatic departure from their legal right to pursue as many as 211 homes sites.

Commissioner Watson answered that his reason is not nearly specific enough. He stated that he was not prepared to vote for approval at this meeting, but he would consider it further if he could be provided with more assurances to rationalize the waiver of paved road requirement.

Commissioner Dixon stated that he was more concerned about the petitioners who will follow Mr. Harvey in pursuit of waivers of the paved road requirement. He went on to say that if the Board should approve this request, then it would necessary for the County to position itself to allow for others. That would require rules and regulations to be in place before the dirt roads can be allowed to become a practice. The probability that a home owners association would go defunct is great and the County would then be left with the liability of another dirt road. He stated that all rules should be in place to apply to this situation before the Board grants a waiver to Mr. Harvey.

Mr. Harvey stated that the home owners documentation would be recorded along with the permanent plat and would run in perpetuity with the plat as required by Florida Law. Every home owner would be provided a copy of the documentation prior to closing on a home in the subdivision. He added that it will have a storm water management system and an over funded road maintenance fund in the home owners association budget. It has been done with Cape Talquin in Leon County on Highway 20.

Commissioner Watson asked Mr. Sherman what the lot size was in Peacock Estates. Mr. Sherman responded that there were 5 acre lot minimums.

Commissioner Watson then asked what the lot size was in Mr. Crawford's new subdivision. Mr. Sherman answered by saying Mr. Crawford had an overall density which cannot exceed 1.1 dwelling unit per acre. The lot sizes vary from 1/4 acre to 20 acres.

A MOTION WAS MADE BY COMMISSIONER WATSON AND SECONDED BY COMMISSIONER FLETCHER TO DENY THE PETITION FOR CONCEPTUAL PLAT APPROVAL FOR HIGHLAND LAKES SUBDIVISION AS PRESENTED WITH THE UNPAVED ROADS. QUESTION WAS CALLED BY COMMISSIONER FLETCHER. THE BOARD VOTED 5 - 0 IN FAVOR OF THE MOTION.

Chairman McGill asked for all those in the audience who oppose the project to stand. There were 3 people who stood.

J & J Automotive Repair

Mr. Sherman reported that Ms. Brown who is representing Mr. Oliver in the re-hearing of J & J Automotive has requested that it be scheduled for May 20, 1997.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO SET A RE-HEARING ON MAY 20, 1997. (COMMISSIONER FLETCHER FILED A

CONFLICT OF INTEREST FORM WITH THE CLERK AND THUS DID NOT VOTE.)

Mr. Sherman was instructed to notify Ms. Brown by certified mail.

Work Session to Review Tower Siting Ordinance

It was the consensus of the Board to set a work session for April 23, 1997 at 5:00 p.m.

Commissioner Dixon asked Mr. Sherman to provide information at that session as to the possible sources of revenue which can be generated by the siting of cellular towers.

CODE ENFORCEMENT ISSUES

Mr. Sherman reported that a Mr. Locke has placed a non-permitted mobile home on his daughter's property within the required 35 foot front set back. The property owners, Ms. Kelly Thomas and MR. Charles Murry, were notified by the Department of Growth Management of the encroachment and requested that the mobile home be removed. They signed an agreement in October, 1996 to move the home but as of this date, it has not been removed. The property owners were contacted as recent as the morning of this meeting and they assured the staff that the home would be removed on Friday, April 18.

Mr. Sherman asked for direction.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER DIXON THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO PROCEED WITH CODE ENFORCEMENT PROCEDURES WITH KELLY THOMAS AND CHARLES MURRY REGARDING THE CODE VIOLATION ON PARCEL #3-12-2N-6W-0000-00323-0200.

Planning & Zoning Consent Agenda

Woodlawn Acres Minor Subdivision

Mr. Sherman explained that the Board adopted the new Gadsden County Land Development Code in July, 1996. The new code allows for administrative approval of Minor Subdivisions (between 3 - 5 lots) without public hearings.

He continued by saying that a minor subdivision proposal was petitioned by Ms. Betty Herndon in the Sawdust Community. The Health Department has reviewed it and it meets the soil tests

requirements. The surveyor has certified that the legal descriptions match and all corners of the lots touch.

Mr. Sherman recommended that in the future that minor subdivision be formally approved through the consent agenda. However, the petitioner nor his representative was not present with the plat. He stated that he would bring the plat back for formal approval at the next regular meeting.

Commissioner Dixon asked if he would like a motion for approval contingent upon receipt of the plat.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 4 - 1, BY VOICE VOTE, TO APPROVE THE WOODLAWN ACRES MINOR SUBDIVISION CONTINGENT UPON RECEIPT OF THE PLAT. COMMISSIONER WATSON CAST THE LONE DISSENTING VOTE EXPLAINING THAT HE WOULD NOT VOTE ON ANYTHING HE HAD NOT SEEN AND DID NOT UNDERSTAND.

PUBLIC COMMENTS

An unidentified audience member asked the Board to explain what action was taken on the Highland Lakes Subdivision.

Mr. Sherman explained that the project had been denied by the Board, but the applicant may petition again after 1 year.

Mr. Richmond interjected that the petitioner may request a re-hearing on the issue.

COUNTY MANAGER'S AGENDA

Senior Citizens Center

In response to the commissioners' request for information, Mr. McKinnon told them that he had talked with several counties regarding their senior citizens programs. He reported that Sumpter and Citrus Counties had programs similar to Gadsden. Both of them operate their senior citizens programs as a part of county government. Their employees are county employees and subject to retirement and other benefits.

Mr. McKinnon continued by saying if Gadsden County should elect to assume the operations of the Senior Citizens Program it could cost the County up to an additional \$88,000 per year. (Based on the same level of services as this year's programs.) He then called attention to the fact that the cash matches for the grants could be met with in-kind services. He also told the Board that the County could not solicit funds but could organize another

entity which could raise money and turn the funds over to the County for the senior citizen's programs.

As a matter of clarification for the audience, Chairman McGill explained that the Area Agency for Aging (AAA) announced last fall that they did not wish to renew this year's contract with the local Senior Citizens Council to administer the grant programs for the elderly. After discussions with the AAA Board of Directors, an agreement was reached whereby they agreed to continue the current contract arrangement but they required some changes in the local Council's structure. Since that agreement was reached, circumstances have changed and AAA has announced that it will not renew next year's contract. The Board of County Commissioners are currently considering the possibility of taking over the operations of the Center as a county department or else seek another nonprofit organization to take over its operation.

Commissioner Watson stated that he thought it would not be wise for the County to take over the operations of the Center. He felt that the Board could not take on any more responsibility. He then stated that he was not in favor of an "out of county" agency taking over its operations either. He offered the possibility of finding a local non-profit agency to take over the operation. He then informed the Board that CEDO has expressed interest in doing just that.

Commissioner Watson then suggested that the Board deny taking over the operation but support CEDO's effort to administer the programs for the elderly. He also stated that the County could face having to hire an extra person in the finance department which would raise the cost still more.

Mrs. Willie Ruth Williams, Chairperson of the Gadsden County Senior Citizen's Council, spoke to the Board. She stated that the record of the Senior Citizens Center is stable. There was an interval when bookkeeping was a problem (as will any agency from time to time) but the Center is financially sound. She went on to say that the community has always supported the Center and they have always managed to meet the matching funds required to operate the programs. The fiscal problems have been corrected and the last time AAA monitored the fiscal department, they found things to be proper order.

Mrs. Williams contended that the Center has a proven record and she could not understand why AAA would consider relinquishing the programs to another agency. She asked the Board to stand behind the local Council and allow it to continue to operate.

Mr. Keith Dowdell, Executive Director of Gadsden County Senior Citizens, spoke to the Board briefly. He told them that if the County should assume responsibility for the Center, retirement benefits would only apply to the 10 full time employees. He asked the Board to assume responsibility for the Center but allow the Council to continue its role in fund raising etc. He told the Board that the Council has its own medicaid provider number which generates \$25,000 per month of which AAA has no control. Additionally he stated that GCSCC has applied for Medicare HMO provider number and it should be received by June 30. (Medicare provides 100% of a claim while medicaid only pays 80% of the claim.) Again, AAA would have no control of the Medicare revenues generated.

Mrs. Williams spoke again to tell the Commission that interviews for a fiscal officer would be held on Thursday, April 17. She then told them that the Council had purchased a van and a car to provide transportation for the meals on wheels programs thus eliminating the need to contract with Big Bend Transit as has been the custom.

A MOTION WAS MADE BY COMMISSIONER WATSON THAT THE COUNTY NOT ASSUME THE RESPONSIBILITY FOR THE SENIOR CITIZENS CENTER AND THAT THE BOARD AUTHORIZE THE CHAIRMAN TO SEND A LETTER TO AAA SHOWING SUPPORT TO KEEP THE ADMINISTRATION LOCAL IN THE CEDO PROGRAM. THE MOTION WAS SECONDED BY COMMISSIONER FLETCHER.

Mrs. Donna Stinson reiterated the following:

- 1) AAA made the decision not to renew the contract with the current organization to provide the elderly services.
- 2) A new and different provider must be secured to provide services for the fiscal period beginning July 1, 1997.
- 3) CEDO has expressed interest and negotiations can proceed with them at this point.

She then stated she was not sure that Mr. Dowdell's statements regarding medicaid and medicare claims was exactly accurate. She recommended the Board exercise reservation regarding those statements.

Chairman McGill asked Mrs. Williams if it was the Council's intention to raise the additional money to pay for the retirement benefits if the Board should assume responsibility.

Mrs. Williams stated that they had always been successful in raising funds for whatever cause they needed. All monies raised

would be turned over to the County if the County should take on the responsibility.

Commissioner Watson interjected that there is no guarantee that the money will be raised. The money that is raised will be used for an expense that does not need to occur if another non-profit administers the programs.

Commissioner Dixon stated that the retirement benefit issue will depend upon the relationship between the Board and the senior citizens program provider. If the program should become a part of the County, the retirement will have to be paid. However, the Board can set up a non-profit the same as anyone else. If that corporation already exists and there is a contractual relationship, it changes the relationship and therefore retirement would not necessarily be a factor.

Commissioner Dixon stated that he did not object to CEDO but they know nothing about senior citizens. It would be irresponsible to contract with an agency that is not familiar with running elderly programs.

Commissioner Dixon then told the Board that AAA has incorporated under another name and expects to become a provider of the elderly services and compete with Gadsden County for the contracts. He was concerned that AAA has exercised an authority to cause the resignation of an executive manager even though that is not within its purview. AAA also exercised its authority to make a non profit board which is licensed by the State of Florida change its make-up. (The Council was reduced from 24 members to 11 members - 5 of which are to be appointed by the County Commission.) That also is not within its purview. He stated that Area Agency may have been acting illegally when it caused those things to occur.

Commissioner Dixon then pointed to the fact that AAA had withdrawn its willingness to contract with the local council after the resignation of two of the five new appointees to GCSCC. He questioned their rationale when they stated that the program was unstable. He explained that those 2 members had resigned in protest because an AAA employee who had applied for the position of Executive Director was not hired.

Commissioner Dixon voiced concern that the actions taken by AAA was indicative of racism. He pointed out that at one time, AAA's funding was in jeopardy as well. Other counties have had problems but AAA did not take steps to withhold the funding for those councils. He asked why then, were they trying to take the contracts from Gadsden County.

Commissioner Dixon then referenced letters from the Clerk's office to AAA which stated that they (AAA) had promised to train the Clerk's staff and went on to ask when they intended to do so. Some time ago, Mrs. Williams was before the Board relating similar incidents between the GCSCC and AAA. There still has been no training.

AAA monitoring reports revealed that Mrs. Lisa Perini was in Gadsden County training the fiscal staff for 3 months. Oddly enough, two months later, there is a report saying that everything was in turmoil. Commissioner Dixon surmised that either the training was inadequate or there was no training at all.

Additionally, AAA Director stood before the Board and related there was no money missing, there were no meals missing, no elderly persons were going hungry, no money has been misappropriated, yet the program was evaluated as being unstable because 2 new volunteer appointees chose to resign.

Commissioner Watson told Commissioner Dixon that his concerns should be addressed to AAA and not the Board of County Commissioners.

Commissioner Dixon then stated that he intended to address the issue with the Legislature. Once again, he stated that the AAA actions appears to be racist. He maintained that their (AAA) actions had been inappropriate and possibly reflected Mr. Drake's personal philosophy.

Commissioner Fletcher suggested that the Board deal with the issue again on April 23 following the work session. He then turned to the County Manager and asked him to make an exact determination of what it will cost the County to assume the responsibility for the Center.

THE QUESTION WAS CALLED ON THE MOTION BY COMMISSIONER FLETCHER.

Mrs. Fannie Mae Smith of the St. Hebron community asked to address the Board. She reminded them that last year Gadsden County went to Texas and brought home the "All American City Award". During the bid for the award, the citizens boasted that "we take care of our own". She asked "Do you consider us your own?" She then implored the Board to help in this situation. She pledged the support of the citizens who utilize the programs. She closed by saying "If you all won't come to our rescue, who will?"

Mr. Glen Russ pointed out that the executive director of the CEDO Board was a sitting city commissioner along with Mr. Dowdell,

GCSCC Executive Director. He implied there could be a hidden agenda involved in CEDO taking over the operation of the Center. He urged caution in proceeding in that direction.

Commissioner Watson emphasized that the decision lies with Area Agency and not with the Board of County Commissioners.

Mr. Auburn Ford, President of the local branch of the NAACP, welcomed a workshop to discuss the situation further. He asked them to open it up to other non-profit organizations within the County. He accused AAA of manipulating and dictating changes to the local GCSCC. He voiced his support of the local council and the staff.

Mrs. Williams stated that AAA would take a recommendation from the Board of County Commissioners. She added also that Gadsden County has not had representation of the AAA Board of Directors in more than a year. She reported that she has applied for the vacancy and hopes to be appointed.

Chairman McGill called for a vote.

THE BOARD VOTED 2 - 3, BY VOICE VOTE. COMMISSIONERS ROBERSON AND WATSON VOTED "AYE". COMMISSIONERS DIXON, FLETCHER AND MCGILL VOTED "NAY". THE MOTION FAILED.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 4 - 1, BY VOICE VOTE, THAT A SPECIAL MEETING BE HELD ON APRIL 23, 1997 FOLLOWING THE PUBLIC HEARING ON THE OLD SCHOOL LOUNGE. COMMISSIONER WATSON CAST THE LONE DISSENTING VOTE.

Contracts - Bel Mac Roofing for Hospital Roof

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO AUTHORIZE THE CHAIRMAN TO SIGN THE CONTRACT WITH BEL MAC ROOFING FOR THE HOSPITAL ROOF.

Nurses Call Station

This item was removed from the agenda due to unresolved bid issues.

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) HOME/SHIP Partnership 1993 Project Funding - \$67,188 - Extension granted to November 20, 1997.
- 2) Public Health Unit quarterly report
- 3) Contract with Lee & Bridges to provide architectural services for the Quincy Square Project - Historical Renovation
- 4) Resolution requesting assistance from Florida Game and Fresh Water Fish Commission

CLERK'S AGENDA

Public Hearing for Advertised 96/97 Budget Change

Clerk Thomas opened the meeting for public comments concerning the change to the FY 96/97 Budget which was duly advertised. He explained that the change reflects the financing of 5 pieces of equipment for the Public Works Department totaling \$715,969. There were no questions or comments.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE ADVERTISED BUDGET CHANGE FOR FY 96/97 BUDGET.

Fiscal and Investment Policies

Clerk Thomas presented once again the County's Fiscal Policies (adopted on March 15, 1994) and the Investment Policy (adopted 10/1/1995) for the convenience of the new commissioners.

Budget Amendments

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE TO APPROVE BUDGET AMENDMENTS 97-04-15-01 THROUGH 97-04-15-05.

Ratification of the 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 TWO REPORT

Commissioner Watson had no report.

DISTRICT THREE REPORT

Commissioner Roberson yielded her time to the County Manager.

Proclamation - National Teen Pregnancy Prevention Awareness

Mr. Howard McKinnon stated that he had been asked by the Gadsden Center for Healthy Babies to bring to the Board a proclamation recognizing April 23 - May 1, 1997 as National Teen Pregnancy Prevention Awareness Week and the month of May as Teen Pregnancy Prevention Awareness Month in Gadsden County, FL. He then asked for Board action. Mr. McKinnon pointed out that Gadsden County had actually begun the program in Florida and it has been adopted statewide.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE PROCLAMATION IN SUPPORT OF NATIONAL TEEN PREGNANCY PREVENTION AWARENESS WEEK AND NATIONAL TEEN PREGNANCY PREVENTION AWARENESS MONTH.

DISTRICT 4 REPORT

Commissioner Fletcher had no report.

DISTRICT 5 REPORT

Commissioner Dixon had no report.

DISTRICT 1 REPORT

Policy - Grant Making/Funding (attached)

Chairman McGill presented a policy calling for funding accountability to non government agencies which ask for and receive money from the Board of County Commissioners. He asked for approval.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE FUNDING POLICY.

PUBLIC AGENDA

Mr. Robert Williams stated that he had observed how a subterfuge took place at this meeting. He said that the issue was clear with only a simple decision to be made. Someone made it complex and then someone else superimposed a complex and all of a sudden the issue was lost. He suggested that when the workshop is

held on the Senior Citizens issue, that the Board concentrate on the issue.

Mr. Williams went on to request that the Board adopt a minority position for awarding contracts in Gadsden County in the midst of the economic development which is on-going. He urged the Board to keep as many employment opportunities in the County as possible.

Mr. Wilford Kennedy asked the Board if they are paid for their work.

The Board responded "yes".

Mr. Kennedy then stated that it seemed to him that the board members get anxious to go many times before the meetings are over. He suggested that if they do not like the job well enough to stay long enough to take care of the County's business, then perhaps they should find something else to do.

ADJOURNMENT

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

BILL MCGILL, CHAIRMAN

ATTEST:

NICHOLAS THOMAS, CLERK

AT A WORKSHOP OF THE BOARD OF COUNTY
COMMISSIONERS, HELD IN AND FOR
GADSDEN COUNTY, FLORIDA ON APRIL 23,
1997, THE FOLLOWING PROCEEDINGS WERE
HAD, VIZ.

PRESENT: W.A. (BILL) MCGILL, CHAIRMAN
STERLING WATSON, VICE CHAIRMAN
CAROLYN ROBERSON
E. H. (HENTZ) FLETCHER
EDWARD J. DIXON
HAL RICHMOND, COUNTY ATTORNEY
HOWARD MCKINNON, COUNTY MANAGER
MURIEL STRAUGHN, DEPUTY CLERK

Chairman McGill opened the workshop stating the purpose of the meeting was to meet with the staff and the citizens advisory committee regarding the formulation of a county ordinance to regulate the siting of cell towers within Gadsden County. He stated that the public had been duly notified and the press had been informed of the workshop.

Mr. Mike Sherman, Gadsden County Growth Management Director, reviewed the proposed ordinance (attached.)

Board discussion followed.

Comments were made by the following:

Unidentified Audience Member
Mike Dorian
Mrs. Leslie Cox
Bruce Culpepper
John Yerkes
Jim Strickland
Dave Gilliam

The consensus of all present was to extend the moratorium on construction of cell towers for another three (3) months to allow the committee to continue working on the proposed ordinance.

No action was taken.

After discussion was concluded, the Board recessed before reconvening for a special meeting. The special meeting minutes are separate to the minutes of this workshop.

Gadsden County Board of County Commissioners
April 23, 1997 Workshop - Citing of Cell Towers

BILL MCGILL, CHAIRMAN

ATTEST:

NICHOLAS THOMAS, CLERK

AT A SPECIAL MEETING OF THE BOARD OF
COUNTY COMMISSIONERS, HELD IN AND FOR
GADSDEN COUNTY, FLORIDA ON APRIL 23, 1997
THE FOLLOWING PROCEEDINGS WERE HAD, VIZ.

PRESENT: W.A. (BILL) MCGILL, CHAIRMAN
STERLING WATSON, VICE CHAIRMAN
CAROLYN ROBERSON
E. H. (HENTZ) FLETCHER
EDWARD J. DIXON
HAL RICHMOND, COUNTY ATTORNEY
HOWARD MCKINNON, COUNTY MANAGER
MURIEL STRAUGHN, DEPUTY CLERK

PUBLIC HEARING - OLD SCHOOL LOUNGE - PROJECT #97PZ-03-201-2-02

Mr. Mike Sherman, Gadsden County Growth Management Director, explained for the record that the Gadsden County Board of County Commissioners had approved a special exception permit for the Old School Lounge on March 4, 1997. The permit would have allowed the lounge to operate as a special exception use under the land development code and comprehensive plan. He went on to explain that subsequent to the March 4, 1997 meeting, an appeal to that decision was filed by Attorney David Theriaque on behalf of Mrs. Eunice Condry-Morgan who is a property owner near the proposed lounge.

Mr. Sherman continued by saying that upon recommendation of the county attorney, a re-hearing was scheduled and advertised for this evening, April 23, 1997, for the purpose of reconsidering the special exception permit approval.

County Attorney Hal Richmond explained that in reviewing the record of the previous meeting, it appeared that the Board did not really vote on a special exception, even though it was referred to as a special exception. The discussion at the last hearing was centered around whether the project was an on-going use. He asked Mr. Sherman if he had reviewed the proposed project from that avenue.

Mr. Sherman explained that from the outset, Mr. Evans has maintained that the proposed project has been in operation for certain types of activities such as birthday parties, reunions, wedding receptions, etc. However, he quickly added that there is no active 7COP alcohol license currently issued for the property.

Mr. Richmond stated that prior to his death in 1993, Mr. L.R. Evans (father of the applicants) had requested that the liquor license from his Seaboard Club be transferred to the Old School

Lounge. It had previously operated as a lounge type operation under leases to other individuals.

Mr. Richmond asked Mr. Sherman to explain why he felt that a special exception use was appropriate.

Mr. Sherman replied that Mr. Charles Evans had requested the staff to sign off on a form from the Alcoholic Beverage Department that certifies that the zoning of the establishment was appropriate for the type of license which had been requested. He went on to say that based on discussions with Mr. Charles Evans, he (Mr. Sherman) concluded that the license would have been a transfer to a facility where there is not already a license. The planning staff determined that this particular project must be reviewed by the County Commission as a special exception use due to the fact there is no valid license at the facility at the present time coupled with the fact that the club is located in a rural residential category.

Commissioner Dixon asked Mr. Sherman if he had signed off on Mr. L.R. Evan's request for the transfer of the liquor license in 1993.

Mr. Sherman replied that he had signed off on the request in 1993 based upon Mr. L.R. Evan's representation to him in 1993 - that the proposed activity had existed previously. Mr. Sherman added however, that he believes that the activities proposed at this point in time are very different than the type of activities which have previously transpired at the club.

Mr. Sherman clarified that the staff presented the issue to the Board of County Commissioners asking for directions because he perceived it to be a matter which would require a special exception permit.

Mr. Richmond questioned whether it should really be a matter of special exception. He suggested that it might really be an "on-going" use.

Commissioner Dixon stated that he was of the opinion that the project is an "on-going" use based on the evidence that was presented at the previous hearing.

Mr. Richmond stated that if the project is found to be a continuation and upgrade of the same type of use, there would be no need for the Board to review it. He maintained that there was evidence presented at the last hearing which revealed that liquor

was sold at the establishment in the past when it was leased to other operators.

Chairman McGill asked if the club had been shut down for any length of time.

Mr. Sherman replied that the building's utilities have not been interrupted.

Chairman McGill stated that it seems obvious to him that activity has been continuous.

Mr. Sherman stated that Mr. Charles Evans told him that parties, weddings and receptions had been the types of activities which have been held at the club in the past. He added that Mr. Evans also told him that he hoped to increase the crowds which frequent the club.

Mr. Sherman then explained that the land development code allows for the Board's review when a use is determined to be "Type II" by the staff.

Mr. Sherman stated there he believed the project to be an upgrade because it is transferring a liquor license to this club where there has not been a license for at least 4 1/2 years.

Commissioner Watson asked if the club is currently operating as a lounge.

Mr. Sherman could not answer positively. However he stated that he was certain that the club was not currently operating with a 7COP license. He explained that the 7COP license held by Mr. L.R. Evans (which he had begun the process of transferring prior to his death) has expired and his sons are attempting to have it reactivated.

Commissioner Dixon reminded the Board that Mr. Sherman had authorized the license to be moved to that facility in 1993 and that fact can be documented. The proprietor (L.R. Evans) has since died and the license and the building became a part of his estate.

Mr. Sherman stated again that his approval in 1993 was based upon Mr. L.R. Evan's representation that the proposed activities would have been a continuation of previous activities - birthday parties, reunions, weddings and receptions. He added that he would not have signed off on the 1993 application if he had known the extent of the activities which are now proposed. Again, Mr.

Sherman stated that he believes that the proposed activities are an upgrade from the previous activities. He stated also that he continues to believe that the proposed project substantiates a change in use.

Commissioner Watson asked Mr. Sherman if the facility was automatically considered a lounge when he signed off on the zoning certification in 1993.

Mr. Sherman answered by saying that the ordinance in effect, would have allowed the development to commence within 1 year from the date of approval from the governing body.

Mr. Richmond recalled that testimony from the residents in the community (at the March 4, 1997 hearing) bears witness to the fact that the club had previously been used as a lounge. Mr. L.R. Evans had owned the property throughout the years, but he had leased the facility to other people who had held liquor licenses.

Mr. L. R. Evans decided in 1993 to operate the club himself and had applied for the transfer of the license from his other club on South Roberts Street.

A MOTION WAS MADE BY COMMISSIONER FLETCHER AND SECONDED BY COMMISSIONER DIXON TO CONSIDER THE PROPOSED OPERATION AND ACTIVITIES OF THE OLD SCHOOL LOUNGE AS AN ON-GOING USE.

Mr. Jack Harnett addressed the Board representing Mr. Charles Evans, Mr. Rudolph Evans and the Mr. L.R. Evans estate. He stated that he had personally represented Mr. L.R. Evans in dealing with the property in question since before 1981. He presented as evidence copies of leases and documentation to substantiate that the building had been in continuous use since 1981. He added that most of the time, the proprietors had possessed liquor licenses. It operated as a lounge, dance hall and sold liquor by the bottle - all of which was regulated by the Beverage Department.

Mr. Harnett offered the following facts:

- *Mr. L.R. Evans owned a liquor license at his establishment on South Roberts St.
- *The building at the South Roberts Street location was removed through eminent domain due to the widening of South Roberts St. (also known as CR267 and Lake Talquin Road) from U.S. 90 to I-10.
- *At the time the building was removed, Mr. L.R. Evans applied to the Beverage Department to have the license transferred to Old School Lounge formerly known as Club Star Point (the

- building in question.) A copy of the application was offered as part of the evidence.
- *At the same time he applied for a transfer of the liquor license, Mr. L.R. Evans entered into an agreement with his son to operate the lounge using his (Mr. L.R. Evans) license. The Beverage Department knew of the circumstances of the transfer and allowed the business to continue at the new location.
 - *Mr. L.R. Evans died before the transfer was accomplished and the liquor license became a part of the estate.
 - *The sons were told approximately six months ago that the license had to be transferred from their father's estate into the name of the main beneficiary, Mr. Charles Evans in order for the business to continue.
 - *It became the desire of the Mr. Charles Evans and Mr. Rudolph Evans to improve the building and hopefully attract a larger and better clientele.

Mr. Harnett concluded by requesting that the Board find that the proposed use is an "on-going use" rather than approving a special exception use.

Mr. David Theriaque, attorney for the appellant, Mrs. Eunice Condry-Morgan, addressed the Board explaining that he was confused by the proceedings. He stated that he had understood that this proceeding was to be a re-hearing where the Board would hear new evidence and reconsider the decision reached on March 4, 1997.

Mr. Theriaque referred to the case of Brevard County vs. Snyder, (Supreme Court of Florida decision October 7, 1993 - Cite 627 Southern Second 469) He explained that the applicant has the burden of going first to show that they have complied with all regulations. Under a case called Jennings, which is the Third District Court of Florida, 589 Southern Second 1337 decided on August 6, 1991, the appellant has the right to cross examine all witnesses who testify on behalf of the applicant. He stated also that all witnesses must be placed under oath before they are allowed to testify. He concluded that the Board has only heard argument of council without hearing any testimony that the activities at Old School Lounge is an on-going use. He stated again that the applicant must prove that it is an on-going use.

Mr. Theriaque clarified that as a quasi-judicial body, there is a prohibition against ex-parte communication. If there are any discussions, documents or evidence that a commissioner has reviewed or heard evidence before the hearing, there must be disclosure of that communication so that the opposing side can have an opportunity to refute it. He then remarked that he had heard no disclosure of ex-parte communication at this meeting.

Mr. Theriaque told the Board he had litigated extensively regarding the requirements of quasi-judicial hearings. He stated also that he is an adjunct professor at Florida State University teaching Legal Foundations of Planning to graduate students. He added that he is special land use counsel for the City of Destin, FL. He has also lectured extensively for the Florida Chamber of Commerce, the Florida Bar and the Florida League of Cities.

Mr. Theriaque maintained that based on a Supreme Court decision Park of Commerce vs. City of Del Ray Beach, 636 Southern Second 12 cited on March 31, 1994 he was certain that this meeting should be considered a quasi-judicial hearing. He suggested that correct procedures had not been followed for this quasi-judicial hearing.

Mr. Theriaque pointed out as a matter of record that the Planning Department staff was not represented by separate counsel in this matter. He stated that there is an Attorney General's opinion that staff is an advocate for their position and therefore, should be represented by their own attorney. He added that lack of separate counsel for the staff could be considered a procedural violation.

Mr. Richmond responded that it may be correct that Mr. Sherman should have separate counsel. He could not confirm with certainty whether he had advised Mr. Sherman legally on any of the issues at this meeting. He stated that he had raised questions on behalf of the Board based upon their action on March 4, 1997.

Mr. Richmond continued by saying while it is true that the Board did grant a re-hearing on the issue, it was granted because the issue needed to be clarified. It was not clear as to whether the issue was a matter that should have come to Board at all. If it is determined to be an on-going use, then there was no need for it to be presented to the Board for action of any kind. It would be purely an administrative matter that does not need Board approval. However, if the staff determined that it should have Board approval, it needed to come as a request for a special exception which Mr. Sherman did.

The planning staff took the position that they want it presented as a special exception. However, the motion on the floor was to find that the use is an "on-going" use and therefore, it should proceed administratively without further need for Board approval.

As to the issue of public disclosure, Mr. Richmond told Mr. Theriaque that the matter would be addressed in proper form if it should be deemed to be a re-hearing for the purpose of voting on a special exception use.

Mr. Theriaque stated that he had not been provided the materials which were presented by Mr. Harnett, therefore he had not seen any evidence that a liquor license was issued to any of the former proprietors of the club. He wondered if perhaps the license referenced by Mr. Harnett was a liquor "use" license. He contended that even if there was a liquor use license, the proposed use would be an expansion of the use of the property. He then suggested that even if the use had been grandfathered in by the comprehensive plan, the expansion described by the Evans brothers is evident. He submitted that the Board must consider the issue as a special exception use and not as an on-going use.

Mr. Charles Evans was sworn-in by Deputy Clerk Muriel Straughn. He questioned whether the appeal was timely filed.

Commissioner Dixon explained that the Board allowed the appeal regardless of the timeliness of the appeal filing.

Mr. Richmond began to examine Mr. Charles Evans after stating for the record that Mr. Charles Evans had been sworn-in. The following is a summary of his testimony upon being questioned by Mr. Richmond and Mr. Harnett.

- *He had been familiar with the property all of his life as his father owned the property.
- *He officially began to manage the property after his father's death.
- *The club has operated under various liquor licenses to various people as it was leased to others - including Mr. Rudolph Evans.
- *The club was in operation when Mr. L.R. Evans died and has been operating for more than 30 years.
- *At the time of his death, Mr. L.R. Evans was attempting to move his liquor license from Seaboard Liquors located on South Roberts St. to the Old School Lounge. The death and probate of his estate necessitated the delay until this point in time.
- *He attested to the fact that the documents presented by Mr. Harnett were authentic and that the signatures in place were his father's.
- *The club has been leased to others for many years, but was being operated by Mr. L.R. Evans at the time of his death.

Mr. Theriaque cross-examined Mr. Charles Evans. A summary of his testimony upon questioning is as follows:

- *At the time Mr. L.R. Evans died, an attempt was being made to transfer the liquor license from another building to the Old School Lounge. The other business was called Seaboard Liquors.
- *The lease agreement that Mr. L.R. Evans had with another party who possessed the liquor license for the facility had expired. Mr. L.R. Evans had applied for a transfer of his own liquor license to Old School Lounge and intended to operate the club himself. He had an understanding with the Beverage Department that he could use the Seaboard Liquors license until it could be converted.
- * The transfer of the liquor license never took place.
- *Mr. L.R. Evans died in December, 1993.
- *There has been no liquor license at the Old School Lounge since 1993.

Mr. Richmond examined Mr. Charles Evans once again. The following is a summary of the testimony given by Mr. Evans upon examination by Mr. Richmond.

- *There had been liquor licenses at the club in the past but they were in the names of the person leasing the club from Mr. L.R. Evans.

Mr. Theriaque cross examined Mr. Charles Evans once again. The following is a summary of the testimony given by Mr. Evans upon examination by Mr. Theriaque.

- *The classification of the liquor licenses held by other proprietors of the club could not be confirmed.
- *The level of classification (of the liquor license) requested by Mr. Charles Evans was believed by him to be the same level which existed at the club previously.

Chairman McGill called for questions and comments from the public.

As a point of clarification, Mr. Richmond stated that the Board would only consider evidence and testimony as to whether the use of the facility was an ongoing use.

Mr. Theriaque asked audience members who were present whether any one of them could present evidence or direct knowledge that the proposed use is either a use which is greater than what has taken place in the past or that the use has been shut down

periodically. He explained that the issue of how it would impact the neighborhood would not be heard at this meeting.

Commissioner Watson asked how it could be considered an on-going use. if there had been no license in use at the facility since 1993.

Mr. Theriaque stated that he had taken the case for free based on that very point. He stated that he did not believe this project is an on-going use and he could not see any grandfathering. The fact that there was a license at one location which had agreed to be transferred to another location has no relevance to what was taking place at the Old School Lounge. The evidence shows there has been no license at the facility, therefore there could not have been an existing, on-going use for a 7COP use.

Mr. Harnett stated that "use" has nothing to do with a license. The code itself does not define "use" as meaning "Do you have a state license?" He argued that the building has been used since 1993 under the license that they believed they had a right to use dating back to the time when Seaboard Liquors was removed.

Commissioner Watson stated that he was accused of letting his personal feelings interfere with his judgment in the matter of the Old School Lounge. He quickly added that the facts clearly demonstrate to him that the issue should be a special exception use issue. He suggested that others on the Board may have been personally persuaded for other reasons.

Mr. Harnett suggested that any commissioner who could not maintain objectivity in deciding the issue, should abstain from voting.

Mr. Theriaque suggested that if the impartiality of Commissioner Watson was in question, he would likewise challenge the impartiality of other commissioners.

Mr. Theriaque stated that while the building may have been used for parties, birthday events on week-ends, it does not make it a 7COP use. The fact that there is alcohol at private parties in an unlicensed facility does not allow the County to "grandfather in" a use which is inconsistent with the land development code and the comprehensive plan. He submitted that if, in fact, the Evans have provided alcohol at the facility since 1993 without a license, it was an illegal use. He continued to argue that if illegal uses can provide the Board with a basis for

grandfathering at a subsequent date - 4 years later, then land use law has been stood on its head. He maintained that:

- 1) There is no dispute that liquor has been served at the establishment since 1993.
- 2) There is no dispute that there has been no valid liquor license there since 1993.
- 3) There is no dispute that there has been no use of the facility to bring in night club acts or bands from Atlanta or any other 500 people events scheduled for a full bar since 1993. The magnitude and the scope of the use has changed.
- 4) No evidence was presented to prove that the State accepted the transfer of the liquor license. He maintained that the Board could not even consider the application for the transfer in the absence of evidence to substantiate it.
- 5) No evidence was presented to substantiate that any of the former proprietors possessed a valid liquor license while operating the club.

Mr. Theriaque suggested that this issue had been pending long enough for the applicant to have sufficient time to provide evidence to prove their position but had failed to do so at this hearing. He argued that the applicant had not met the burden of proof that the club's proposed use is an on-going use.

Commissioner Dixon asked if the Planning and Zoning office had given permission in 1993 to have the liquor license.

Mr. Mike Sherman, Growth Management Director, was sworn by Deputy Clerk Muriel Straughn. He responded by saying that he signed an application for alcoholic beverage license in 1993 that said that the zoning was appropriate for that type of license.

Mr. Theriaque questioned Mr. Sherman. The following is a summary of the testimony given by Mr. Sherman when questioned by Mr. Theriaque.

- *Mr. Sherman was told by Mr. L.R. Evans in 1993 that there was an on-going lounge at the facility.
- *Mr. Sherman determined that the scope of what the Evans brothers now want to do at the facility is not the same type activities which he was told were going on at the club in 1993 when he signed off on the application.
- *Mr. Sherman had no knowledge of whether a liquor license was ever issued after he signed off on the application.

*Mr. Sherman had no knowledge of whether there is a liquor license presently in effect at the Old School Lounge.

Mr. Richmond questioned Mr. Sherman. The following is a summary of the testimony given by Mr. Sherman when questioned by Mr. Richmond:

*Mr. Sherman was not aware of the differences in the various classifications of liquor licenses nor was the difference explained to him when he signed off on the application in 1993.

Mr. Harnett asked to question Mr. Charles Evans again in the form of rebuttal. Mr. Evans was reminded that he was still under oath. A summary of the testimony given by Mr. Charles Evans when questioned by Mr. Harnett is as follows:

*The last time a large band played at the Old School Lounge was in October, 1996.

*A large show took place at the club in November of 1996.

COMMISSIONER DIXON CALLED THE QUESTION.

CHAIRMAN MCGILL ASKED THE RECORDING SECRETARY TO RESTATE THE MOTION. IT WAS AS FOLLOWS:

A MOTION WAS MADE BY COMMISSIONER DIXON AND SECONDED BY COMMISSIONER FLETCHER TO FIND THAT THE PROPOSED OPERATION OF THE OLD SCHOOL LOUNGE IS AN ON-GOING USE.

THE BOARD VOTED 3 -2 IN FAVOR OF THE MOTION. COMMISSIONERS DIXON, FLETCHER AND MCGILL VOTED "AYE." COMMISSIONERS WATSON AND ROBERSON VOTED "NO." THE MOTION PASSED 3 -2.

Commissioner Watson asked what measures could have been taken to have prevented the confusion that developed over this issue.

Commissioner Dixon stated "I could tell you, but they don't work for us."

Again Commissioner Watson stated that something could have been done so that no one would have been confused about what happened. He went on to say that corrective measures should be taken to prevent such occurrence from happening again.

Chairman McGill stated that he felt that it will be necessary for all board members to become more familiar with land use acts, the county's comprehensive plan and the land use map.

For the record, Mr. Richmond asked all the commissioners to disclose any communications with the public which might have influenced their decision in this matter (other than what was heard at the prior hearing.)

Chairman McGill stated that he had not talked with anyone.

Commissioner Dixon disclosed that he had been contacted by numerous parties and he had informed all of them that the issue was a matter of ex-parte communications and that he should have no discussions with anyone until the matter is resolved. He acknowledged that he had been given information from parties on both sides of the issue.

Mr. Theriaque objected to having ex-parte disclosures made after the vote was taken. He explained that the purpose of ex-parte communication is so that everyone who is representing a party has an opportunity to know what has taken place before a vote occurs.

Mr. Richmond stated for the record that he did not expect that any of the commissioners had received any improper communications. He added that all the commissioners had been informed to tell their constituents they could not discuss the matter with them.

Mr. Theriaque stated that he had been told that Commissioner Dixon had frequented the Old School Lounge and that the applicants are his friends. For the purpose of ex-parte communications, he asked for clarification of that relationship.

Commissioner Dixon explained that he had told everyone who approached him that he could not discuss the matter.

Mr. Theriaque pointed out that if Commissioner Dixon should happen to be good friends with the applicant, it could possibly bias his consideration of the facts.

Mr. Richmond asked Commissioner Dixon on the record if he had based his vote on anything other than the record.

Commissioner Dixon responded that he had based his vote totally on the record.

Mr. Richmond terminated the hearing at this juncture.

Gadsden County Senior Citizens Center

Mr. Richmond stated that he had received a letter by fax from Donna Stinson, attorney for Area Agency on Aging of North Florida (AAANF). The letter indicated that the AAANF Board of Directors had decided not to contract with the Gadsden County Board of County Commissioners for the provision of senior citizens for the period July 1, 1997 through June 30, 1998. (Letter attached)

Mr. Richmond stated that it was suggested by one of the commissioners that he prepare a resolution in support of the Gadsden County Senior Citizens Council. He presented it for the Board's consideration. Mr. Richmond went on to say that he did not know that the County could legally challenge the decision.

Mr. Richmond added that the Senior Citizens' Council might have some legal remedies in dealing with AAANF, but it is clearly out of the County Commissioner's purview.

Chairman McGill stated that he had a problem with the letter from Mrs. Stinson to Mr. Richmond. He cited the reference to the amount of time that would be involved in dealing with the County if they should take over the operation of the Center. Chairman McGill failed to understand how dealing with another non-profit would require less time than dealing with the County.

Chairman McGill then referenced the second paragraph in which Mrs. Stinson eluded to AAANF objections to any circumstances whereby the County could have chosen to serve merely as a "pass-through" agency for the delivery of services to seniors. Chairman McGill recalled that the County's position had been that it would operate the Center as a department of the County primarily because AAANF objected so strongly to mere oversight by the County. He suggested that AAANF could have a hidden agenda which is not yet apparent. He objected to contents of the letter.

Commissioner Dixon also referenced the letter. He stated that the letter substantiates the point he has made time and again - AAANF is seeking someone to run the Center whom they can control. He argued that if the letter is a representation of the AAANF attitude, he could understand even more the frustration of the local Council in dealing with them.

Mr. Richmond read the resolution into the record.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 4 - 1, BY VOICE VOTE, TO ADOPT THE RESOLUTION IN SUPPORT OF THE GADSDEN COUNTY'S SENIOR CITIZENS COUNCIL'S CONTINUED OPERATION OF THE SENIOR CITIZEN'S PROJECT.

COMMISSIONER WATSON CAST THE LONE DISSENTING VOTE.

Commissioner Watson asked to be excused and left the meeting at this juncture.

Chairman McGill stated that he had a number of problems with AAANF. He commended the local Council for its efforts for many years. He then stated that he would hand deliver the resolution to the Governor's office.

Nurse Call System - Hospital

Mr. Arthur Lawson recommended that the bid for the Nurse Call System be award to Simplex for \$43,795. He stated that the bid met all bid specifications, qualifications and operational requirements of the hospital.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO AWARD THE HOSPITAL NURSE CALL BID TO SIMPLEX FOR \$43,795.00. COMMISSIONER WATSON WAS NOT PRESENT FOR THIS VOTE.

Gadsden County Board of County Commissioners
April 23, 1997 Special Meeting

ADJOURNMENT

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

Bill McGill, Chairman

ATTEST:

Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE BOARD OF COUNTY COMMISSIONERS, HELD IN AND FOR GADSDEN COUNTY, FLORIDA ON MAY 6, 1997, THE FOLLOWING PROCEEDINGS WERE HAD, VIZ.

PRESENT: W.A. (BILL) MCGILL, CHAIRMAN
STERLING WATSON, VICE CHAIRMAN
CAROLYN ROBERSON
E. H. (HENTZ) FLETCHER
EDWARD J. DIXON
NICHOLAS THOMAS, CLERK
HAL RICHMOND, COUNTY ATTORNEY
HOWARD MCKINNON, COUNTY MANAGER

CALL TO ORDER

Chairman McGill called the meeting to order. Clerk Nicholas Thomas led in pledging allegiance to the U.S. Flag and Rev. Gilliam led in prayer.

ADOPTION OF AGENDA

Chairman McGill asked that the purchase of a used fire service engine be removed from the consent agenda prior to the adoption of the agenda.

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

APPROVAL OF MINUTES

April 15, 1997 Regular Meeting

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE MINUTES OF APRIL 15, 1997 REGULAR MEETING.

COUNTY ATTORNEY'S AGENDA

Sawdust Supermarket

Attorney Richmond referred to correspondence in the agenda packets regarding the Sawdust Supermarket. He noted that the Board had denied the request for an extension of the development order last November. In retrospect, the Planning & Zoning staff found there was sufficient evidence to allow the extension. Based upon the documentation of record, Mr. Richmond recommended that the

staff be allowed to handle the matter administratively without further intervention by the Board.

Commissioner Watson asked what circumstances have changed since the Board denied the extension.

Mr. Richmond pointed to the formal development chronology of the Sawdust Supermarket project. This information was not made available to the Board when it considered the project last November. Additionally, Mr. Richmond stated that some doubt had arisen as to whether the applicants had been properly notified of the November meeting.

It was the consensus of the Board that the staff should continue to work with the Gilliam family on the Sawdust Supermarket project.

Resolution - Supporting Article V Legislation Senate Bill 902 & House Bill 1319

Mr. Richmond explained that Florida Constitution Article V imposes the funding of the State Court upon the individual counties. Because the costs of operating the State Courts have become so great in recent years, many counties sought some financial relief from the state which resulted in Senate Bill 902 and House Bill 1319. Both bills passed during the recent legislative session and are awaiting the signature of Governor Chiles.

In an effort to encourage the Governor to sign them into law, the Board was asked to adopt a resolution in support of the legislation and forward it to the Governor.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO AUTHORIZE THE CHAIRMAN TO EXECUTE THE RESOLUTION OF THE BOARD SUPPORTING SENATE BILL 902 AND HOUSE BILL 1319. THE RESOLUTION WILL BE DELIVERED TO THE GOVERNOR.

PLANNING AND ZONING AGENDA

HVAC Architectural Contract - Courthouse Upgrade

Mr. Mike Sherman reported that the staff had requested bids for qualifications from several architectural firms regarding the project to upgrade the courthouse heating and air-conditioning system. He recommended that the contract be awarded Lee and Bridges Architectural Consultants, Inc. for \$12,000.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER FLETCHER THE BOARD VOTED 5 - 0. BY VOICE VOTE TO ACCEPT THE STAFF'S RECOMMENDATION TO AWARD THE ARCHITECTURAL CONTRACT TO LEE AND BRIDGES FOR THE COURTHOUSE HVAC UPGRADE.

Commissioner Dixon asked Mr. Sherman to provide more substantial justification for awarding contracts in the future. Things such as a history of cost savings etc., by a particular company.

Telecommunication Tower Moratorium

Mr. Sherman explained for the purposes of clarification that on November 15, 1996, the Board had imposed a six-month moratorium on the construction of new telecommunication towers. The moratorium was enacted to give the staff and a citizens committee an opportunity to draft an ordinance that would govern the construction and location of telecommunication towers within the County.

Mr. Sherman then reminded them that at a workshop on April 23, 1997, the Board reached the conclusion that it would extend the moratorium for another three months.

Mr. Sherman then told the Board that FOX 49 Broadcasting Station is considering relocating to the Gadsden Station DRI. After a review of the DRI report, Mr. Sherman concluded that such a land use would be consistent with the DRI. Upon approval, FOX 49 would be building a tower for TV transmission. They (FOX 49) assured the staff they would allow co-location by other vendors. Since their project is time sensitive, Mr. Sherman asked the Board to be mindful of their request as they reached a decision regarding the moratorium.

Commissioner Dixon reminded Mr. Sherman that it was the citizens committee which had asked for an extension of the moratorium so they could complete their work. He stated that he would be skeptical of abandoning the moratorium based solely because of the interest shown by FOX 49. He objected to showing favoritism to any one vendor.

Commissioner Fletcher pointed out that the request by FOX 49 is not a cellular telephone tower.

Commissioner Watson asked Mr. Sherman to relate the opinion of the citizens committee on the issue.

Mr. Sherman replied that the committee had no objection to the FOX 49 tower but would oppose others until such time as the

ordinance is in place. The proposed ordinance will allow for towers in industrial areas as a use by right.

Mr. Dan Cox (member of the Citizen's Committee) spoke briefly. He indicated that although the work is incomplete, he did not think it would take a full three months. With reference to the FOX 49 tower, he stated that the ordinance contemplates that such use will be one allowed as a use by right. He stated that he was in favor of extending the moratorium until the ordinance is ready for adoption.

Mr. Rick McCaskill, Executive Director of the Chamber of Commerce, told the Board that the company anticipates moving their entire operations to Gadsden County, not just the tower. They are also considering another location. The decision will be made by their headquarters in the north. He added that if they chose to relocate to the 10/90 Park, a road fund grant would be forthcoming and would benefit the County.

Mr. Richmond interjected that the Board cannot approve a prospective plan in the status which the FOX 49 plan is in at the present time. Blanket approval of the project cannot be guaranteed even if they proceed with the purchase of the land.

The Board instructed Mr. Richmond to send a letter to FOX 49 stating that the proposed ordinance and the consensus of the Board seems to be that the DRI would be a proper place to put a tower as a matter of right. The letter should be positive but also emphasize that the due process would have to be followed.

Commissioner Dixon suggested that the County stands to gain substantial revenues from franchise fees imposed on tower placements. He suggested that the County continue to explore these avenues.

Mr. Sherman informed the Board that he had been asked by several companies about the possibility of co-locating with existing towers and be exempted from the moratorium. He asked for directions.

There was some discussion as to whether the moratorium was for construction of new towers or expansions to all towers. It was the consensus of the Board that the moratorium was intended for construction of new towers. However, the issue of imposition of franchise fees remains unresolved. Therefore, Mr. Sherman was instructed not to allow any expansions to any towers until the ordinance and the fee structure could be accomplished.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 4 - 1, BY VOICE VOTE, TO IMPOSE A TWO MONTH EXTENSION OF THE MORATORIUM ON THE PLACEMENT OF TELECOMMUNICATION TOWERS. COMMISSIONER DIXON CAST THE LONE DISSENTING VOTE.

COUNTY MANAGER'S AGENDA

Pauper Burial

Mr. Howard McKinnon reported that the County has been ordered to pay for an indigent burial. He added that three quotes had been obtained from area businesses. He recommended that the Board approve paying \$575 to Clary's Funeral Home. He also recommended that the funds be taken from the general fund contingency.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO TAKE \$575 FROM THE GENERAL FUND CONTINGENCY AND PAY CLARY'S FUNERAL HOME FOR INDIGENT BURIAL EXPENSES.

CONSENT AGENDA

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 4 - 0, (COMMISSIONER DIXON WAS NOT PRESENT FOR THIS VOTE) BY VOICE VOTE, TO APPROVE THE CONSENT AGENDA, TO WIT:

- 1) Approval for payment to City of Quincy for dispersement of Fire Funds.
- 2) Bid 97-011 for guardrail replacement awarded to Safety Contractors, Inc. of Jacksonville, FL
- 3) Bid 97-012 for purchase Type I ambulance/Remount of two Type III Ambulances to Type I awarded to Peach State Ambulance, Inc. of Jonesboro, Ga for \$37,500 per unit.
- 4) Contract for Custodial Services with Hattie Mae Cogman at the Havana Library
- 5) Modification to Emergency Management Grant 97CP-05-02-30-01-020
- 6) E911 Road Name Changes and Additions
- 7) Grant Making/Funding Policy
- 8) Barnett Bank Closing Documents - for the record.
- 9) Notice from Building Maintenance Department that the County Probation Office will be moved to the Barnett Bank Building on May 23, 1997.

CLERK'S AGENDA

Financial Statements & Cash Report

Clerk Nicholas Thomas called attention to financial statements and cash report (attached) noting there are no problems evidenced in the current year's budget.

Clerk's Investment Policy

The Clerk offered for the record his investment policy which was adopted on October 1, 1995.

Budget Amendments 97-05-06-01 through 97-05-06-06

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE BUDGET AMENDMENTS 97-05-06-01 THROUGH 97-05-06-06.

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.

PUBLIC COMMENTS

There were no comments.

DISTRICT 2 REPORT

Commissioner Watson made no report.

DISTRICT 3 REPORT

Commissioner Roberson reported that she held a public meeting on April 24, 1997 where eleven people attended. She thanked Mr. McKinnon for being present to answer public questions. She indicated that she had another meeting scheduled for June.

DISTRICT 4 REPORT

Commissioner Fletcher had no comment.

DISTRICT 5 REPORT

Commissioner Dixon reported that Gadsden County had faired well during the legislative session for 1997. He highlighted the following:

- 1) The recycling program will maintain its current funding level for next year. However, funding for the following years could be in jeopardy.
- 2) \$350,000 was appropriated for the Courthouse
- 3) Gadsden County can expect some compensation for Article V costs (judicial costs)

There are numerous other miscellaneous programs which he stated he would apprise the Board of as soon as those facts are confirmed. He closed by saying that it had been a good year for Gadsden County.

DISTRICT 1 REPORT

Chairman McGill recalled that the Supervisor of Elections Denny Hutchinson had written the Board a letter last fall requesting approximately \$40,000 with which to purchase computer equipment to meet new election standard requirements. After having talked with Mr. Hutchinson, they agreed that this matter could be addressed during the upcoming budget cycle. He asked Mr. McKinnon to talk with Mr. Hutchinson to determine the most economical manner in which to proceed to satisfy election requirements.

ADJOURNMENT

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

BILL MCGILL, CHAIRMAN

ATTEST:

NICHOLAS THOMAS, CLERK

Gadsden County Board of County Commissioners
May 6, 1997 Regular Meeting

AT A REGULAR MEETING OF THE BOARD OF
COUNTY COMMISSIONERS, HELD IN AND
FOR GADSDEN COUNTY, FLORIDA ON MAY
20, 1997, THE FOLLOWING PROCEEDINGS
WERE HAD, VIZ.

PRESENT: W.A. (BILL) MCGILL, CHAIRMAN
STERLING WATSON, VICE CHAIRMAN
CAROLYN ROBERSON
E. H. (HENTZ) FLETCHER
EDWARD J. DIXON
NICHOLAS THOMAS, CLERK
HAL RICHMOND, COUNTY ATTORNEY
HOWARD MCKINNON, COUNTY MANAGER

CALL TO ORDER

Chairman McGill called the meeting to order. Commissioner Dixon led in pledging allegiance to the U.S. Flag and Mr. Arthur Lawson led in an opening prayer.

ADOPTION OF AGENDA

Chairman McGill amended the agenda as follows:

Removed: Item Number 11 - Willie Ruth Williams, Senior Citizens Council Chairman - Request to extend contract

Item Number 13 - Alex Hicks, Gadsden Community Hospital Administrator - Hospital Equipment

Item Number 14 - Letter from Millie Forehand, Community & Economic Development Corporation - request for lease agreement for use of Simon Scott building

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

APPROVAL OF MINUTES

April 7, 1997 Special Meeting

April 23, 1997 Workshop

April 23, 1997 Special Meeting

May 6, 1997 Regular Meeting

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE MINUTES OF THE ABOVE STATED MEETINGS.

Commissioner Fletcher left at this juncture of the meeting.

COUNTY ATTORNEY'S AGENDA

Workshop for Quasi-Judicial Hearing Procedures

It was the consensus of the Board to hold a special workshop to review the procedure in which quasi-judicial matters are handled in Gadsden County. It was scheduled for June 3, 1997 at 5:00 p.m.

PLANNING AND ZONING ISSUES

Highland Lakes Residential Subdivision - Preliminary Plat Approval Project # 97PZ-03-201-02-03

Mr. Steve Skipper and Mr. Charles Harvey petitioned the County for consideration of a conceptual residential subdivision plat. The subject parcel lies in a portion of Section 24, Township 3N, Range 3W and Section 19, Township 3N, Range 2W, comprising of parcels #00430-0000 and parcel 00300-0000. It is adjacent to Chaff Chason Road. The subject parcel is 105 acres MOL. The applicant and property owner is Mr. Steve Skipper.

Mr. Sherman explained that the last time the Board considered the above stated project, it was denied "as presented without paved roads" and remanded back to the Planning Commission. Since the Board's denial, the applicant has agreed to pave the roads.

Mr. Sherman reported that the applicant has completed the required environmental work, traffic studies, and had met all special conditions proposed by the planning staff. He added that the project complies with the subdivision codes and the density requirements of the comprehensive plan.

There was no quorum at the last regular meeting of the Planning Commission, therefore no recommendation was forwarded to the Board.

The P & Z staff recommended approval of the project subject to the special conditions as outlined in the attached memo.

A MOTION WAS MADE BY COMMISSIONER WATSON AND SECONDED BY COMMISSIONER ROBERSON TO APPROVE THE PRELIMINARY PLAT APPROVAL OF HIGHLAND LAKES RESIDENTIAL SUBDIVISION.

Chairman McGill asked how the Board could justify re-consideration of the application since it was denied previously. (Under normal circumstances, an applicant (who was denied) must wait for one (1) year before it could be considered again.)

Mr. Sherman stated that when a conceptual plat is denied, the applicant must wait one year after the denial before he may petition the Board again. However, the Board may reconsider a conceptual plat within that one year if the project is sufficiently different than when it was first presented. He added that the subdivision ordinance has no provisions regarding the denial of a preliminary plat.

Chairman McGill suggested that the ordinance should be amended to add a provision for denial of preliminary plats.

THE BOARD VOTED 4 - 0 TO APPROVE THE PRELIMINARY PLAT FOR HIGHLAND LAKES RESIDENTIAL SUBDIVISION.

Mr. Sherman stated for the Board's information that the next step for Highland Lakes would be for the developer to present the staff with engineered construction drawings of the project. He then told the Board that the P & Z staff will review them and then send them to the Public Works Director for his review. After those drawings meet with the approval of the county staff, the construction can begin.

Magnolia Glen Subdivision Final Plat Review - Project #95PZ-13-203-02-03

The Village Developers of Quincy L.C., petitioned the County for consideration of the final plat for the Magnolia Glen Subdivision. The site is located on the southwest side of CR 379 in the Farms at Quincy Subdivision. The applicant and property owner is The Farms at Quincy Trust. The applicant's representatives are Mr. Ken Whittle, Mr. W.O. Whittle and Mr. Bill Crawford.

Mr. Sherman stated that the proposed planned unit development is the first cluster development which has been undertaken in the County. The proposed subdivision is for site built homes on 18 lots, totaling 18.22 acres with a minimum of one-quarter acre lots. Approximately 50% of the development is reserved for open space. The infrastructure is completed. This subdivision is a private subdivision and the County will never be asked to take over the maintenance of any of the infrastructure.

The applicants sought final plat approval.

The P & Z staff recommended approval.

There was no recommendation from the Planning Commission because there was not a quorum at their last scheduled meeting.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO GIVE FINAL PLAT APPROVAL TO MAGNOLIA GLEN SUBDIVISION SUBJECT TO THE SPECIAL CONDITIONS AS LISTED IN THE ATTACHED MEMO.

B & B Learning Center - Conceptual Site Plan Consideration - Project # 97PZ- 201-1-01

Ms. Brenda Ogden of Havana, petitioned the County for consideration of the B & B Learning Center. The proposed business is currently being operated from the residence, however, Ms. Ogden would like to increase the number of children at the Center to up to 40 children.

According to the Future Land Use Map, the property includes two adjacent lots and is in the urban service area. The character of the surrounding neighborhood is mostly single-family homes with a large apartment complex nearby.

Mr. Sherman stated that he felt that the traffic impact on the residential street would be too great if Ms. Ogden were to increase the number of children to 40. He requested that the number of children be reduced as a special condition of the permit. Additionally, he requested that the circular drive (as shown in the applicant's conceptual plan) be paved as a special condition.

Commissioner Dixon asked Mr. Sherman what number of children would be more acceptable and how he would base his decision as to what number was acceptable.

Mr. Sherman responded by saying that the trip generation associated with 40 children would be 181 trips per day on a residential street. He continued by saying that number would be a 200% increase over the number of trips per day at the present time. He recommended that the number of children be limited to 25 children.

Commissioner Dixon then asked Mr. Sherman if other developments had been required to have paved drives.

Mr. Sherman responded that there had been no approval of commercial developments in that area. However, the Board previously denied a request for a commercial development (barber shop) in that area because of the traffic impact on the community.

Commissioner Dixon could not recall that the Board had ever required a day-care facility to pave a drive.

Mr. Sherman assured the Board that the planning staff has routinely requested gravel parking for neighborhood commercial developments. If the number of children should be reduced to 25, it could easily be considered a neighborhood impact. The land development code allows the flexibility to approve an alternative roadway surface.

Ms. Brenda Ogden, (915 S.W. Third St., Havana, FL) presented a petition bearing the signatures of her neighbors who attested that the neighborhood needs the day care center in the community.

Ms. Ogden told the Board that she had not been provided a copy of a code which would require a paved drive or the private wood fence which Mr. Sherman had requested. She went on to say that a fence which meets the State requirements is already in place .

Ms. Ogden reported that she had made inquiries of other child-care centers in Havana, Quincy and Tallahassee and found no other centers who have a wooden fence even though the majority of them are located in residential areas. She also reported that 40 children (that she had hoped to serve) was a lower number than any of the other centers she had contacted. She emphasized that the majority of the centers which she contacted were located in residential areas. She then stated that she did not understand why these requirements are being made of her by the County when she has met the State requirements. She then asked the Board to approve her center without requiring the wooden fence or the paving which Mr. Sherman had requested as special conditions.

Mr. Sherman again told the Board that the main concern was for the trip generations on the residential streets. However, he told them that the Board can approve the project as a special exception.

It was determined that Ms. Ogden has been certified as a home child care service. The state mandated fence has been in place for some time. She sought to expand the services had been approached by other parents to expand her services to allow for more children.

Mr. Sherman stated that he has received no objections to the project.

A MOTION WAS MADE BY COMMISSIONER WATSON AND SECONDED BY COMMISSIONER ROBERSON TO APPROVE THE B & B LEARNING CENTER CONCEPTUAL PLAN WITHOUT THE REQUIREMENT FOR THE WOODEN FENCE AND THE PAVED DRIVE-WAY.

Ms. Ogden asked about the holding pond which is being required of her.

Mr. Sherman told the Board that the County's storm water management code requires the amount of water on a site, to stay on site. The grading of the project will necessitate compliance with the storm water management code.

Mr. Sherman stated that the next step for Ms. Ogden would be to provide the staff with an engineered drawing. Once the planning staff and the public works director has approved the drawing, then Ms. Ogden will be required to submit the construction plans that will meet the change in use from residential use to commercial use.

Ms. Ogden maintained that other child care centers have not been required to have a stormwater plan.

Mr. Sherman responded that the State does not address the development of the site itself. They only consider the number of the children versus the square footage of the structure. The State does not address any building requirements which would be necessary by "change of occupancy." He explained that Ms. Ogden is presently considered a residential home.

Commissioner Dixon asked how much the engineered drawing would cost the applicant.

Public Works Director Jed Lugod answered that it would cost between \$500 and \$1,000.

Chairman McGill asked how many children would be utilizing the center that would not be delivered and picked up by vehicles.

Ms. Ogden could not answer but she stated that some of the children would be walking to and from the center.

Commissioner Dixon voiced some reservation about the County's requirement for the engineered site plans.

THE QUESTION WAS CALLED BY COMMISSIONER DIXON. THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE ABOVE STATED MOTION.

J & J Automotive - Project # 97PZ-02-203-4-02

Mr. Sherman reported that he had received a letter from Ms. Ernestine Brown stating that the applicant would like to withdraw his application, make the structure a pole barn (as it was originally envisioned) and make an application to move the

structure across the street and develop it in accordance with the land development code.

Mr. Sherman stated that he had no objections to moving the business across the street but it would have to be advertised as a separate development project. He noted that he still has a concern about the old structure being within the required set-back.

Ms. Brown addressed the Board on behalf of Mr. Joseph Oliver.

A MOTION WAS MADE BY COMMISSIONER DIXON TO GRANT AN ADDITIONAL 90 DAYS TO ALLOW MR. BROWN TO SHUT DOWN HIS OPERATION AND TO RELOCATE HIS BUSINESS ACROSS THE STREET PER THE PLANNING AND ZONING PROCESS AND CODE REQUIREMENTS.

Chairman McGill asked Vice-chairman Watson to preside over the meeting momentarily.

THE MOTION WAS SECONDED BY COMMISSIONER MCGILL.

Commissioner Watson asked what he could expect to have happened with this business at the end of 90 days.

Commissioner Dixon explained that there should be no operation at the present site. The present site should be reduced to a pole barn and whatever portion of the pole barn is in the setback will be removed.

THE BOARD VOTED 4 - 0 IN FAVOR OF THE MOTION.

Vice-chairman Watson passed the gavel back to the Chairman.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 4 - 0, TO GRANT MR. JOSEPH OLIVER 90 DAYS TO REMOVE THE PORTION OF THE EXISTING STRUCTURE WHICH IS IN THE SET BACK.

Mr. Sherman was instructed that if the applicants do not come into compliance at the end of 90 days, that he should direct the matter directly to Mr. Richmond as a code enforcement issue.

ECONOMIC DEVELOPMENT- CHAMBER OF COMMERCE REPORT (ATTACHED)

Mr. Rick McCaskill reported on the economic development activities which are going on throughout the County. He particularly noted the following:

- 1) A developer has proposed a fun park at the 10/90 interchange south of I-10. It will have a water park, go

carts, race cars, virtual reality golf, virtual reality skeet shooting, etc., R.V. park, two restaurants, 2 motels. They expect to use the graduates from the Florida State Hotel & Restaurant School.

- 2) Wassau of Homes is looking for a site to build mobile homes and modular homes.
- 3) A very large USDA meat packing plant is looking at some of Gadsden locations.
- 4) Floridin & their partners are looking to open another facility - perhaps in the Quincy park.

Chairman McGill asked why the Old School Lounge is listed on his report.

Mr. McCaskill explained that the enclosed report is the same one that he gives to his Board of Directors which encompasses all commercial activities. He confers with the County and City Planning Departments and the Building Inspection Departments then compiles a list of all commercial activities which are on-going. The Old School Lounge was listed for information purposes only.

REVISION OF LAND AND RESOURCE MANAGEMENT PLAN FOR FORESTS

Mr. Mack McConnell, Land Management Planner and Forester of Tallahassee appeared before the Board representing the school district of Liberty County. That district had asked him to help them change the management of the National Forest in Florida to better serve the people in the area.

The U.S. Forest Services is now revising the management plan for the forests and is seeking advice from those affected by the forest management. Even though Gadsden County has no land in the Apalachicola National Forest, the forest management policies directly affect the economic and social welfare of its citizens. Coastal Lumber Company in Havana is a major purchaser of National Forest stumpage. The economy of Gadsden County is linked to the timber harvested from the Apalachicola National Forest.

Mr. McConnell then asked for Gadsden County's support in Liberty County's efforts to modify the draft plan of the Forest Service management so as to benefit the citizens of the area around the Forest. Their approach to the Forest management is based on two fundamental principles. They asked the Forest Service to use peer reviewed and published research as the basis for management.

They also asked the Forest Service to consider the people as well as the welfare of the Woodpecker.

Mr. McConnell asked for \$500 and the formal endorsement of their efforts by way of a resolution.

Action was delayed until May 27, 1997 at 6:00 p.m.

FIRE SERVICES

Mr. Oliver Sellars told the Board that the Gadsden County Fire Service Department would like to purchase a used fire engine from the City of Quincy in a continuing effort to upgrade the present equipment. He explained that the truck is in usable condition.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE PURCHASE OF THE USED FIRE TRUCK FROM THE CITY OF QUINCY.

COUNTY MANAGER'S AGENDA

CONTRACTS - Interdepartment Agreement between Gadsden County Cooperative Extension Service and Affordable Housing Partnership

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE EXTENSION OF THE INTERDEPARTMENT AGREEMENT BETWEEN GADSDEN COUNTY AND THE COOPERATIVE EXTENSION SERVICE AND AFFORDABLE HOUSING PARTNERSHIP THROUGH ITS SHIP PROGRAM.

Affordable Housing Gadsden County Local Housing Assistance Plan 1993 - 1996

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 4 - 0 TO APPROVE THE REVISED GADSDEN COUNTY LOCAL HOUSING ASSISTANCE PLAN FOR 1993 - 96.

Affordable Housing - Revised Gadsden County Local Housing Assistance Plan 1996 - 1999

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE REVISED GADSDEN COUNTY LOCAL HOUSING ASSISTANCE PLAN FOR 1996 - 1999.

Subordination of Lien Request

Florida Commerce Federal Credit Union requested a subordination of the County lien for Eva Brown's property located at Rt. 3 Box 5542, Havana, FL.

Mrs. Rosemary Banks, Gadsden County SHIP Coordinator, requested that the Board deny the request.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTE 4 - 0, BY VOICE VOTE, TO DENY THE REQUEST BY FLORIDA COMMERCE FEDERAL CREDIT UNION FOR SUBORDINATION OF THE COUNTY LIEN FOR EVA BROWN'S PROPERTY.

Contracts - Engineering

Mr. McKinnon told the Board that the contracts with the engineers have expired. He informed them that the RFP process will begin right away.

Grants - CDBG Emergency Management Local Mitigation Strategy

Mr. McKinnon told the Board that the Emergency Management Department has received a State grant (\$98,500) to develop a local mitigation strategy. He noted that hearings will be held. He added that the Board of County Commissioners will have no responsibility for the grant.

CONSENT AGENDA

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

- 1) Affordable Housing Partnership Meeting Minutes for February 25, 1997 and March 25, 1997
- 2) Housing Rehabilitation Agreement and Special Assessment Lien forms
- 3) State Housing Initiatives Partnership (SHIP) Agreement and Special Assessment Lien form
- 4) Award of Bid # 97-014 for Petroleum Products to Petroleum Traders of Ft. Wayne, Indiana. Gas - (-.0221) Diesel - (+.0098)
- 5) Fire Safety House - Request for \$200 for the County's participation in the project with Division of Forestry to put together a mobile fire safety house to be taken around to the schools and kindergartens which request

fire safety training for children. The funds are to be taken from the fire services budget.

SENIOR CITIZENS

This item was removed from the agenda and a special meeting was scheduled for May 27, 1997 at 6:00 p.m.

DIANE SHEFFIELD - TALLAVANA HOMEOWNERS ASSOCIATION, INC.

Mrs. Diane Sheffield addressed the Board asking that the County approve Tallavana Subdivision's request to become a bird sanctuary. She stated that the homeowner's association would do all that is required to be a bird sanctuary which includes posting of signs and employing a law enforcement officer to enforce it.

A MOTION WAS MADE BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER ROBERSON TO APPROVE TALLAVANA SUBDIVISION'S EFFORTS TO BECOME A BIRD SANCTUARY.

DISCUSSION FOLLOWED.

Commissioner Dixon asked how becoming a bird sanctuary would affect personal property rights.

Mrs. Sheffield stated that it would prohibit them from shooting wildlife on their property.

Commissioner Dixon then asked how the homeowners association came to vote on the matter.

Mrs. Sheffield stated that no vote was taken, only an opinion poll was taken. She added that a vast majority of the community is in favor of the bird sanctuary.

Commissioner stated that he was very concerned that no vote was taken.

Mr. Richmond stated that the game rules require the following language to be a part of the motion which approves a bird sanctuary:

"The governing body shall by proper resolution or ordinance officially agree to assume responsibility for enforcement of regulation of the commission which apply to the protection of birds and other birds within the sanctuary area."

Secondly he read the following:

"The governing body shall agree to instruct its duly authorized law enforcement personnel to enforce these regulations within the sanctuary area."

It was the consensus of the board to table action on this matter until June 3.

COMMISSIONER WATSON WITHDREW HIS MOTION. COMMISSIONER ROBERSON WITHDREW HER SECOND.

Mrs. Sheffield was asked to provide the Board with some documentation whereby the commissioners can be certain that the majority of the residents support the effort to become a bird sanctuary. (A petition would be acceptable.)

HOSPITAL - REQUEST FOR HOSPITAL EQUIPMENT

This item was removed from the agenda.

COMMUNITY AND ECONOMIC DEVELOPMENT CORPORATION (CEDO) - REQUEST FOR LEASE AGREEMENT ON USE OF SIMON SCOTT BUILDING

This item was removed from the agenda.

CLERK'S AGENDA

Annual Local Government Financial Report

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO AUTHORIZE THE CHAIRMAN TO SIGN THE ANNUAL LOCAL GOVERNMENT FINANCIAL REPORT.

Budget Amendments

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE BUDGET AMENDMENTS 97-05-10-01 THROUGH 97-05-20-05 AND 97-05-20-07.

Ratification of Payment of County Bills

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

DISTRICT 2 REPORT

There was no report.

DISTRICT 3 REPORT

Commissioner Roberson relayed compliments to the Road and Bridge Department from the people who travel McMillan Road in Chattahoochee for the work the County has performed there. She reported that they were very pleased with the work.

DISTRICT 4 REPORT

Commissioner Fletcher was not present at this juncture.

DISTRICT 5 REPORT

Commissioner Dixon announced the birth of a son, Joshua Dixon, born on May 14, 1997.

Commissioner Dixon then called attention to the upcoming annual state convention. He encouraged all of the commissioners to take advantage of the learning opportunities that will be made available at this conference. (Telecommunications, private property, etc.)

While he was able to report that Gadsden County had faired very well during the most recent legislative session, he cautioned that there seems to be a south Florida corridor which is filling up with funds. In order to accomplish that, Legislators are pulling funds from other sources and channeling the money to the south. He cautioned the Board that counties should position themselves to protect themselves from the funneling of money into the south.

DISTRICT 1 REPORT

There was no report.

ADJOURNMENT

THERE BEING NO OTHER BUSINESS, THE MEETING WAS ADJOURNED BY THE CHAIRMAN.

Bill McGill, Chairman

Gadsden County Board of County Commissioners
May 20, 1997 Regular Meeting

ATTEST:

Nicholas Thomas, Clerk

AT A SPECIAL MEETING OF THE BOARD OF
COUNTY COMMISSIONERS, HELD IN AND
FOR GADSDEN COUNTY, FLORIDA ON MAY
27, 1997, THE FOLLOWING PROCEEDINGS
WERE HAD, VIZ.

PRESENT: W.A. (BILL) MCGILL, CHAIRMAN
STERLING WATSON, VICE CHAIRMAN
CAROLYN ROBERSON
E. H. (HENTZ) FLETCHER
EDWARD J. DIXON
HAL RICHMOND, COUNTY ATTORNEY
HOWARD MCKINNON, COUNTY MANAGER
MURIEL STRAUGHN, DEPUTY CLERK

CALL TO ORDER

Chairman McGill called the meeting to order. He then amended the agenda to move Item No. 5 to follow Item No. 2.

SENIOR CITIZENS CENTER

Chairman McGill called attention to a letter from Ms. Millie Forehand, Executive Director of CEDO, requesting the use of the Simon Scott Center for the purpose of administering the services previously provided by the local Gadsden County Senior Citizens Project, Inc. (GCSCP)

The Chairman then stated that the GCSCP has also requested continued use of the facility. He added that the purpose of the called special meeting was to make a decision as to which agency should be allowed to occupy the building as of July 1, 1997.

Commissioner Watson recalled that the lease agreement with GCSCP stipulated that if they lost the funding from the Area Agency for the Aging of North Florida, Inc. (AAANF), they would have to vacate the building. Approval of the lease agreement passed with a unanimous vote of the Board of County Commissioners (BCC).

Chairman McGill noted that the lease agreement stated that if they lost the funding that the BCC "may" ask GCSCP to vacate the building.

Commissioner Fletcher confirmed that the language was "may".

Commissioner Watson called attention to the fact that much of the equipment at the Center will revert back to AAANF if the Board should vote to allow the GCSCP to remain at the facility. He stated that the prudent decision would be to allow CEDO to have use of the building and continue the services uninterrupted at the same site.

Chairman McGill stated that he had been told that the local council would still have the funding from the Medicaid Waiver program and those services would be uninterrupted if the local council is allowed to stay in the building.

Commissioner Watson stated that he had seen no proof from anyone that the GCSCP would be allowed to continue providing the Medicaid waiver program. He stated that it would be foolish to continue the lease without valid documentation that their claim is true.

Chairman McGill answered that he did not necessarily think that it would be foolish.

Commissioner Watson contended that until someone can provide the Board with proof that GCSCP can obtain \$560,000 in funding before July 1, 1997, it would in deed be foolish to allow them to occupy the building. He added that CEDO has proof of the funding, yet no assurance of a facility in which to administer the services which are desperately needed.

Commissioner Watson then reminded the Board that the major concerns in this issue from the beginning have been as follows:

- 1) Continue the services uninterrupted
- 2) Keep the provider of those services within the community.

Chairman McGill suggested that perhaps the two groups (CEDO & GCSCP) could get together and do a joint plan so that there will be no duplication of services and both agencies can survive the transition.

Commissioner Watson asked which program provides meals.

Mr. Keith Dowdell, Executive Director of the Gadsden County Senior Citizens Council, offered a copy of the Medicaid provider number. He stated that it is licensed only to Gadsden County Senior Citizens Center and it cannot be transferred to anyone.

Commissioner Watson asked Mr. Dowdell what services would GCSCP provide with that Medicaid provider number.

Mr. Dowdell answered that it would provide case management, companionship, home delivered meals, homemaking, personal care, respite, adult day health care, care-giving training and support, chores, consumable medical supplies, counseling, emergency alert response, environmental modification, transportation, health support, risk reduction and therapy.

Commissioner Fletcher asked who provides the funds.

Mr. Dowdell answered that the local council provides some of them.

Commissioner Watson stated that the Medicaid number was for the year 1992. He then stated that he understood that the number would be disenrolled as of June 30, 1997.

Mr. Dowdell stated that the number cannot be discontinued. He stated that a re-enrollment package is prepared annually. The last one was done in April, 1997.

Commissioner Watson cautioned the Board to be certain of what the facts.

Commissioner Dixon stated for the record that just because someone does not agree with Commissioner Watson does not make them foolish - only disagreeable.

Commissioner Watson challenged Commissioner Dixon to show him how the \$560,000 would be replaced.

Commissioner Dixon stated that the concerns to which Commissioner Watson eluded to are only his concerns. He then stated that his concern is that there is some kind of conspiracy at the root of this issue. He recalled that it was Commissioner Watson that insisted that the caveat (funding requirement) be inserted into the lease agreement. He stated that he was convinced that the lease was just part of the overall conspiracy plan.

Chairman McGill stated that he felt both agencies could be provided adequate space. He added that he had been told that CEDO could operate from another location. Yet he knew of any other location to which the GCSCP could relocate. He noted that GCSCP would continue to have funding from the Medicaid waiver program.

Commissioner Watson told the Chairman that the Medicaid waiver program comes through the AAANF.

Mr. Dowdell stated that the Medicaid waiver did not come from AAANF.

Commissioner Watson contended that it did.

Mr. Dowdell stated that the GCSCP electronically bills Unisys for the Medicaid waiver from the Center. Unisys in turn makes an electronic transfer to the Quincy State Bank. He was adamant that the AAANF never sees the money.

Commissioner Watson explained that they would not be able to bill after June 30, 1997.

Commissioner Dixon asked Commissioner Watson how he learned that they would no longer be able to bill for the Medicaid waiver services.

Commissioner Watson stated that he had been told by the AAANF staff. He asked Commissioner Dixon to provide proof to the contrary. He asked the Board once again to make absolutely certain that the dollar figures and the statements represented by Mr. Dowdell are correct before they made a decision.

Chairman McGill stated that he was concerned for the provision of the services as well as where they will be rendered. Without a facility, the services cannot be delivered. He stated that he had hoped to come to a peaceful resolution of the matter.

Commissioner Watson stated that Ms. Forehand asked for use of the building so that her agency can provide the services. Again, he emphasized that the most prudent thing to do would be to allow the agency who has the funding (CEDO) to have the building.

Chairman McGill asked Ms. Forehand if she had a Medicaid provider number to which she answered "yes."

Ms. Forehand stated that she had been assured that the Medicaid waiver application has to go through the AAANF. She also stated she had been told that the current provider number would be disenrolled as of June 30, 1997.

Mr. Dowdell provided the Board with a copy of the enrollment application. He challenged them to find where it stated that it would go through the AAANF.

Commissioner Watson stated that the dollars for Medicaid waiver must come through the AAANF regardless of from where the provider number is issued.

Commissioner Dixon stated the GCSCP has an administrative hearing scheduled for some time in June. At that hearing the validity of the GCSCP v. the AAANF claim will be determined. He then asked that a decision on the lease agreement be tabled until after that hearing.

A MOTION WAS MADE BY COMMISSIONER DIXON TO TABLE A DECISION ON THE LEASE AGREEMENT FOR THE SIMON SCOTT BUILDING UNTIL SUCH TIME AS THE HEARING OFFICER CAN ISSUE A RULING ON THE MATTER SET FOR AN ADMINISTRATIVE HEARING BETWEEN GCSCP AND AAANF.

Commissioner Watson then asked that the Board consider CEDO's position in the matter.

Commissioner Dixon stated that CEDO has walked into a position that perhaps is untenable. While he had empathy for them, he was more concerned about the unfairness it would bring to the GCSCP. Additionally he stated that no one has proven to the Board that the Senior Citizens Council did not do the job that they were supposed to do. In that vein, he asked that the Board do everything possible to help them fight their case.

THE MOTION WAS SECONDED BY COMMISSIONER FLETCHER.

QUESTION WAS CALLED BY COMMISSIONER FLETCHER.

QUESTION WAS WITHDRAWN BY COMMISSIONER FLETCHER.

Ms. Millie Forehand, Executive Director of CEDO, asked to make comments. She stated that it seems obvious to her that CEDO does not have the support of the Board of County Commissioners in terms of providing the services to the seniors of the County. She stated that her agency was asked to fill a void and that is all her agency has attempted to do. She emphasized that CEDO had not caused the detriment or the demise of the Senior Citizens Council.

Ms. Forehand stated that the situation is confusing enough for the recipients and that her only interest is seeing that the services continue. Having to relocate to another site would only add to the seniors' confusion. They are accustomed to receiving their services at that location. She implored the Board to support the providers of those services regardless of whom that happens to be.

Ms. Forehand stated that rather than cause disruption, she would tell Area Agency that CEDO is not willing to jeopardize their reputation in the County for this kind of dissention. CEDO is not willing to jeopardize the services of the seniors for the power struggle of someone else. She then said to the Board, that if they are not willing to support the provider with the building, she would not expect to get their support anywhere else.

Commissioner Dixon assured Ms. Forehand that she and CEDO were not a party to the fight. He explained to her that he had made some observations which have not set well with him. If CEDO happened to be the current provider, he would defend them in the same manner.

Ms. Forehand stated that if CEDO had the current contract, she would not expect the Board of County Commissioners to fight their

fight. The Board has a responsibility to do county commission work, not to do that of the Senior Citizen's Center. She then said that she is trying to disassociate herself with anything other than the fact that CEDO has until June 15 to prepare to take over the by July 1. Another delay would put her into the position of a major crunch time which will affect a smooth transition.

THE BOARD VOTED 3 - 2 IN FAVOR OF THE MOTION TO TABLE. COMMISSIONERS WATSON AND ROBERSON CAST THE DISSENTING VOTES.

Commissioner Fletcher left at this juncture of the meeting.

BIG BEND JOBS AND EDUCATION COUNCIL'S WORK AND GAIN ECONOMIC SELF-SUFFICIENCY (WAGES) AND IMPLEMENTATION PLAN

Mr. Wyatt Pope, WAGES Consultant for Tallahassee Community College and a Wakulla County Commissioner, was present to brief the Board of the WAGES Implementation Plan. He went over the program vision plan and the draft WAGES implementation Plan.

He then presented the Board with the draft of the WAGES Implementation Plan and reviewed how the process is expected to work. (Attached)

No proposal was made nor action taken.

RESOLUTION - PROPOSED REVISION OF LAND AND RESOURCE MANAGEMENT PLAN FOR FORESTS

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO ADOPT THE RESOLUTION AS DESCRIBED ABOVE.

CONTINGENCY FUND

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE PAYMENT OF \$500 TO LIBERTY COUNTY TO SUPPORT THEIR EFFORTS TO REVISE THE LAND AND RESOURCE MANAGEMENT PLAN FOR FORESTS.

FY 97-98 CHILD SUPPORT ENFORCEMENT CONTRACT FOR SERVICE OF PROCESS WITH SHERIFF BZF54

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 4 - 0, BY VOICE VOTE TO APPROVE THE CONTRACT NO. BZF54 FOR CHILD SUPPORT ENFORCEMENT PROCESS SERVICE.

Gadsden County Board of County Commissioners
May 27, 1997 Special Meeting

ADJOURNMENT

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

BILL MCGILL, CHAIRMAN

ATTEST:

NICHOLAS THOMAS, CLERK

AT A REGULAR MEETING OF THE BOARD OF
COUNTY COMMISSIONERS, HELD IN AND
FOR GADSDEN COUNTY, FLORIDA ON JUNE
3, 1997, THE FOLLOWING PROCEEDINGS
WERE HAD, VIZ.

PRESENT: W.A. (BILL) MCGILL, CHAIRMAN
STERLING WATSON, VICE CHAIRMAN
CAROLYN ROBERSON
E. H. (HENTZ) FLETCHER
EDWARD J. DIXON
NICHOLAS THOMAS, CLERK
JIM RICHMOND FOR HAL RICHMOND, COUNTY ATTORNEY
HOWARD MCKINNON, COUNTY MANAGER

CALL TO ORDER

Chairman McGill called the meeting to order. Clerk Nicholas Thomas led in pledging allegiance to the U.S. Flag and Commissioner Watson led in prayer.

ADOPTION OF AGENDA

Chairman McGill amended the agenda to add the following:

- 1) Mrs. Dian Sheffield of the Tallavana Homeowners Association - Request to have their subdivision established as a bird sanctuary
- 2) County Manager's Agenda - Approval of two amended resolutions for the Local Housing Assistance Plan

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

APPROVAL OF MINUTES

May 20, 1997

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE MINUTES OF MAY 20, 1997.

COUNTY ATTORNEY

Lawsuits - Cooksey V. Gadsden County (Gadsden County Circuit Civil Case No. 96-1139-CAA)

Mr. Jim Richmond told the Board that a hearing was held on the Cooksey V. Gadsden County. He added that he expected to have a ruling from Judge Sanders Sauls within the next two weeks.

Lawsuits - Old School Lounge (Gadsden County Circuit Civil Case No. 97-337-CAA & 97-595-CAA)

Mr. Jim Richmond reported that the County has been served with legal papers regarding the Board's decision on the Old School Lounge. He stated that he had filed a motion to dismiss in that case.

Resolution - Mrs. Aubrey Ryals

Mr. Richmond presented a Resolution commending Mrs. Audrey Ryals for 30 years of service in the public health profession. Mrs. Ryals is retiring.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD ADOPTED A RESOLUTION COMMENDING MRS. AUDREY RYALS FOR 30 YEARS OF SERVICE IN THE PUBLIC HEALTH SERVICE.

Tallavana Home Owners Association Request to Become Bird Sanctuary

Mrs. Dian Sheffield presented the Board with petitions from the home owners of the Lake Tallavana Subdivision expressing their desire to become a bird sanctuary.

Commissioner Dixon reported that he had been contacted by a number of people from the subdivision who supported this effort.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0 IN FAVOR OF ALLOWING THE LAKE TALLAVANA SUBDIVISION TO BECOME ESTABLISHED AS A BIRD SANCTUARY.

GUN BUY-BACK PROGRAM

Chairman McGill called for Ms. Phyllis Harris Williams to address the Board on the gun buy-back program. She was not present.

COUNTY MANAGER'S AGENDA

Committee Appointments - State Housing Initiative Partnership (SHIP)

Mr. Howard McKinnon told the Board that they would be requested to make their appointments to the SHIP Partnership and

SHIP Advisory Committees on July 15, 1997. The Advisory Committee is composed of 9 people. The Partnership Committee is composed of 15 people.

Commissioner Dixon asked if any of the current members could be re-appointed. Mrs. Rosemary Banks, SHIP Administrator, confirmed that some of the present members would like to continue to serve.

Request from Tallavana Homeowners Association to allow Sheriff to Patrol the Streets for Speeding Violators

Mr. McKinnon reported that he received a request from the Lake Tallavana Homeowners Association to allow the Sheriff's deputies to patrol their streets periodically. (This request was made because of a problem they are experiencing with speed violators.) Mr. McKinnon reported that he had contacted the Sheriff regarding the request. Sheriff Woodham agreed to patrol the area if the County will grant him the authority.

Commissioner Dixon expressed some concern about liabilities resulting from granting such authority to the Sheriff. He also expressed concern that he would not want this action to imply to that the Sheriff would become a public/private security force for a private neighborhood.

Mrs. Dian Sheffield stated that the home owners are asking that the Sheriff's patrol cars be visible once or twice a week. The very presence of a patrol car would deter many violators.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO GRANT THE SHERIFF'S DEPARTMENT THE AUTHORITY TO PATROL THE STREETS IN THE LAKE TALLAVANA SUBDIVISION.

Request from Morningstar Church to Relocate Road

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO TABLE DISCUSSION ON THE ABOVE STATED ISSUE.

Resolution - Local Housing Assistance Plan

Mr. McKinnon explained that the Board had previously approved two resolutions adopting the Local Housing Assistance Plan for 95/96 and 96/97. The resolutions (as they were adopted) did not contain appropriate language to evidence that the plans were amended plans. Since then, the correct language has been added and he asked for the Board's approval of the resolutions.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE AMENDED HOUSING ASSISTANCE PLANS AS PRESENTED.

CONSENT AGENDA

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

- 1) Enchanted Forest Minor Subdivision Plat approval
- 2) Landfill Financial Assurance Compliance for Chattahoochee Landfill (GMS 1020C00002) and Gadsden East Landfill (GMS 1020C70012) - for the record
- 3) Waiver of county permit and inspection fees (\$1,653.85) for Salem AME Church - Church burned after having been struck by lightning creating a hardship on the congregation.

CLERK'S AGENDA

Application for State Revenue Sharing

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO AUTHORIZE THE CHAIRMAN TO SIGN THE STATE REVENUE SHARING APPLICATION.

Budget Amendments

Clerk Thomas called attention to an error which appeared on the budget amendments. The date should read June 3, 1997 rather than March 18. He then explained each amendment.

Commissioner Dixon asked the Clerk how much money he would expect the County to spend in conflict attorney fees for FY96/97.

The Clerk responded that he would expect the cost to run somewhat over \$100,000.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE BUDGET AMENDMENTS 97-06-03-01 THROUGH 97-06-03-04.

Ratification of the 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

Chairman McGill called for public comments. There was no response.

DISTRICT 2 REPORT

Commissioner Watson asked to discuss the lease agreement with the Gadsden County Senior Citizens Project, Inc. (GCSCP) for the use of the Simon Scott Building. He suggested that some of the information presented by the GCSCP staff was not accurate. He then stated that he would like for the Board to meet again within the next few days because he did not want the Board's decision to be based upon incorrect information.

Commissioner Watson asked if any of the Board members had learned anything new that could cause the Board to revisit the issue. He reasoned that if GCSCP should not prevail at the June 25 administrative hearing, the services to the clients are in real jeopardy.

Commissioner Dixon stated that he did not object to a special meeting.

Chairman McGill reported that he had learned that GCSCP would not be able to keep their medicaid provider number beyond June 30, 1997.

Commissioner Watson called attention to the GCSCP claim that they expect to become a Medicare HMO. He suggested that their claim cannot be realistic - especially in the time frame which they have described.

Commissioner Roberson stated that her only concern is to see to it that the seniors' services are not disrupted. She remarked that some of those clients depend on the delivered meals as being the only way they have to eat. They also depend on the companions and the housekeeping services which are rendered.

Chairman McGill stated that he understood that there is a great deal of equipment which belongs to Area Agency on Aging of North Florida (AAANF). If CEDO is forced to locate to an alternate site, they will remove the equipment from the Simon Scott Building.

Commissioner Fletcher stated that it could be that allowing CEDO to have the building would be not necessarily be what is best for the seniors, but what is best for Jim Drake.

Commissioner Watson reminded the Board that AAANF has made a decision about the contract for the Older American Programs. Mr. Drake's agency has the money for those programs. He reiterated that the building is of no value to Gadsden County without the money to operate the services.

Commissioner Dixon stated that he had not been provided any of the information that Commissioner Watson and Chairman McGill seem to have. He stated that his position will remain unchanged until he receives written information to the contrary. He continued by saying if and when sufficient information is provided to him that will make him change his mind, he will ask the Chairman to call a special meeting. He then stated that he would welcome any written information that comes from an independent objective body.

After further discussion, it was the consensus of the Board to call a special meeting for Monday, June 9, 1997.

DISTRICT 3 REPORT

Commissioner Roberson complimented the Public Works Department for the work they are accomplishing.

DISTRICT 4 REPORT

Commissioner Fletcher had no report.

DISTRICT 5 REPORT

Commissioner Dixon stated that he did not agree with Commissioner Watson on the Senior Citizens Center issue.

He then encouraged the Board to attend the Florida Association of Counties Conference.

DISTRICT 1 REPORT

Chairman McGill had no report.

ADJOURNMENT

**UPON MOTION BY COMMISSIONER FLETCHER, THE MEETING WAS
ADJOURNED BY CHAIRMAN MCGILL.**

MEETING RECONVENED

Chairman McGill reconvened the meeting. He recognized Kent Carroll, Department of Juvenile Justice. Mr. Carroll addressed

the Board requesting funds for the gun buy-back program for Gadsden County. He emphasized that the program will include other activities as well to raise the awareness in the community.

There was a brief discussion regarding the effectiveness of the buy back program.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 4 - 1, BY VOICE VOTE, TO FUND THE GUN BUY-BACK PROGRAM \$1,000. COMMISSIONER WATSON CAST THE LONE DISSENTING VOTE.

ADJOURNMENT

There being no other business, Chairman McGill adjourned the meeting.

BILL MCGILL, CHAIRMAN

ATTEST:

NICHOLAS THOMAS, CLERK

AT A SPECIAL MEETING OF THE BOARD OF
COUNTY COMMISSIONERS, HELD IN AND
FOR GADSDEN COUNTY, FLORIDA ON JUNE
9, 1997, THE FOLLOWING PROCEEDINGS
WERE HAD, VIZ.

PRESENT: W.A. (BILL) MCGILL, CHAIRMAN
STERLING WATSON, VICE CHAIRMAN
CAROLYN ROBERSON
E. H. (HENTZ) FLETCHER
EDWARD J. DIXON
JIM RICHMOND, FOR HAL RICHMOND, COUNTY ATTORNEY
HOWARD MCKINNON, COUNTY MANAGER
MURIEL STRAUGHN, DEPUTY CLERK

CALL TO ORDER

Chairman McGill called the meeting to order. He stated the purpose of the special meeting was to reach a decision regarding who should be allowed to occupy the Simon Scott Center. He explained that Gadsden County Senior Citizens Project, Inc. (GCSCP) currently has the lease on the building but they have lost the funding from Area Agency on Aging of North Florida (AAANF) to provide services to the senior citizens in the County.

On the other hand, the Community Education Development Corporation (CEDO) does have the funding from AAANF and they have requested the use of the Simon Scott building from which they would administer the programs.

Mrs. Willie Ruth Williams, Chairperson of the GCSCP Board of Directors reminded the Commissioners they had entered into a contract with the GCSCP for the use of the Simon Scott Center. She pointed out Item 4 in the agreement which states "This agreement shall take effect upon execution of this agreement and shall remain in effect for a period of three years thereafter and may be renewed for successive one year periods after the initial three year period provided that however, that either party may terminate this agreement at any time by giving 60 days written notice of such desire to terminate to the other party. Either party may terminate this agreement upon 30 days written notice in the event that the Council loses its funding from the Area Agency on Aging of North Florida, Inc." (AAANF)

Mrs. Williams recalled that the lease was drawn up by the BCC attorney and the GCSCP agreed to it in good faith. She acknowledged that the GCSCP had lost the AAANF funding, but, asked the Board to delay giving the council written notice of termination until after the administrative hearing with the Department of Elder Affairs on June 25, 1997.

There was discussion among the commissioners.

The following people were recognized for comments:

Millie Forehand, Executive Director of CEDO
Ms. Leola Francis
Ms. Inez Holt

There was further discussion among the commissioners.

A MOTION WAS MADE BY COMMISSIONER WATSON TO ALLOW CEDO TO OCCUPY THE SIMON SCOTT BUILDING AND NOTIFY THE GCSCP AS SOON AS POSSIBLE THAT THEIR LEASE WOULD BE TERMINATED ACCORDING TO THE TERMS OF THE CONTRACT.

COMMISSIONER ROBERSON SECONDED THE MOTION.

THE MOTION FAILED BY A VOTE OF 2 - 3. COMMISSIONERS WATSON AND ROBERSON VOTED IN FAVOR OF THE MOTION. COMMISSIONERS DIXON, FLETCHER AND MCGILL OPPOSED IT.

ADJOURNMENT

THERE BEING NO OTHER BUSINESS BEFORE THE BOARD, THE CHAIRMAN DECLARED THE MEETING ADJOURNED.

BILL MCGILL, CHAIRMAN

ATTEST:

NICHOLAS THOMAS, CLERK

AT A REGULAR MEETING OF THE BOARD OF
COUNTY COMMISSIONERS, HELD IN AND
FOR GADSDEN COUNTY, FLORIDA ON JUNE
17, 1997, THE FOLLOWING PROCEEDINGS
WERE HAD, VIZ.

PRESENT: W.A. (BILL) MCGILL, CHAIRMAN
CAROLYN ROBERSON
E. H. (HENTZ) FLETCHER
EDWARD J. DIXON
NICHOLAS THOMAS, CLERK
HAL RICHMOND, COUNTY ATTORNEY
HOWARD MCKINNON, COUNTY MANAGER

ABSENT: STERLING WATSON, VICE CHAIRMAN

CALL TO ORDER

Chairman McGill called the meeting to order. Commissioner Roberson led in pledging allegiance to the U.S. Flag and Management Services Director Arthur Lawson led in prayer.

ADOPTION OF AGENDA

Addition:

Item 14: Tax Collector's Errors and Insolvencies Report for
Tax Year

Deletion:

Item 4: Resolution for the Tallavanna Bird Sanctuary

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

APPROVAL OF MINUTES

May 27, 1997 Special Meeting

June 3, 1997 Regular Meeting

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER
ROBERSON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE
MINUTES OF THE ABOVE STATED MEETINGS.

COUNTY ATTORNEY

Resolution - Tallavanna Bird Sanctuary

This item was pulled from the agenda pending further review by Sheriff Woodham.

Workshop for Quasi Judicial Proceedings

There was a consensus of the Board to meet on July 15, 1997 at 5:00 p.m. to hold a workshop for the purpose of reviewing the proper procedures for conducting quasi judicial proceedings.

**PUBLIC HEARING - GRANTS - COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)
95DB-65-02-30-01-H22**

Mr. Fred Fox, consultant for Gadsden County CDBG Housing Project, announced the opening of a public hearing. He stated the purpose of the public hearing was to amend the Shiloh Community housing rehabilitation project to reflect that three (3) of the homes which were in the original application were found to be beyond repair and must be replaced. The proposed amendment will allow for two (2) new line items in the project's budget - one for demolition of \$7,500 and the other for permanent re-location in the amount of \$105,000 (\$35,000 per house). (The State requires a public hearing for the purpose of approving the amendment.)

Chairman McGill asked for comments from the public.

Mrs. Idella Barnes, representing the Citizens Participation Committee for the Shiloh project, addressed the Board. She stated that their committee had met on June 16, 1997 and voted to recommend approval of the amendment to the Board of County Commissioners.

Chairman McGill asked if there was anyone present who was opposed to the amendment. There was no response.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE AMENDMENT # 5 TO THE CDBG PROJECT FOR THE SHILOH COMMUNITY. (95DB-65-02-30-01-H22)

Revision of the CDBG 95DB-65-02-30-01-H22 Antidisplacement and Relocation Plan

Mr. Fox then asked the Board to approve changes to the replacement guidelines of the grant to reflect current replacement costs for a home. The proposed change would increase the cost of a

home replacement from \$28,000 to \$35,000.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO AMEND THE GUIDELINES OF THE ANTIDISPLACEMENT AND RELOCATION PLAN OF THE CDBG GRANT 95DB-65-02-30-01-H22 AS DESCRIBED ABOVE.

FLORIDA ASSOCIATION OF COUNTIES (FAC) - LEGISLATIVE UPDATE

Ms. Vivian Zaricki, Executive Director of the FAC, was present to inform the Board of the results of the most recent legislative session which affect Gadsden County. She highlighted the Article V funding, Florida Constitution Revision plans and the FAC Conference.

Mr. John Wayne Smith, FAC Lobbyist for finance and tax issues, appropriation issues and small county issues reported that Gadsden County:

- 1) will receive \$350,000 for Courthouse restoration;
- 2) could become certified to receive an increased amount of the diesel fuel taxes;
- 3) will receive a grant for the Comprehensive Plan Evaluation and Appraisal Report (EAR).

Mr. Smith added that the City of Gretna will receive \$900,000 for their waste water facility.

Mr. Smith pointed out one issue which did not pass - the change in the definition of "small county." He explained that traditionally a small county has been defined as one with a population of less than 50,000. Gadsden County is now encroaching on that figure. FAC has an on-going effort to increase that population figure to 75,000. Gadsden County stands to loose \$1 million if the effort is not successful. (\$600,000 in revenue sharing plus other grants available to small counties)

Jim Parrish, Project Manager for the Small Counties Technical Assistance Program, was present but offered no comments.

Commissioner Dixon pointed out that the FAC, Small Counties Technical Assistance Program and the Counties Foundation will receive an increase in funds to assist small counties with issues which are specific to them. He praised them for their contributions to small counties.

HOSPITAL RENOVATION UPDATE

Mr. Mike Boeke, engineer for Kunde, Sprecher & Associates, addressed the Board regarding the renovation of the Gadsden Community Hospital. He reported that unanticipated problems were discovered upon uncovering the old roofing of the hospital. He offered pictures of the roof as a evidence of the problems. He then stated that a change order in the amount of \$52,118+ would be forthcoming for the repairs as described in the attached report.

Mr. Boeke noted that the total construction project is approximately 30% complete. The entire hospital should be dried in by Tuesday, June 24, 1997.

Mr. McKinnon reported that he and Mr. Frank Ritter had inspected the problem areas as presented by Mr. Boeke and concurred with his findings.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTE 3 - 0, BY VOICE VOTE TO APPROVE CHANGE ORDER NO. 1 (ITEMS 1 - 4 OF ATTACHMENT A - \$52,118; PLUS ITEMS 5 - \$7.05 PER SQUARE FOOT FOR REMOVAL AND REPLACEMENT OF DAMAGED LIGHTWEIGHT CONCRETE; PLUS ITEM 6 - \$2.50 PER LINEAR FOOT TO INSTALL GUTTER SYSTEM) COMMISSIONER FLETCHER DID NOT VOTE. SEE THE ATTACHED CONFLICT OF INTEREST FORM.

Phase II Renovations

Mr. Boeke then addressed the Phase II study elements. They will be addressed after the roof is completed. (See attached report.) He noted that the Phase II report should be ready for Board approval by July 15, 1997.

INDUSTRIAL DEVELOPMENT

Mr. Rick McCaskill reported to the Board on the economic activities going on in the County. (See attached report)

Chairman McGill questioned Mr. McCaskill regarding whether any banking companies had expressed interest in opening a branch office at the I-10 and US 90 interchange. Mr. McCaskill responded by saying that he understood several banks will consider opening a branch office when and if an office complex is developed.

Chairman McGill then asked if any progress has been made with regard to Talquin Electric's interest in placing a water tower in the Midway area.

Mr. McCaskill answered that he expected to meet with Talquin on June 18 and he would discuss the matter with them.

SENIOR CITIZENS CENTER

Chairman McGill stated for the record that he had received a letter from the Area Agency on Aging of North Florida, Inc. (AAANF) informing the Board of County Commissioners that AAANF had decided to award the contracts for services for the senior citizens' programs to the Gadsden County Senior Citizens Project, Inc. This action came about after the Community Economic Development Organization (CEDO) withdrew their application to provide the services for the Center.

GRANTS

FY 97-98 Solid Waste Recycling and Education Grant Application

FY 97-98 Small County Solid Waste Grant Application

FY 97-98 Solid Waste Tire Grant Application

FY 97-98 Litter Control and Prevention Grant Application

Mr. Herb Chancey presented the above listed applications for the Board's approval.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 3 - 0, BY VOICE VOTE TO APPROVE THE GRANT APPLICATIONS AS LISTED ABOVE. COMMISSIONER FLETCHER WAS NOT PRESENT FOR THIS VOTE.

COUNTY MANAGER'S AGENDA

Grants - 1997 Housing Opportunities for Persons with Aids (HOPWA)

1997 Youth Build Program Grant

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 3 - 0, BY VOICE VOTE, TO AUTHORIZE THE CHAIRMAN TO SIGN THE APPLICATIONS FOR THE ABOVE LISTED GRANTS. COMMISSIONER FLETCHER WAS NOT PRESENT FOR THIS VOTE.

Morning Star Church - Request for the County to Relocate Road

Mr. McKinnon reported that he had received a request from Morning Star Church to relocate a portion of Church Street (which runs next to the church building) to the outer edge of their property. Then, they wish for the County to abandon the portion that runs beside their church.

The following facts were determined:

- 1) The current road has no dedicated right of way but the county has maintained it for at least 20 years.
- 2) The proposed road would not align exactly with the existing road of the east side of the railroad.
- 3) The proposed road would require at least a 60 ft. right of way.
- 4) The church does not feel that a 60 ft. right of way would leave them sufficient property to do the expansion they would like to do.
- 5) If the County should agree to pay for this road to benefit a private organization, a precedent will be set and it will have ongoing implications.
- 6) The church still does not have the deed to the property even though the current owners (Hardaways) have agreed to give the land to the church.

UPON MOTION BY COMMISSIONER ROBERSON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 4 - 0, BY VOICE VOTE TO TABLE THE ISSUE OF THE MORNING STAR CHURCH ROAD RELOCATION REQUEST.

CONSENT AGENDA

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

- 1) Grants - Commodity Contract Amendment - reduction from \$7,867.60 to \$5,867.60. Program No. 94014; Contract No. 3568.
- 2) Grants - Emergency Management CDBG - for the development of Hazard Identification, vulnerability, assessment and local mitigation strategies. Requires no County match. Contract No. 97DB-1E-02-30-01-Y04
- 3) Memorandum of Understanding between Florida Game and Fresh Water Fish Commission and Gadsden County Board of County Commissioners for boating access improvements located at High Bluff Landing (L-12-WB) in Gadsden County at Lake Talquin
- 4) Re-Appointment of Mr. Jerry Owens to the Quincy-Gadsden Airport Authority retroactive to June 7, 1997.
- 5) Authorization to transfer surplus telephone equipment from the jail to the Gadsden Community Hospital

- 6) **Resolution - EMS Write-off of Bad Debts totaling \$30,703.10.**
- 7) **Designation of County Manager Howard McKinnon and Clerk Nicholas Thomas as being the authorized signatures to submit payment requests for CDBG Grant 95-DB-65-02-30-01-H22.**
- 8) **Waiver of Permit Fees for home being built by the Habitat for Humanity for needy family.**
- 9) **Addendum to Cooperative Agreement between the Department of Agriculture and Consumer Services, Division of Forestry and Gadsden County. (From 243,330 acres for \$7,299.90 to 231,411 for \$6,942.33)**

REQUEST FOR TRANSPORTATION COST - CHILDREN ARE OUR FUTURE

Ms. Sherrie Taylor addressed the Board explaining that "Children Are Our Future" has held a summer camp for "at risk" children for the last four years. The camp offers reading and other academics, intervention and prevention programs, as well as conflict resolution. The camp operates from 7:00 a.m. until 5:00 p.m. She informed the Board that only one week before the camp started this year, she learned that medicaid would not fund the Big Bend Transportation costs for the children who are housed with "Children Are Our Future" by HRS. The summer camp program did not have transportation costs budgeted. She stated that there are some children in the rural areas who are not able to participate in the summer camp because of the lack of transportation. She then told the Board that some children are being transported by employees in their private cars. The program currently is serving only 1/2 of the children due to the financial constraints. She asked the Commission to assist the program with funds so that the children can be transported to the camp.

Chairman McGill asked who was liable for the children who are being transported by private automobiles.

Ms. Taylor answered by saying that the individual who is transporting the child is liable.

Commissioner Fletcher asked Ms. Taylor what she would need in order to get Big Bend to transport the children.

Ms. Taylor answered by saying that she would need to be able to pay them for the services.

Commissioner Fletcher asked how much the Big Bend Transit

would cost.

Ms. Taylor stated that it would cost approximately \$2,500.

Commissioner Dixon stated that if the County became the sponsor of the transportation, it would cost much less.

Ms. Taylor stated that in the past, Big Bend has offered their services at the sponsored price. She added that \$2,500 would take care of the cost at the sponsored rate.

Commissioner Dixon stated that he had no problem with the transportation issue noting that he would prefer to do it with Big Bend at the County sponsored rate.

COMMISSIONER DIXON MADE A MOTION TO PAY THE TRANSPORTATION COSTS OF UP TO \$2,500 OR THE BEST SPONSORED RATE WHICH THE COUNTY CAN PROVIDE - EITHER WITH BIG BEND OR SOME OTHER PROVIDER WHICHEVER IS LESS. THE MOTION FURTHER STATED THAT THE MONEY SHOULD BE TAKEN FROM THE GENERAL FUND CONTINGENCY.

THE MOTION WAS SECONDED BY COMMISSIONER FLETCHER. THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE ABOVE MOTION.

Ms. Taylor asked that someone explain the motion to her. It was suggested that she get in touch with the County Manager and he would explain what the County had agreed to do.

SHARON MOULTRY - REQUEST FOR VARIANCE OR CONDITIONAL DEVELOPMENT ORDER for Jam-a-Lot Lounge

Ms. Moultry told the Board that she is trying to purchase another individual's 7COP license for her business. She explained that she currently has a 2COP license. During the application process, she had been informed by Growth Management Director Michael Sherman that she would be required to do make site improvements for the upgrade to a 7COP license. She further explained that she has only 3 weeks in which to purchase the 7COP license and cannot comply with all of the requirements. She requested a variance from the requirement to provide 13 off-street parking spaces and one handicapped space or a conditional development order that would allow her to proceed with getting her license upgraded to a 7COP license.

Mr. Sherman told the Board that Ms. Moultry had requested him to sign a 7COP license which is liquor and package store. The establishment is an urban service area which is a commercial district which allows for these type uses. It is a Class I and Type I review, meaning that it all comes through the P & Z staff

for approval. The Land Development Code requires off-street parking. The parking calculations require 14 parking spaces, one of which should be handicapped space. The Land Development code requires that parking lots either be paved or have some alternative to paving which provides for storm water management. The County Planning staff has the ability to require either a paved parking lot or some other stabilized material.

Mr. Sherman then explained that Ms. Moultry has the right to appeal the P & Z staff's decision. She also the right to request a variance from the minimum standards of the code. However, the process of that appeal should begin with the Planning Commission.

Commissioner Fletcher asked why the matter was on the agenda for this meeting.

Mr. Sherman explained that Ms. Moultry had requested it to be placed on the agenda.

Ms. Moultry interjected that Mr. Sherman had not advised her of the things he had stated at this meeting. In fact, Ms. Moultry said that Mr. Sherman had told her that he was not responsible to tell her of the County Codes.

Mr. Sherman replied that he could not show petitioners every single thing that pertains to them.

Commissioner Dixon told Mr. Sherman that he, himself, could not understand everything in the county codes. The average citizen certainly could not be expected to interpret them. He suggested that if the Planning Department needs additional staff in order to properly serve the public in this regard, then he should ask for more staff.

Commissioner Dixon stated that the County must provide a more simple process to the public so that they can understand the P & Z codes.

A MOTION WAS MADE BY COMMISSIONER DIXON AND SECONDED BY COMMISSIONER FLETCHER TO REMAND THE MATTER BACK TO THE PLANNING COMMISSION.

DISCUSSION FOLLOWED.

Ms. Moultry explained that she was under a strict time constraint in which she can purchase the 7COP license. Mr. Patel has held the license for her since March and she must do something within 3 weeks.

THE MOTION WAS AMENDED BY COMMISSIONER DIXON TO APPROVE THE 7COP LICENSE CONDITIONAL UPON MS. MOULTRY GOING BACK THROUGH THE APPEAL PROCESS AND THIS BOARD EITHER GRANTING HER A VARIANCE OR THAT SHE MEETS ALL THE REQUIREMENTS OF THE PLANNING AND ZONING PROCESS.

THE BOARD VOTED 4 - 0, BY VOICE VOTE, IN FAVOR OF THE MOTION.

CLERK'S AGENDA

Tax Collectors of Error & Insolvencies

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE ERRORS AND INSOLVENCIES REPORT SUBMITTED BY THE TAX COLLECTOR, DALE SUMMERFORD.

Application to DOR for Tier 2 Qualification for Distribution of Local Option Diesel Fuel Taxes - For the Record (Attached)

Clerk Thomas called attention to the application process for the distribution of diesel fuel taxes. He stated that Mr. McCaskill had obtained all the required information from Flying J for the County to complete the application. The County is eligible because it has a new pumping site which was built after June 30 and that site pumps more than 50% of the diesel of the entire County. The application was submitted on this agenda for record purposes only.

Budget Amendments 97-06-17-01 through 97-06-17-06

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE BUDGET AMENDMENTS LISTED ABOVE.

Ratification of the Payment of County Bills

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

PUBLIC COMMENTS

Chairman McGill offered the public an opportunity to speak to any issues. There was no response.

DISTRICT 2 REPORT

Commissioner Watson was excused from this meeting.

DISTRICT 3 REPORT

Commissioner Roberson announced that her next public meeting in her district will be June 26.

Commissioner Dixon reminded her of the FAC Conference which will be during that time.

DISTRICT 4 REPORT

There was no report.

DISTRICT 5 REPORT

Commissioner Dixon focused his remarks on the upcoming FAC Conference. He encouraged all members to attend.

DISTRICT 1 REPORT

Chairman McGill recalled that some months ago, he had expressed a desire to involve the citizens in ways which the County can improve the roads. He suggested a "Better Road Committee" comprised of appointments from each district of the County. He noted that he hoped to have some type of concept to present to the Board in July.

ADJOURNMENT

**THERE BEING NO OTHER BUSINESS BEFORE THE BOARD, THE CHAIRMAN
ADJOURNED THE MEETING.**

BILL MCGILL, CHAIRMAN

ATTEST:

NICHOLAS THOMAS, CLERK

AT A REGULAR MEETING OF THE BOARD OF
COUNTY COMMISSIONERS, HELD IN AND FOR
GADSDEN COUNTY, FLORIDA ON JULY 1, 1997,
THE FOLLOWING PROCEEDINGS WERE HAD, VIZ.

PRESENT: W.A. (BILL) MCGILL, CHAIRMAN
STERLING WATSON, VICE CHAIRMAN
CAROLYN ROBERSON
E. H. (HENTZ) FLETCHER (arrived late)
EDWARD J. DIXON (arrived late)
NICHOLAS THOMAS, CLERK
HAL RICHMOND, COUNTY ATTORNEY
HOWARD MCKINNON, COUNTY MANAGER

CALL TO ORDER

Chairman McGill called the meeting to order. County Attorney Hal Richmond led in pledging allegiance to the U.S. Flag and County Manager Howard McKinnon led in a prayer.

ADOPTION OF AGENDA

The Chairman asked that the agenda be amended to move the Ratification of the TDS Lease Agreement for Public Works (Item 8A) to the Consent Agenda (Item 7.)

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 3 - 0, BY VOICE VOTE, TO AMEND THE AGENDA AS STATED ABOVE. (COMMISSIONERS DIXON AND FLETCHER WERE NOT PRESENT FOR THIS VOTE.)

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 3 - 0, BY VOICE VOTE, TO APPROVE THE AGENDA AS AMENDED. (COMMISSIONERS DIXON AND FLETCHER WERE NOT PRESENT FOR THIS VOTE.)

APPROVAL OF MINUTES

June 17, 1997 Regular Meeting

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 3 - 0, BY VOICE VOTE, TO APPROVE THE MINUTES OF JUNE 17, 1997 REGULAR MEETING.

COUNTY ATTORNEY

Richbay Road Project

County Attorney Hal Richmond called attention to a letter dated May 30, 1997 from William Bishop Engineers to County Manager Howard McKinnon. The letter stated that repairs to the newly paved Richbay Road project have been completed. (These repairs were necessitated because of a lack of compaction around the Talquin water line at a deep level under the road. The soils in the area of the water line also contained plastic material from a lower level which was mixed with the upper materials.- See attached letter for details.) He explained that Crowder Construction has made a claim for additional work for repairs in the amount of \$7,968.97. He then referenced Change Order # 4 for \$29,629.13 (the \$7,968.97 is included in that total figure.) Mr. Richmond stated that Bishop Engineering has recommended that the Board approve the change order and approve the payment of \$29,629.13. That amount would be the last and final payment of the contract.

Mr. Jed Lugod, Public Works Director, stated that the project would still be within the original budget for the project.

Chairman McGill asked if the Board should vote to approve Change Order Number 4, would that fulfill the contract with Crowder Construction. He then stated that he understood that the County had received notification from Florida Department of Environmental Protection agency that there were some problems with the road.

Mr. Richmond replied that there are some problems developing with the road. There are some questions about how the road was prepared and how it was compacted. He added that it is possible that this matter could end up in litigation.

Mr. Lugod stated that he would continue to monitor the road for further deterioration.

Chairman McGill asked and had confirmed that a one-year warranty period would begin upon final payment of the contract.

Clerk Thomas recalled that the Board has instructed him to withhold payment of invoices which totaled \$40,000+.

Mr. Richmond confirmed that the Clerk was correct. He explained that there was a clause in the contract which states that the engineer will make the determination of who should pay.

The engineer made the recommendation for the County to pay the amount presented at this meeting. There are other bills which have not been paid.

There was discussion between the Board and Bill Adams, Bishop's engineer. There was also discussion between the Board and Mr. Jed Lugod, Gadsden County Public Works Director. At the conclusion of the discussions, there was a consensus of the Board that the County was not responsible for the defects in the road that caused the deterioration and should not be held liable for the repairs.

Mr. McKinnon pointed out that the County might still be holding a retainage which could bring the total figure owed to Crowder to more than \$40,000. This could not be confirmed.

Commissioner Watson asked Mr. Bill Adams, Bishop Engineer, if he had been aware that a water line was under the road before the construction began.

Mr. Adams confirmed that he was aware of the water line prior to construction, however, he did not know the density of the water line placement.

Commissioner Watson argued that the mistake was not one that the County made. He maintained that it was error on the part of the engineer. He continued by saying that he could not, in good conscience, agree to pay out any more money for the road. He continued by saying that if the County should agree to pay the change order, the County would be voting to accept the poor quality job. He added that it would be an injustice to the citizens to Gadsden County.

Mr. Richmond asked if the issue should be revisited when the entire Board is present.

Commissioner Fletcher entered the meeting at this juncture.

Mr. Richmond remarked that this matter may end in litigation considering the on-going deterioration of the road.

Commissioner Fletcher asked Mr. Richmond to make a recommendation.

Mr. Richmond again pointed out that under the terms of the contract, the engineer can make the decision as to whether the contractor should be paid. The project engineer has recommended that the Board make this payment. He advised that if the County

chooses not to approve the payment, Crowder may determine that they have a strong legal remedy. If however, the County should abide by the engineer's recommendation, the County would have some legal remedy regarding the deterioration of the road.

Commissioner Watson argued again that he could see no reason for the County to pay for repairs to an area around a water line which the engineers knew were present.

Mr. Lugod noted that he had prepared a written recommendation for the Board's review regarding the matter. (That recommendation was not stated at this meeting nor was it provided in the meeting's agenda package.)

Mr. Richmond stated that if the matter ends in litigation, the issues to be resolved would be as follows:

- 1) What was the basic underlying structure of the road?
- 2) What was the condition of the road?
- 3) What testing was done on the road?
- 4) What testing was not done on the road that should have been done prior to construction?
- 5) There is a claim by certain Public Works staff that they advised Crowder Construction of the unstable condition of parts of the underlying ground prior the construction of the road. Crowder paved over those areas despite having been advised of the problems.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 4-0, BY VOICE VOTE, TO DENY APPROVAL OF CHANGE ORDER #4 TOTALING \$29,629.13.

Partial Satisfaction and Release of Lien -

Mr. Richmond presented a request for the Board to approve a partial satisfaction and release of the Gadsden County State Housing Initiatives Partnership (SHIP) Agreement and Special Assessment Lien between Jeannette H. Bethea and Gadsden County, O.R. Book 440, Page 1011-1014, Gadsden County, Florida, by granting a release of 2 acres of land per the Quit Claim Deed recorded in the O.R. Book 447 Pages 466-447, Gadsden County, FL.

Mr. Richmond recalled to the Board that Mrs. Bethea's sons' home had been destroyed by a tornado last year. One of the sons was killed in the tornado. Subsequent to that event, Mrs. Bethea had deeded this parcel of land to the other surviving son so that

he can build a replacement house.

The Board found that a hardship did exist in this particular case.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE PARTIAL SATISFACTION AND RELEASE OF LIEN ON THE TWO ACRES OF LAND PER THE QUICK CLAIM DEED RECORDED IN THE O.R. BOOK 447 PAGE 466-467, GADSDEN COUNTY, FLORIDA.

LIBRARY SERVICES - REQUEST FOR 1/2 FUNDING OF LITERACY VOLUNTEER

Ms. Natalie Lamb, Literacy Co-ordinator for Gadsden County Library addressed the Board. She explained how the Literacy Program works in Gadsden County. She noted that it is a non-profit organization which teaches adults how to read and speak English. She added that the tutorial services are free and confidential.

Ms. Lamb then explained that the Literacy Volunteer Co-ordinator's position has traditionally been funded through the Library by a grant. However, the Department of Education grants have been reduced and the position is in jeopardy unless another source of funding can be assured. She then asked the Board to consider funding \$12,000 for 97/98 fiscal year which represents 1/2 the cost of the Literacy Volunteer Coordinator's position.

Commissioner Watson stated that education is not a function of the Board of County Commissioners. Since this function is more a matter of education, he suggested that this request would be more appropriately addressed to the Gadsden School Board.

Chairman McGill stated that since this program is a function of the Library and the Library is provided by the County government, then perhaps the County Commission is the proper entity to whom this request should be addressed.

Commissioner Fletcher suggested that this matter would best be addressed during the normal budget process.

Mrs. Lee Ann Cowen, Vice-President of Literacy Organization, asked for clarification as how to proceed at this point to ensure the Board's proper consideration.

Chairman McGill replied that the request would be forwarded to the County Manager and it will be addressed automatically

during the upcoming budget workshops. He added that the documentation and justification provided by Ms. Lamb appeared to be complete. He then stated that all future inquiries should be directed to Mr. McKinnon.

COUNTY MANAGER'S AGENDA

Mr. McKinnon recalled to the Board that at the last meeting the Board had agreed to fund up to \$2,500 (or the best sponsored price) to offset the cost of transportation for under privileged children to attend summer camp through the Children Are Our Future Program. He explained that a question subsequently arose as to whom the money should be paid - directly to Children Are Our Future or to the transportation provider. He asked for clarification.

Ms. Sherry Taylor requested that the payment be made directly to the Children Are Our Future.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 4 - 1, TO DIRECT THE CLERK TO PAY \$2,500 TO CHILDREN ARE OUR FUTURE. COMMISSIONER WATSON CAST THE LONE DISSENTING VOTE.

CONSENT AGENDA

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

- 1) Arthropod Control Detailed Work Plan Budget for FY 97/98
- 2) Lease with Department of Agriculture and Consumer Services for space utilized by Gadsden County Recycling Center July 1, 1997 to June 30, 1998 for \$12,025.36
- 3) Child Support Contract BZF17 - Amendment No. 001 increasing the funding from \$26,000 to \$31,000 - to begin upon signature of both parties - (Gadsden County and Department of Revenue)
- 4) Ratification of the TDS Telecom Lease Agreement for Telephone Services for Gadsden County Public Works Department (It was signed by the County Manager but contracts and agreements require the signature of the Board Chairman.)

CLERK'S AGENDA

Budget Amendments 97-07-01-01 THROUGH 97-07-01-04

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE BUDGET AMENDMENTS 97-07-01-01 THROUGH 97-07-01-04.

Ratification of the Payment of the 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

Chairman McGill opened the floor to the audience asking if there was anyone present wishing to speak to the Board regarding any issue. There was no response.

DISTRICT 2 REPORT

Commissioner Watson recalled that the Board had approved \$1,000 in funding for the Gun Buy-Back campaign. He had received verification that they had only used \$345. He asked how they expected to use the other \$655.

Commissioner Dixon stated that there would be other gun buy-backs.

Commissioner Watson stated that he thought the organization should give the unused funds back to the County. If and when another campaign is held, the County could appropriate money upon their next request. He then pointed out that the Board was not being consistent in the manner in which requests for money are being handled. He pointed out that the Library Literacy Volunteers were required to fill out forms and submit them to the County Manager. He added that the Gun Buy-Back request was not handled in the same manner.

Commissioner Dixon agreed that the procedure should have been followed.

Chairman McGill pointed out that the new policy went into effect for request for funds in next year's budget.

There was no consensus among the Board.

DISTRICT 3 REPORT

Commissioner Roberson reported that she had 14 people to attend the public meeting she held with the citizens in her district. She remarked that she had also met with new Chattahoochee City Manager Gardner and extended to him the hopes of a congenial working relationship with the County Commission.

DISTRICT 4 REPORT

There was no report.

DISTRICT 5 REPORT

Commissioner Dixon reported to the Board that the Florida Association Annual Conference was a great success. They were informed of the latest breaking opportunities in State government and in the private sector. He highlighted the Constitution Revision Commission and the effects it could have on local governments and how it could function in the modern age.

DISTRICT 1 REPORT

Chairman McGill congratulated Commissioner Dixon upon becoming the First Vice President of the Florida Association of Counties (FAC).

Chairman McGill then called attention to his concept for a Better Road Committee or Road Improvement Committee. He asked each of the commissioners to read it and be prepared to offer their comments on July 15, 1997.

ADJOURNMENT

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

BILL MCGILL, CHAIRMAN

ATTEST:

NICHOLAS THOMAS, CLERK

AT A WORKSHOP OF THE BOARD OF COUNTY
COMMISSIONERS, HELD IN AND FOR
GADSDEN COUNTY, FLORIDA ON JULY 15,
1997, THE FOLLOWING PROCEEDINGS WERE
HAD, VIZ.

PRESENT: W.A. (BILL) MCGILL, CHAIRMAN
STERLING WATSON, VICE CHAIRMAN
CAROLYN ROBERSON
HAL RICHMOND, COUNTY ATTORNEY
HOWARD MCKINNON, COUNTY MANAGER
MURIEL STRAUGHN, DEPUTY CLERK

ABSENT: E.H. (HENTZ) FLETCHER
EDWARD J. DIXON

OTHERS PRESENT:

John Yerkes, Tower Citing Committee Member
Mike Dorian, " " " "
Dan Ausley, " " " "

Carol Rother, Bell South, Inc.

CALL TO ORDER

Chairman McGill convened the workshop at 5:15 p.m. explaining the purpose of the workshop was to meet with the planning staff and the "Tower Siting Committee" to review a proposed draft of the "Cell Communications Tower Siting Ordinance." He added also that the Board would discuss the proper procedures for conducting "quasi-judicial hearings."

Mr. Mike Sherman, Director of Gadsden County Growth Management Department, called attention to the proposed draft. He stated that the committee had held numerous meetings which culminated in the draft ordinance. The following changes were recommended:

Page 1: No changes.

Page 2: Add one other purpose - to strongly encourage and offer incentives to erect camouflage towers where and when appropriate.

Page 3: No changes.

Page 4: E - 1 "Public lands owned by the County" -
Mr. Sherman was instructed to compile a list of

these parcels.

Last sentence of the first paragraph should be changed to read " Once the preceding has been fulfilled to no avail, the following **will** apply."

Add an addition exception to exempt government or other public purposes from the distance criteria as discussed in 4th paragraph.

Page 5: Item "d" - Change wording to read "Tower's which are lit **at night** with white lights..."

Item "H" - 3rd paragraph - Change the height requirements to read "If the communication tower is **180** feet or lower, then co-location shall be provided for at least one other communication service provider. If the tower is greater than **100** ft., then co-location shall be provided for two or more additional communication service providers.

Page 6 - 11: No changes were requested.

At 6:00 p.m. the Chairman stated that the time allotted for the workshop session had expired. He noted that the workshop dealing with quasi-judicial hearings would be rescheduled for August 5, 1997 at 5:00 p.m.

William A. McGill, Chairman

ATTEST:

Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE BOARD OF
COUNTY COMMISSIONERS, HELD IN AND FOR
GADSDEN COUNTY, FLORIDA ON JULY 15, 1997,
THE FOLLOWING PROCEEDINGS WERE HAD, VIZ.

PRESENT: W.A. (BILL) MCGILL, CHAIRMAN
STERLING WATSON, VICE CHAIRMAN
CAROLYN ROBERSON
E. H. (HENTZ) FLETCHER
NICHOLAS THOMAS, CLERK
HAL RICHMOND, COUNTY ATTORNEY
HOWARD MCKINNON, COUNTY MANAGER

ABSENT: EDWARD J. DIXON

CALL TO ORDER

Chairman McGill called the meeting to order. Chairman McGill led in pledging allegiance to the U.S. Flag and Rev. Lloyd Graham led in prayer.

ADOPTION OF AGENDA

The agenda was amended as follows:

Added to County Manager's Agenda:

Request from Judge Hood for Dictation Equipment

Move Item Number 7 - Chamber of Commerce Report to the
Consent Agenda

Added to the Clerk's Agenda (Item 11:)

Renewal of the County's Application for Sales Tax Exemption
Certificate

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

APPROVAL OF MINUTES

June 9, 1997 Special Meeting

July 1, 1997 Regular Meeting

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER
FLETCHER, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE
THE MINUTES STATED ABOVE.

COUNTY ATTORNEY

Mr. Hal Richmond, County Attorney, had nothing to report. He asked to be excused following the County Manager's agenda.

1997 Single Family Mortgage Revenue Bond Program

Mr. Gordon Jernigan, Executive Director of the Escambia County Housing Finance Authority addressed the Board. He reported that his agency has issued tax exempt bonds on behalf of Gadsden County and others throughout the State for several years. One million dollars was allocated and used in Gadsden County in the current cycle. The interest rate on that bond money was fixed at 6.55% for 30 years.

Mr. Jernigan then informed the Board that the Authority hoped to be issuing another \$500,000 in the fall as well as a new bond issue in 1998. He stated that he would be back before the Board at a later time to make some of that money available to Gadsden County.

Mr. Jernigan introduced Mrs. Brady from Capital City Mortgages who will be handling the Gadsden County mortgages.

Chairman McGill asked as to the status of the loans in Gadsden County.

Mr. Jernigan answered that many applicants had qualified and closed loans. Twenty-five percent of the money was used for new homes and the remainder for existing homes.

Chairman McGill asked if the contractors are buying their materials locally.

Mr. Jernigan could not answer with certainty.

E-911

Mr. DeVane Mason was not present at this juncture.

PLANNING AND ZONING ISSUES

Hidden Lake Residential Subdivision Project 96PZ-07-201-01-07

Growth Management Director Mike Sherman gave a brief overview of the above referenced project.

Mr. Robert Harrell petitioned the County for consideration of

a preliminary residential subdivision plat. The proposed subdivision is located on the north side of SR 12, approximately 2 miles east of the Havana Town limits. The subject parcel is approximately 84.4 acres MOL. The applicant and property owner is Mr. Robert Harrell. The applicant's representative is Mr. Phil Williams, ASLA.

Mr. Harrell requested approval for 96 residential lots on the 84.4 acres.

Mr. Sherman reported that Mr. Harrell has completed the planning studies which the county staff asked him to do. The staff is satisfied with the studies.

Mr. Sherman recalled that the approval was deferred until the traffic situation could be resolved. The applicant employed a professional engineer to do a traffic study. That analysis is included in the agenda.

Mr. Sherman stated that the staff has reviewed the study and has some concerns regarding the traffic characteristics the applicant's engineer submitted.

Mr. Sherman reported that he had received another report at 4:00 p.m. on the afternoon of this meeting from another engineer which used different assumptions for the traffic characteristics.

Mr. Richmond asked Mr. Sherman for his recommendation.

Mr. Sherman stated that, based on his own analysis (prior to receiving the new information), he determined that the level of service standards would be tripped. The County would not be concurrent if it allowed a 96 lot development on the property.

Mr. Sherman added that when he received the new information with different assumptions, it would appear that the level of service standards have already been blown and there is zero capacity available for further development.

Mr. Sherman withheld any recommendation pending further research.

Mr. Richmond reminded the Board that whatever action the Board should take on the issue, it must be based on the record presented and the evidence introduced at this meeting.

Mr. Stewart Parsons, attorney for Mr. Harrell, stated that a

procedural matter should be addressed in conjunction with this petition. It appeared to him that available traffic capacity has been allocated among several projects. He argued that the method of determining the traffic allocation is incorrect. Mr. recalled that Mr. Harrell was the first of the pending projects to be approved conceptually. Therefore, Mr. Harrell should have the first right to whatever existing traffic capacity is available.

Mr. David Theriaque, attorney for Dick and Nickie Bearer, Sandy Bearer, John Till and Laura Rigg, spoke briefly. He stated that State Law is very clear on this issue. If there is no capacity, the County cannot issue any permits. He stated that he had received the 1997 traffic data from DOT on this date. If the staff recommends that the new traffic data is the correct assumptions to use in the analysis, the County has already exceeded the capacity for the level of service needed on SR 12.

Mr. Richard Pelham, land owner in the vicinity of the proposed project, took exception to a statement Mr. Theriaque made about the reliability of the traffic study and which one should be used. He stated that if the County is relying on data provided by DOT, you must use the data which was in effect at the time the project was approved. (This project was approved in 1996.) He encouraged them to quickly address the traffic situation relative to what will happen with concurrence in the future.

Mr. Theriaque responded that the new information is the new traffic count that just took place. The level of service is based upon the available trips that exist on the road. The new traffic counts from DOT were taken in 1997. It is not a new regulation. It is merely a question of the 1.1 mile link - not county-wide. He pointed out also, that the approval that the Board gave for this project was a conceptual approval pending working out the traffic issues.

Mr. Richmond stated that the information received on this day had created a concern with regard to SR 12. The County is now aware of the new information. Other issues are also involved - Magnolia Subdivision and others. He then advised that the new data should be analyzed and investigated before proceeding.

UPON MOTION BY COMMISSIONER FLETCHER AND SECONDED BY COMMISSIONER ROBERSON, THE BOARD VOTED 4- 0, BY VOICE VOTE, TO TABLE THE ISSUE PENDING FURTHER INVESTIGATION OF THE TRAFFIC ISSUES.

The Board directed the staff to:

- Re-agenda the issue for August 19, 1997;
- Provide Mr. Richmond with pertinent information;
- Meet with Mr. Theriaque, Mr. Parsons and Mr. Richmond to work out some of the particulars of the traffic issue;
- Send notices to all affected parties of the next meeting.

QUAIL RIDGE RESIDENTIAL SUBDIVISION 95PZ-11-201-01-12 Phases II & III (Final Plat Review)

Mr. Charles Harvey of Sugar Plum Properties Associates, LTD, petitioned the County for consideration of a final residential subdivision plat. The proposed subdivision is located adjacent to CR 111, approximately 4 1/2 miles north of the limits of the Town of Havana. The property owner is the Sugar Plum Properties Associates, LTD.

Mr. Sherman reported that the applicant has built the infrastructure and has requested final approval.

Staff recommendation was for approval.

Chairman McGill called for comments from the public.

Mr. Charles White spoke in opposition to the project. He asked if a traffic study was done for Quail Ridge. He complained that there is already too much traffic as well as high speed traffic in the subdivision. He also complained that homes are already built in the area described in this petition - he questioned if they could have been placed there legally. He complained about the sizes of the lots which are now being sold. He stated that when he bought his property, he understood that the lots would all be a minimum of one acre.

Mr. Sherman explained that the County's subdivision ordinance allows for placement of three dwelling units in a development before it must come into compliance with the subdivision ordinance. He pointed out that Mr. Harvey has met the maximum threshold prior to requiring phase II to be approved as a subdivision.

Mr. Richmond asked to clarify the following:

- 1) Phases I, II, III were presented at the same time for conceptual approval;
- 2) There have been changes to the plans for phases II and III since conceptual approval was granted (as to the sizes of the lots.) This meeting was the first time the 1/2

acre lots have been considered. (They were 1 acre lots before.)

An unidentified gentlemen complained that he had not received notification of the meeting. He stated that 25 homes are in the subdivision but only 4 of the home owners received letters.

Mr. Sherman stated that more than 4 letters were mailed and could not offer any explanation as to why the residents had not received notice.

Mr. Sherman recalled that when conceptual approval was granted by the Board, it was agreed that if Mr. Harvey would install a central water system, the density of the subdivision would be reduced to 2 dwelling units per acre.

Mr. Richmond asked Mr. Sherman to explain (when there are multiple phases of a subdivision) how and when would existing homeowners be informed of any changes made to their subdivision plans.

Mr. Sherman stated that the affected homeowners were sent a letter for this meeting explaining the proposed density changes.

The homeowners denied having been informed.

Commissioner Fletcher contended that when conceptual plans change, the project should come back to the Board for conceptual approval again.

Commissioner Watson pointed out that Mr. Harvey has done nothing wrong. He was given approval for 1/2 acre lots provided that he install a central water system.

Commissioner Roberson voiced concern that the home owners were under the assumption (when they originally purchased their property) that all the lots would be one acre lots. She asked if there was anything in writing that would protect those property rights. She questioned if their interests could be protected.

Mr. White said there was nothing in writing but there was definitely a verbal agreement with the homeowners which assured them that the owner would limit development to one home per one acre.

Mr. Richmond explained that there are private property rights that go with people when they buy into a subdivision. However, he continued, those rights do not involve the County. It would be a

matter to be settled between the developer and the homeowner.

Chairman McGill asked the residents if they had formed a homeowner's association. They answered was "no."

Mr. Charles Harvey stated that the documentation referred to at this meeting is to the degree of change that took place. He stated that there are 67.5 acres. 135 lots would be allowable with a central water system. He was only proposing 72 lots. Mr. Harvey asked the Board to consider the degree of change (which is minor) in making their decision.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE PROJECT SUBJECT TO THE SPECIAL CONDITIONS AS RECOMMENDED BY THE STAFF IN THE ATTACHED MEMO.

River Rise Amphitheater (Consideration of Special Exception Permit Project #97PZ-06-206-1-01)

Midway Park, Inc. petitioned the Board for consideration of a conceptual site plan for the River Rise Amphitheater located in Gadsden County, just south of the I-10, U.S. 90 interchange. The property on which the development will be located is adjacent to the Development of Regional Impact on the south, however, the Amphitheater will occupy the southern portion of the property, leaving a large area of agricultural land between the DRI and the Development. Due to the fact that the property is located in an Agriculture 3 land use category, according to the Gadsden County Future Land Use Map, the permit could only be issued by special exception granted by the Board of County Commissioners. The applicant expressed an interest in providing recreational activities, which would include music concerts, etc. at the facility.

The River Rise Amphitheater was proposed by Mr. Jim Stiles of Midway Park, Inc.

The Planning Commission recommended approval.

The Planning staff recommended approval.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE PROJECT AS RECOMMENDED BY THE PLANNING STAFF.

Jam-a-Lot Lounge Project #97PZ-07-206-1-07

Ms. Sharon Moultry requested that the Growth Management Department approve her request for a 7COP liquor license. The 7 COP license allows her a full liquor bar as well as a package store. The land development code requires that expansion of existing commercial establishments will require that the LDC be followed. The land development code requires the following:

- 14 total off-street spaces are required. At the present time, there is no off-street parking. Parking takes place on the County ROW.
- Parking lots may be improved with a permanent all-weather paving material which is graded to drain stormwater in accordance with the storm water management requirements of this Code. Alternative paving material may be used as required by the landscaping requirements of this Code. Alternative paving material must be approved by the DRC.

The alternative parking (paving) surface which the staff has recommended was gravel. The gravel surface may require an engineer to provide a stormwater management plan. The LDC requires that parking areas which greater than 2000 square feet must provide for stormwater management.

Ms. Moultry originally requested that the BCC grant her a variance which will reduce the required parking as well as an appeal from the Director's requirement for a gravel parking area. Mr. Sherman reported however, that Ms. Moultry has withdrawn her appeal of the gravel parking area. She based her request on the following:

1. The business has been in existence for many years and has not needed off-street parking.
2. The property is too small to provide the required parking spaces.
3. The stormwater management requirement will be a financial burden.

The staff recommended approval of the parking variance request.

The Planning Commission recommended that she have 5 regular parking spaces and 1 handicapped space.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE VARIANCE REQUEST FOR JAM-A-LOT LOUNGE.

COUNTY MANAGER'S AGENDA

SHIP Program Partnership and Advisory Committee Appointments

Mr. McKinnon asked that the Board table this matter until a later time.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO TABLE ACTION ON THE ABOVE STATED ISSUE UNTIL AUGUST 5, 1997 MEETING.

PROPOSED MILLAGE RATE, DATE, TIME AND PLACE OF TENTATIVE BUDGET HEARING

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER WATSON THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO SET THE TENTATIVE MILLAGE RATE AT 10.00 MILLS FOR THE BOARD OF COUNTY COMMISSIONERS BUDGET FOR FISCAL YEAR 1997/98.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO SET THE HOSPITAL MILLAGE RATE AT 1.094 MILLS FOR FISCAL YEAR 1997/98.

Contingency Request for Dictation Equipment for Judge Richard Hood

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE JUDGE HOOD'S REQUEST FOR \$3,257 FROM CONTINGENCY FOR NEW DICTATION EQUIPMENT.

CONSENT AGENDA

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

1. CONTRACT WITH SIMPLEX TIME RECORDER CO IN TALLAHASSEE, FLORIDA FOR NURSE CALL SYSTEM AT GADSDEN COMMUNITY HOSPITAL
2. CONTRACT WITH TALION LABORATORIES, INC. OF KANNAPOLIS, NORTH CAROLINA TO REINSTALL DOOR LOCKING SYSTEM AT COUNTY JAIL FOR \$32,711.97.
3. CONSTRUCTION INDUSTRY LICENSE BOARD APPOINTMENTS - MR. ISSIAH COLE TO FILL THE MASTER ELECTRICIAN POSITION

- MR. JOHN L. SAMFORD TO FILL THE MASTER PLUMBER POSITION
4. COPIER LEASE AGREEMENT FOR GROWTH MANAGEMENT DEPARTMENT FROM ADVANCED BUSINESS SYSTEMS FOR 36 MONTHS
 5. ECONOMIC DEVELOPMENT PROJECTS REPORT

CLERK'S AGENDA

Renewal of the County's Sales Tax Exemption Certificate

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO AUTHORIZE THE CHAIRMAN TO SIGN THE APPLICATION FOR RENEWAL OF THE COUNTY'S SALES TAX EXEMPTION CERTIFICATE.

Quitclaim Deed to Correct 1969 Tax Deed for Sara Lee Perkins

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO AUTHORIZE THE CHAIRMAN TO SIGN THE QUITCLAIM DEED TO SARA LEE PERKINS TO CORRECT A 1969 TAX DEED.

Cash Report

Clerk Thomas called attention to the current cash report. He stated that it included all funds and reserves. He reported \$8.4 million dollars of which 80% is invested at SBA and the remainder is invested at Quincy State Bank.

Financial Statements

Clerk Thomas presented the county's financial statements through the end of June, 1997. He reported that the County has received approximately 80% of the general fund revenue and has spent only 62%. He reported that the other revenues appear fine and all expenditures appear to be in check. He noted that the court costs and related expenses are o.k.

Budget Amendments

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE BUDGET AMENDMENTS 97-07-15-01 THROUGH 97-07-15-04.

Ratification of Payment of County Bills

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

PUBLIC COMMENTS

Chairman McGill offered the audience members an opportunity to address the Board. There was no response.

E-911 REPORT

Mr. DeVane Mason reported that most of the roads in the County have now been named and house numbers have been assigned as of March 1, 1997. Delivery of the address change packages began this day in Chattahoochee and the Lake Talquin area. Delivery is expected to be completed within three months. The packet contains a card informing each resident of their new address, house number, new road name and how to contact the E-911 Department with their questions.

Mr. Mason then reported that the database should be completed by December 15, 1997. On February 1, 1998, the U.S. Post Office will begin using the new addresses. The E-911 System will be up and running by September 1, 1998.

ROAD NAME CHANGES

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 4 - 0, TO APPROVE THE LIST OF ROAD NAME CHANGES.

DISTRICT 2 REPORT

There was no report.

DISTRICT 3 REPORT

Commissioner Roberson reported that she expects to visit Tifton, GA, garbage recycling center. She stated that if she is sufficiently impressed with the operation, she will ask the county manager and other commissioners to visit it as well.

DISTRICT 4 REPORT

There was no report.

DISTRICT 1 REPORT

Chairman McGill called encouraged the entire Board to review the county bill register and to initial it. He reminded them that

it must have at least three signatures.

Commissioner Watson called attention to the fact that the administration building had been left unlocked over the weekend.

Commissioner McGill reminded the Board that he would like to review the Better Road Committee concept at the August 5, 1997 meeting.

ADJOURNMENT

**UPON MOTION BY COMMISSIONER FLETCHER, CHAIRMAN MCGILL ADJOURNED
THE MEETING.**

BILL MCGILL, CHAIRMAN

ATTEST:

NICHOLAS THOMAS, CLERK

AT A WORKSHOP OF THE BOARD OF COUNTY
COMMISSIONERS, HELD IN AND FOR
GADSDEN COUNTY, FLORIDA ON AUGUST 5,
1997, THE FOLLOWING PROCEEDINGS WERE
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PRESENT: W.A. (BILL) MCGILL, CHAIRMAN
STERLING WATSON, VICE CHAIRMAN
CAROLYN ROBERSON
EDWARD J. DIXON
HAL RICHMOND, COUNTY ATTORNEY
HOWARD MCKINNON, COUNTY MANAGER
MURIEL STRAUGHN, DEPUTY CLERK

ABSENT: E. H. (HENTZ) FLETCHER

CALL TO ORDER

Chairman McGill called the meeting to order at 5:25 p.m. He stated the purpose of the workshop was to have the county attorney instruct the Board in quasi-judicial hearings. He then turned the meeting over to Mr. Hal Richmond.

Mr. Richmond stated that there seems to be more and more contests arriving from hearings that deal with changes to the Comprehensive Plan (rezoning of property or changing of property uses). He said he felt that it was necessary to review the proper procedures for those hearings once again.

He made the following remarks:

- 1) The Courts have interpreted that policy decision-making by a Board of County Commissioners is legislative because it effects the broad base of the County. Therefore, it is not necessary for the Board to extend the minimal due process rights when dealing with general policy decision-making or in ordinance hearings.
- 2) Procedural rights must be extended to people when the decision being considered by the Board affects a limited number of people. (Such as a person who petitions the Board asking that their property be utilized in a fashion different from what it has been in the past.)
- 3) In a quasi-judicial proceeding, the basic rights include:
 - a. Limited cross examination of the testimony that is presented
 - b. Swearing of all participants who give testimony

- c. That the Board's decision will be based upon the substantiated and competent evidence presented at the hearing.

MEASURES THAT SHOULD BE TAKEN TO PROTECT THE COUNTY

- 1) Make certain that the Board gives everyone (who is entitled to be heard) the opportunity to be heard.
- 2) In reaching a decision:
 - a) It should be consistent with the evidence that is presented.
 - b) The decision should be made based upon the evidence.
 - c) The decision should be clearly stated on the record and include some of the factors which justified the motion itself.
- 3) Approach each hearing as though it has potential litigation.

If the petitioner is not satisfied with the findings at the hearing, they may file a verified complaint in Circuit Court within 30 days (from the time of the hearing).

HEARING PROCEDURE

- I. P & Z Staff should build the record by describing the project and relating the petitioner's request to the Board.
- II. Hear the Planning & Commission recommendations. Place those recommendations into evidence formally with the recording clerk.
- III. Hear the recommendation of the Planning Staff. Place those recommendations into evidence formally with the recording clerk. (At this point, the County's position is whatever the staff has recommended.)
- IV. Hear testimony and receive evidence from the landowner. Sometimes there will be an attorney. The land owner at this time has the burden to show that his requested use is consistent with the comprehensive plan. It is his responsibility to produce evidence in support of his position. He must be afforded this opportunity.

- V. Hear testimony and receive evidence from people in the audience who approve or oppose the land owner's request.
- VI. If there is additional evidence in support of the County's position, it should be placed into the record after the land owner and his opposition have been heard. The Board has the right and opportunity to have certain evidence presented.
- VII. The Board may question any particular individual at this point. (All questioning must be done in a sworn setting affording minimal due process.)
- IX. At the conclusion of the presentation of the evidence and testimony, the Board can then discuss, debate and ultimately reach a decision without further input. (The Board can open it up to the public again, but it will be entirely at the Board's discretion.)
- X. Offer a motion. (The motion should speak clearly to the position the County wants to take. While it is not required, the reasons which substantiate the decision should be included as a part of the motion. At the end of the motion add the phrase "and all other matters presented here tonight.")
- XI. Public disclosure. The Legislature has stated that commissioners have the right to receive input from their constituents as well as the right to consider that input in reaching a decision. However, the input must be disclosed to the public and made a part of the record.

Chairman McGill asked if there were two opposing individuals presenting testimony (verbally) without a printed backup for the testimony, how would the Board consider that information.

Mr. Richmond responded that the record requirements state that the appealing party must bear the responsibility for having a court reporter present. That is not the responsibility of the Board. The Board's responsibility is to make the decision, protect the record to the extent that it is sufficient for the Board's purposes. That may or may not be sufficient for someone who wants to appeal a Board decision.

Mr. Richmond explained that while legislative and policy decisions may be debatable, the Board is presumed to be correct because the Board is the legislative body of the County. However, decisions that affect the implementation of a policy on a particular person's land, must be supported by substantial competent evidence. Sufficient and substantiated testimony must appear on the record. From a procedural standpoint, the motion

must be clearly delineated - complete with reasons for the decision.

Commissioner Dixon asked when the staff's recommendation is different than the Board's decision, which position would the staff defend.

Mr. Richmond answered that the staff's recommendation is always preliminary to a Board's decision. He added that there is no presumption of correctness on the part of the staff because they are not the legislative body. Once the Board makes a decision, the staff should then defend the County's decision.

Commissioner Dixon asked if the staff should be represented by a separate attorney.

Mr. Richmond responded by saying that there could arise a situation with a potential for conflict. Such situations could be dealt with at an appropriate time. He reminded them that once the Board makes a decision, the staff will no longer have a position - even if they disagree. The staff is hired to serve the Board. They do not have any independent appeal rights. They do not have independent legal rights. Their position is to serve the Board.

Commissioner Watson asked if the staff could be called as a witness against the Board in a given circumstance.

Mr. Richmond answered that it would be possible for a staff person to be called as a witness by the appellant.

Mr. Richmond stated once again that the Board's decision must be made based upon substantial competent evidence, regardless of the evidence presented by the opposing side.

The workshop ceased at 6:00 p.m. in time for the regular meeting to convene.

Bill McGill, Chairman

ATTEST:

Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE BOARD OF
COUNTY COMMISSIONERS, HELD IN AND FOR
GADSDEN COUNTY, FLORIDA ON AUGUST 5,
1997, THE FOLLOWING PROCEEDINGS WERE HAD,
VIZ.

PRESENT: W.A. (BILL) MCGILL, CHAIRMAN
STERLING WATSON, VICE CHAIRMAN
CAROLYN ROBERSON
E. H. (HENTZ) FLETCHER
EDWARD J. DIXON
NICHOLAS THOMAS, CLERK
HAL RICHMOND, COUNTY ATTORNEY
HOWARD MCKINNON, COUNTY MANAGER

CALL TO ORDER

Chairman McGill 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:

Deleted from the Agenda:

Item # 8 Hugh Stevens/David Parramore - P & Z Variance Request

Added to the County Attorney's Agenda:

Appointments to the Value Adjustment Board

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

APPROVAL OF MINUTES

July 15, 1997 Public Meeting

July 15, 1997 Workshop

July 15, 1997 Regular Meeting

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE MINUTES OF THE ABOVE STATED MEETINGS.

COUNTY ATTORNEY'S AGENDA

Agreement Between County and Gadsden Community Hospital

Mr. Richmond told the Board he had been contacted by Mr. Bill Hardy with a proposal that the County and the hospital enter into an agreement to exchange credits for debts owed by each of them to the other.

Mr. Hardy, CEO of MedTech of North Florida, proposed to the Board a swap of hospital services rendered by the hospital to jail inmates (up to \$100,000 per year for three years) in exchange for an equal reduction of the \$180,000 debt the hospital owes to the County for supply inventory. He stated that the County currently owes the hospital \$41,096 for the 1997 calendar year. He asked the Board if they would be interested in such an exchange.

Commissioner Watson asked why the County had not already paid the bills to which he referred to as being outstanding.

Mr. Hardy explained that a number of reasons could be responsible including late billing.

It was determined that the jail has a budget for inmate care.

Commissioner Dixon asked for a written proposal for the Board to consider.

Sheriff Woodham addressed the issue. He stated that his past dealings with the hospital have been such that the hospital extended a considerable discount for the care of inmates.

Mr. Alex Hicks, Hospital Administrator, confirmed that the hospital would provide a discount to the County for services rendered to inmates.

Mr. Richmond asked that the matter be deferred until MedTech could provide a written proposal for the Board's consideration.

Resolution - Appointment to SHIP Partnership & Advisory Committees

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTE 5 - 0, BY VOICE VOTE, TO ADOPT THE RESOLUTION APPOINTING A CITIZEN'S ADVISORY COMMITTEE, APPOINTING A HOUSING PARTNERSHIP COMMITTEE, AND AUTHORIZING THE EXECUTION OF THE NECESSARY CERTIFICATIONS BY THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS. THE APPOINTMENTS ARE

AS FOLLOWS:

Citizens Advisory Committee

- a. Residential Building Industry - James Rogers
- b. Banking/Mortgage Industry - Hershel Johnson
- c. Laborer in Home Building - Billy J. Redding
- d. Advocate for Low Income Persons - Edward J. Butler
- e. Provider of Affordable Housing - Michael Francis
- f. Real Estate Professional - Jerome Showers
- g. Housing Program Beneficiary - Gwen Johnson
- h. Representative of Persons with Special Needs - William Carr
- i. Human Services Professional - Joseph Kennedy

Housing Assistance Partnership for SHIP

- a. Developer - Don Vickers
- b. County Commissioner - Carolyn Roberson
- c. Citizen Representative - Lizzie Lawson
- d. Local Banker - Hershel Williams
- e. City Commissioner, Midway - Claudette Cromartie
- f. CBO Midway - Carolyn Ford
- g. Developer/Appraiser - Charles B. Harvey, Jr.
- h. Person with Special Needs - Keith Dowdell
- i. Low Income Representative - Louise Gould
- j. Low Income Representative - Archie Mae Carter
- k. North Florida Union of Hispanics - Rolando Mato
- l. City Commissioner, Gretna - Charles Hayes
- m. City Commissioner, Havana - T. J. Davis
- n. City Commissioner, Chattahoochee - Lee Garner
- o. Interested citizen - Clarence Lewis

Value Adjustment Board Appointments

Chairman McGill appointed Commissioners Watson and Dixon to serve along with him on the Tax Value Adjustment Board.

Disclosure of Conflicts of Interest of the Board of County Commissioners Regarding Mitchell Rohn and Lillian Ruffin

Mrs. Rosemary Banks asked the Board to disclose any conflicts of interest any of them may have regarding CDBG beneficiaries Mitchell Rohn and Lillian Ruffin of the CDBG Rehabilitation Grants (Shiloh Community). Each of commissioners indicated that they had no conflict of interest with either of the beneficiaries named.

Waiver of Conflicts of Interest Disclosed by Mrs. Idella Barnes in

the CDBG Rehabilitation Program in the Shiloh Community

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER DIXON THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO WAIVE THE CONFLICT OF INTEREST DISCLOSED BY CPC IDELLA BARNES FOR BENEFICIARY MITCHELL ROHN (COUSIN) AND LILLIAN RUFFIN (EX-EX-SISTER IN LAW) WHO ARE RECEIVING CDBG HOUSING REHABILITATION FUNDS.

Waiver of Conflicts of Interest Disclosed by Mrs. Mildred McNeal in the CDBG Rehabilitation Program for the Shiloh Community

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO WAIVE THE CONFLICT OF INTEREST DISCLOSED BY CPC MILDRED MCNEAL FOR THE BENEFICIARY, MITCHELL ROHN (COUSIN) WHO IS RECEIVING CDBG HOUSING REHABILITATION FUNDS. COMMISSIONER DIXON ABSTAINED FROM VOTING BECAUSE MRS. MCNEAL IS HIS AUNT.

Authorization for the Chairman to Request Waiver of Conflicts

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO AUTHORIZE THE CHAIRMAN TO SUBMIT THE REQUEST FOR WAIVER OF CONFLICT OF INTEREST (DESCRIBED ABOVE) TO THE DEPARTMENT OF COMMUNITY AFFAIRS.

Authorization for County Attorney to Submit an Opinion Letter to Department of Community Affairs

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY WATSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO AUTHORIZE THE COUNTY ATTORNEY TO WRITE A LETTER TO THE DEPARTMENT OF COMMUNITY AFFAIRS STATING HIS OPINION REGARDING THE ABOVE STATED CONFLICT OF INTERESTS DISCLOSURES.

Lien Against Carl Clauson Property

Mr. Richmond informed the Board that he had learned that the circuit judge has appointed a special assistant public defender to represent Mr. Carl Clausen in first degree murder charges. Additionally, the judge ordered that a lien be placed against Mr. Clausen's property to ensure payment for the attorney's fees and court costs.

Mr. Richmond reported that he has reviewed the FL Statutes and it appears that a mortgage will need to be prepared to document the lien. The Statutes will allow the judge to order Mr.

Clausen to execute the mortgage. Because of the complicated nature of the law suit and the attorney appointment, he asked for authority to proceed to prepare the mortgage documents and submit them to the judge for Mr. Clausen's signature.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO AUTHORIZE THE COUNTY ATTORNEY TO PREPARE APPROPRIATE MORTGAGE DOCUMENTS (TO THE BENEFIT OF GADSDEN COUNTY) TO BE SUBMITTED TO THE JUDGE FOR EXECUTION BY MR. JON CARL CLAUSEN.

Commissioner Watson asked if Mr. Clausen possesses any vehicles which may be confiscated as well.

Mr. Richmond stated that no assets search had been done at this point in time.

Mr. Richmond then told the Board that there is a new Supreme Court ruling (to be enacted within the next 6 months) which will require 2 attorneys to represent defendants in all capital cases.

REQUEST FOR FUNDS - SHERIFF W.A. WOODHAM

Sheriff W. A. Woodham addressed the Board requesting \$31,806.43 to recover the costs for overtime wages and vehicle damages his department expended during the large scale manhunt for Jon Carl Clausen from July 23 - 27, 1997. He added that the damage to the 8 vehicles would be covered by insurance except for the deductible amounts (\$1,000.00).

Sheriff Woodham explained that several vehicles belonging to other agencies were also damaged, but by the terms of the mutual aid agreement between the agencies, each agency will bear the cost of repair to their own vehicles.

A MOTION WAS MADE BY COMMISSIONER WATSON AND SECONDED BY COMMISSIONER ROBERSON TO APPROVE THE SHERIFF'S REQUEST FOR \$31,806.43.

Chairman McGill asked if there has been any indication from the State that they would assist the County in the expenses relating to the manhunt and capture of Mr. Clausen.

Sheriff Woodham stated that the National Guard, Marine Patrol, FDLE, Game Wardens, etc. were involved with the search but each would pay their own expenses.

QUESTION WAS CALLED BY COMMISSIONER FLETCHER.

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

Sheriff Woodham then asked the Board to make a contribution the Capital City Area Red Cross to help defray their costs associated with the manhunt. He stated that local volunteers manned the post at the Greensboro High School 24 hrs. a day for 5 days. He added that they provided food and drinks for more than 300 people around the clock.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO TAKE THE \$31,806.43 FROM THE GENERAL FUND CONTINGENCY TO REPAY THE SHERIFF.

A MOTION WAS MADE BY COMMISSIONER WATSON TO GIVE THE AMERICAN RED CROSS \$500.

It was suggested that the County Manager write a letter to the Red Cross to discern what would be an appropriate amount to contribute for services they provided to Gadsden County.

Sheriff Woodham remarked that regardless of the amount, it would not be enough to repay them for the services they rendered.

COMMISSIONER WATSON WITHDREW HIS MOTION.

ENGINEERING SERVICES - BID COMMITTEE RECOMMENDATIONS

Management Services Director Arthur Lawson, presented the bid committee's recommendation for engineering services. He explained that he issued an RFP and received 4 bids. He continued by saying that the proposals were ranked according to pre-established criteria. He directed the Board's attention to the agenda packet for the results of the ranking.

Mr. Lawson stated that (based upon the ranking) an introductory meeting was held with the top ranked firm, Reynolds, Smith & Hill, Inc., Tallahassee, FL. He added that issues were discussed with them pertinent to the concerns of the County.

Mr. Lawson related the recommendation of the bid committee to award the engineering contract to Reynolds, Smith & Hill, Inc. He added that it was also a recommendation to authorize the Chairman to negotiate a 2-year contract for engineering services.

Chairman McGill pointed out that Reynolds, Smith & Hill

received a perfect score.

Commissioner Fletcher asked how the committee came up with a "10" for Reynolds, Smith & Hill on Column B (who has a staff of 7 with only 3 professional engineers) and only a "4" for Bishop Engineers (who has a staff of 14 of which 4 are professional engineers.)

Mr. Lawson stated that the overall ranking was based upon the number of professionals that would be available to work on the Gadsden County projects - not just those in the Tallahassee office. He stated that Reynolds, Smith & Hill have more than 350 employees with professionals all over the State of Florida.

Commissioner Fletcher stated that Reynolds, Smith & Hill provided a chart of their employees. He reported that he had checked the Tallahassee telephone book and could not find a single professional engineer (of the employees he checked) with a Tallahassee address.

Mr. Lawson stated that he had not checked their addresses.

Commissioner Fletcher stated that he (Mr. Lawson) should have checked to see what they have before he ranked them with a "10" on the ranking chart.

Mr. Lawson responded that he doesn't check the addresses of everyone who submits a bid to the County.

Commissioner Fletcher stated that he could not understand how he had ranked Bishop Engineers with a "0" for their approach. He asked if it based upon their presentation in comparison to the other 3 proposals.

Mr. Lawson replied that Bishop Engineers did not address the issue of their approach at all in their presentation, therefore they were given no points.

Chairman McGill asked if they had responded to the approach to any degree.

Mr. Lawson answered that they did not respond to the approach - period.

Mr. Lawson asked Commissioner Fletcher if his only concern was with Bishop Engineers.

Commissioner Fletcher stated that he could not understand

how they had received such a low ranking.

Mr. Lawson stated that it was just the way the numbers fell out.

A MOTION WAS MADE BY COMMISSIONER WATSON TO ACCEPT THE BID COMMITTEE'S RECOMMENDATION TO HIRE REYNOLDS, SMITH AND HILL TO PROVIDE THE COUNTY'S ENGINEERING SERVICES.

THE MOTION DIED FOR A LACK OF A SECOND.

COMMISSIONER FLETCHER MADE A MOTION TO HIRE REYNOLDS, SMITH & HILL AND BISHOP ENGINEERS TO PROVIDE THE COUNTY'S ENGINEERING SERVICES.

Mr. Lawson commented that if the Board should approve the above stated motion, those firms ranked # 2 and # 3 would certainly have grounds for a bid protest. He added that he could not see the need for doing proposals if they are futile. He pointed out that staff had spent a lot of time analyzing the proposals and had approached the selection process seriously.

THE MOTION DIED FOR A LACK OF A SECOND.

Commissioner Dixon asked to hear from Reynolds, Smith & Hill.

Mr. Jim Huebsch, Vice President of Reynolds, Smith & Hill addressed the Board. He stated that he is in charge of the Tallahassee office. He told the Board that there are 7 people in the Tallahassee office and 3 of them are professional engineers. He added that he has lived in Tallahassee for 3 years. He pointed out that his name is in the telephone book contrary to Commissioner Fletcher's comment earlier in the meeting. He added that it was possible that 3 of the other engineers' names are not in the directory because one of them relocated last October from the Jacksonville office and there are 2 new hires who started within the last 6 months.

Mr. Huebsch explained that his firm is a full service architectural engineering firm with 350 employees in 7 offices throughout the State of Florida. He stated that the firm has had significant impact on the Tallahassee area and noted the following:

- 1)Hightower building in downtown Tallahassee
- 2)Hermitage Center on Hermitage Blvd.
- 3)First Union Bank on Thomasville Road
- 4)General consultant to the City of Tallahassee -

- a) recently completed a corridor study for the City of Tallahassee for a new roadway in the northeast part of Tallahassee
- b) under contract to design the site design for the new aquatic center for the City of Tallahassee
- 5) General consultant to the Florida Department of Transportation central office
- 6) General consultant for the Tallahassee Airport (architectural and engineering)

Commissioner Dixon told Mr. Huebsch that Gadsden County is a small county with limited resources. He asked if his firm had dealt with governments similar to Gadsden County in the past.

Mr. Huebsch stated that he had met with Mr. McKinnon, Mr. Lawson and Mr. Lugod to discuss the kinds of projects that would require their services. He assured the Board that they do those types of projects routinely. The size of the project would not matter to his firm.

Commissioner Dixon pointed out that Gadsden County would need more "hands on" service because it does not have in house engineers to work with his firm. He asked if that would present a problem.

Mr. Huebsch assured Commissioner Dixon that the firm will have whatever resources are needed to satisfy the needs of the County.

Commissioner Fletcher asked if they had ever represented any other cities or counties the size of Gadsden County.

Mr. Huebsch said that they had not represented anyone as small as Gadsden County before. He stated that he did not understand the Board's concern in that regard.

Commissioner Dixon responded that Gadsden County is very different from other counties. The approach could be very different to many situations. He pointed out that the County could only afford to do a job one time.

Mr. Huebsch stated that he had discussions with Mr. Lugod and was prepared to work with him. He told the Board that the County was very fortunate to have Mr. Lugod on staff. He added that he was certain Mr. Lugod would demand quality work from his firm and would protect the County's resources.

Commissioner Fletcher asked Mr. Hubsch if he had worked with

Mr. Lugod on the Atlanta extension of the Georgia 400.

Mr. Huebsch stated that he had worked on the Georgia 400 but did not know Mr. Lugod at the time.

Chairman McGill asked if he had experience in working with small counties.

Mr. Huebsch answered that he did not have experience with small counties.

Chairman McGill asked if any of his staff had experience with small counties.

Mr. Huebsch answered that they did not have experience with small counties either. He stated that he was willing to work and learn. He assured the Board that the County would not have to pay for the learning curve.

Commissioner Dixon asked as to the company's record for bringing projects in under budget.

Mr. Huebsch replied that the firm has an excellent record. He pointed out that the key is in having an accurate construction estimate from the beginning.

Commissioner Dixon asked Mr. Huebsch if he worked for the people that pay him.

Mr. Huebsch stated "Absolutely, you are my client."

Chairman McGill offered the following scenario then asked Mr. Heubsch what he would do: You are given a budget to do a particular project; sometime later you find certain things need to be done (which were not detected earlier) and ask for approval for a change order; there is a disagreement with the County Commission about the change order.

Mr. Huebsch described the process that he would use: Identify a project; meet with the folks who are involved in the project and talk about it; develop a scope of work for everything which the team agreed that needed to be done on that particular project; submit it; it would be reviewed; revisions could be made to the scope; develop the scope; develop a design fee for the project. If the scope is good, there will not be problems. He added that if something happens down the road, that both parties agree was not foreseeable, then he would hope that it could be worked out.

Marion Laslie was recognized by the Chairman. She asked the Board if there are particular projects that they want this company to do.

Commissioner Fletcher answered that this process only serves to qualify a firm as the County's consulting engineers when the need for one should occur.

Chairman McGill asked for a motion.

Commissioner Fletcher contended that he felt that the County should qualify 2 firms rather than 1 so that they can compete with each other.

Chairman McGill asked Vice-chairman Watson to preside over the meeting momentarily. He passed the gavel to him.

A MOTION WAS MADE BY COMMISSIONER FLETCHER AND SECONDED BY COMMISSIONER MCGILL TO SELECT REYNOLDS, SMITH, & HILL AND WILLIAM BISHOP ENGINEERS AS THE COUNTY'S ENGINEERING CONSULTANTS.

Vice-chairman Watson called for a vote.

THE BOARD VOTED 2 - 3. COMMISSIONERS FLETCHER AND MCGILL VOTED IN FAVOR OF THE MOTION. COMMISSIONERS DIXON, ROBERSON AND WATSON OPPOSED. THE MOTION WAS FAILED.

Vice-chairman Watson returned the gavel to the Chairman.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 4 -1, BY VOICE VOTE, TO FOLLOW THE RECOMMENDATION OF THE BID COMMITTEE TO ACCEPT REYNOLDS, HILL & SMITH AS THE COUNTY'S ENGINEERING CONSULTANTS. COMMISSIONER FLETCHER CAST THE LONE DISSENTING VOTE.

Commissioner Dixon asked to see the written proposals which was reviewed by the staff in ranking the firms.

County Manager McKinnon directed Commissioner Dixon's attention to the bound copies of the responses to the bid for proposals.

PLANNING AND ZONING ISSUES

Growth Management Director Mike Sherman asked the Board to set a date for holding a public hearing for the adoption of the

Telecommunications Tower Citing Ordinance." He suggested September 2 or September 16, 1997.

Commissioner Watson asked Mr. Sherman to find a more realistic distance for the citing of towers in a residential district. (The proposed ordinance states 1/2 mile in residential districts and 20 times the height of the tower is agriculture districts.)

Mr. Sherman stated that the greatest distance he had seen included in other county ordinances was between 200 ft. and 500 ft.

Commissioner Dixon asked that the Board and staff consult with the cities within the County and ask them to adopt similar legislation. They should be considered as a part of this measure and not secondary to it.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER FLETCHER THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO SET A PUBLIC HEARING ON SEPTEMBER 16, 1997 FOR THE PURPOSE OF ADOPTING THE TELECOMMUNICATIONS TOWER CITING ORDINANCE; AUTHORIZE COMMISSIONER DIXON TO CONSULT WITH THE CITIES WITHIN THE COUNTY REGARDING IT; AUTHORIZE THE COUNTY ATTORNEY TO PUBLISH THE NOTICE OF INTENT TO ADOPT THE ORDINANCE.

Chairman McGill stated that he would consult with the City of Midway regarding the proposed ordinance.

Commissioner Watson asked how would the Board go about getting the language changed if the need arises at the hearing.

Mr. Richmond stated that he would need to have the title of the ordinance, a copy of the proposed ordinance and the notice of intent on file with the Clerk's office 15 days prior to the public hearing. He told the Board that they can make changes and enact the ordinance subject to those changes.

Ms. Marion Laslie addressed the Board. (Ms. Laslie served on the committee which drafted the proposed ordinance.) She explained that the ordinance provides an avenue for a petitioner who meets the distance requirements of the ordinance, to be approved administratively for a tower site. Otherwise, the petitioner must go through the normal P & Z process for requesting a variance to the ordinance requirements.

Comprehensive Plan Amendment Requests

Mr. Sherman reported that he had received a few requests for amendments to the County's existing comprehensive plan. He asked for direction on whether he should set up a schedule for amendments to the comprehensive plan and, if so, set a public hearing date for them to be considered.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO CONTINUE TO HEAR PETITIONS FOR COMPREHENSIVE PLAN AMENDMENTS, LAND USE CHANGES AND SMALL SCALE AMENDMENTS AND TO SET THE PUBLIC HEARING TO CONSIDER THEM FOR OCTOBER 21, 1997.

COUNTY MANAGER'S AGENDA

Mr. McKinnon had no 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 97-014 (Declaring a that a state of emergency existed in Gadsden County on July 23 - 27, 1997 - large scale manhunt for alleged murderer.)
2. Grants - Adjustment #2 to the Narcotics Grant #97-CJ-6J-02-30-01-074
3. Interagency agreements with the Department of Corrections for Inmate Work Program. (Parks Division; Recycling Dept.; Road & Bridge Dept.; Courthouse/Annex/Offices; Road & Bridge Public Works Dept.)
4. Resolution NO. 97-016 to pay \$2,150.00 for membership into the Small County Coalition and authorization for them to make payment to Robert P. Jones & Associates for services associated with the Small County Coalition.
5. Traffic Signal Maintenance & Operation Request Order No. 2 for flashing beacon at State Road 12 and County Road 159. Agreement calls for the County to maintain the light and pay the power bill associated with it.
6. Request from Jerry Wynn for permission to run for City Commissioner in Chattahoochee
7. E-911 - Approval of new road names. (Amber Lane, Cardinal Lane, Brooks-Smith Farm Road, Talquin Hideaway Road, Horne Road)

CLERK OF COURT

Budget Amendments

Clerk Thomas asked that amendment number 97-08-05-05 be removed from consideration. He explained that it would need to be advertised and can be included with other advertised budget changes at the close of the fiscal year.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE BUDGET AMENDMENTS 97-08-05-01 THROUGH 97-08-05-04 AND 97-08-05-06 THROUGH 97-08-05-09.

Ratification of the Approval for 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 COMMENT

Chairman McGill called for comments from the public. There was no response.

DISTRICT 2 REPORT

Commissioner Watson asked the Board to consider repealing Ordinance 96-006 which imposed a \$5.00 service charge of all civil cases for the benefit of Legal Services of North Florida, Inc. He stated that he was opposed to it at the time it was imposed and was still opposed to it.

Commissioner Watson then stated that he has learned that Legal Services of North Florida, Inc. is assisting in the defense of the Union against Quincy Farms. (They are the largest employer in the County.) He said that it does not make sense for the County to help fund the organization that is causing a lot of problems for the largest employer of the County. He added that considering welfare reform, the County must start trying to find jobs for people, not eliminate them.

He reminded the Commission that Legal Services was also instrumental in bringing suit against the County regarding the County Jail.

Commissioner Dixon recalled that there were a lot of problems at the jail to which attention needed to be focused. He added that if those services had not been available to the indigent, those problems would never have come to light. He continued by

saying "just because a person is poor does not mean that they are not entitled to due process."

Commissioner Dixon then directed attention to the Quincy Farms problem. He told the Board that perhaps there is a valid grievance with that employer. If it was not for the Legal Services, those people would not have the opportunity to say "look at this situation and tell me if something is wrong."

Commissioner Dixon then reminded the Board that the County needs the agricultural labor pool because it is a large part of what makes Gadsden County tick. He added that when a community needs that type labor pool, some things come attached - subsidized housing, subsidized medical care, indigent care, hospital care and civil rights. He concluded by saying "You can't have one without the other. Even the largest employer has to play by the rules. So do we."

Commissioner Watson stated that if the union wants to sue them, they should use union money to do it - not taxpayers money. He pointed to another inconsistency with the ordinance. He went on to say that as a business person, if he filed a small claims suit, he would have to pay \$5.00 to a fund that may be used to defend that person against him.

Commissioner Dixon told Commissioner Watson that it is one thing to help Quincy Farms, but he assured him that this was not the way to go about it.

Commissioner Watson again stated that he did not want to contribute to an organization that is working against the economics of Gadsden County.

Commissioner Dixon replied that it appeared to him that he didn't want to fund an organization that works against his personal beliefs.

Commissioner Watson stated that he believes in the economics of the County.

Commissioner Dixon contended that you can't believe in the economics of the County and not want that particular population represented. He went on to say that if it was not for that population in this County, a lot of businesses would no longer be here.

A MOTION WAS MADE BY COMMISSIONER WATSON TO SET A PUBLIC HEARING DATE TO CONSIDER AN ORDINANCE TO REPEAL ORDINANCE 96-

**006 WHICH IMPOSED A \$5.00 SERVICE CHARGE ON EACH CIVIL CASE
IN GADSDEN COUNTY.**

THE MOTION DIED FOR LACK OF A SECOND.

DISTRICT 3 REPORT

Commissioner Roberson reported that she had visited Tifton and Tift County, Georgia to see how they managed their solid waste and recycling departments. She stated that she was impressed with what she found. She gave each commissioner some information to review. She added that she expects that the issue will emerge again in Gadsden County and this approach could be an alternative for the County to consider.

Chairman McGill told the Board that he had begun circulating a video regarding a similar approach to solving problems with solid waste. He added that after each commissioner has had ample opportunity to view it, he will call for discussion on the matter again.

DISTRICT 4 REPORT

Commissioner Fletcher had nothing to report.

DISTRICT 5 REPORT

Commissioner Dixon recalled having seen a report concerning the trees around the Courthouse. He asked Mr. McKinnon to agenda the report at the next meeting.

Chairman McGill recalled that some citizens had requested that a magnolia tree be removed from the square and that the color of the dome be changed back to silver.

Commissioner Dixon asked Mr. Sherman if there were brochures in his office that can be offered to the public which outlines the P & Z step by step procedures.

Mr. Sherman answered saying there is a brochure for residential permits but nothing he could offer the public for developments. (Other than the comp plan itself)

Chairman Dixon asked that Mr. Sherman and Mr. McKinnon put money into the growth management budget to provide for a variety of public education pamphlets.

DISTRICT 1 REPORT

Chairman McGill stated that he thought it would be wise for each county department to have a brochure outlining how that department operates. They could be placed in public places such as the city halls and post offices throughout the County.

Chairman McGill then turned attention to the written concept for a Better Roads Committee. He described how he envisioned that the committee would function in cooperation with the Board.

He asked the Vice-chairman to preside momentarily and passed the gavel to him.

A MOTION WAS MADE BY COMMISSIONER MCGILL AND SECONDED BY COMMISSIONER FLETCHER FOR THE BOARD TO APPROVE THE CONCEPT OF THE BETTER ROADS COMMITTEE AS DESCRIBED IN THE ATTACHED REPORT.

Commissioner Watson asked if the intent of the committee was to sell the public on more taxes and a bond issue.

Chairman McGill stated that the intent was to sell the public on the need to have better and safer roads that will, in turn, give them better access to their homes, jobs and emergency vehicles, etc.

Commissioner Watson read a portion of the concept that described seeking municipal bonds for the purpose of building roads.

Chairman McGill proposed that the appointments from each district would work in their respective districts to determine to what extent they are willing to support a better roads initiative.

Commissioner Watson contended that he felt that it was a commissioner's job to work in his district to determine such matters. He remarked that he could not understand the purpose of the committee. He also stated that he would like to get a better feel for how much money will be realized from the new Flying J Truck stop before making plans for roads in the County.

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

ADJOURNMENT

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

Gadsden County Board of County Commissioners
August 5, 1997 Regular Meeting

Bill McGill, Chairman

ATTEST:

Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE COUNTY
COMMISSIONERS, HELD IN AND FOR
GADSDEN COUNTY, FLORIDA ON AUGUST
19, 1997, THE FOLLOWING PROCEEDINGS
WERE HAD, VIZ.

PRESENT: W.A. (BILL) MCGILL, CHAIRMAN
STERLING WATSON, VICE CHAIRMAN
CAROLYN ROBERSON
E. H. (HENTZ) FLETCHER
EDWARD J. DIXON
NICHOLAS THOMAS, CLERK
HAL RICHMOND, COUNTY ATTORNEY
HOWARD MCKINNON, COUNTY MANAGER

CALL TO ORDER

Chairman McGill called the meeting to order. He then led in pledging allegiance to the U.S. Flag and Rev. Randy Welding, pastor of New Philadelphia Presbyterian Church, offered the innovation.

ADOPTION OF AGENDA

Commissioner Watson asked that the Library Services Grant Agreement be removed from the consent agenda.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 4 - 0, BY VOICE VOTE TO ADOPT THE AGENDA AS AMENDED. (Commissioner Fletcher was not present for this vote.)

APPROVAL OF MINUTES

August 5, 1997 Workshop

August 5, 1997 Regular Meeting

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE MINUTES OF THE ABOVE STATED MEETINGS. (Commissioner Fletcher was not present for this vote.)

(Commissioner Fletcher arrived at this juncture of the meeting.)

COUNTY ATTORNEY

Satisfaction of Housing Rehabilitation Agreement

Albert and Frances Reed, Route 1 Box 258-A, Quincy, FL, 32351 -
Lein recorded in O.R. Book 421, pages 6 - 9.

**UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER
FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE
SATISFACTION OF HOUSING REHABILITATION AGREEMENT AS DESCRIBED
ABOVE.**

FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT)

Mr. Ronnie Finch of FDOT informed the Board of plans to
conduct a corridor study of US 90 in downtown Quincy.

Mr. Dan Beatty of Post, Buckley, Schuh & Jernigan, Inc. gave a
brief presentation outlining how the study would be conducted. He
explained that the study should be completed within 8 months of the
beginning date.

Mr. Beatty told the Board that a citizens advisory committee
would be organized in an effort to allow the public and local
public officials to drive the project. He added that depending
upon the results of the study, FDOT would be able to determine if
there is a need to construct an alternate truck route away from
downtown Quincy.

HOSPITAL

Mr. Bill Hardy, CEO of Med Tech of North Florida, Inc.,
addressed the Board. He told the Board that his company is
exploring the possibility of developing rural clinics in the County
to give citizens better access to healthcare. He added that to
begin such an endeavor, the start-up costs would be approximately
\$400,000. He then asked the Board to consider making him a loan
using the hospital endowment trust fund.

Mr. Richmond pointed out that a certain procedure would have
to followed if the Board voted to consider Mr. Hardy's request. He
stated that the Board must first ask for a declaratory judgement in
Circuit Court and then the Quincy State Bank officials must approve
it. He emphasized that in any scenario, the money would have to be
used in a manner that would directly benefit the hospital.

Discussion followed.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0 TO DENY MR. HARDY'S REQUEST AS DESCRIBED ABOVE.

COUNTY MANAGER'S AGENDA

Courthouse Grounds - Southern Magnolia Trees

Dr. Henry Grant, Gadsden County Cooperative Extension Director introduced Anthony W. Petellat, Gadsden County Forester.

Mr. Petellat called attention to the report he had provided in the meeting agenda packets. He suggested that 5 of the southern magnolia trees be removed from the courthouse grounds and that one other live oak be planted. He made a number of other observations and recommendations. (See attached report.)

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 3 - 2, BY VOICE VOTE, TO ACCEPT THE FORESTER'S REPORT AND TAKE THE ACTIONS RECOMMENDED IN THE REPORT. (COMMISSIONERS WATSON AND MCGILL CAST THE DISSENTING VOTES)

American Red Cross

Mr. McKinnon stated that the Board had given him directions at the last meeting to determine the costs incurred by the American Red Cross associated with the recent large scale manhunt in Gadsden County. He told them that he had received a letter from the Capital Area Chapter documenting that they had expended \$2,920.24 in providing assistance to volunteers and law enforcement personnel.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO MAKE A DONATION IN THE AMOUNT OF \$2,920.24 THE CAPITAL AREA CHAPTER OF THE AMERICAN RED CROSS.

Budget Workshops Schedule

It was the consensus of the Board to hold budget workshops on August 25 and 27, 1997 at 5:30 p.m.

PLANNING AND ZONING ISSUES

Hidden Lakes Subdivision (Preliminary Plat Review) Project #96PZ-07-201-01-07

Point of Clarification:

Mr. Robert Harrell petitioned the County for consideration of a preliminary residential subdivision plat. The proposed subdivision is located on the north side of SR 12, approximately 1.1 miles west of the Havana Town limits. The subject parcel is approximately 84.4 acres MOL. The applicant and property owner is Mr. Robert Harrell. The applicant's representative is Mr. Phil Williams. ASLA. The proposed development was given conceptual approval on July 16, 1996 contingent upon Mr. Harrell and the P & Z staff coming to an agreement regarding the arrangement of the lots. It came before the Board on July 15, 1997 for preliminary approval. However, significant conflicting testimony was given at that meeting regarding traffic concerns on SR 12. The issue was deferred until this meeting of August 19, 1997.

Witness # 1, Mike Sherman, Growth Management Director was sworn and examined by Hal Richmond, County Attorney and Florida Notary Public. After verification of his credentials with respect to his expertise, Mr. Sherman entered into evidence a summary of the proposed activity complete with letters from neighbors opposing the subdivision - **P & Z # 1**.

When questioned by Mr. Richmond, It was determined that Mr. Theriaque had not been furnished a copy of the summary. However, Mr. Theriaque stated no objections to having it received into the record as evidence.

Through his sworn testimony, Mr. Sherman made the following facts known.

- 1) Mr. Harrell has complied with all the requirements made of him by the P & Z staff except for the request for Mr. Harrell to do a 211 report (turning lane analysis). This should be done before he is granted final plat approval at a later date.
- 2) The conceptual plat and the preliminary plat are consistent with Gadsden County Comprehensive Plan.
- 3) Based on their analysis by P & Z staff, the maximum volume of traffic on SR 12 would not be exceeded.

- 4) The Board gave conceptual approval to the subdivision in July of 1996.

Commissioner Watson stated that he recalled the conversation at the conceptual approval hearing whereby the Board reserved the right to request a reduction in the density on the property in question.

Mr. Sherman confirmed Commissioner Watson's statement. He added that no final approval had been given to Mr. Harrell. He stated that final approval comes at the preliminary plat stage which is this meeting.

Commissioner Watson asked if Mr. Harrell had been requested to reduce the density to which Mr. Sherman answered that the Planning Commission had requested him to reduce the density. However, Mr. Harrell had proposed 96 lots and the Planning Commission recommended denial of the project (as presented by Mr. Harrell.)

Mr. Sherman was examined by Mr. Stewart Parsons, attorney for Mr. Harrell.

Mr. Sherman was examined by David Theriaque (attorney representing the neighbors who objected to the proposed project.) When asked Mr. Sherman stated that he thought the density should be set between 50 and 72 lots.

Mr. Sherman was cross-examined by Stewart Parsons (attorney for Mr. Harrell.)

Mr. Sherman was cross-examined by Hal Richmond (county attorney.)

Mr. Sherman was questioned by Commissioner Fletcher.

Mr. Sherman was questioned by Chairman McGill.

Mr. Parsons summarized Mr. Harrell's official position as follows:

Conceptual approval was granted in July, 1996 with 23 special conditions.

Mr. Harrell has complied with all special conditions except for the storm water situation, however that condition will also be complied with.

The project meets the requirements of the comprehensive plan.

While Mr. Harrell could be legally entitled to more lots, he was proposing only 96.

Commissioner Fletcher stated that the requirement to reduce the number of lots had not been complied with.

Mr. Parsons argued that there was never a requirement to reduce the number of lots.

Commissioner Watson stated that the Board reserved the right to reduce the number of lots.

Mr. Parsons stated that the Board must identify specific factors to justify that reduction request.

Commissioner Watson stated that based on the factor of compatibility, he recommended that the number of lots be decreased.

Mr. Parsons argued that the term "compatibility" is a generic global word.

Mr. Theriaque asked for a point of order. He stated that he understood that the burden is on the applicant to indicate that they have complied with all provisions of the comp plan and the land development code. He took the position that compatibility is an issue and the applicant has refused to put on any testimony.

Mr. Richmond acknowledged that the burden of proof is on the applicant. He pointed out that the County's position is as follows:

Conceptual approval was granted.

There is a question of compliance with the request of the Board to decrease the number of lots. That is something that the Board must determine and set at this meeting.

As far as compliance with the comprehensive plan, the Planning & Zoning staff has found Mr. Harrell has complied with and the project is not inconsistent with the comprehensive plan.

Mr. Theriaque stated that based on what he heard in testimony from Mr. Sherman, he had not taken a position on the compatibility issue. Without a position regarding the compatibility issue, the staff cannot make a finding that the project complies with the comprehensive plan.

Mr. Richmond noted Mr. Theriaque's objection.

Mr. Parsons stated that the issue of compatibility should have been addressed at the previous meetings held on the project.

Mr. Richmond argued that density concerns have been consistently raised by the Board. The number of lots in the development has been raised from the beginning.

There was a five minute recess.

Witness # 2

Mr. Parsons called Phil Williams, engineer for the proposed project as a witness for the applicant.

Mr. Williams was sworn by Hal Richmond, a notary public empowered by the State of FL to administer oaths.

Mr. Theriaque questioned the witness as to his professional credentials and his ability to give testimony on the issue of compatibility.

Mr. Williams explained how the plat was designed in a cluster development. He testified that the average lot size is actually .48 acre.

Mr. Parsons stated that he keeps hearing about compatibility. He understood that the issue was more about the sizes of the lots by comparison to the adjoining subdivision.

Mr. Parsons recalled that the P & Z staff had urged Mr. Harrell to redesign the plat in a cluster design. Mr. Harrell complied with the staff's request and now the Board is challenging the development because it is not compatible. He pointed out that mobile homes are permitted in that land use area. He contended that Mr. Harrell and his engineers had worked very hard to comply with every issue raised by the staff and Board to this point.

Commissioner Watson recalled Mike Sherman. He asked Mr. Sherman if the Board had the latitude to require 2 lots per acre if certain conditions are met.

Mr. Sherman answered that the rural residential category allows for a density (if there is supporting infrastructure) for 2 dwelling units per acre.

Commissioner Watson asked Mr. Sherman if the Board has the latitude not to grant that density if they so desire.

Mr. Sherman answered "Yes, the way I interpret the comprehensive plan."

Mr. Parsons objected to the question on the ground that it calls for a conclusion as to the powers of the Board.

Mr. Richmond argued that Mr. Sherman is an expert on the comprehensive plan and therefore may render an opinion on the question.

Commissioner Watson asked once again if the Board would be inconsistent with the comprehensive plan, if they chose to require a less dense development from the applicant.

Mr. Sherman stated that the Board has the right to require a less dense development.

Mr. Richmond pointed out that in making that requirement, the Board would have to state a reason for such a finding based on competent evidence presented at this hearing.

Mr. Sherman stated that the definition of the "rural residential" land use category in the comprehensive plan, allows for between 2 dwelling units per acre and 1 dwelling unit per 2 acres. The density requirement is a policy decision to be made by the County Commission.

Mr. Parsons declined any questions of Mr. Sherman.

Mr. Theriaque asked Mr. Sherman if determination of an appropriate density for a development could be driven by compatibility.

Mr. Sherman answered affirmatively.

Mr. Theriaque then asked Mr. Sherman as a county planner (from a planning prospective) and based upon sound planning principles if he had the ability to require a project to be on the lower end of a density range based upon compatibility.

Mr. Sherman answered affirmatively.

Witness # 3:

Mr. Theriaque called Chief Jon Tallon, Chief of Police for the Town of Havana.

Chief Tallon was sworn by Mr. Richmond, a notary public authorized to administer oaths by the State of Florida.

Chief Tallon testified to the fact that any increase in population would increase the impact on his police department.

Havana has a mutual aid agreement with the Sheriff's office to respond to calls.

Mr. Tallon was examined by Mr. Parsons.

Mr. Tallon was examined by Mr. Theriaque.

Witness # 4:

Ms. Laurie Rigg, Rt. 5 Box 42-D, Havana, FL was called by Mr. Theriaque. She was sworn by Mr. Richmond, a notary public authorized to administer oaths by the State of Florida.

Ms. Rigg presented and explained Exhibit # N-2 "Our Community". It was admitted into evidence with the Clerk.

Ms. Rigg was examined by Mr. Theriaque.

Ms. Rigg was cross examined by Mr. Parsons.

Mr. Richmond had no questions for Ms. Rigg.

The Board had no questions for Ms. Rigg.

Witness # 5:

Mr. Theriaque called Carol Penrose, Rt. 3 Box 679, Havana, FL.. She was sworn by Mr. Richmond, a notary public empowered by the State of Florida to administer oaths.

Ms. Penrose was examined by Mr. Theriaque. She submitted Exhibit N-4 as evidence to the Clerk.

There were no objections to the evidence.

There were no other questions for Ms. Penrose.

Witness # 6:

Mr. Theriaque called Sandy Beare, Rt. 3 Box 786, Havana, FL. She was sworn by Mr. Richmond, a notary public empowered by the State of FL to administer oaths.

Ms. Beare was questioned by Mr. Theriaque. She offered Exhibit n- 5 into evidence.

There were no questions from Mr. Richmond or Mr. Parson directed to Ms. Beare.

Witness # 7:

Mr. Lee Manella was called by Mr. Theriaque. He was sworn by Mr. Hal Richmond, notary public empowered by the State of Florida to administer oaths. He then was questioned by Mr. Theriaque regarding the impact of the proposed subdivision on the Gadsden Art Trail.

Mr. Manella was cross examined by Mr. Parsons.

Witness # 8:

Mr. John Thiel, Rt. 3 Box 783 - W, Havana, FL was called by Mr. Theriaque. He was sworn by Mr. Richmond, a notary public empowered by the State of Florida to administer oaths. He was questioned by Mr. Theriaque. He offered Exhibit # N-6 into evidence.

Mr. Parsons and Mr. Richmond had no questions of Mr. Thiel.

Witness # 9:

Mr. John W. (Jack) Barr, business address 1208 Hayes St., Tallahassee, FL, was called by Mr. Theriaque. He was sworn by Mr. Richmond, notary public empowered by the State of Florida to administer oaths. Mr. Barr's resume was entered into evidence as Exhibit N-7.

Mr. Theriaque was questioned by Mr. Theriaque as to his credentials to offer expert testimony as to the traffic counts in the proposed development. He testified that if the development is permitted to occur, the traffic count will have exceeded its service volume at level of service "c" for the critical link of roadway near the development.

Mr. Richmond asked Mr. Barr if the level of service is acceptable at the present time. Mr. Barr answered "yes".

Mr. Richmond then asked if when you add the projected number of trips (considering the number of housing units permitted but not yet built and the proposed development) to the present traffic count, would the level of service be exceeded.

Mr. Barr answered "yes, sir."

Mr. Richmond asked if he could determine how much time would elapse before the build out of service would occur on the previously approved housing development.

Mr. Barr answered "no."

Mr. Parsons questioned Mr. Barr regarding the traffic counts and how they affect the level of service for the entire road and the critical impacted segment. It appeared that there was disagreement between Mr. Barr and Mr. Sherman as to which segment was the critical impacted segment of the road and how the traffic count analysis was derived.

Mr. Theriaque reexamined Mr. Barr.

PUBLIC COMMENT

Chairman McGill called for additional public comment.

Witness # 9:

Mr. James Marlow, Rt. 5 Box 42-D addressed the Board. He was sworn by Hal Richmond, notary public empowered by the State of Florida to administer oaths. He opposed the subdivision as presented.

There were no questions of Mr. Marlow.

Witness # 10:

Mr. Clayton Campbell was sworn by Hal Richmond, notary public empowered by the State of Florida to administer oaths. He opposed the subdivision. His comments dealt primarily with the developer's obligation to a home owner's association. He asked that those obligations be recorded on the face of the plat.

PUBLIC DISCLOSURE

Commissioner Watson stated that he had talked with Growth Management Director regarding the project. He confirmed that he had not been told anything which differed from the testimony given at this hearing.

Commissioner Roberson acknowledged that she talked with Mr. May on the afternoon of this hearing.

Commissioner Fletcher acknowledged that he had talked the Growth Management Director Mike Sherman on the morning of this hearing. He also disclosed that he had been contacted by Mr. Clayton Campbell.

Commissioner Dixon stated that he had received a message from Mr. Clayton Campbell regarding the issue but he did not return the call.

Mr. Richmond asked that the record reflect the numerous letters written to the Board regarding the project.

Witness # 11:

Mr. Parsons called Hank Koornstra, PE who prepared the traffic study for Mr. Harrell. He was sworn by Mr. Richmond, notary public empowered by the State of Florida to administer oaths. He was then questioned by Mr. Parsons.

Mr. Koornstra referred to a letter he sent to the County Commission on August 18, 1997 regarding the traffic study and analysis he had performed. He presented it as evidence.

Mr. Theriaque stated an objection to the testimony and evidence presented by Mr. Koornstra as the information was not made available to him prior to this meeting. He based his objection on the basis that it was the equivalent to being sand bagged with new information. He contended that there had been ample opportunity for the applicant to share the information with him. He reminded the Board that he had made full disclosure with the information he had put together. The sole purpose of this hearing was to address transportation issues associated with the development.

Mr. Parsons stated that Mr. Theriaque had not made information available to him prior to the last hearing.

Mr. Theriaque reminded Mr. Parsons that he was provided the information as quickly as it had been received. (It was made available to Mr. Theriaque at 4:00 p.m. on the day of the last hearing.)

Mr. Parsons asked that the record reflect that no one had provided him copies of anything until just 2 days ago.

Mr. Richmond stated that the objection was duly noted.

Mr. Theriaque stated that he had launched an objection regarding due process and fairness of providing information to all parties. He then asked if the Board had given Mr. Richmond authority to rule on objections. He asked the chairman if Mr. Richmond had denied his objection.

Chairman McGill stated that it had not been discussed but he didn't believe that a ruling was made. Only that the objection was noted.

Mr. Parsons stated that he had never been sent anything by Mr. Theriaque and did not realize that he had an obligation to copy the information to Mr. Theriaque. He assumed that copies were being processed by Mr. Sherman and his staff.

Chairman McGill stated that he would have to rely on Mr. Richmond for his legal opinion on the objection.

Again, Mr. Theriaque asked for a ruling.

Chairman McGill noted the objection and allowed the testimony.

Mr. Koornstra gave testimony that his analysis revealed that 7,700 vehicles per day can use the road without the roadway dipping below a level of service "C". The data was based on the DOT information that has been issued. DOT sent him the information on August 5. Their peak hour data is more reliable than what can be obtained in a one day count. See the attached report as submitted in evidence.

Mr. Theriaque asked for a recess to consult with his traffic engineer.

The meeting was recessed.

Chairman McGill reconvened the meeting.

Mr. Koornstra was examined by Mr. Theriaque.

There were no other questions of Mr. Koornstra.

Mr. Richmond declared the hearing closed.

**COMMISSIONER WATSON MADE A MOTION TO DENY THE PROJECT.
THE MOTION DIED FOR LACK OF A SECOND.**

A MOTION WAS MADE BY COMMISSIONER FLETCHER TO APPROVE THE PROJECT BUT NOT TO ALLOW MORE THAN 72 LOTS BASED SOLELY UPON THE TESTIMONY AND EVIDENCE PRESENTED AT THIS HEARING AND THE OTHER MATTERS PRESENTED AT PRIOR HEARINGS THAT HAVE BEEN CONSIDERED. THE MOTION DIED FOR LACK OF A SECOND.

A MOTION WAS MADE BY COMMISSIONER FLETCHER AND SECONDED BY COMMISSIONER DIXON TO GRANT PRELIMINARY PLAT APPROVAL TO THE PETITIONER WITH THE LOT LEVEL SET AT 72, BASED UPON ALL TESTIMONY HEARD AT THIS HEARING AND THE TESTIMONY CONSIDERED AT ALL HEARINGS PRIOR TO THIS HEARING.

DISCUSSION FOLLOWED.

THE BOARD VOTED 2 - 3 WITH COMMISSIONERS FLETCHER AND MCGILL VOTING "AYE" AND COMMISSIONER WATSON, ROBERSON AND DIXON VOTING "NO". THE MOTION FAILED.

UPON MOTION BY COMMISSIONER DIXON TO GRANT PRELIMINARY PLAT APPROVAL TO THE PETITIONER WITH THE LOT LEVEL SET AT 85, BASED UPON ALL TESTIMONY HEARD AT THIS HEARING AND THE TESTIMONY CONSIDERED AT ALL HEARINGS PRIOR TO THIS HEARING.

THE MOTION DIED FOR LACK OF A SECOND.

Mr. Parsons asked to go on record to say that no numbers were presented in the hearing except the numbers as requested by Mr. Harrell.

Mr. Richmond differed with Mr. Parsons.

Mr. Theriaque objected to allowing the remarks by Mr. Parsons and asked to respond. He recalled that Mr. Sherman's testimony was that the Board could go as low as one unit per 2 acres and it can be considered competent substantial evidence.

COMMISSIONER WATSON MADE A MOTION TO GRANT THE PRELIMINARY PLAT APPROVAL TO THE PETITIONER WITH THE LOT LEVEL SET AT 50 LOTS BASED UPON ALL TESTIMONY AND EVIDENCE HEARD AT THIS HEARING AND THE TESTIMONY CONSIDERED AT ALL OTHER HEARINGS PRIOR TO THIS HEARING.

THE MOTION DIED FOR LACK OF A SECOND.

COMMISSIONER FLETCHER MADE A MOTION TO GRANT THE PRELIMINARY PLAT APPROVAL TO THE PETITIONER WITH THE LOT LEVEL SET AT 76 LOTS BASED UPON ALL TESTIMONY AND EVIDENCE HEARD AT THIS HEARING AND THE TESTIMONY CONSIDERED AT ALL OTHER HEARINGS PRIOR TO THIS HEARING.

THE MOTION WAS SECONDED BY COMMISSIONER DIXON.

THE BOARD VOTED 3 - 2 IN FAVOR OF THE MOTION. COMMISSIONERS ROBERSON AND WATSON OPPOSED.

Variance Request - James Suber Project #97PZ-06-201-01-08

Mr. James Suber petitioned the County for consideration of a variance request for Lot 2 of the Watershed Farms Subdivision. The Watershed Farms subdivision is located southwest of the Town of Havana, in Section 8, Township 2N and Range 2W and adjacent to CR 270.

The Planning Commission recommended approval.

The P & Z staff recommended denial because tests a, b, d, and g are not met.

Mr. Suber answered questions by the Board and explained his need.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 4 - 0 TO GRANT THE VARIANCE REQUEST BY MR. JAMES SUBER. COMMISSIONER FLETCHER ABSTAINED FROM VOTING. CONFLICT FORM ON FILE WITH THESE MINUTES.

Request for Temporary Power Request

Mr. Derrick McKinnon requested that the county allow temporary electrical power be turned on to his body shop business while he goes through the process of petitioning the BCC for a Special Exception neighborhood commercial permit. Mr. McKinnon was operating his business without the benefit of a permit from the County and when it was discovered by staff, the power was turned off.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0 TO ALLOW MR. MCKINNON TO HAVE POWER TURNED ON WITH THE UNDERSTANDING THAT HE MUST FIRST HAVE THE AUTHORIZATION OF THE BUILDING INSPECTOR AND THAT HE MUST FILE AN APPLICATION TO GO THROUGH THE NORMAL P & Z PROCESS BY SEPTEMBER 1, 1997.

CONSENT AGENDA

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

- 1) Recycling and Education Grant Agreement RE 98-18
- 2) Small County Grant Agreement SC98-09
- 3) Waste Tire Grant Agreement WT98-20
- 4) Litter Control/Prevention Grant Agreement LC98-18
- 5) Bid Committee Recommendation to award contract for the Annex III Courtroom to Winton Suber Heating/AC of Quincy, FL for a bid of \$17,549.60
- 6) E911 List of Road Names
- 7) Economic Development Activities Report by Chamber of Commerce

CLERK'S AGENDA

Budget Amendments

97-08-19-01 THROUGH 97-08-19-08

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE BUDGET AMENDMENTS LISTED ABOVE.

Ratification of Approval to Pay County Bills

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO RATIFY THE APPROVAL TO PAY THE COUNTY'S BILLS.

PUBLIC COMMENTS

There were no comments.

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.

There being no other business, the Chairman declared the meeting adjourned.

Bill McGill, Chairman

ATTEST:

Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE BOARD OF
COUNTY COMMISSIONERS, HELD IN AND
FOR GADSDEN COUNTY, FLORIDA ON
SEPTEMBER 2, 1997, THE FOLLOWING
PROCEEDINGS WERE HAD, VIZ.

PRESENT: W.A. (BILL) MCGILL, CHAIRMAN
STERLING WATSON, VICE CHAIRMAN
CAROLYN ROBERSON
E. H. (HENTZ) FLETCHER
EDWARD J. DIXON
NICHOLAS THOMAS, CLERK
HAL RICHMOND, COUNTY ATTORNEY
HOWARD MCKINNON, COUNTY MANAGER

CALL TO ORDER

Chairman McGill called the meeting to order. County Attorney Hal Richmond led in pledging allegiance to the U.S. Flag and County Manager Howard McKinnon led in prayer.

ADOPTION OF AGENDA

The agenda was amended as follows:

Deleted per Memo from County Manager

Item No. 6 - B:

Alex Hicks, Gadsden County Hospital Administrator - Prior Year Medicaid Adjustments

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 4 - 0, BY VOICE VOTE TO ADOPT THE AGENDA AS AMENDED ABOVE. (Commissioner Roberson was not present for this vote.)

APPROVAL OF MINUTES

August 19, 1997 Minutes

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE MINUTES OF AUGUST 19, 1997.

COUNTY ATTORNEY

Lawsuits

Cooksey v. Gadsden County

Mr. Richmond informed the Board that the County has received a partial summary judgment in the Cooksey lawsuit. He asked to have a closed door confidential meeting with the Board on September 16, 1997 at 5:30.

J & J Automotive - Project # 97PZ-02-203-4-02

Mr. Richmond reported that he had received a letter from Mr. Mike Sherman requesting that he proceed to shut down the operations of J & J Automotive and impose civil sanctions on Mr. Joseph Oliver, the operator. He explained for the record that on May 20, 1997, the Board voted to give Mr. Oliver 90 days to move his operation across the street. In that 90 days, Mr. Oliver had been told to cease operation until he had complied with the land development code. Mr. Richmond stated that Mr. Oliver has not ceased his operation and has done nothing to comply with the Board's instructions.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 3 - 0, BY VOICE VOTE, TO SHUT DOWN THE J & J AUTOMOTIVE SHOP AND IMPOSE CIVIL SANCTIONS UPON MR. OLIVER. COMMISSIONER FLETCHER ABSTAINED FROM VOTING. (SEE CONFLICT OF INTEREST FORM) Commissioner Roberson was not present for this vote.

COUNTY MANAGER

Escambia County Housing Finance Authority

Mr. Gordon Jernigan addressed the Board. He reported that Gadsden County citizens have taken advantage of \$500,000 (at a rate of 6.55%) of the 1997 Bond allocation. Another \$500,000 has been re-marketed at 6.30% and will be available for home loans to low to moderate income families in Gadsden County who are first time home buyers. He stated that it is the lowest interest in the United States since 1959.

Mr. Jernigan told the Board that the Escambia County Housing Authority is planning a new issue in 1998 of up to \$70 million. He requested that the commissioners conduct a public hearing on October 21, 1997 for the purpose of Gadsden County entering into an

agreement with Escambia County Housing Finance Authority whereby bonds may be issued on behalf of the County. He stated that at least \$1 million will be allocated to Gadsden County. He anticipated that Leon and Wakulla County would participate on the issue as well as others throughout the State.

Mr. Jernigan emphasized that there is no liability for Gadsden County to participate in the 1998 Bond Issue.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO SET A PUBLIC HEARING ON OCTOBER 21, 1997 FOR THE PURPOSE OF GADSDEN COUNTY ENTERING INTO AN AGREEMENT WITH ESCAMBIA COUNTY HOUSING FINANCE AUTHORITY WHEREBY GADSDEN COUNTY WILL RECEIVE AN ALLOCATION OF AT LEAST \$1 MILLION OF THE 1998 BOND ISSUE. (Commissioner Roberson was not present for this vote.)

HOSPITAL

Mr. Alex Hicks addressed the Board on behalf of the hospital and Jerry Wynn (Primary Health Care Administrator). He requested that the County Commission submit a pre-application letter-of-intent to participate in a Primary Care for Children and Families Challenge Grant Program. He called attention to a draft letter of intent for the Board's review.

Mr. Hicks stated that the purpose of the grant is to provide \$125,000 to expand services of Primary Care to children and families. He then told the Board that the grant will be continued at \$250,000 per year.

Commissioner Watson asked how long would the grant last.

Mr. Hicks stated that it would be an on-going grant.

Chairman McGill asked if there was a match requirement.

Mr. Hicks stated there is a local match requirement which can be met as in-kind services.

Commissioner Watson read from the letter: "renewal based on satisfactory operation and available legislative funding." He stated that his concern was how it would be funded when the grant ends.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO AUTHORIZE THE CHAIRMAN TO EXECUTE THE LETTER OF INTENT AS DESCRIBED ABOVE. (Commissioner Roberson was not present.)

PLANNING AND ZONING ISSUES

R & B Mobile Home Park 89PZ-355

In March of 1989, Mr. Ronald Colston received approval for reclassification of his property to commercial and approval to establish a mobile home park subject to compliance with Ordinance 89-001.

Mr. Colston addressed the Board to request re-affirmation of the Board's approval of R & B Mobile Home and Lot Rental Development without further development review by the Planning Department. He also asked for an extension of up to one year to come into compliance with the ordinance requirements (to pave the road and provide for stormwater management.)

Mr. Colston continued by saying that he has purchased two more mobile homes and has requested a permit to place them in the park. P & Z has not allowed him to do so.

Commissioner Watson asked what compliances must be met in order for Mr. Colston to be permitted to move the homes onto the site.

Mr. Colston replied that Mr. Sherman told him that he must submit a site plan, pave the road and provide for stormwater runoff. He stated that he has not complied with those requirements because Ordinance 89-001 does not require paved roads unless there are more than 6 homes on the site. He emphasized that he has never had more than 5 located on the property. He argued that the ordinance would allow up to six mobile homes without necessitating compliance to the paving and stormwater requirements.

Commissioner Watson stated he could not justify approving Mr. Colston's request.

Mr. Colston stated that he was not requesting a waiver of the ordinance - he was requesting an extension of "a year or so" in which to come into compliance.

Commissioner Watson explained to Mr. Colston that the Board was not allowing other developers an extension of time and he felt he could not support an exception.

Commissioner Dixon asked Mr. Mike Sherman to explain the circumstances leading up to Mr. Colston's request.

Mr. Sherman explained the following:

- 1) Mr. Colston was approved in 1989 for a mobile home park on his property of 1.98 acres subject to compliance to the mobile home park ordinance.
- 2) Ordinance 89-001 was in effect at the time Mr. Colston's development order was approved. It states that if the development has not begun after 1 year from the date of approval, the Board's development order approval would become null and void. The Ordinance required that the infrastructure be concurrent with the impacts of the development. That would have included paved road, stormwater management, lighting, central water, central solid waste collection and a septic tank for each lot.
- 3) Mr. Colston did not development the site into a mobile home park right away. He had 4 - 5 mobile homes on the site and therefore has not been required to pave the streets or install a stormwater system before now, but he had provided for central solid waste collection, central water supply, separate septic tank for each unit and street lighting.
- 4) Mr. Colston came to the P & Z Department only 2 weeks ago requesting a permit to place 2 more units on the site.
- 5) The staff and Mr. Colston disagreed about which ordinance should regulate the development. The staff determined that the development order had expired and the park would be subject to the current ordinance. Mr. Colston contended that it had not expired since development had already begun and is continuing in incremental stages. He felt that it should be regulated by 89-001. He interpreted the ordinance in such a way that he would be allowed to place 6 units on the site without having to comply with the infrastructure requirements. As a result of the disagreement, Mr. Colston requested a hearing with the Board for a determination.
- 6) If the Board should determine that the development order had not expired, the site should be regulated by Ordinance 89-001. In that case, the **sixth** unit would require him to comply with the paved street and stormwater requirements.
- 7) If the Board should determine that Mr. Colston's development order had expired (because he did not develop the site as was envisioned in the original petition) and that he should be regulated by the current ordinance, placement of the **fifth** unit would oblige him to comply

with the paved street and stormwater requirements.

- 7) Mr. Colston has not provided construction plans for the infrastructure. The planning staff does not have the authority to grant an extension of time to have the infrastructure in place.
- 8) Mr. Colston asked if he could be allowed to move the homes onto the site, then come to the Board and request some kind of consideration. Mr. Sherman prepared an agreement whereby he would be allowed to move them onto the property if he would agree that the units met the minimum mobile home code and that if the extension was not granted by the Board, he would agree to move them off the property until the necessary infrastructure was put into place. Mr. Colston declined to sign such an agreement and therefore was before the Board requesting some kind of consideration.

Commissioner Dixon asked if he would have been required to pave the road if only 4 units were placed on the property.

Mr. Sherman replied that based on Mr. Colston's petition and Ordinance 89-001, he felt that he would have to comply with the requirements. (Street lighting, paved road, stormwater system, septic tank for each unit, solid waste collection facility.)

Mr. Sherman referred to the minutes of the meeting at which time the Board approved his project. He pointed out that Commissioner Nicholson asked Mr. Colston if he was aware of the requirements of the mobile home codes. Mr. Colston indicated that he was aware of them.

Chairman McGill asked for more clarification. He asked if Mr. Colston was subject to those requirements even though he did not have 6 units.

Mr. Sherman explained that Mr. Colston would be subject to the requirements of Ordinance 89-001 at the time the 6th unit is placed onto the property. Upon placement of the 6th unit, the site becomes a mobile home park by default. At such time the 6th unit is placed, he must meet all the requirements of a mobile home park.

Mr. Sherman continued by saying that Mr. Colston initially petitioned for 20 units. It was envisioned in 1989 that Mr. Colston would provide all the infrastructure and place all 20 units on the site at one time. Since that time however, Mr. Colston has decided to develop the park in incremental stages.

Commissioner Dixon asked if Mr. Colston qualified as a subdivision.

Mr. Sherman stated that he does not qualify as a subdivision because he is not selling the land. However, he did qualify as a mobile home park subject to one ordinance or another. He continued to explain that if the Board should determine that the original development order expired, (because the proposed mobile home park was not developed to the extent that it was envisioned in the petition) Mr. Colston must comply with the new ordinance - the infrastructure must be in place upon placement of the 5th unit. He added that if the Board should determine that Mr. Colston's development order had not expired (because he is developing the park incrementally), then he must have the infrastructure in place upon placement of the 6th unit.

Commissioner Fletcher asked Mr. Sherman for a recommendation.

Mr. Sherman recommended that Mr. Colston be allowed to have his mobile home park, but deny permits for additional units until the infrastructure is in place.

Mr. Colston stated that it was always his intention to develop the park in stages.

Chairman McGill questioned him as to the ownership of the mobile homes. He asked if the definition of a subdivision can be applied to this park.

Mr. Sherman stated once again that the definition of a subdivision does not apply to the property in question since no sale of property took place. There was no subdividing of the property. The definition in question is that of "mobile home park" coupled with a question of which ordinance should be applied to this situation.

Commissioner Watson argued that if the Board should approve this request, it would be setting a precedent. He felt the road should be paved.

Commissioner Dixon stated that it seems apparent that the road should be paved and the infrastructure should be in place - but the matter in disagreement is "At what point in time should it be required?"

Mr. Richmond stated that once the petitioner began substantial compliance, the development order is valid. The question is when does he have to comply with the development order - before the placement of unit no. 5 or unit no. 6. He was of the opinion that

the development order must be complied with and the issue the Board should make is at point in time.

A MOTION WAS MADE BY COMMISSIONER DIXON TO ALLOW THE PLACEMENT OF 6 UNITS BUT TO REQUIRE THE INFRASTRUCTURE TO BE IN PLACE WITHIN 180 DAYS AFTER PLACEMENT OF THE SIXTH UNIT. COMMISSIONER FLETCHER SECONDED THE MOTION.

DISCUSSION FOLLOWED.

Mr. Sherman pointed out that Ordinance 89-001 states "Mobile home park means any tract of land or contiguous tracts of land ...on which are located six or more mobile homes...". The motion would be in violation of Ordinance 89-001. The infrastructure should be in place before the sixth unit is placed.

Chairman McGill asked if the road had to be paved and could gravel be used instead.

Mr. Sherman replied that the ordinance requires 20 ft. wide paved roads.

QUESTION WAS CALLED BY COMMISSIONER FLETCHER.

THE BOARD VOTED 2 - 2. COMMISSIONERS DIXON AND FLETCHER VOTED "AYE". COMMISSIONERS ROBERSON AND WATSON VOTED "NO." CHAIRMAN MCGILL ABSTAINED FROM VOTING AS MR. COLSTON IS HIS COUSIN.

THE MOTION DIED BY A TIE VOTE.

A MOTION WAS MADE BY COMMISSIONER ROBERSON AND SECONDED BY COMMISSIONER FLETCHER TO ALLOW PLACEMENT OF A FIFTH UNIT WITHOUT REQUIRING INSTALLATION OF THE INFRASTRUCTURE OF ORDINANCE 89-001. HOWEVER, BEFORE A SIXTH UNIT CAN BE PLACED, MR. COLSTON MUST COMPLY WITH ALL THE REQUIREMENTS OF THE DEVELOPMENT ORDER AND ORDINANCE 89-001. THE BOARD VOTED 3 - 1 IN FAVOR OF THE MOTION. COMMISSIONER WATSON CAST THE LONE DISSENTING VOTE. CHAIRMAN MCGILL ABSTAINED FROM VOTING AS MR. COLSTON IS HIS COUSIN.

Magnolia Ridge Residential Subdivision - Project 96PZ-15-201-1-09

Mr. Ed Wasdin appeared before the Board and requested an extension to the development order for Magnolia Ridge subdivision.

Mr. Sherman called attention to the fact that Mr. Wasdin was given conceptual plat approval on September 17, 1996. He requested and was granted a six month extension on March 18, 1997. He

continued by saying that Mr. Wasdin was before the Board requesting a second extension.

Mr. Wasdin was questioned as to why he needed another extension. He stated his reason as "due to delay of engineer work."

A MOTION WAS MADE BY COMMISSIONER WATSON AND SECONDED BY COMMISSIONER FLETCHER TO DENY THE EXTENSION REQUEST.

DISCUSSION FOLLOWED.

Eddie Wasdin stated that he and his father were prepared to continue with the development of the subdivision but had delayed their efforts until issues surrounding the Hidden Lakes subdivision had been resolved. He further stated that he had hoped to be able to tie into Mr. Harrell's water lines once that development had begun. He added however, that he is prepared to proceed with Magnolia Ridge development regardless of the outcome of Mr. Harrell's impending development.

Commissioner McGill asked him how long it would take to complete the engineering study and return it to P & Z.

Mr. Wasdin indicated that the study could be complete within 6 weeks. He reported that the lots and the roads have been surveyed and platted.

Mr. Wasdin's father, Ed Wasdin, explained that they had hoped to share the cost of laying the water lines with Mr. Harrell, but he was now prepared to go forward with or without Mr. Harrell.

Commissioner Dixon stated that he had heard no compelling reason for the Wasdins' delay in moving forward on the development order. He added that the Wasdins had not advised the Board as time passed.

Mr. Wasdin apologized to the Board but requested consideration.

Mr. Richmond asked to clarify for the record that the time period on the development order had expired but the request for the extension was timely filed. The Board does not have to grant the extension, but they must consider it.

Mr. Sherman stated that the Land Development Code allows the Board to grant extensions in extenuating circumstances. He added that it is not clear to him as to what work has been done.

Mr. John Theil, Rt. 3 Box 783-W, spoke in his opposition to granting the extension. He stated that a year was ample time to move forward with alternative plans regardless of the situation with Hidden Lakes subdivision.

THE BOARD VOTED 4 -1 IN FAVOR OF THE MOTION TO DENY THE EXTENSION. CHAIRMAN MCGILL CAST THE LONE DISSENTING VOTE.

Mr. Sherman called attention to the fact that since the conceptual plat has expired, that the applicant must wait a full year before he can petition the Board for a consideration of a subdivision on that parcel of land. (Beginning on this date.)

COUNTY MANAGER'S AGENDA

Mr. McKinnon asked if the Board desired to hold another budget workshop since there have been revisions.

Commissioner Dixon stated that he would still like to meet with the Sheriff and the Clerk to discuss their budgets.

It was the consensus of the Board to hold a budget workshop on Tuesday, September 9, 1997 at 5:30 p.m.

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) Library Services and Technology Act - Grant No. DLIS 97-2-4
- 2) Porter-Flex warranty on Gadsden County Courthouse
- 3) Temporary Relocation of the Growth Management Department to the Barnett Bank Building

CLERK'S AGENDA

Budget Amendments 97-09-02-01 through 97-09-02-07

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE ABOVE STATED BUDGET AMENDMENTS.

Ratification of Approval 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 COMMENT

Mr. Dan Cox addressed his concerns regarding the Cell Tower Ordinance which is set for a public hearing on September 16, 1997.

He stated that his concern was that the proposed ordinance could possibly remove the "notice and comment provision for people" in some circumstances. (When the ordinance requirements are satisfied with regard to the placement of a tower.) The rights that could be violated are statutory rights - that a property owner would receive notice of what adjacent property owners are doing which could impact on them. People should have an opportunity to address their concerns to the Board.

Mr. Cox continued by saying that when an ordinance encroaches upon a person's rights, there should be sufficient protection of their interest. He offered his comments as "food for thought."

The question became: Will the ordinance (as it is written) sufficiently protect everybody's interest involved. If not, what is going to be the responsibility of the Board if a tower is constructed, it encroaches on someone's property interest, and that person was not notified and given an opportunity to comment on the matter.

Commissioner Dixon added that Florida Association of Counties (FAC) just finished negotiations with the industry regarding the E-911 legislation on how to tax cell phones that dial into E-911. The industry has proposed a \$1.00 per unit per month to be collected. It will require the industry to build towers throughout the county in which they offer service. A certain pre-established square footage will have to be met. Out of the \$1.00, counties will receive 55%. The remainder will go to the industry for research and development. The technology does not yet exist.

The Federal Communications Commission (FCC) gave their interpretation of the new rules governing the citing of towers. It basically states that if any County places a moratorium for more than 6 months, they (FCC) will have the right and the power to usurp the local authority to place towers.

Chairman McGill asked Mr. Cox to make a written presentation defining his concerns.

DISTRICT 2 REPORT

There was no report.

DISTRICT 3 REPORT

Commissioner Roberson stated that she held a public meeting in her district and was pleased to greet new faces.

Additionally, she reported that she had visited a newly refurbished courthouse in Georgia. She made a video and offered to share it with any of the commissioners who desires to see it.

DISTRICT 4 REPORT

There was no report.

DISTRICT 5 REPORT

Commissioner Dixon reported that he had attended the Florida League of Cities convention at which 1700 city commissioners attended - 80% of all the city commissioners in Florida. He added that the largest detractor to legislation favoring Counties is the efforts made by Cities.

DISTRICT 1 REPORT

Chairman McGill called attention to the Better Roads Committee. He asked each commissioner to submit 2 names to the County Manager so that the first meeting can be scheduled. He hoped that the committee could set up some criteria for road safety for the Board's approval.

Chairman McGill then added that he had traveled over 6 - 8 roads over the last 4 days. He remained convinced that a committee will have a real impact on how to get road issues resolved. He described one road on which the R & B Department had placed lime rock on the road only to realize that residents had requested removal of the lime rock. He proposed that a bond issue could provide the funding to improve roads.

Chairman McGill asked that the Board to review the minority participation policy and how the County contracts with outside agencies. He noted that he had a draft of a new policy that he hopes to have for review in October.

ADJOURNMENT

UPON MOTION BY COMMISSIONER WATSON, THE CHAIRMAN ADJOURNED THE MEETING.

Bill McGill, Chairman

ATTEST:

Nicholas Thomas, Clerk

AT A WORKSHOP OF THE BOARD OF COUNTY
COMMISSIONERS, HELD IN AND FOR
GADSDEN COUNTY, FLORIDA ON SEPTEMBER
9, 1997, THE FOLLOWING PROCEEDINGS
WERE HAD, VIZ.

PRESENT: W.A. (BILL) MCGILL, CHAIRMAN
STERLING WATSON, VICE CHAIRMAN
CAROLYN ROBERSON
E. H. (HENTZ) FLETCHER
EDWARD J. DIXON
HOWARD MCKINNON, COUNTY MANAGER
MURIEL STRAUGHN, DEPUTY CLERK

CALL TO ORDER

Vice-chairman Watson called the meeting to order at 5:40 p.m. He stated the purpose of the meeting was for the Board to give Mr. McKinnon directions as how to proceed with the proposed draft budget particularly with the private non-profit funding requests.

A new request was received from DISC Village and made a part of the record. They requested \$39,500.00 for FY97/98.

After lengthy discussion, it was the consensus of the Board to amend the proposed draft budget to the exact figures as the 96/97 budget plus 3% increase for employee wages.

Another workshop was scheduled for Thursday, September 11, 1997 at 5:30 p.m. to review the new draft.

Bill McGill, Chairman

ATTEST:

Nicholas Thomas, Clerk

AT A CLOSED CLIENT/ATTORNEY
CONFIDENTIAL MEETING OF THE BOARD OF
COUNTY COMMISSIONERS, HELD IN AND
FOR GADSDEN COUNTY, FLORIDA ON
SEPTEMBER 16, 1997, THE FOLLOWING
PROCEEDINGS WERE HAD, VIZ.

PRESENT: W.A. (BILL) MCGILL, CHAIRMAN
STERLING WATSON, VICE CHAIRMAN
CAROLYN ROBERSON
E. H. (HENTZ) FLETCHER
EDWARD J. DIXON
HAL RICHMOND, COUNTY ATTORNEY
HOWARD MCKINNON, COUNTY MANAGER
MURIEL STRAUGHN, DEPUTY CLERK
LYNN GATLIN, COURT REPORTER

CALL TO ORDER

Chairman McGill called the meeting to order and stated the purpose of the meeting was to discuss the lawsuit of Cooksey v. Gadsden County. He then turned the meeting over to Mr. Richmond.

The recording clerk left the meeting at this juncture.

These minutes are incomplete until the filing of the court reporter's transcript at the conclusion of the lawsuit.

Bill McGill, Chairman

ATTEST:

Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE BOARD OF
COUNTY COMMISSIONERS HELD IN AND FOR
GADSDEN COUNTY, FLORIDA ON SEPTEMBER
16, 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, Attorney
Howard McKinnon, County Manager

CALL TO ORDER

The meeting was called to order by Chairman McGill. Commissioner Roberson led in pledging allegiance to the U.S. Flag. County Manager Howard McKinnon offered the invocation.

ADOPTION OF THE AGENDA

The Chairman amended the agenda as follows:

Removed: Minutes of the September 2, 1997 Regular Meeting

Added: Presentation by Gadsden County Domestic Violence Task Force

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

GADSDEN COUNTY DOMESTIC VIOLENCE TASK FORCE

Ms. Katie Dufford and Mrs. Helen Franks addressed the Board on behalf of the Gadsden County Domestic Violence Task Force. Ms. Dufford told the Board the task force is attempting to bring about a community awareness of domestic violence. She then requested the Commission's approval to locate a memorial to victims of domestic violence on the Court House grounds.

This matter was passed until the October 7, 1997 meeting.

FLORIDA ASSOCIATION OF COUNTIES TRUST (FACT)

Mr. Ken Moneghan of Bliss McNight addressed the Board regarding proposed principle changes to the FACT Trust Agreement

which was established in 1989. He explained that the program has a trust agreement that outlines the operation of the trust.

Mr. Moneghan continued by saying that the Board of Directors for the Trust proposed a number of changes to the agreement which is managed by the Trust members. The Board is comprised of nine members from among the member counties. (Most of the proposed changes are clerical, better defining of some of the definitions and wording changes to make the agreement more clear.) The greatest change is that the Board would like to add two new board members - one of which will come from the Florida Association of Counties (FAC) Executive Committee. Currently there are nine members - with the change there will be eleven. Each member of the Trust must agree to the proposed changes. There are currently 22 members. The changes would not change the coverage or the premiums.

Commissioner Dixon added that by having a member of the FAC Executive Committee on the Trust's Board of Directors it will insure adequate communication between the Trust and FAC.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE RESOLUTION 97-021 WHICH DOCUMENTS WRITTEN CONSENT OF GADSDEN COUNTY TO APPROVE AMENDMENTS THREE AND FOUR TO THE FACT TRUST AGREEMENT.

COUNTY ATTORNEY'S AGENDA

Filing Fees for Indigent Clients to the District Court of Appeals

County Attorney Hal Richmond reported that an issue has been raised and litigation filed by some of the southern counties in the State with regard to whether counties should pay the filing fees when an indigent client files an appeal with the Court of Appeals.

He stated that there has been a recommendation that the County not pay those fees any longer until a decision has been reached in the litigation. He asked for the Board to give the Clerk direction.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO INSTRUCT THE CLERK NOT TO PAY THE FILING FEES FOR INDIGENT CLIENTS TO THE FIRST DISTRICT COURT OF APPEALS.

Sand/Clay Pit Agreement with Engelhard Corporation - Post Plant Road Pit

Mr. Richmond reported that the above referenced agreement has been forwarded to Englehard Corporation for their input. Discussion was passed for a later meeting.

Annexation of Midway Property

Mr. Richmond referenced a memo written by Growth Management Director Mike Sherman to the Board regarding 80 acres of land in the County which the City of Midway annexed. Mr. Sherman's concern was that the property is not contiguous to the city limits and therefore their resolution and ordinance could be illegal.

Mr. Richmond concurred with Mr. Sherman's interpretation of the Florida Statutes. He asked if the Board would like for him to file a suit for declaratory decree to determine if the annexation is proper.

Chairman McGill stated that he had reviewed Mr. Sherman's memo and had made a visit to the property in question. He reported that the property is definitely not contiguous to the city limits. He stated that he was not opposed to the annexation but did not believe it could be legal at this point.

Mr. Richmond stated that the annexation would occur unless the County intervened to some extent.

Commissioner Dixon stated that their comp plan would not be approved if they had not properly annexed the property.

Mr. Sherman stated that he could not be certain as to whether the Department of Community Affairs (DCA) would consider whether the annexation is consistent with the Florida Statute 177. He added that the Department of State did not question the ordinance when it was filed.

Mr. Sherman then stated that unless some affected parties object to it, the annexation would be valid.

Commissioner Dixon asked if the County could object without filing a law suit.

Commissioner Watson suggested that the Board ask the City of Midway to rescind the ordinance.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE TO DIRECT MR. RICHMOND TO SEND A LETTER TO THE CITY OF MIDWAY REQUESTING THAT THEY RESCIND THEIR ORDINANCE WHICH ANNEXED 80 ACRES OF PROPERTY LOCATED IN THE COUNTY.

Hospital - Medicaid Billing

Mr. Bill Hardy reported to the Board that the Agency for Health Care Administration (ACHC) had audited the hospital's medicaid claims for rate period 7/93, 1/94, 7/94, and 1/95. Their audits revealed that the hospital had been overpaid \$99,328.08. Under the current Medicaid policy, 100 percent of current claims are withheld until credit balance is completely repaid.

Mr. Hardy explained that the periods in which the overpayments occurred were during the time before his lease began. Healthmark, Inc. is responsible for the payment. However, ACHC is recouping the overpayments from Med Tech's claims.

Mr. Hardy pointed out that the County and Med Tech entered into a hold harmless agreement whereby the County would not make Med Tech responsible for Medicaid and Medicare liabilities prior to June 21, 1996. He then asked the Board to reimburse Med Tech \$127,193.29.

Commissioner Fletcher asked why AHCA did not recoup the funds from Healthmark.

Mr. Richmond stated that the federal government takes the easier way - whoever is currently operating the hospital.

Mr. Richmond pointed to an even greater concern - calling attention to the letter from AHCA stating that there is an outstanding liability of \$1,059,540.74 from the audit periods when Tallahassee Regional Medical Center was operating the hospital.

After a lengthy discussion, no consensus of the Board was reached.

Commissioner Dixon asked the recording clerk to provide him a copy of the minutes of the meeting when the hold harmless agreement was approved.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER ROBERSON THE BOARD VOTED 2 - 3 TO PAY MED TECH OF NORTH FLORIDA, INC. \$127,193.29 FROM THE HOSPITAL TRUST FUND. COMMISSIONERS WATSON AND ROBERSON VOTED IN FAVOR OF THE MOTION. COMMISSIONERS DIXON, FLETCHER AND MCGILL OPPOSED. THE MOTION FAILED.

A special meeting was scheduled for September 23, 1997 to discuss the matter further.

PLANNING AND ZONING ISSUES

Telecommunication Tower Citing Ordinance Work Session

Growth Management Director Mike Sherman asked for directions from the Board regarding the Tower Citing Ordinance.

Commissioner Dixon reported that he had met with the cities in the County and they have recommended some changes to the proposed ordinance. He stated that he would get with Mr. Sherman at a more convenient time to discuss the changes.

It was the consensus of the Board to schedule the public hearing in approximately four weeks.

Acceptance of Right of Way for Gadsden Station DRI Roadway

In cooperation with the Chamber of Commerce and the owners of the 10/90 Commerce Park, the BCC submitted a grant to Enterprise Florida for paving a portion of the Gadsden Station DRI. The purpose of the grant is to provide infrastructure for developments which will keep businesses in Florida. Fox 49 was planning to relocate in Georgia until the 10/90 Commerce Park location was made available. Part of the requirement to receive funding for the road paving is for the County to accept dedication of the roadway in the Commerce Park. A legal description is attached to these minutes.

Mr. Sherman stated that the County's engineers, Kunde Sprecher & Associates had confirmed that the road meets all the county's specification.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO ACCEPT THE DEDICATION OF THE RIGHT OF WAY AS DESCRIBED ABOVE.

Mr. Richmond was instructed to prepare whatever documentation is required to accomplish the acceptance of the right of way.

R & B Mobile Home Park Project No. 89PZ - 355

Commissioner Watson asked the status of the above named mobile home park.

Mr. Sherman stated that on September 2, 1997, the Board approved placement of a fifth unit without compliance to the mobile home park requirements. However, before Mr. Colston could place a sixth unit, he would have to meet all the requirements of a mobile home park.

Mr. Sherman reported that subsequent to that meeting, Mr. Colston moved the 5th and the 6th unit onto the site without receiving any code compliance permits.

Mr. Sherman related that he directed the building official to conduct the code compliance inspection for one of the units. (It did not meet the minimum requirements of the code but Mr. Colston is in the process of repairing it.) Additionally, Mr. Sherman instructed the building official not to issue permits for the 6th unit.

BID AWARD

Phase I, Gadsden 10/90 Project Invitation to Bid # 97-021

Bid # 97-021 was duly advertised for construction of Phase I of the Gadsden 10/90 Commerce Park, an industrial subdivision located near the intersection of Interstate Hwy 10 and US 90 in Gadsden County.

Mr. Arthur Lawson reported that three bids were submitted for the project. The bid committee and the project's consultant reviewed the bids and recommended the project be awarded to Sandco Inc. of Tallahassee, FL for \$422,459.00.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO AWARD THE PAVING OF COMMERCE BLVD. (2.6 MILES) CONTRACT TO SANDCO INC. FOR \$422,459.00 AND AUTHORIZE THE CHAIRMAN TO SIGN THE CONTRACT DOCUMENTS.

COUNTY MANAGER'S AGENDA

Agreement and Resolution with Florida Department of Commerce, Department of Economic Development

Mr. McKinnon explained to the Board that the grant for the construction of Commerce Boulevard in the 10/90 Industrial Park requires execution of Resolution 97-017 and an agreement before the County can begin to draw the funds to pay for the paving. He reported that the county attorney has reviewed the agreement and found it to be in proper form.

Mr. McKinnon pointed out that the developer (Armer E. White, John E. Hunt Sr. and John E. Hunt Jr. d/b/a 10/90 Commerce Park Inc.) has agreed to pay the difference between the contract and the grant amount up front. He stated that the Clerk would bill the developer for the difference once the County approves the agreement. (The grant amount is \$363,064. The paving contract

was awarded for \$422,459.00. The amount to be billed to the developer is \$59,359.)

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE RESOLUTION AND AGREEMENT AS DESCRIBED ABOVE FOR THE CONSTRUCTION OF COMMERCE BLVD IN THE 10/90 COMMERCE PARK.

Chairman McGill remarked that the County needs to find some way to encourage the businesses locating in the Midway area to be annexed into the City of Midway.

State Aid to Libraries Grant 1997-98

Mrs. Jane Mock, Director of Library Services was present and answered questions from the Board regarding the State Aid.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE STATE AID TO LIBRARIES FOR \$225,909.57.

Pauper Burial

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER FLETCHER THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE PAYMENT OF \$575 TO MADRY FUNERAL HOME FOR BURIAL OF AN UNIDENTIFIED BODY. THE MOTION FURTHER STATED THAT THE MONEY WAS TO BE TAKEN FROM THE CONTINGENCY FUND.

Historical Preservation Reception at R.A. Gray Building, Tallahassee, FL.

Mr. McKinnon encouraged the commissioners to attend the reception at the R.A. Gray Building to defend the county's application for grant funds to renovate the administration building.

Commissioner Dixon stated that he understood that the County did not rank well with the last application and he stressed the importance of a good showing at the reception.

CONSENT AGENDA

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

- 1) 1997-98 Emergency Feeding Assistance Contract for \$14,373.45. Begins upon execution this date and ends September 30, 1998. (USDA Commodity Food)
- 2) Interlocal Agreement with City of Chattahoochee for Ambulance Services.
- 3) North Florida Junior College - EMS Agreement Allows EMT students to ride in ambulances and observe while completing their EMT training.
- 4) EMS County Award Grant \$14,267.90 Resolution 97-018
- 5) Resolution 97-019 - EMS Write-off of Bad Debts totaling \$58,706.37.
- 6) Mosquito Control Annual Certified Budget \$60,031.00.
- 7) Contract with Reynolds, Smith and Hills, Inc. for Engineering Services - Bid Proposal 97-016.
- 8) Modification # 5 to CDBG 95DB-65-02-30-01-H22 (approved by DCA)
- 9) Quarterly Report of Activities and Expenditures of HRS Gadsden Public Health Department
- 10) August 1997 - Economic Development Activities Report
- 11) Division of Forestry Annual Report
- 12) Proclamation - Domestic Violence Awareness Month
- 13) E-911 Road Name Changes

CLERK'S AGENDA

Advertised Budget Change

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE ADVERTISEMENT OF A BUDGET CHANGE. (FINANCING REVENUE FOR PUBLIC WORKS EQUIPMENT, TRANSFER OF MONEY TO SHERIFF FOR EXPENSES INCURRED DURING CLAUSEN MANHUNT, REDUCTION OF COMMODITY FOOD PROGRAM)

Request to Purchase Land

Clerk Thomas told the Board that he had received two requests to purchase an old county owned clay/sand pit. The County purchased the property in 1968 and has since abandoned it. It is located south of Greensboro off SR 12 on McAlphin Road. He stated that the inquiries he had received were not from adjacent land owners. He then told the Board if they decided to sell the land, it would have to be advertised and opened up to anyone who may wish to bid. He added that there are no recorded easements associated with the property.

Commissioner Fletcher volunteered to look at the property and bring back information to the Board.

Budget Amendments 97-09-16-01 through 97-09-16-06

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE ABOVE STATED BUDGET AMENDMENTS.

Ratification of Approval to Pay County Bills

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

PUBLIC COMMENT

Chairman McGill asked the audience if there was anyone who wished to address the Board. There was no response.

DISTRICT 2 REPORT

There was no report.

DISTRICT 3 REPORT

Commissioner Roberson appointed Joan Mack to the Library Advisory Board to replace Mrs. Mary Francis Cowen who died recently.

DISTRICT 4 REPORT

There was no report.

DISTRICT 5 REPORT

Commissioner Dixon reported that he attended the meeting of the Small County Coalition. He spoke briefly about the effect that the Coalition has had on the State. The Coalition has been able to change major legislation that affects small counties. He displayed a plaque presented by the Coalition to Gadsden County for its leadership in the Coalition's efforts.

DISTRICT 1 REPORT

Chairman McGill referred to the pending items at the end of the agenda and asked the commissioners to take a serious look at number 2 on the list and get in touch with the County Manager with their response.

ADJOURNMENT

Gadsden County Board of County Commissioners
September 16, 1997 Regular Meeting

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

Bill McGill, Chairman

ATTEST:

Nicholas Thomas, Clerk

AT A SPECIAL MEETING OF THE BOARD OF
COUNTY COMMISSIONERS, HELD IN AND
FOR GADSDEN COUNTY, FLORIDA ON
SEPTEMBER 23, 1997, THE FOLLOWING
PROCEEDINGS WERE HAD, VIZ.

PRESENT: W.A. (BILL) MCGILL, CHAIRMAN
STERLING WATSON, VICE CHAIRMAN
CAROLYN ROBERSON
E. H. (HENTZ) FLETCHER
EDWARD J. DIXON
HAL RICHMOND, COUNTY ATTORNEY
HOWARD MCKINNON, COUNTY MANAGER
MURIEL STRAUGHN, DEPUTY CLERK

CALL TO ORDER

Chairman McGill called the meeting to order. He explained that the special meeting was called on September 16, 1997 and it was duly noticed. He then stated the reason for the meeting was to discuss the situation which had occurred between Med Tech of North Florida, Inc. d/b/a Gadsden Community Hospital and the Agency for Health Care Administration (AHCA). (AHCA withheld medicaid claim payments from Med Tech in an effort to recoup funds on claims which were overpaid to the previous lessee of the hospital.)

Mr. Bill Hardy, CEO of Med Tech of North Florida, Inc. restated the position of his company with regard to medicare and medicaid audits and adjustments. He reported that he had confirmed via telephone that medicare will follow ownership of the business to recoup funds whereas medicaid will follow the facility.

Mr. Hardy then referred to the "Hold Harmless" contract between Med Tech and Gadsden County whereby the Board of County Commissioners agreed not to hold Med Tech responsible for medicare and medicaid liabilities which occurred prior to the beginning of their lease.

Commissioner Dixon thanked the Board for delaying action on this matter until he had an opportunity to resolve some of his questions. He then stated that he had read the minutes of the meeting on October 15, 1996 when the County entered into the "Hold Harmless" agreement. He stated that his question was to whom the County is responsible in this matter.

Commissioner Dixon recalled that Mr. Hardee had expressed the need for a hold harmless agreement so that the AHCA would not hold him responsible for the overpayments in their recoupment efforts. Mr. Hardee had represented to the Board last October that the agreement between Med Tech and the County would be sufficient for the State not to withhold Med Tech's money. In such an event, the

County would then have to deal with the State for the overpayments.

Commissioner Dixon reasoned that the situation presented at this meeting has changed in that the State is now withholding Med Tech's funds and Mr. Hardee is asking the County to pay him what the State has withheld. He then asked Mr. Hardee the following questions:

- 1) Had AHCA been informed of the hold harmless agreement between the County and Med Tech?
- 2) If AHCA has been informed of the agreement, why are they still withholding Med Tech's money?
- 3) What changed to cause the State to withhold the money?
- 4) Why won't they deal with the County on the issue?

Mr. Hardee could not answer the questions.

Commissioner Watson asked Mr. Hardee if he had been incorrect last October when he told the Board that the agreement would be sufficient for the State not to withhold his money.

Mr. Hardee stated that he had been told and had assumed that the agreement would prevent them from withholding his money. However, it appears at this time, that the information he received last year was incorrect.

Chairman McGill asked why the State would not deal directly with the County in this matter.

Mr. Hardee answered that the facility has a service provider account number. As lessee of the facility, Med Tech is assigned the number. The County does not possess a provider number.

Chairman McGill asked if the State has to honor the "Hold Harmless" agreement.

Mr. Hardee answered "no, they (AHCA) don't have the agreement with you."

Commissioner Dixon stated that the County has an agreement that should be recognizable by the State. He then asked again why the State will not honor the agreement.

Mr. Richmond reported that he had made several attempts to reach Healthmark regarding the claims. He added that after conversation with their attorney, Jon Hall, he is certain that Healthmark is aware of the indemnification clause of their previous contract and that they are aware that they are responsible

for these charges. However, they have given no indication of when they will pay or what they will pay.

Commissioner Dixon stated that he would rather deal with the State and Healthmark to negotiate an adjustment. He further stated that he would prefer the State pay Mr. Hardee the money that is due him rather than the County.

Chairman McGill remarked that while he understood Commissioner Dixon's point, he was sympathetic to Mr. Hardee's cash flow problems which this situation has caused.

Commissioner Dixon stated that it would not be a good business decision for the County to pay Mr. Hardee out of sympathy.

Chairman McGill contended that Mr. Hardee is not responsible for the situation.

Commissioner Dixon argued that it was not caused by the County either.

Commissioner Fletcher introduced Mr. Ted Mack, an attorney who has experience in dealing with such matters and medicaid. He asked him to offer some comments on the situation.

Mr. Mack stated that nursing homes often have this type of problem because they change ownerships so often, but it is rarely experienced by hospitals. He suggested that all the funds may not be due back to the State. The AHCA audit is based on another audit performed by Blue Cross/Blue Shield which does the medicare audits for the federal government. Part of that auditing process is for medicaid as well. The audit could be challenged. He explained however, that the problem in this case is that the former lessee (Healthmark) is the only person who can challenge it because they have the records. The current owner, Med Tech, can do nothing about it.

Mr. Mack encouraged the Board to work with Healthmark and challenge the audit in an effort to resolve the debt. He then reminded them of the one million dollar liability of Tallahassee Memorial. FL Statute 395 makes the current owner responsible for all past debts to medicaid. It is statutory.

Mr. Mack related that he spoke with a Mr. Samuel at AHCA on the day of this meeting at which time he (Mr. Samuel) indicated that they (the State) would delay withholding Med Tech's money for the time being based on the facts presented to him by the County and Mr. Hardee. However, the debt would have to be resolved in some manner - either by payment from someone or resolution by way

of a challenge to the audit. He emphasized that there is a time limit in which to challenge the audit. He also reminded the Board that Mr. Samuel's verbal agreement to not withhold Med Tech's money is a very temporary measure.

Mr. Mack strongly advised the County to seek expert help. He offered to put the County in touch with an accounting firm whose sole business is dealing with the medicaid program. He then told the Board that he had talked with such a firm on the day of this meeting and had been told by them that there had been a hold-up on nursing home audits because of "some big deal going on in hospital audits." He continued "They seemed to think that something happened that had been embarrassing in the medicaid program. Medicaid had interpreted that certain services were covered by medicaid. After a long time, medicaid determined that those certain charges are not covered. That situation resulted in the overpayments and thus the need for the reimbursements."

As to the situation with TMH, Mr. Mack stated that if the State does not get some satisfaction from them, they will ultimately resort back to the FL Statute authority to recoup their funds. That would mean they will look to the facility for their money. Again, he strongly urged the Board to get some expert help.

Chairman McGill asked Mr. Mack what would be a realistic time frame in which the County could expect to recoup it's money if they satisfied the medicaid debt immediately.

Mr. Mack could not answer.

Chairman McGill called for a motion.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO PAY MED TECH \$47,146.82 AND GO TO SECURE EXPERT HELP (ACCOUNTANTS AND HOSPITAL ATTORNEY IF NECESSARY) TO ASSESS THE ENTIRE MEDICAID SITUATION. FURTHER MOTIONED WAS TO PAY THE MONEY FROM THE DIVIDENDS OF THE HOSPITAL TRUST FUND.

ADJOURNMENT

**UPON MOTION BY COMMISSIONER FLETCHER, THE CHAIRMAN DECLARED
THE MEETING ADJOURNED.**

Bill McGill, Chairman

ATTEST:

Nicholas Thomas, Clerk

AT A PUBLIC HEARING OF THE BOARD OF
COUNTY COMMISSIONERS, HELD IN AND
FOR GADSDEN COUNTY, FLORIDA ON
SEPTEMBER 29, 1997 THE FOLLOWING
PROCEEDINGS WERE HAD, VIZ.

PRESENT: W.A. (BILL) MCGILL, CHAIRMAN
STERLING WATSON, VICE CHAIRMAN
CAROLYN ROBERSON
HOWARD MCKINNON, COUNTY MANAGER
MURIEL STRAUGHN, DEPUTY CLERK

CALL TO ORDER

Chairman McGill announced the opening of the public hearing for the purpose of adopting the FY 97/98 Budget for Gadsden County. The budget was duly advertised and verified by the attached page from the Gadsden County Times.

ROLL BACK RATE

County Manager Howard McKinnon announced the roll back rate for the current year would be 9.683 mills. At the 10 mill rate, the increase over the roll back rate is 3.27%.

Mr. McKinnon announced that the total budget is \$20,267,936. The advertisement display was \$17,451,508. He explained that there were additional transfers of 2,816,428 which brought the total budget figure to \$20,267,936.

PUBLIC COMMENT

Chairman McGill called for comments and questions from the public. There was no response.

RESOLUTION ADOPTING FINAL COUNTY MILLAGE AT 10.00 MILLS

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 3 - 0 BY VOICE VOTE, TO ADOPT THE COUNTY MILLAGE RATE OF 10 MILLS.

RESOLUTION ADOPTING HOSPITAL MILLAGE AT 1.094 MILLS

UPON MOTION BY COMMISSIONER ROBERSON AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 3 - 0, BY VOICE VOTE, TO ADOPT THE HOSPITAL MILLAGE AT 1.094 MILLS.

ADOPTION OF THE FY 1997-98 OPERATING BUDGET

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 3 - 0, BY VOICE VOTE, TO ADOPT THE COUNTY 1997-98 BUDGET AT \$20,267,936.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 3 - 0, BY VOICE VOTE, TO AUTHORIZE THE CHAIRMAN TO SIGN THE RESOLUTIONS ADOPTING THE MILLAGE RATES FOR THE COUNTY'S BUDGET AND THE HOSPITAL.

ADJOURNMENT

There being no other business, the Chairman declared the meeting adjourned.

Bill McGill, Chairman

ATTEST:

Nicholas Thomas, Clerk

AT A MEETING OF THE VALUE ADJUSTMENT BOARD, HELD IN AND FOR GADSDEN COUNTY, FLORIDA ON OCTOBER 2, 1997, THE FOLLOWING PROCEEDINGS WERE HAD, VIZ.

PRESENT: W.A. (BILL) MCGILL, BCC CHAIRMAN
STERLING WATSON, BCC VICE-CHAIRMAN
WILLIAM (BUDDY) PITTS, SCHOOL BOARD MEMBER
WILLIE RUTH WILLIAMS, SCHOOL BOARD MEMBER
GEORGE HAMILTON, PROPERTY APPRAISER
JIM RICHMOND, ATTORNEY FOR ADJUSTMENT BOARD
ALEX HINSON, ATTORNEY FOR PROPERTY APPRAISER
MARSHA KING, DEPUTY PROPERTY APPRAISER
HOWARD MCKINNON, COUNTY MANAGER
MURIEL STRAUGHN, DEPUTY CLERK

ABSENT: EDWARD J. DIXON, BCC MEMBER

CALL TO ORDER

Chairman McGill called the meeting to order and stated the purpose of the meeting was to receive evidence and hear testimony from Gadsden County citizens who had filed a petition for consideration of tax relief. It was noted for the record that the meeting was advertised in compliance with the FL Statutes.

Property Appraiser George Hamilton stated for the record that St. Joe Timberland Company withdrew their petition on September 19, 1997. (See letter attached). He then stated that the Clerk had received notification from Walmart Store # 488 accepting the Property Appraiser's assessment of its personal property values. (letter attached)

Chairman McGill called for Greenwood Terrace Ltd. (Petition # 97-VAB-71) to address the Board. No one responded. The Chairman noted for the record that Greenwood Terrace Ltd. failed to appear. The clerk confirmed that the petitioner had been notified by certified mail of the hearing.

FINDING OF FACT:

THE PETITIONER FAILED TO APPEAR.

CONCLUSION OF LAW:

IN THE ABSENCE OF EVIDENCE AND TESTIMONY TO THE CONTRARY, THE PROPERTY APPRAISERS VALUES WERE DEEMED TO BE CORRECT.

Chairman McGill called for Tank Satellite/Amerigas (Petition # 97-VAB-74). There was no response. It was noted for the record that the petitioner failed to appear. The clerk confirmed that notices of the hearing had been delivered to the petitioner by certified mail.

FINDING OF FACT:

THE PETITIONER FAILED TO APPEAR.

CONCLUSION OF LAW:

IN THE ABSENCE OF EVIDENCE AND TESTIMONY TO THE CONTRARY, THE PROPERTY APPRAISERS VALUES WERE DEEMED TO BE CORRECT.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY SCHOOL BOARD MEMBER WILLIAM PITTS, THE BOARD VOTED 4 - 0, BY VOICE VOTE TO DENY THE ABOVE PETITIONS AND TO ACCEPT THE PROPERTY APPRAISERS ASSESSMENT AS BEING CORRECT.

Property Appraiser George Hamilton read into the record the following names which were granted homestead exemption upon filing a request and payment of the filing fee prior to this meeting. (Late-file Requests attached)

Jamie Langley
Melvin Nelson
Robert and Lillian Hover
Artemio Flores-Romero
Onner Holloway
Janet Dean
Julie E. Norton
Juanita L. Jacobs
Melissa H. Holcomb
Patricia Grace
Annie Deyounks
Earnest Miller
William and Sue Swain
Jonie Nichols
Verdell Simmons
Ray Warren
Tony and Avo F. Austin
Janica Deleshaw
Archie Jackson, Jr.
Elizabeth and Gary Watford
Phyllis S. Everett
Janet Egbert

**Gadsden County Value Adjustment Board
October 2, 1997 and October 7, 1997 Meeting**

Marilyn Evans
Eloise Castell Green
Theresa Grace Stewart
Robert Tiller
Ronald W. Poppell
Jayne H. Hazlip
Donald G. Haley II
Donald Poppell
Ashlie E. Foshee McCall
Abraham or Maggie Martinez
Samuel Norwood
Patricia A. Gordon
Daniel Hall
Kurt H. Kreinheder
Mary Etta Dargan
Stewart Romack
Daniel Cantey
William A. Maxwell

Property Appraiser George Hamilton read into the record the following names which were granted late-file agricultural classification upon filing a request and payment of the late-filing fee prior to this meeting. (Late-file requests attached)

Linda Howard
Julie Norton
Lorri Kelly
Frank Farrell
Robert Duncan
Barbara Dean
Jerry Osteen

For purposes of the record, the following people were notified by mail on June 27, 1997 by Property Appraiser George Hamilton that their request for property tax exemption was administratively denied. Each person was offered the opportunity to file an appeal of the denial. As of the date of this meeting none of the denials were contested. (Notices attached)

Luis Aogas
Andrew and Margurite Teplany
Eva F. Ford Collins
Betty Nealy
Clara Mae Dixie
Joseph and Carol Barrett
Augusta Vines
Linda Graham
Dorothy and Alfred Porter
John Rich
Shepard Grayson

Stacy Robertson & Jeffrey Clark
Deborah Faircloth
Gerald Thompson
Sheila Bennett Davis & Charles E. Davis
Erick Allen
Juanita Bennett Copeland

Continuance

There being no other business before the Board, Chairman McGill continued the meeting to October 7, 1997 for approval of these minutes.

October 7, 1997

Chairman McGill called the meeting to order at 5:55 p.m.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY SCHOOL BOARD MEMBER WILLIE RUTH WILLIAMS, THE BOARD VOTED 3 - 0 TO APPROVE THE MINUTES OF THE OCTOBER 2, 1997 MEETING.

ADJOURNMENT

THERE BEING NO OTHER BUSINESS BEFORE THE BOARD, THE CHAIRMAN DECLARED THE MEETING ADJOURNED.

Bill McGill, Chairman

ATTEST:

Nicholas Thomas, Clerk

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

PRESENT: W.A. (BILL) MCGILL, CHAIRMAN
STERLING WATSON, VICE CHAIRMAN
CAROLYN ROBERSON
E. H. (HENTZ) FLETCHER
EDWARD J. DIXON
NICHOLAS THOMAS, CLERK
JIM RICHMOND, COUNTY ATTORNEY
HOWARD MCKINNON, COUNTY MANAGER

CALL TO ORDER

Chairman McGill called the meeting to order. Mr. Joseph Long, III led in pledging allegiance to the U.S. Flag and Rev. Tony Hansberry led in prayer.

ADOPTION OF AGENDA

Addition:

Clerk Thomas asked to amend his agenda to include a public hearing on the advertised budget change for 1996/97.

Deletion:

Attorney Jim Richmond asked to remove the Rich Bay Road Project from the County Attorney's agenda.

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

September 2, 1997 Regular Meeting

September 9, 1997 - Workshop

September 11, 1997 - Workshop

September 15, 1997 - Budget Hearing

Closed Client/Attorney Confidential Meeting

September 16, 1997 Regular Meeting

September 29, 1997 Public Hearing

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE MINUTES STATED ABOVE.

COUNTY ATTORNEY

Midway Annexation of County Property

Mr. Jim Richmond recalled that at the last meeting a question arose as to the legality of Midway's annexation of county property. (The County had been told that the property was not contiguous to the City.) He continued by saying that the Board had directed the county attorney to write a letter to the City of Midway asking them to rescind the ordinance which annexed the property.

Mr. Richmond reported that upon further investigation, he had determined that the property is contiguous and the ordinance was proper. He directed an apology to Midway's Mayor McClain who was in the audience.

Chairman McGill stated that when he visited the property he had also determined that the annexation was proper. He explained that he had asked Mayor McClain to attend this meeting. He then asked her if she wished to make any remarks.

Mayor McClain asked for a public apology as well as a written apology.

Chairman McGill made a formal apology to the City of Midway for having questioned the legality of the annexation. He then directed the county attorney to send a written apology.

DOMESTIC VIOLENCE AWARENESS

Mrs. Helen Franks and Ms. Katie Dufford spoke to the Board on behalf of the Gadsden County Domestic Violence Task Force. They requested permission to erect a memorial to victims who have died as a result of domestic violence in Gadsden County since 1990. Ms. Dufford explained that a monument bearing the names of victims would be placed on the grounds of the Courthouse.

Chairman McGill suggested that such a memorial might also be placed at various city halls.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO ALLOW A MONUMENT TO BE PLACED ON THE COURTHOUSE GROUNDS TO RECOGNIZE

VICTIMS OF DOMESTIC VIOLENCE.

Ms. Dufford told that Board that a ceremony would be held at 5:30 on Tuesday, October 21 on the grounds of the courthouse. She invited all of them to be present and asked Chairman McGill to read the proclamation which the Board adopted at the September 16, 1997 meeting.

PLANNING AND ZONING ISSUES

Verified Complaint - Hidden Lakes Subdivision

Growth Management Director Mike Sherman reported to the Board that on September 18, 1997 he had received notice that a verified complaint had been filed against the County by Ms. Sandy Beare regarding the Board's approval of the preliminary plat for Hidden Lakes residential subdivision. He told the Board that the County would have 30 days to respond to the complaint. He asked for directions.

Attorney Jim Richmond stated that if the Board desired to take action, it must be taken within 30 days. If no action is taken within 30 days, the complainant has the right to file a case in Circuit Court. He noted that he did not believe the complaint is founded through evidence or facts of the matter.

A MOTION WAS MADE BY COMMISSIONER FLETCHER AND SECONDED BY COMMISSIONER DIXON TO TAKE NO ACTION ON THE VERIFIED COMPLAINT.

Discussion followed.

THE QUESTION WAS CALLED BY COMMISSIONER FLETCHER.

Mr. Sherman asked the Chairman to allow the complainant's attorney to speak.

The Chairman noted that the question had been called. He asked Commissioner Fletcher if he would withdraw the motion to call the question and allow more discussion.

Commissioner Fletcher declined to rescind his motion.

Chairman McGill declared that there would be no more discussion and called for a vote.

THE BOARD VOTED 3 - 2 IN FAVOR OF THE MOTION. COMMISSIONERS FLETCHER, DIXON AND MCGILL VOTED "AYE". COMMISSIONERS WATSON

AND ROBERSON VOTED "NO."

Grants - Department of Community Affairs (DCA) - Evaluation and Appraisal Report (EAR) for the Comprehensive Plan

Mr. Sherman told the Board that the County could receive \$14,069 from DCA (to defray the costs relating to preparation of the EAR) upon filing an application. He then asked the Board to to apply for the grant.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPLY FOR THE DCA GRANT.

Mr. Sherman told the Board that his office has temporarily relocated to the old Barnett Bank Building while renovations are being made to the Quincy Square County Office Complex.

BID AWARDS

Management Services Director Arthur Lawson addressed the Board. He reported that bids for Phase II of the renovation to the Quincy Square County Office Complex had been received. He reported that the two lowest bidders had withdrawn their bids. In order not to delay the project, he recommended that the bid be awarded to the lowest active bidder on the list who meets the specifications and requirements.

Mr. Lawson then reported that the next lowest bidder was Joel Lawson, Inc. with a base bid of \$ 317,275.00. (If the Board should consider the Alternate A & B, the bid would total \$369, 732.) He asked that the chairman be given authority to execute the agreement with the contractor. He added that prior to any notice of award or notice to proceed, Mr. Lawson's references will be checked out by the building official.

Commissioner Fletcher questioned Mr. Lawson about the bid bonds for the contractors who withdrew their bids. He stated that they would have to forfeit their bonds.

Mr. Lawson stated that he expected to discuss the matter with the County Attorney on October 8, 1997.

Chairman McGill asked why the contractors withdrew their bids.

Mr. Lawson told the Board that eight bids were received and there was more than \$100,000 difference between the low bid and the high bid. He explained that the low bidders realized after the bid

was submitted that if they had maintained their bid, they would lose \$50,000 or more. (They had not consulted with their masonry consultants prior to submitting their bids.)

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO AWARD THE BID FOR PHASE II RENOVATIONS TO THE QUINCY SQUARE OFFICE COMPLEX TO JOEL LAWSON, INC.

COUNTY MANAGER'S AGENDA

Request from Game and Fish Commission - Lake Talquin

County Manager Howard McKinnon told the Board that he had received a request from the Game and Fish Commission for the Public Works Department to spread limerock in Lake Talquin after the drawdown of the lake has been accomplished. He added that the agency is willing to pay for use of the equipment and reimburse the county for the labor involved.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE VOTE TO ALLOW THE PUBLIC WORKS DEPARTMENT TO PERFORM THE WORK ON LAKE TALQUIN AS REQUESTED BY THE GAME AND FISH COMMISSION.

Chattahoochee and Havana Landfills

Mr. McKinnon told the Board that he had learned that the Department of Environmental Protection (DEP) has required the County to install gas monitoring wells in the closed Chattahoochee and Havana landfills. He explained that the cost would run approximately \$4,000 and that this expense was not included in the 97/98 budget. He asked for directions.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO INSTALL THE GAS MONITORING WELLS IN THE CLOSED CHATTAHOOCHEE AND HAVANA LANDFILLS AND TO APPROPRIATE \$4,000 FROM THE GENERAL FUND CONTINGENCY.

Courthouse Magnolia Trees

Mr. McKinnon told the Board that he has been approached by several local "wood turners" regarding their desire to make a bowl and urn from the magnolia trees which had been removed from the Courthouse grounds. The articles would then be made available for display in the Courthouse. The craftsmen also mentioned the possibility of making souvenir items for sale. They would do so in exchange for some of the wood. Mr. McKinnon stated that it should

be noted that it will take a year for the wood to dry properly before any of the items can be made.

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) Change Order No. 1 for Gadsden Community Hospital (\$69,868.00)
- 2) Change Order No. 2 for the Gadsden Community Hospital - \$3,280.00
- 3) Uniform Service Agreement - Public Works (National Uniform Service)
- 4) Employment Agreement for Jail Physician - Dr. Gloria Ramos
- 5) Joint Resolution (Gadsden County Commission and Men of Action) honoring Judge Gene Johnson, Robert Bryant, Dean Mitchell, Jessie Furlow and Richard Hardon for their contributions to Gadsden County.
- 6) Satisfaction of SHIP Lien for Tanya L. Smith

CLERK'S AGENDA

PUBLIC HEARING - ADVERTISED BUDGET CHANGE 96/97

Clerk Thomas reminded the Board that they had authorized the advertisement of a 96/97 budget change. The changes included transfer of money to the Sheriff for the Clausen manhunt, financing of public works equipment and the commodity food revenue reduction. He announced the opening of the hearing and asked for public input.

The Chairman called for comments from the audience. There was no response.

The Clerk then asked for comments from the Board. There was no response.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE ADVERTISED BUDGET CHANGE.

Fire Services Funds (96/97)

Clerk Thomas recalled that he had been directed by the Board last November not to release fire funds without financial statements and run reports from the individual fire departments. He continued by saying that as a result of that policy, some of the departments have not received all of their 96/97 allocation.

Additionally, the Clerk informed the Board that he had received a request from Fire Services Coordinator Oliver Sellars to release the remaining funds to the departments even though the reports had not been received.

Clerk Thomas reported that the finance department had issued checks but will not release them without directions from the Board. He pointed out that the departments are providing services and there is an agreement in place that obligates the County for the funds. He asked the attorney for clarification of the issue.

Commissioner Dixon pointed out that the agreements stipulate that the departments must comply with run reports and other information in order to receive the funds.

County Manager McKinnon clarified for the record that all of the cities had complied with the reports and received their money except for the final quarter. He also stated that it was his understanding that those reports would be forthcoming as they close out their books for the fiscal year.

Mr. McKinnon then stated that the volunteer departments had expressed to him that they do not object to the Clerk holding their checks until they submit the reports as required.

It was the consensus of the Board to adhere to the established policy without exception.

Budget Amendments 97-10-07-01 through 97-10-07-13

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE BUDGET AMENDMENTS AS LISTED ABOVE.

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.

War Memorial to Korean & Vietnam Veterans

Clerk Thomas asked to Board to consider looking into the possibility of doing something to commemorate the people who fought in the Korean and Vietnam War. He pointed out that there are memorials on the grounds of the Courthouse for the confederate soldiers as well as World War I and World War II but nothing for the men involved in other wars.

There was a consensus of the Board to look into the matter.

PUBLIC COMMENT

The Chairman asked if there was anyone who wished to address the Board on any issue. He noted that no action could be taken on matters discussed during this portion of the meeting and that each person would be limited to 2 minutes.

Mr. David Theriaque, attorney, was recognized by the Chairman. He told the Board that he had filed a verified complaint on the Hidden Lakes Subdivision preliminary plat approval on behalf of Sandy Beare. He noted that it was filed solely in the event that if the developer litigated over being limited to 76 units on the plat. He explained that no further action will take place if the property owner does not seek to alter the agreement for 76 units on the original total acreage. He added that if there is an attempt by the owner to put 76 units on fewer acres, he will pursue further actions.

DISTRICT 2 REPORT

There was no report.

DISTRICT 3 REPORT

Commissioner Roberson appointed David Parramore to replace Jimmy Devane on the P & Z Commission.

DISTRICT 4 REPORT

There was no report.

DISTRICT 5 REPORT

In response to Attorney Theriaque's comments, Commissioner Dixon stated for the record that he would personally frown on any attempt by the property owner of Hidden Lakes Subdivision to deceive or otherwise circumvent the Board's decision regarding the preliminary plat approval.

Commissioner Dixon then reported that the Commission of Local Government is attempting to place some language into the Florida Constitution about how local governments may act in the future. If the measure prevails, local governments will operate more like charter counties. There will be additional rights as well as responsibilities which have traditionally been reserved for larger counties. That will greatly enhance the Board's ability to do things that have never been done before. He offered to forward more information to each of the Board members.

DISTRICT 1 REPORT

Chairman McGill announced the appointment of Commissioner Roberson and himself to the Small County Coalition Board.

He then turned attention to the Better Roads Committee. He stated that if any commissioner failed to make appointments to the committee, he would appoint someone from their district for them.

Chairman McGill also reported that he had received 15 petitions and 3 phone calls from residents along Lake Francis Road. They asked the County to either remove the lime rock from their road or compact it into the dirt. He suggested to the County Manager that perhaps residents should have some input as to whether lime rock will be placed on their dirt roads.

Mr. Mike Dorian stated that there seems to have been a change in the way the lime rock is being applied. It is not being plowed into the dirt as it once was done. He asked that public works staff revert back to the way it was applied previously. He then stated that this issue would be an appropriate issue for the Better Roads Committee and he volunteered to serve as an appointee from his district. He also stated that Larry Gainous, the Postmaster, had also expressed a desire to participate on the committee.

Chairman McGill asked Mr. Dorian to make his concerns known to the county manager in writing.

ADJOURNMENT

UPON MOTION BY COMMISSIONER WATSON, THE CHAIRMAN ADJOURNED THE MEETING.

Bill McGill, Chairman

ATTEST:

Nicholas Thomas, Clerk

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

PRESENT: W.A. (BILL) MCGILL, CHAIRMAN
STERLING WATSON, VICE CHAIRMAN
CAROLYN ROBERSON
E. H. (HENTZ) FLETCHER
EDWARD J. DIXON
NICHOLAS THOMAS, CLERK
HAL RICHMOND, COUNTY ATTORNEY
HOWARD MCKINNON, COUNTY MANAGER

CALL TO ORDER

Chairman McGill called the meeting to order. Commissioner Dixon led in pledging allegiance to the U.S. Flag and Commissioner Watson led in prayer.

ADOPTION OF AGENDA

The agenda was amended to include the Tax Collector's Year-end report under the Clerk'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

September 23, 1997 Special Meeting

October 7, 1997 Regular Meeting

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE MINUTES STATED ABOVE.

COUNTY ATTORNEY

Rich Bay Road Project

Attorney Hal Richmond reported that Jimmie Crowder Construction Company's attorney has been in contact with him regarding the proposed settlement on the paving of Rich Bay Road. He added that some minor disagreements remain to be worked out. He

asked that the matter be passed until the first meeting in November.

Contracts/Agreements - Borrow Pit Sand and Clay - Englehard Corporation
Property Appraisers Parcel ID # 3-03-2N-3W-0000-00140--000

Mr. Richmond presented an agreement between Englehard Corporation and Gadsden County regarding a dirt pit. He stated that Englehard's only concern in leasing the land to Gadsden County was that it be properly managed and that it be regularly monitored for environmental, health and safety violations.

The parcel of land consists of approximately 40.04 acres just off Post Plant Road in the St. Hebron Community. He asked for authority for the Chairman to execute the attached agreement.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE AGREEMENT DESCRIBED ABOVE.

SHIP Program - Deed to Michael Wright

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE WARRANTY DEED TO MICHAEL WRIGHT. (ATTACHED)

SHIP Program Special Assessment Lien - Soley Atkins

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE SPECIAL ASSESSMENT LIEN ON SOLEY ATKINS.

PUBLIC HEARING - ESCAMBIA COUNTY HOUSING FINANCE AUTHORITY

Resolution 97-026

Mr. Gordon Jernigan, Executive Director of Escambia County Housing Finance Authority, opened a public hearing to receive comments and input regarding the Authority's 1998 bond program. He stated the purpose of the bonds is to provide mortgage money to lower and middle income persons at an interest rate below that available on the open market. These bonds allow those persons to have safe, decent and affordable housing.

Mr. Jernigan stated that there is no cost or liability to Gadsden County if it votes to participate in the program. The last bond program in Gadsden County had an interest rate of 6.630 per

cent for 30 years. All of Gadsden County's allocation was used in that program.

Mr. Jernigan then stated that he plans to request a one million dollar allocation for Gadsden County in the 1998 issue. He added that it may be issued in 2 different series.

A MOTION WAS MADE BY COMMISSIONER WATSON AND SECONDED BY COMMISSIONER FLETCHER TO APPROVE THE RESOLUTION 97-026 ALLOWING ESCAMBIA COUNTY HOUSING FINANCE AUTHORITY TO OPERATE WITHIN GADSDEN COUNTY, AUTHORIZING AN INTERLOCAL AGREEMENT AND AUTHORIZING THE ISSUANCE OF SINGLE FAMILY MORTGAGE REVENUE BONDS, SERIES 1998.

Chairman McGill called for public comments and questions. There was no response.

THE BOARD VOTED 5 - 0, BY VOICE VOTE, IN FAVOR OF THE MOTION.

PLANNING AND ZONING ISSUES

Tower Citing - Date for Public Hearing Set for November 17, 1997

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER DIXON THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO SET A PUBLIC HEARING FOR THE CONSIDERATION OF TOWER CITING ORDINANCE FOR NOVEMBER 17, 1997.

Special Exception - Charles Thrash, Artistic Glass Design - Project 97PZ-204-03-09

Mr. Charles Thrash petitioned the County for consideration of a special exception permit to operate a neighborhood commercial business in an Agriculture 2 land use category. The property owner and applicant is Mr. Charles Thrash. The site is located on the designated "Art Trail."

Mr. Thrash told the Commissioners that he makes hand made glass designs using sand blasting and glass etching. He assured them that the business is environmentally safe and all the work is contained in the building itself.

The Planning Commission recommended approval.

The P & Z staff recommended approval.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER ROBERSON AND DISCUSSION WITH MR. TRASH, THE BOARD VOTED 5 - 0, BY VOICE VOTE TO APPROVE THE SPECIAL EXCEPTION AS REQUESTED.

**Public Hearing - Comprehensive Plan Future Land Use Map Amendment
98-001**

Midway Park, Inc. purchased an option to buy parcel 4-15-IN-2W-000-00140-0100 (classified as Agriculture 3) at the I-10 and US 90 area in Gadsden County. They requested a 16 acre amendment to the County's future land use map to enable the property to be used for industrial purposes. The parcel is just south of the Gadsden Station DRI at the 10/90 Commerce Park on the Brick Yard Road side.

Growth Management Director Mike Sherman told the Board that the purpose of the hearing was to determine whether to transmit the application for the land use amendment to the Department of Community Affairs (DCA.) He explained that once the County transmits the request to DCA, they will presume that the amendment is a County supported amendment.

Chairman McGill asked if the matter must go to DCA for a concurrency evaluation.

Mr. Sherman explained that since it is a regular plan amendment, DCA will issue a report with objections, recommendations and comments. At that time, the County will have 60 days to adopt or not to adopt.

COMMISSIONER FLETCHER MADE A MOTION TO TRANSMIT THE REQUEST FOR THE AMENDMENT TO DCA. THE MOTION WAS SECONDED BY COMMISSIONER DIXON.

DISCUSSION FOLLOWED.

Commissioner Dixon asked if the property could be accessed from Brick Yard Road.

Mr. Sherman explained that it is an interior parcel directly behind Gadsden Station DRI and it does not have road front access. The applicant has an option on a piece of property which does have road front access and is contiguous to the parcel under consideration.

Commissioner Dixon asked Mr. Sherman if the County has any plans for the overall zoning of the area in question. He stated that he had concerns when zoning is done in a piece meal fashion such as this parcel.

Mr. Sherman replied that he is of the belief that there is sufficient acreage of industrial land for development in the County. He added that the DRI still does not have infrastructure to it despite the pre-approved zoning.

Chairman McGill stated his concerns centered around the continued isolation of the City of Midway from the development of that area.

Mr. Sherman stated that he felt this development will certainly have an impact on the City of Midway.

The Planning Commission recommended approval.

The P & Z staff recommended that the County not transmit the amendment to DCA. He explained that the County currently has 1,000 acres of undeveloped land designated "industrial" or have a zoning category which permits industrial uses. (Gretna Industrial Park, Quincy Industrial Parks, Industrial land adjacent to Strong Road and the Gadsden Station DRI. Additionally, Mr. Sherman stated that the Comprehensive Plan discourages leapfrog development. He went on to explain that at the present time, there is no infrastructure available to serve the development (roads, central water systems and central waste water system.) The County has a policy in place which requires any development to occur concurrent with the impact of that development and to have the public facilities provided that are concurrent with the impact of the development.

Mr. Sherman stated that the location of the propped development is good, however, based on the County's comp plan, the time is not appropriate.

Commissioner Dixon called attention the fact that the County cannot provide police protection or fire protection to the area at the present time. He stated concerns about continuing to approve developments that are out of the areas which have already been approved for industrial purposes.

Chairman McGill pointed out that the proposed development is not consistent with the comprehensive plan.

Commissioner Dixon expressed the need for the County to have a sustainable development plan for that area since there is so much activity.

The applicant, Mr. Jim Stiles, 1921 Ringwood Dr., Tallahassee, FL spoke to the Board explaining his reasons for requesting the amendment. He stated that he was aware of the infrastructure problems with the property and his company is in negotiations to install them. He called attention to the fact that this property is in close proximity to the Seaboard Coastline Railroad and to Florida Gas Transmission line. (LP Gas)

Upon being questioned, Mr. Stiles assured the board that gas tank farms would not be constructed on the property. He also told them that he assumed metal industrial buildings would be constructed on concrete slabs.

Commissioner Dixon reasoned that the County should be driving whatever the plans for the development in that area and not following plans made by developers. While he did not oppose the development, he reiterated the Board's responsibility to the health, safety and welfare of the citizens and to protect the environment. He cautioned that the Board must begin to realize the costs to the County that would be associated with the growth versus the County's ability to pay for it. Police and fire protection was given as an example. He contended that the County does not have the ability to pay for those associated costs.

Commissioner Fletcher reminded the other commissioners that all that would be decided at this meeting would be whether to transmit the amendment to DCA.

Chairman McGill stated that the request could go forward to DCA and the Board could make any other decision later. He then called for public comments.

John Thiel was recognized by the Chairman. He asked "If the County sends this forward to the State, does it mean that the County supports it?"

Mr. Sherman replied that traditionally, when the County transmits a request for an amendment, it is presumed by DCA to be a County supported amendment. However, the County can still refuse to adopt it. He explained further: if the County receives a favorable report from DCA, it would come back to the Board for another public hearing to consider the adoption of the ordinance amending the comp plan. At that time, the County can refuse or deny the request for the amendment to the land use map.

The Chairman recognized Mike Dorian for questions regarding what kind of notice was given for the hearing.

Mr. Sherman replied that the minimum statutory requirement was met with the quarter page advertisements in the local newspapers. No private notices were mailed.

THE BOARD VOTED 5 - 0 IN FAVOR OF THE MOTION TO TRANSMIT THE AMENDMENT TO DCA.

Public Hearing - Small Scale Amendment 98-001 FLUM request;
Project 98-SS001A FLUM Amendment (Ag3 - C)

Mr. Sherman presented a request from Lex Thompson to change 10 acres from its agriculture 3 category to commercial. The property being considered was 10 acres adjacent to US 90 and one mile east of US 90 and I-10 intersection. Mr. Thompson's request did not go before the Planning Commission for their recommendation nor will it go to DCA for their approval.

The P & Z staff recommended denial because Comp Plan Policy 1.1.5 requires that new commercial nodes shall be located within 1/4 miles of the intersection of I-10. The proposed development constitutes spot zoning which is discouraged by the comp plan. Additionally, Mr. Sherman pointed out that commercial zoning is out of character with the land on that side of the road east of the interchange. Mr. Sherman explained that the land is surrounded on three sides by wetlands even though the portion which Mr. Thompson has requested the amendment are outside of those wetlands.

A MOTION WAS MADE BY COMMISSIONER WATSON AND SECONDED BY COMMISSIONER FLETCHER TO APPROVE THE ABOVE STATED AMENDMENT.

Commissioner Dixon asked why the developer was clear cutting the property when there had been no approval from the Board.

Mr. Sherman explained that it is a permitted use as an agriculture 3 category.

Mr. Lex Thompson told the Board that he purchased the property in March/April and contracted with Jimmy Crowder Excavating to site prep the property to plant pine trees. The trees were already ordered when he learned from Mr. Sherman that there was a provision in the comp plan that would allow him to have the 10 acres rezoned without the need for a comp plan amendment. Based on Mr. Sherman's statement, Mr. Thompson hired an engineer and surveyor to take the 10 acre parcel out of the 300+ acres.

Mr. Thompson continued by saying that the 10 acres is the closest commercial property within Gadsden County to Leon County. It is situated half way between Capital Circle/US 90 intersection and the I-10/90 interchange. The property already has DOT median cut. He pointed out that the property is on the tax roll valued at \$300 per acre. If it is changed to commercial, the taxes will go up considerably.

Commissioner Dixon asked why Mr. Sherman has recommended denial if he had told Mr. Thompson that he could do what he has requested.

Mr. Thompson could not answer the question. He told the Board when Mr. Sherman realized that he was working of the property, he told him that if the property was going to be changed from agriculture to commercial, a soil erosion and filter trench would have to be installed. (This would not have been required if they had stayed with their plans to plant pine trees on the property.) Mr. Thompson reported that after he had spent \$15,000, he brought the reports in to P & Z, only to learn from Mr. Sherman that he would recommend denial.

Upon being questioned, Mr. Sherman stated that he had discussed the process of getting amendments to the comprehensive plan with Mr. Thompson. In that discussion, he told Mr. Thompson that parcels of 10 acres or less could be done through the process of small scale map amendment and would not be require DCA review. He admitted that he encouraged that process over the process requiring DCA review.

Mr. Thompson stated that Mr. Sherman had recommended the small scale map amendment process. Based on that recommendation, he turned in a request for an amendment and then he was given a list of additional work that would have to be done to the parcel. He suggested that if Mr. Sherman was going to recommend denial, it should have been made known to him at that point and not after he went to the expense of putting in the filter berm.

COMMISSIONER FLETCHER CALLED THE QUESTION ON THE MOTION.

Commissioner Dixon asked to be allowed to ask another question. Commissioner Fletcher allowed the question.

Commissioner Dixon questioned Mr. Thompson about his willingness to become annexed to the City of Midway.

Mr. Thompson stated that he had already approached the City about the possibility of annexation. He had no objections to the County adding a special condition that the property would be annexed when/if an opportunity presented itself.

THE BOARD VOTED 5 - 0 IN FAVOR OF THE MOTION TO APPROVE SMALL SCALE AMENDMENT 98-001 CHANGING AGRICULTURE 3 CATEGORY TO COMMERCIAL.

Mr. Sherman was instructed to draft an ordinance reflecting the change to the Land Use Map and forward it to the County Attorney for advertisement.

E-911 - VENDOR SELECTION

Major Alvin Pickles reported to the Board that the E-911 program was 2 years into the project and approximately 1 year remains in which the County must have it operational. Most of the information packets have been delivered to homes and most of the roads in the County have been named or renamed.

Major Pickles then reported that he had received quotes from possible vendors for the purchase of needed equipment. Two responses were received - one from Sprint and the other from Bell South. He recommended that Bell South be awarded the contract at \$401,400.

Major Pickles stated that he and County Manager McKinnon had reviewed the revenues generated from the telephone surcharges. They concluded that the revenues would be sufficient to maintain the program over the project period. When the equipment is up and running, the up-front \$101,400 must be paid. That money will have been collected by the time it becomes due. However, the Board would have to fund any expenses which are not covered by the surcharge collections. He added that there is the possibility that a \$.50 surcharge will be collected from cell phones as well which will bring additional revenue.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO AUTHORIZE A LETTER OF INTENT TO BELL SOUTH, PROCEED WITH THE PURCHASE AND INSTALLATION OF THE EQUIPMENT AND AUTHORIZATION FOR THE CHAIRMAN TO SIGN THE CONTRACT WITH BELL SOUTH WHEN IT IS COMPLETED.

**GRANTS - EMERGENCY MANAGEMENT PREPAREDNESS & ASSISTANCE TRUST FUND
98CP-05-02-30-01-020**

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE ABOVE STATED GRANT.

WYMAN FIELDS FOUNDATION GADSDEN COUNTY HEART PROJECT

Ms. Candice Birle, Executive Director of Wyman Fields Foundation, addressed the Board. She stated that the foundation is a 501(3)C organization with several purposes and missions. One is community development. A part of that is the affordable housing initiative. She stated that the foundation was approached by an individual who owned land in Gadsden County to see if they would be

interested in developing affordable housing for the residents of Gadsden County.

Ms. Birle reported that the foundation would be developing 29 newly reconstructed single family homes for the very low and low income citizens in Gadsden County. 22 of those homes will be located in the City of Midway (High Bluff Court) and 7 homes will be located in the City of Gretna.

She then reported that the foundation had formed a partnership with North Florida Educational Development Corporation (NFEDC) to ensure that potential home owners will have support services before and after they purchase their homes. NFEDC will provide the pre-qualification activities such as credit counseling and home ownership education. They will also continue to provide support to the residents through their homeowners association to assess ongoing community needs.

Ms. Birle asked for the Board's support for the project. Additionally she asked that the County amend the Housing Initiative Plan to allow for greater down payment assistance (increase from \$5,000 to \$8,000) to potential homeowners; \$1.8 million in single family housing BONDS; \$145,000 of SHIP new construction funds for site preparation and pre development activities to ensure continued progress of the project; \$72,500 SHIP infrastructure funds for septic tank/fields reconstruction.

Gadsden County Community Development Director Rosemary Banks recommended that the Board provide support of project via a "letter of support" without commitment of funds.

It was the consensus of the Board that the current community development program is working very well and they did not want to divert any of the funds to another program.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER ROBERSON THE BOARD VOTED 4 - 1, BY VOICE VOTE, TO ACCEPT THE STAFF'S RECOMMENDATION AND SEND A LETTER OF SUPPORT FOR THE PROJECT WITHOUT COMMITMENT OF ANY FUNDS. COMMISSIONER WATSON CAST THE LONE DISSENTING VOTE. HE CLARIFIED HIS "NO" VOTE WAS BECAUSE HE COULD NOT SUPPORT THE PROJECT AT ALL (EVEN A LETTER OF SUPPORT) BECAUSE OF IT'S INVOLVEMENT WITH NFEDC.

HOSPITAL - MED TECH OF NORTH FLORIDA PROMISSORY NOTE

Mr. Alex Hicks addressed the Board asking to renegotiate the promissory note between MedTech of North Florida, Inc. and Gadsden County. He requested a repayment plan for a period of 42 months at

a rate of interest of 10% per year with the first payment due November 1, 1997.

A MOTION WAS MADE BY COMMISSIONER WATSON AND SECONDED BY COMMISSIONER FLETCHER TO APPROVE THE PROPOSED AGREEMENT. DISCUSSION FOLLOWED.

Commissioner Dixon stated that he had great problems with this company because they were before the Board only a few weeks ago asking for and receiving money which was not owed to them by the County. Again they are asking for favors of the County.

Commissioner Watson defended the County's position and acknowledged Med Tech's difficulties in operating the hospital. He reminded the Board of the \$1 million liability (medicaid overpayments) left by Tallahassee Memorial Hospital from the time period in which they operated the hospital. The hospital facility itself will be liable for that indebtedness if TMH chooses not to pay it. If medicaid resorts to the statutory authority for recouping that liability, MedTech will be forced out of business; the bonds (\$3.5 million) will be in danger of being called due and the County will ultimately be left with the responsibility. He added that it would be prudent of the County to work with MedTech to keep it operational for at least the next 5 years until the bonds are paid off.

Commissioner Dixon contended that MedTech is constantly before the Board with their hand out and suggested that the \$1 million TMH liability is not germane to the issue.

COMMISSIONER FLETCHER CALLED THE QUESTION ON THE MOTION.

THE BOARD VOTED 4 - 1 IN FAVOR OF THE MOTION TO APPROVE THE NEW PROMISSORY NOTE WITH MEDTECH AS DESCRIBED ABOVE. COMMISSIONER DIXON CAST THE LONE DISSENTING VOTE.

GRETNA - AMENDMENT NO. 1 TO MEMORANDUM OF AGREEMENT - GRETN A EFFLUENT WASTE WATER

Mr. Kenneth Barber was before the Board on behalf of the City of Gretna seeking approval of an amendment to the December 20, 1996 Memorandum of Agreement for the upgrade for the City of Gretna's waste water treatment facility. The agreement is a three party agreement between the City of Gretna, Gadsden County and Florida Department of Environmental Protection (DEP). The agreement allows the City to continue to discharge treated waste water into Telogia Creek until June 1, 1998.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE ABOVE DESCRIBED AMENDMENT.

COUNTY MANAGER'S AGENDA

Sandco, Inc. Contract Change Order #1

County Manager Howard McKinnon presented Change Order No. 1 (in the amount of \$45,000) to the road paving contract with Sandco, Inc. (Extending Fortune Boulevard to Commerce Blvd. and Commerce Blvd. to the FOX 49 Station) He explained that White Hunt Developers have sold other lots since the contract was signed and would like for Sandco to do additional paving. They have agreed to pay the full cost of the additional paving.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE CHANGE ORDER NO. 1 TO THE SANDCO CONTRACT.

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) Rental agreement with Attorney Valarie Janard for office space Suite # 4 in the old Barnett Bank Building
- 2) Grant application for the Challenge Grant - Primary Care for Children and Families (County Health Department), Gadsden County Board of County Commissioners and Gadsden Community Hospital
- 3) Resolution 97-028 to be sent to Governor Chiles and other legislators regarding water resources in the State of Florida
- 4) Resolution 97-027 to be sent to Governor Chiles and other legislators regarding court appointed attorneys in death penalty cases
- 5) Economic Development Activities Report for September 1997 filed by Gadsden County Chamber of Commerce
- 6) Waiver of Conflict by DCA on CDBG for Shiloh Community Project 95DB-65-02-30-01-H22
- 7) Satisfaction of SHIP special assessment lien on Latasha T. Murray, P.O. Box 74, Gretna, FL
- 8) Affordable Housing Partnership Committee Minutes for June and August
- 9) Contract with Sandco, Inc. for paving of Gadsden Station Track B phase -\$422,459 Fortune Blvd to Commerce Blvd to FOX 49 Station

- 10) **Personnel Policies and Procedures for Gadsden County Board of County Commissioners**
- 11) **List of road names and road name changes - E 911 Project**

CLERK'S AGENDA

Tax Collector's Year-end Report

Clerk Thomas presented the Tax Collector's year-end report for FY 96/97 and a check for \$31,026.76.

Request to Purchase County Property
Property Appraiser's Parcel No. 2-16-3N-1W-0000-00414-0100

Clerk Thomas told the Board that he had received a request from Mr. Council Morris McGriff to purchase a 1/2 acre lot on Horseshoe Road, just off SR 12 east of Havana from the County. He explained that Mr. McGriff owned the lot years ago. He built a house on the lot in 1964. Modern Homes Construction Co. foreclosed on the house and property then physically moved the house. They did not pay the taxes on the land and subsequently the County obtained the property for non payment of taxes.

Mr. McGriff, who has family adjacent to the property, placed an older mobile home onto the vacant lot and continued to use the property. He recently purchased a new mobile home and attempted to have it installed on the lot only to discover that he did not own the lot. He has asked to purchase the property back from the County.

Mr. Thomas explained that FL Statute 125.35(2) would allow the County (if they desire) to make a direct sale to Mr. McGriff but all adjacent property owners must first be notified and given the opportunity to submit sealed bids for the lot. He asked for authorization to proceed with the process to notify the adjacent land owners and Mr. McGriff of the Board's intentions.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO AUTHORIZE THE CLERK TO BEGIN THE PROCESS OF MAKING A DIRECT SALE OF THE LOT DESCRIBED ABOVE PURSUANT TO FL STATUTE 125.35(2).

Commissioner McGill asked if Mr. McGriff understands that he may not prevail in his attempt to purchase the property.

Clerk Thomas replied that he had attempted to make Mr. McGriff understand the process and the chances that he may not be successful.

Budget Amendments 97-10-21-01 through 97-10-21-54

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE ABOVE STATED BUDGET AMENDMENTS.

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

Chairman McGill asked if there was anyone present who wished to speak to the Board. There was no response.

DISTRICT 2 REPORT

Commissioner Watson appointed Wilson Hinson to the Industrial Development Authority retroactive to May 18, 1997.

DISTRICT 3 REPORT

Commissioner Roberson reported that she would be holding a bi-monthly meeting on Thursday, October 23, 1997 at the Chattahoochee Public Library.

She then told the Board that a quadriplegic traveling in his wheel chair all the way from California would be in the Chattahoochee area on Sunday afternoon to bring awareness to the need for spinal cord research. She also stated that a rally would be held on May 22, 1998 for the benefit of that research. She then passed out literature and asked for their individual support.

DISTRICT 4 REPORT

There was no report.

DISTRICT 5 REPORT

Commissioner Dixon stated that he had been under the impression that the Veteran's officer had been upgraded to a full time position during the budget process. He asked as to the status of that position.

Mr. McKinnon replied that it was not presented in the proposed budget prior to the final adoption of the budget. A request was presented by the Veteran's officer to the Board to make it a full

time position, however the Board gave no direction to the staff regarding the request.

Commissioner Dixon stated that it was an oversight that the request was not granted.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 4 - 1, BY VOICE VOTE, TO UPGRADE THE VETERAN'S OFFICER POSITION TO A FULL TIME POSITION IMMEDIATELY AND TO TAKE WHATEVER FUNDS ARE NECESSARY FROM GENERAL FUND CONTINGENCY TO FUND THE POSITION. COMMISSIONER WATSON CAST THE LONE DISSENTING VOTE.

DISTRICT 1 REPORT

Chairman McGill reported that the first meeting of the Better Roads Committee would be held soon.

ADJOURNMENT

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

Bill McGill, Chairman

ATTEST:

Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE BOARD OF COUNTY COMMISSIONERS, HELD IN AND FOR GADSDEN COUNTY, FLORIDA ON NOVEMBER 4, 1997, THE FOLLOWING PROCEEDINGS WERE HAD, VIZ.

PRESENT: W.A. (BILL) MCGILL, CHAIRMAN
STERLING WATSON, VICE CHAIRMAN
CAROLYN ROBERSON
E. H. (HENTZ) FLETCHER
EDWARD J. DIXON
HELENE MICHAELS, DEPUTY CLERK
HAL RICHMOND, COUNTY ATTORNEY
HOWARD MCKINNON, COUNTY MANAGER

CALL TO ORDER

Chairman McGill called the meeting to order. He then led in pledging allegiance to the U.S. Flag and Rev. O'Harold Black, Associate Pastor of Old Jerusalem Baptist Church led offered the invocation.

ADOPTION OF AGENDA

The agenda was amended to remove # 5 - Sheriff's request for grant match funds.

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

APPROVAL OF MINUTES

October 21, 1997 Regular Meeting

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE MINUTES OF OCTOBER 21, 1997.

COUNTY ATTORNEY

Resolution 97-29 Adding Lake Tallavana Subdivision to the list of Subdivisions in Ordinance 76-005 (Setting Speed Limits)

Mr. Richmond recalled to the Board that the Tallavana Homeowners Association had requested that the County authorize the Sheriff's department to patrol the streets in their subdivision as a speed control measure. The Board granted that authority on June 3, 1997. However, upon further research Mr. Richmond reported that

Lake Tallavana was not included on the list of subdivisions in Ordinance 76-005 which set a speed limit of 25 mph. He then offered a resolution which would amend Exhibit A of the ordinance to include Lake Tallavana Subdivision. He asked for a motion to approve it.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE RESOLUTION 97-29 AMENDING THE LIST OF SUBDIVISIONS IN ORDINANCE 76-005 TO INCLUDE LAKE TALLAVANA SUBDIVISION.

Hospital - Promissory Note with Med Tech of North Florida, Inc.

Mr. Richmond reported that the County's new promissory note with Med Tech of North Florida had been executed and would be included on the consent agenda for the record on November 18, 1997.

FIRE SERVICES

Fire Services Coordinator Oliver Sellars presented a new fire services agreement with the City of Chattahoochee. He explained that the agreement is different from those of the other agreements in that the County will provide a tanker truck.

Chairman McGill pointed out errors in the agreement and asked that they be corrected before execution. Additionally he asked that the fifth paragraph be amended to include the following language after "to be paid quarterly":

upon receipt by Gadsden County of the quarterly reports from the City of Chattahoochee.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE FIRE SERVICE AGREEMENT WITH THE CITY OF CHATTAHOOCHEE AND TO AUTHORIZATION FOR THE FIRE SERVICES COORDINATOR TO GO OUT FOR BID FOR A TANKER TRUCK.

CITIZEN'S REQUEST

Mr. Ricky Sweet - Request to Remove the Confederate Soldiers Memorial Statute from the Courthouse Ground

Mr. Rick Sweet appeared before the Board and requested that the memorial to the confederate soldiers be removed from the Courthouse grounds. He stated that the statute has stood too long

- more than 100 years. He remarked that the statute is a stain to his existence. He said that the statute blatantly boasts and congratulates those who fought to preserve slavery. He argued that it should be removed to prevent riots and the like.

Mr. Sweet posed the possibility that it has been allowed to stand for so long out of ignorance or out of fear that the request would be denied or ignored. He suggested that a replacement statute could be placed in honor of all soldiers who died and fought in the Civil War - not just the confederate soldiers. He jokingly commented that a statute of himself would be acceptable.

Chairman McGill called for comments.

COMMISSIONER WATSON MADE A MOTION TO LEAVE THE STATUTE IN PLACE. COMMISSIONER ROBERSON SECONDED THE MOTION.

DISCUSSION FOLLOWED.

Commissioner Dixon thanked Mr. Sweet for coming forward with his idea. He stated that this type movement seems to be going around America and it is natural to expect that Gadsden County would have to face the issue sooner or later. He said this is a matter that must be faced in relationship to community and the perception of what other people have of us as a citizenry and as a town.

Commissioner Dixon told Mr. Sweet that the statute has some connotations for himself. As to the issue of whether it should be replaced, he stated that he was not in favor of sanitizing the history of the County. He then referred to a history of the County which mentions very little about the black population - almost as if they did not exist. That book was fully sanctioned by the Gadsden County Board of County Commissioners.

Commissioner Dixon then pointed to the large tree on the southwest corner of the Courthouse Square which is called being the "lynching tree." He recalled a story told to him that a black man who was rumored to be dating a white lady was hanged from that tree then dragged around the Courthouse. He asked if that tree should be cut down? He argued that those types of things serve as a vivid reminder of from whence one comes. History can be ugly. Quincy has sanitized its history. While the community attempts to call attention to the Victorian era and its architecture, no mention is made that slavery and the "shotgun row" houses ever existed. He argued that ignoring it does not make it less real.

Commissioner Dixon then challenged Mr. Sweet to come back to the Board with a positive proposal. He concluded by saying that

removing the "reminder" would not make things any better. Taking the memorial down would not change the history but it would allow the history to become sanitized.

Commissioner Watson stated that there is also a memorial to World War I and World War II soldiers on the Square. He suggested that it might be equally offensive to those who survived or had family members who were killed in those wars. (Such as Germans or the Japanese.) He asked Mr. Sweet to view the confederate memorial with the same perspective as he did the other war memorial.

Chairman McGill stated that he had some reservations about the statute being in place but he also had concerns about how far to take such an initiative. He posed the questions: "Should the hospital wing named for Dr. LaFalle be removed? Should the street sign named for Dr. Martin Luther King be removed? How far should it go?"

He concluded by saying that "History is just that. You may not like it but you can't change it. We need to improve relationships not inflame them and removal of the statute would do just that." He suggested that the energy should be redirected into more productive things.

Commissioner Dixon stated that the dilemma becomes one for those who are offended by the statute and those who would defend it. He then asked "Does the statue become more worthy than getting along with those folks who are offended by it?" He then urged Mr. Sweet to find some appropriate way to express his opposition to the statue yet maintain the sense of community. He reminded Mr. Sweet there were those in Gadsden County who would not have slaves just as there were those who did have slaves.

Commissioner Dixon suggested that the County has a far greater problem than the statue. He referred to the children in the County who grow into adulthood without ever having contact with the other race. Race relation problems are very evident when the public parks are not shared by both races. He stated that there is never an opportunity for interaction between the races throughout the County. He added that there are clear and distinct lines drawn which will never be crossed. He closed by saying that the "We must find more reasons to get together as a community than reasons to separate us. History is history. There is no denying it - there were slaves. There is no denying that the South believed in slavery. It was part of their agenda. That is real. That's real. I just believe we've got to find more reasons for Dr. Watson's family and my family to talk and interact than we have now...If we continue to allow stereotype perceptions to exist, then we will have a very fragmented fragile community and I don't think that is

what we want. What we want is a community that is one and recognizes the differences that we all have."

Mr. Sweet closed by asking "If there is such a need for better race relations, then why aren't they on this agenda?" He then asked "Are you afraid to remove the statue for fear of inciting some racial gridlock?"

Chairman McGill answered that it is not an issue of fear or intimidation but one of reality. He then asked Mr. Sweet what would happen if the statue was removed. "Would that bring us closer together? Would that remove slavery from history?" He stated that he failed to see what could be repaired with its removal.

THE QUESTION WAS CALLED BY COMMISSIONER FLETCHER.

THE BOARD VOTED 5 - 0, BY VOICE VOTE, IN FAVOR OF THE MOTION TO LET THE STATUE REMAIN.

COUNTY MANAGER'S AGENDA

Mr. McKinnon had nothing to report.

CONSENT AGENDA

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

1. EMS Grant Award of \$14,267.90 for prehospital activities, services and items.
2. TRIM Certification for the record.
3. FY97/98 Fire Services Agreements- all departments
4. Right-of-way Deed - 19/90 Park for the record

CLERK'S AGENDA

Chairman McGill introduced Ms. Helene Michaels, Assistant Finance Director, who represented Clerk Thomas in his absence.

Budget Amendments 97-11-04-01 through 97-11-04-28

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE ABOVE STATED AMENDMENTS.

Ratification of Payment of County Bills

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY

**COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE
VOTE, TO APPROVE THE PAYMENT OF THE COUNTY BILLS.**

PUBLIC COMMENTS

Mrs. Gladys Gunn of the Friendship Community told the Board that when it rains, she cannot get into her road. She stated that she had contacted the road department who told her that they would charge \$90 per hour to do the work for her.

Commissioner Fletcher told Mrs. Gunn he would come out and look at her road on Wednesday afternoon.

Chairman McGill asked her is it was a private road.

Mrs. Gunn replied that it was a private road but she would like for the County to take over the road.

Commissioner Watson told Mrs. Gunn that she could get the work done for less than \$90 per hour. He told her to call the road department and they would give her the name of someone who could do the work for less money.

Mrs. Gunn stated that she could not afford to pay anyone to do the work.

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 remarked that the Board should begin the process of developing a congenial relationship among the population throughout the County. He stated that race relations has been ignored despite a growing need.

He then reported that he continues to see old mobile homes being brought into the trailer park near the Round Trampoline Factory. He asked the County Manager to look into the matter.

DISTRICT 1 REPORT

Chairman McGill reported that the Better Road Committee is fully constituted and the first meeting will take place either on the 17th or the 19th of November. A report will be forthcoming.

He then reported that he had received communication from the Florida Association of Counties (FAC) that the Building Code Commission is finalizing a statewide code to present to the governor in December. One of the issues of great interest to the Counties is whether local governments should be allowed to amend the uniform state-wide code for their local. (He understood that the current proposed code does not allow for local amendments.) He stated that Gadsden County needs to make their concerns known.

Commissioner Dixon stated that the matter is expected to be a very controversial subject. It is really designed for Dade, Broward and those Counties hit by Hurricane Andrew. The FAC's understanding is that the Commission will impose a state-wide building code and the local governments will not have the ability to amend or change. They will allow amendments with the approval of a State body before it can be enacted. The State has superceded the Counties by calling this a health, safety & welfare issue and that allows them to take whatever issue they want. There will be a state building code which will be more strenuous than the current one.

Commissioner Fletcher stated that the construction industry cannot afford a some of the specifications that are required in coastal areas.

Chairman McGill stated that the Board's concerns will be forwarded to the appropriate agency.

Commissioner explained that the insurance companies will pull out of the State if the building code is not imposed. They cannot afford another Andrew. The FAC is opposed to the state-wide code.

Chairman McGill referred to a request from Gulf County for other counties to support their resolution 97-31 regarding state operated versus privately operated prison system. Their position is that they are opposed to a completely privatized prisons. The issue will be place on the agenda at a future time.

ADJOURNMENT

UPON MOTION BY COMMISSIONER FLETCHER, THE CHAIRMAN

Gadsden County Board of County Commissioners
November 4, 1997 Regular Meeting

DECLARED THE MEETING ADJOURNED.

Bill McGill, Chairman

ATTEST:
Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE BOARD OF
COUNTY COMMISSIONERS, HELD IN AND
FOR GADSDEN COUNTY, FLORIDA ON
NOVEMBER 18, 1997, THE FOLLOWING
PROCEEDINGS WERE HAD, VIZ.

PRESENT: STERLING L. WATSON, CHAIRMAN
CAROLYN ROBERSON, VICE CHAIRMAN
WILLIAM A. (BILL) MCGILL
E. H. (HENTZ) FLETCHER
NICHOLAS THOMAS, CLERK
HAL RICHMOND, COUNTY ATTORNEY
HOWARD MCKINNON, COUNTY MANAGER

ABSENT: EDWARD J. DIXON

CALL TO ORDER

Chairman McGill called the meeting to order. County Attorney Hal Richmond led in pledging allegiance to the U.S. Flag and Muriel Straughn led in a prayer.

ELECTION OF NEW CHAIRMAN

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO ELECT STERLING WATSON AS THE CHAIRMAN OF THE BOARD FOR THE UPCOMING YEAR.

ELECTION OF NEW VICE-CHAIRMAN

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO ELECT CAROLYN ROBERSON AS THE NEW VICE-CHAIRMAN OF THE BOARD FOR THE UPCOMING YEAR.

Newly elected Chairman Watson began presiding at this juncture of the meeting.

ADOPTION OF AGENDA

Commissioner McGill asked that the agenda be amended by removing the request by Derek McKinnon for a special exception permit for McKinnon Body Shop.

Growth Management Director asked to remove the request by 10/90 Commerce Park Developers to establish an escrow account for Phase I of Tract B of the Gadsden Station DRI.

Commissioner McGill then asked that the agenda be amended to include a report from the Better Roads Committee. This item was set to follow the County Attorney's agenda.

Chairman Watson asked to remove Item No. 12 - Request for Bids for the pipe-cleaning machine and truck.

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

APPROVAL OF MINUTES

November 4, 1997 Regular Meeting

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE MINUTES OF NOVEMBER 4, 1997.

COUNTY ATTORNEY'S AGENDA

County Attorney Hal Richmond had nothing to report. However, he did state that each commissioner would be getting a status report on all pending litigation within the next few days.

BETTER ROAD COMMITTEE REPORT

Larry Gainous, chairman of the Better Road Committee spoke briefly. He reported that their first meeting was held on November 17 in the County Commission chambers. He stated that they had defined the purpose of the committee as being primarily "determining ways to improve the roadways of Gadsden County." The functions of the committee will be guided by the purpose. Possible functions of the committee would include:

- 1) How to inform the committee about any changes to roads
- 2) Canvass the public for their opinions
- 3) Public relations
- 4) Finding financing resources for road improvements
- 5) Arrange community meetings to make the public aware of what the County is trying to do with roads
- 6) Generate public support for the "Better Roads" concept
- 7) Recommend at least three methods of financing to pave and resurface roads to the Board of County Commissioners
- 8) Distribute flyers and other printer materials to increase public awareness.
- 9) Generate local organizational support - civic groups, churches, etc.

- 10) Make periodic progress reports to the Board of County Commissioners

Mr. Gainous stated that Rod Palmer is the Vice-chairman for the committee. Regular monthly meetings were set for each second Tuesday evening at 6:00 p.m.

ECONOMIC DEVELOPMENT - CHAMBER OF COMMERCE

Mr. Tenney Deane introduced himself as the newly appointed executive director of the Chamber of Commerce. He stated that he hoped to meet with each commissioner individually to get their insight as to what business and industrial development is to each of them. He added that he hoped to get the business community more involved in developing a vision for Gadsden County and cultivate some strategic goals to make that vision become a reality.

PLANNING AND ZONING ISSUES

PUBLIC HEARING FOR ADOPTION OF TOWER CITING ORDINANCE

Mr. Mike Sherman, Growth Management Director, opened a public hearing for the purpose of adopting a tower citing ordinance.

Mr. Sherman pointed out that more than a year ago, the Board directed him to form a committee to draft a telecommunications tower citing ordinance. He reported that the committee had worked diligently on the proposed ordinance. He then stated that a notice of intent was advertised in local newspapers.

Mr. Sherman told the Board that Talquin Electric Cooperative had requested an exemption for their towers which provide electric, water and sewer services. Additionally, a request was made by local businesses for changes to some of the definitions in the ordinance. Two-way radio owners also asked to be exempt from the standards of the proposed ordinance.

Commissioner Fletcher stated that the proposed changes (for business owners) were acceptable to him.

COMMISSIONER MCGILL MADE A MOTION TO AMEND THE PROPOSED ORDINANCE TO INCLUDE THE NEW DEFINITIONS AS REQUESTED BY BUSINESS OWNERS AND TO EXEMPT TALQUIN ELECTRIC TOWERS WHICH PROVIDE ELECTRIC, WATER AND SEWER SERVICES.

Chairman Watson asked if the Tower Citing Ordinance Committee had reviewed the proposed changes.

Mr. Sherman stated the requests for changes were not received until the morning of this meeting. However, he provided copies to each committee member as they arrived this evening.

COMMISSIONER MCGILL WITHDREW HIS MOTION IN VIEW OF THE FACT THAT THE COMMITTEE HAD NOT REVIEWED THE REQUESTS FOR CHANGES.

Mr. Richmond called attention to the fact that the public hearing was advertised for the purpose of adopting the ordinance and the meeting had been advertised as such. He suggested that if the Board did not act on the ordinance at this meeting, another hearing date could be set but it would have to be re-advertised.

John Yerkes, a "Tower Citing Ordinance" committee member, stated that many of the committee members were present and had questions relative to the changes. He stated that if those questions could be addressed to their satisfaction, the Board could possibly take action as scheduled.

The committee's questions related to the heights of the towers from which Talquin Electric was asking to be exempted and the number of the towers.

Mr. Gary Stallings, Director of Engineering and Operations for Talquin Electric answered by saying that the towers are telecommunication towers only in the sense that they communicate with equipment in place at another facility - such as electric substation, water well sights etc. The towers are not generally located in remote areas. They are usually less than 75 ft. in height.

Mr. Stallings stated that his concern was the way the definition of a tower is written in the proposed ordinance. A telecommunications tower is any structure that supports a communication antenna. He stated that his company has approximately 20 - 30 towers in place. Some of them are nothing more than a pole with an antenna placed at the top of it. He stated that he would like to reserve the right to replace some of those existing poles with towers without having to purchase more land just to satisfy the set back requirement of the ordinance.

Mr. Stallings emphasized that the purpose of their towers are to enable them to communicate with electronic equipment at facilities. They are needed for safety concerns.

Mr. Yerkes stated that Talquin's concerns are addressed in the ordinance itself but the committee had no problem in exempting them from the set back requirements.

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER

ROBERSON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO AMEND THE DEFINITIONS OF THE ORDINANCE TO REFLECT THE LANGUAGE AS PROPOSED BY TALQUIN ELECTRIC AND THE BUSINESS COMMUNITY. (ATTACHED)

COMMISSIONER MCGILL MADE A MOTION TO ADOPT THE ORDINANCE AS AMENDED ABOVE. COMMISSIONER FLETCHER SECONDED THE MOTION. THE TITLE OF THE ORDINANCE WAS READ INTO THE RECORD BY HAL RICHMOND.

CHAIRMAN WATSON CALLED FOR PUBLIC COMMENTS.

COMMENTS AND QUESTIONS WERE RECEIVED FROM THE FOLLOWING:

- 1) Jim Malas, Zoning Manager for OPM USA; 2829 Badger Road, Lakeland FL. (OPM builds towers up to 400 ft. and leases the tower space to others.)
- 2) Mike Dorian
- 3) Tony Arnold
- 4) Dan Ausley
- 5) Marion Laslie
- 6) John Yerkes
- 7) Dr. John Cooksey

THE QUESTION WAS CALLED BY COMMISSIONER FLETCHER.

THE MOTION WAS APPROVED 4 - 0, BY VOICE VOTE.

Final Plat Approval for Farms at Quincy Unit 13

In October of 1991, the Board entered into a stipulated settlement agreement with Mr. William Crawford, trustee for the Farms at Quincy residential subdivision. This settlement agreement stipulated requirements for subdivision of the 303 acres which were unplatted at the time of the agreement.

Mr. Crawford, Trustee of the Quincy Trust 2, petitioned the County for consideration of The Farms at Quincy, Unit 13 final subdivision plat.

The Planning Commission recommended approval.

The P & Z staff recommended approval.

UPON MOTION OF COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE FINAL PLAT FOR FARMS AT QUINCY, UNIT 13.

Code Enforcement

There was a consensus of the Board to set code enforcement hearings for December 16, 1997.

WALTER WATSON - CITIZEN'S REQUEST

Mr. Walter Watson asked the Board to correct a problem on Sam Timmons Road which runs through his farm. He explained that it is a public dirt road which has a couple of clay hills which get very slippery when it rains. In order to make the road passable for the public, the County has routinely spread sand on the road when it rains. The sand then washes off the road and into two of his irrigation ponds. Two of the ponds have been almost completely filled with sand. (One pond was so filled that water level rose above the dam and broke it.)

Mr. Watson asked the County to remove the dirt from the ponds and repair the dam.

Mr. Watson reported that Commissioner Fletcher and Public Director Jed Lugod had inspected the site. Robert Presnell from the North Florida Water Management District inspected the site as well.

Mr. Watson reiterated that his property had suffered considerable damage and he asked that the County restore it.

Commissioner McGill questioned Mr. Watson regarding the public use of the road. Mr. Watson confirmed that the road is used by the public.

Commissioner Roberson questioned Mr. Watson regarding what should be done with the sand which he wants removed from the pond.

Mr. Watson responded that he would not object to having the sand spread around the edges of the pond but he would prefer that it be hauled away.

Commissioner Roberson asked Mr. Watson if Mr. Lugod had an opinion regarding the damage.

Mr. Watson stated that Mr. Lugod had agreed with his assessment that the damage was a result of the sand from the road. He (Mr. Lugod) had agreed to do the work if the Commissioners would authorize him to go onto the property to do the work.

A MOTION WAS MADE BY COMMISSIONER MCGILL AND SECONDED BY COMMISSIONER ROBERSON TO TAKE INITIAL ACTIONS TO CORRECT THE PROBLEM WITH MR. WATSON'S PROPERTY WHICH WAS CREATED BY THE COUNTY AS EXPEDITIOUSLY AS POSSIBLE INCLUDING REMOVING THE DIRT FROM THE TWO PONDS AND REPAIRING THE DAM.

Commissioner Fletcher asked if they had any idea what the impact of that decision would be on the County. He projected that the County will be bombarded with similar requests with equal justification.

Commissioner McGill stated that Commissioner Fletcher may be correct in his assumption but there is no way of knowing without them coming forth. He suggested that those situations can be addressed as they come to the Board's attention.

THE QUESTION WAS CALLED BY COMMISSIONER MCGILL.

THE BOARD VOTED 2 - 1 IN FAVOR OF THE MOTION. COMMISSIONERS MCGILL AND ROBERSON VOTED "AYE" AND COMMISSIONER FLETCHER VOTED "NO". CHAIRMAN WATSON ABSTAINED FROM VOTING AS WALTER WATSON IS HIS FATHER. (CONFLICT FORM ATTACHED TO THESE MINUTES)

Note: The recording secretary did not hear Commissioner Fletcher's vote nor was it audible on the taped recording of the meeting. However, Commissioner Fletcher confirmed his "no" vote via telephone on the morning after this meeting.

ANIMAL CONTROL

Lewis Harper - Gadsden County Humane Society

Mr. Lewis Harper, resident of Havana and President of the Gadsden County Humane Society addressed the Board regarding the lack of an animal shelter in Gadsden County. He stressed the need for their organization and an animal shelter. He asked for the Board's support and help.

The following people addressed the Board in support of the Human Society and in an animal shelter:

- 1) Ms. Renee Adonaitis
- 2) Dr. Larry Helms
- 3) Sid Torbitt

Commissioner McGill asked how the Humane Society would propose to pay for an animal shelter. He suggested that the County might

be able to provide property for a shelter.

Mr. Harper stated that Wakulla County built their shelter at the county jail and used inmate labor to work at the shelter. He told the Board that if they would help them with real estate and give them some funding, they would run it with as little cost as possible. He added that they would need a truck.

Commissioner Roberson stated that the Board do more research before taking any action.

Commissioner Fletcher asked that the County Manager look into the matter and come back to the Board with a recommendation.

Commissioner McGill stated that he had talked with the Property Appraiser and learned that the County owns some property that might be made available for the purposes of an animal shelter. He had not determined however, that the property was in fact suitable for that use.

There was a consensus among the Board to have the Humane Society to come back to the Board with a proposal inclusive of costs projections and prospective funding.

1998 MASTERS NATIONAL CYCLING CHAMPIONSHIPS

Ms. Sheri Murphy, Director of Events for the Tallahassee Convention and Visitors Bureau addressed the Board. On behalf of the Convention and Visitors Bureau and the Tallahassee Sports Council, Ms. Murphy, extended a word of thanks for Gadsden County support of the 1997 Fresca's Masters Cycling Championship. It exceed the overall expectations. It generated over one million dollars in economic impact with over 1300 visitors attending. It promoted the safety aspect of cycling to the youth and provided a high quality spectator event for the region. USA Cycling praised the local community for its support and hospitality.

Ms. Murphy then told the Board that the community has been invited to host the 1998 championship in July 1998. The road race (July 16 & 17) is a long distance ride (48-64 miles) that takes place in Gadsden County. The competitors line up for a mass start around a 15.8 mile loop course, which is primarily rural in nature and features rolling hills. The start/finish line is located at the intersection of County Roads 161 and 270.

The Masters National Championships have been one of the elite U.S. cycling events for more than a decade. Last year, the event received extensive local and national coverage in newspapers and television.

Ms. Murphy stated that she has met with the Sheriff's Department and the EMS Department and Englehard Corporation and all of them are in support of hosting the event again. However she formally asked for the support and the endorsement of the Board of County Commissioners for the event.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 0, TO ENDORSE AND SUPPORT THE 1998 MASTERS NATIONAL CYCLING CHAMPIONSHIP RACE.

COUNTY MANAGER'S AGENDA

Mr. Howard McKinnon told the Board that as a part of the Emergency Management Program, the County has an agreement with the State to have hazardous material planning and meet particular requirements. (The Sheriff's Department is handling the program.)

Due to the resignation of the emergency management director coupled with an impending deadline, Mr. McKinnon recommended that the County contract with Appalachee Regional Planning Council to perform the required analysis. He added that the grant will pay for the services rendered.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE CONTRACT WITH ARPC TO PERFORM HAZARDOUS MATERIAL ANALYSIS FOR GADSDEN COUNTY.

CONSENT AGENDA

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

- 1) Payment of \$7,246.05 for engineering services relating to the hospital roof and nurse call station to McGinnis-Flemming (sub contractor for Kunde Sprecher)
- 2) Bid committee recommendation to award the contract for replacing the roof on the County administration building to Dan Harvey and Associates of Havana, FL for \$15,945.00.
Chairman authorized to execute the contract.
- 3) Grant-In-Aid Agreement for Court Facilities Improvement \$350,000.00 Grant between Gadsden County and the Office of the State Courts Administrator to implement the provision of Line 2144-E of the FY 97/98 General Appropriations Act.
- 4) Replacement of Promissory Note between Gadsden County and Medtech of North Florida, Inc. for \$184,743.00. Monthly

- payments of \$5,231.35 for 42 months beginning November 1, 1997.
- 5) Library State Aid Plan and Submission of Plan and Budget to the State
 - 6) Minutes of the Affordable Housing Partnership Meeting for September 23, 1997.
 - 7) Satisfaction of Housing Rehabilitation Agreement and Special Assessment Lien for Jimmy L. and Lucy Walker, Route 4 Box 281-B, Quincy, FL 32351.
 - 8) Economic Development Activity Report for October, 1997
 - 9) E-911 Road Name Changes and Additions

CLERK'S AGENDA

Annual Reports

Clerk Nicholas Thomas called attention the Sheriff's Year End Report noting that \$330.93 was returned to the County. He then presented his own Year-end Report returning \$455.84.

COUNTY DEED

Clerk Thomas recalled that the Board had instructed him to begin the process of making a private sale of a one-half acre lot located on Horseshoe Road to Council McGriff. He explained again that Mr. McGriff had lost the lot due to foreclosure. Subsequent to that meeting, certified letters were mailed to all adjacent property owners. No one expressed objections to making the direct sale to Mr. McGriff.

Clerk Thomas reported that the Property Appraiser has the lot appraised at \$800. He recommended that the Board make a direct sale to Mr. McGriff for \$800.00.

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE DIRECT SALE TO COUNCIL MCGRIFF FOR \$800.00.

Budget Amendments 97-11-18-01 THROUGH 97-11-18-05

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE BUDGET AMENDMENTS LISTED ABOVE.

Ratification of the Approval for Payment of County Bills

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO

APPROVE THE PAYMENT OF THE COUNTY BILLS.

PUBLIC COMMENTS

Mr. Elijah Knight addressed the Board. He asked where the city limits begin and end on Joe Adams Road.

There was discussion but no conclusion. Mr. Knight was instructed to go the Growth Management Department to view their maps.

DISTRICT 1 REPORT

Oak Trees on the Courthouse Square

Commissioner McGill reported that he had been approached by citizens to trim the oak trees on the Courthouse lawn. There was a consensus to have the staff to contact a tree surgeon and obtain a recommendation.

Request for Waiver of Landfill Fees

He then reported that he had been approached by several elderly and handicapped people about waiving land fill fees on certain days of the month.

Chairman Watson reminded the Board that the landfill does not belong to the County.

Christmas Holidays

Commissioner McGill reported that county employees have requested that the Board grant them an additional 1/2 day for the Christmas holidays in lieu of giving them a luncheon. Since Christmas Day falls on Thursday, he recommended that the County close its offices at noon on Christmas Eve and remain closed for Christmas Day and the following day which will fall on Friday.

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 3 - 1, BY VOICE VOTE, TO APPROVE CLOSING THE COUNTY OFFICES AT NOON ON CHRISTMAS EVE AND REMAIN CLOSED FOR CHRISTMAS DAY AND THE FOLLOWING DAY. CHAIRMAN WATSON CAST THE LONE DISSENTING VOTE.

Chairman Watson asked that these matters be addressed during the preparation of the budget rather than so late in the fiscal year.

DISTRICT 3 REPORT

Commissioner Roberson had no report.

DISTRICT 4 REPORT

Commissioner Fletcher had no report.

DISTRICT 5 REPORT

Commissioner Dixon was excused from this meeting as he was away on business.

ADJOURNMENT

**UPON MOTION BY COMMISSIONER FLETCHER, THE CHAIRMAN DECLARED
THE MEETING ADJOURNED.**

Sterling L. Watson, Chairman

ATTEST:

Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE BOARD OF
COUNTY COMMISSIONERS, HELD IN AND
FOR GADSDEN COUNTY, FLORIDA ON
DECEMBER 2, 1997, THE FOLLOWING
PROCEEDINGS WERE HAD, VIZ.

PRESENT: STERLING WATSON, CHAIRMAN
CAROLYN ROBERSON, VICE CHAIRMAN
W.A. (BILL) MCGILL
E. H. (HENTZ) FLETCHER
EDWARD J. DIXON
NICHOLAS THOMAS, CLERK
HAL RICHMOND, COUNTY ATTORNEY
HOWARD MCKINNON, COUNTY MANAGER

CALL TO ORDER

Chairman Watson called the meeting to order. Commissioner Roberson led in pledging allegiance to the U.S. Flag and Commissioner Dixon led in prayer.

ADOPTION OF AGENDA

Clerk Nicholas Thomas asked that the agenda be amended to include authorization for the new Chairman to sign the banking agreement resolution and signature cards for Quincy State Bank.

County Manager Howard McKinnon asked to amend the agenda by allowing Ms. Marybeth Schnick, victim advocate for the State Attorney's office, to address the Board with a request for waiver of county permit fees for a mobile home.

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

APPROVAL OF MINUTES

November 18, 1997

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE MINUTES OF NOVEMBER 18, 1997.

MARY BETH SCHNICK - REQUEST FOR WAIVER OF COUNTY PERMIT FEES

Ms. Mary Beth Schnick, victim advocate for the State Attorney's office, told the Board she was working with a family who is in dire need of assistance. She became involved with Charlene and Shirley McQue when they were victims of a hit and run

accident 6 years ago which left both of them permanently disabled with extensive injuries. Both of them are now unable to maintain employment. Since losing their home, the women have been living in a tent on a parcel of land on which they are making payments.

Ms. Schnick stated that her office is seeking support from local churches and agencies to aid this family in attaining housing and financial stability. She then asked the Board to waive all county fees so that a donated mobile home may be placed onto the land for these women before the cold weather begins.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO WAIVE ALL COUNTY PERMIT FEES FOR CHARLENE AND SHIRLEY MCQUE.

COUNTY ATTORNEY

Mr. Richmond told the Board that a hearing had been set for the Dr. Cooksey's petition for payment of his attorney fees and costs.

Mr. Richmond then stated that there is also a lawsuit for inverse condemnation which will be filed before the end of this year.

INTERLOCAL AGREEMENT - CITY OF GRETNA - ROAD MAINTENANCE

Gretna City Manager Charles Hayes appeared before the Board asking that the County enter into an interlocal agreement with Gretna to provide road maintenance on their dirt roads. He also asked for a reduction in the usual fees charged for road maintenance.

A MOTION WAS MADE BY COMMISSIONER FLETCHER AND SECONDED BY COMMISSIONER MCGILL TO ENTER INTO THE INTERLOCAL AGREEMENT WITH THE CITY OF GRETNA TO PROVIDE ROAD MAINTENANCE AT A RATE OF \$50.00 PER HOUR.

Discussion followed.

Chairman Watson asked Mr. Hayes how much the City collected in gas tax money to which Mr. Hayes replied "\$40,000." He continued by saying that money was committed toward payments for other road maintenance equipment.

Chairman Watson stated that he did not believe that the County should enter into such an agreement. However, if the agreement should be forthcoming, it should certainly be at the set cost of \$90.00.

Commissioner Fletcher called the question.

Chairman Watson did not recognize Commissioner Fletcher's calling of the question. He stated that one commissioner should not be in a position to stop all public debate on an issue.

Commissioner Fletcher stated that the Chairman could not ignore his call.

Attorney Richmond interjected that there must be a vote on the calling of the question.

Commissioner Fletcher called for a vote on his calling of the question.

Commissioner Dixon asked to be allowed to ask one question.

Commissioner Fletcher relinquished his calling of the question and agreed to allow Commissioner Dixon's question.

Commissioner Dixon told Mr. Hayes that he would like to help Gretna make contacts with other counties which might be able to help Gretna secure affordable equipment with which they could perform their own road maintenance.

County Manager Howard McKinnon asked that the motion state a specific term for the agreement.

THE MOTION WAS AMENDED TO ADD THAT THE AGREEMENT WOULD BE FOR ONLY 1 YEAR.

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

PUBLIC WORKS - PURCHASE OF PIPE CLEANING MACHINE (JETTER) AND TRUCK

Mr. Arthur Lawson, Direct of Management Services, addressed the Board requesting approval for the public works department to purchase a pipe cleaning machine (jetter) and truck. He reminded them that this piece of equipment had been debated at previous meetings.

Mr. Lawson explained that the jetter would use high pressure water to remove dirt and debris from culverts and pipes. It would cut the cleaning time down to approximately 10 minutes. The work force required would be reduced from 6 employees to 2 employees.

Mr. Lawson told the Board that the machinery would cost \$141,870. Additional equipment would need to be added which costs

\$ 9,820 (water distribution bar, portable pump, tank inter-connect, larger GVW vehicle.) The total cost would be \$151,990. Payments can be made for 5 years (\$35,885.79) with the first payment due next fiscal year. He added that a \$300.00 underwriting fee will be necessary to purchase the jetter under this plan.

Commissioner Dixon asked about the warranty of the equipment.

Mr. Mike Bauer of Truck Equipment Sales, In. of Dothan, AL answered that the truck had a warranty of 2 years or 50,000 miles. Some of the parts of the jetter are lifetime warranties, other parts are for only a year.

Commissioner McGill asked Mr. Bauer about savings to the County in terms of real costs in cleaning the pipes.

Mr. Bauer stated that there has not been a study so that he could answer the question.

Commissioner Dixon asked if a partnership with the cities had been considered to help offset the cost of the machine.

Public Works Director Jed Lugod answered by saying that there are so many pipes to be cleaned in the County that his employees would initially utilize the equipment 100% of the time. However, after such time and the work load allows, the County would make the equipment available to the municipalities.

Mr. Lugod estimated that there are 10,000 pipes (based on the county's population). He added that utilization of an inmate crew to do work that is normally done by public works personnel would free up existing personnel to operate the jetter.

Commissioner McGill stated that he would like to refer this matter to the Better Roads Committee and delay a decision until a recommendation can be obtained from them. He added that the interest on the machinery would amount to \$27,500. He was uncertain that the County could really afford this purchase.

Commissioner Fletcher reminded the Board that the County has spent over \$2 million in equipment for public works since 1994. He suggested that inmate crews should be utilized to clean the culverts rather than purchase the equipment.

Chairman Watson stated that he was in favor of the purchase and was confident that the County could afford it. He asked if any one could prove to him that it could not afford it. He added that inmate crews are inefficient and inadequate for the job.

Commissioner Fletcher countered that it would only be affordable if no resurfacing or paving projects were attempted.

Mr. Bo Chason, Assistant Maintenance Engineer for FL Department of Transportation (FDOT) addressed the Board. He stated that he was not representing DOT but himself as a taxpayer of Gadsden County. He then told the Board that his department has a jet rodder (sewer sucker). He reported that they do not use it for side drain pipe - only for sewers and storm drains. He added that his department cleans side drains by excavating the ditches to the flow line of the pipe, digging a hole at the other end of the pipe then dig the end of the pipe out and ultimately lets nature take care of the rest. He stated that his experience had been such that the jetter does not work so well for side drain pipes. He recommended that the County not purchase the jetter citing the costly upkeep of the machinery and the seldom need to use such machinery. It was his opinion that the County does not need the equipment and that the money would be better utilized in some other manner.

Chairman Watson recalled that Mr. Chason was also not in favor the pot-hole patcher but it has proven its usefulness to the County.

Mr. Chason stated that he prefers the hot asphalt patching to the cold patch because of the liabilities that will ultimately come with the method the County has employed.

A MOTION WAS MADE BY COMMISSIONER FLETCHER AND SECONDED BY COMMISSIONER MCGILL TO NOT PURCHASE THE JETTER. THE BOARD VOTED 2 - 3 WITH COMMISSIONERS FLETCHER AND MCGILL IN FAVOR AND COMMISSIONERS DIXON, ROBERSON AND WATSON OPPOSING. THE MOTION FAILED.

Chairman Watson called for another motion. There was no response.

COMMISSIONER MCGILL MADE A MOTION TO MOVE THE AGENDA.

THE MOTION DIED FOR LACK OF A SECOND.

A MOTION WAS MADE BY COMMISSIONER DIXON AND SECONDED BY COMMISSIONER ROBERSON TO PURCHASE THE JETTER PENDING UP-FRONT INTERLOCAL AGREEMENTS WITH THE MUNICIPALITIES FOR THE USE OF THE EQUIPMENT.

Commissioner Fletcher stated that until the bottom of the ditches on the roads are placed in some reasonable elevation to the

bottom of the pipes, they will continue to become obstructed regardless.

Commissioner McGill asked how he envisioned an arrangement/agreement for the use of the jetter by the cities.

Commissioner Dixon stated that he envisioned the cities and the County sharing the use of the machine as well as sharing the cost for its purchase and maintenance.

THE BOARD VOTED 3 - 2 IN FAVOR OF THE MOTION TO PURCHASE THE EQUIPMENT. COMMISSIONERS MCGILL AND FLETCHER OPPOSED.

PLANNING AND ZONING ISSUES

Derrick McKinnon Auto Body Shop - Project 97PZ - 011-207-05-11 Special Exception Permit Request

Growth Management Director Mike Sherman told the Board that Derrick McKinnon has requested that the County grant him a special exception permit to build and operate an auto body repair shop. This proposed repair shop will be located in District 5, off Hogan Lane. Hogan Lane is a paved road which intersects with SR 267 South, directly across from the intersection of SR 267S and Joe Adams Road. Hogan Lane is functionally classified as a local road. Mr. McKinnon is presently operating the auto body repair business.

The Planning Commission recommended approval.

P & Z staff recommended denial because the area is primarily residential. Development would be better situated at the intersection of SR 267 and Hogan Lane. The area character may be changed from residential to a more commercial nature.

Commissioner Dixon thanked the Board for deferring this matter from the last meeting. He stated that his concern with the issue was that Mr. Derrick McKinnon invited P & Z staff and the Building Inspector out to his property to assess it. At that initial meeting, Mr. McKinnon had a clear understanding with the staff that if either of them felt that the project would not be given approval, he (Mr. McKinnon) would walk away from the project. Commissioner Dixon stated that he was also present for the assessment and witnessed the staff telling Mr. McKinnon that his project was a feasible and they had no problem with it.

Commissioner Dixon stated that when he received his agenda packet, he was perplexed to see that the staff had reversed its opinion and recommended denial.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE SPECIAL EXCEPTION PERMIT FOR DERRICK MCKINNON AUTO BODY SHOP.

Road Naming - Wanda's Way

Mr. Sherman reported that he had received a request from Kirby Palm to name an unnamed road which provides access to his home. He asked that it be named "Wanda's Way"

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO NAME AN UNNAMED ROAD WANDA'S WAY AS REQUESTED BY MR. KIRBY PALM.

Escrow Agreement Request

Mr. Sherman explained that Armer E. White and Mr. John E. Hunt, Sr. of the 10/90 Commerce Park, Inc. have requested that the County allow them to continue selling lots in the 10/90 Commerce park. The subdivision code allows this to take place prior to recording the final plat if certain criteria is met.

Discussion followed.

Mr. Richmond recommended that the Clerk should be fully apprised of this proposal and seek his advice regarding any kind of agreement dealing with such funds. He added that a motion at this juncture would be fruitless. He asked for additional time to negotiate with the project engineer and bring the matter back to the Board.

Commissioner McGill asked Mr. Richmond if the agreement could be tied in some way to the voluntary annexation of the park to the City of Midway.

Courthouse Renovation Change Order # 8

UPON MOTION BY COMMISSIONER AND SECOND BY COMMISSIONER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE CHANGE ORDER # 8 IN THE AMOUNT OF \$12,136.38.

COUNTY MANAGER'S AGENDA

Mr. McKinnon reported that the Board has been asked to consider renaming Lake Talquin Road (SR 267 from I-10 to US 90) Pat Thomas Blvd. He asked for directions.

Mr. McKinnon was instructed to place it on the agenda for the next meeting.

CONSENT AGENDA

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

- 1) Personnel Policy amendment. Section 7.07, Annual Leave Accrual. Division Directors to be allowed to accumulate additional annual leave on a bi-weekly basis.
- 2) Approval to pay Mr. Willie Pratt his sick leave under the old personnel policy.
- 3) Acknowledgement from Secretary of State of their receipt of the Oath of Office for Edward Wilson Hinson to the Industrial Development Authority.
- 4) Application for solid waste management permit - class II closure permit for Chattahoochee Landfill
- 5) Agreement with Allied Health Institute allowing their paramedic students to perform their clinical experience with Gadsden EMS.
- 6) Notice to Proceed on Bid # 97-026 for the Roof Replacement of the Administration Building - Dan Harvey & Associates, Inc. \$15, 945.00. Terms: One-third down, balance due upon job completion.
- 7) Grant award - Sheriff's Narcotic's Unite 98-CJ-8C-02-30-01-126 \$100,069.50
- 8) Primary Care for Children and Families Challenge Grant - notification from FL Dept. of Health of denial of Gadsden County application for grant funds.
- 9) Approval of Bid Committee's recommendation to award the collection of EMS write-off accounts - bad debts to Midam Recovery Services, Inc. Midam will retain 17% of all funds recovered.
- 10) Contract - Phase Two Renovations of the Quincy Square Project - Project No. 97-023. Joel Lawson \$369,732.00.

CLERK'S AGENDA

Bank Resolutions and Signature Cards

Clerk Thomas asked for authorization for the new chairman to sign the bank resolutions and signature cards with Quincy State Bank.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO AUTHORIZE THE

**NEW CHAIRMAN TO SIGN THE BANK RESOLUTIONS AND SIGNATURE CARDS
FOR THE QUINCY STATE BANK.**

FY 97 Interest Report

Clerk Thomas briefed the Board on the interest earned in all County accounts. The County earned a total of \$456,788 which is approximately \$4,000 more than the previous year. He then answered questions from the Board.

FY 97 Financial Statements

Clerk Thomas then reviewed the 97 financial report. He reported that the County had a very good year mainly because the spending was kept to a minimum. The general fund realized a fund balance increase of \$128,000 which brings the total general fund balance to \$2,200,000.

Cash Report

Clerk Thomas reviewed the cash balance report. (attached) He reported that the general fund has \$1.1 million; Renewal & Replacement was down to \$124,000; Transportation Fund - \$1.3 million balance, some of which is committed but \$600,000 is uncommitted; Dividends on the Endowment Trust Fund was \$593,000; all totaling \$6.6 million in actual cash. That figure will climb as the ad valorem tax money is received.

Mr. Thomas pointed out that \$1.4 million (22%) is invested at the Quincy State Bank; \$4.4 is invested at SBA (67%).

Budget Amendments

97-12-02-01 THROUGH 97-12-02-05

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE ABOVE STATED AMENDMENTS.

Ratification of Approval to Pay County Bills

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

DISTRICT 1 REPORT

Commissioner McGill reported that he had talked with the County Manager regarding the shaping of the oak trees on the

Courthouse lawn. He asked Mr. McKinnon to look into having a tree surgeon to prepare a proposal to trim the trees.

Commissioner McGill then told the Board that the Better Roads Committee would meet on December 8, 1997. He offered to take any concerns to the committee.

DISTRICT 3 REPORT

Commissioner Roberson reported that Rebecca Mullins has resigned from the Library Commission as she is moving from the vicinity. She stated that she would make another appointment later.

Commissioner Roberson then reported that she had attended the grand opening of a new motel in Chattahoochee prior to coming to the commission meeting.

Reconsideration of Motion to Restore Property of Walter Watson

Commissioner Roberson stated that she had voted at the last meeting for the public works department to begin cleaning out Mr. Walter Watson's ponds which had filled with silt from the county road near the ponds. She reported that she had not fully understood the situation when she voted favorably for it and would like to reconsider the matter at this meeting.

Commissioner Roberson stated that upon further review of the situation, she came to realize that there were many other similar situations throughout the County. She stated that she did not think that the County should do for one person what it cannot do for all people. She added that she does not believe that the County is equipped to repair all of them, therefore she could not support doing it for Mr. Watson. Additionally, she had learned that the problem with Mr. Watson's pond has existed for many years and not one which is a recent occurrence.

A MOTION WAS MADE BY COMMISSIONER ROBERSON AND SECONDED BY COMMISSIONER MCGILL TO RE-CONSIDER THE ISSUE OF REPAIRING THE FISH PONDS OF MR. WALTER WATSON.

Mr. Walter Watson addressed the Board. He stated that he was shocked to find that this matter was being reconsidered. He stated that he had presented his case clearly and could not understand that his request had been so misunderstood.

Commissioner Roberson apologized to Mr. Watson for not realizing what she had voted on previously. However, she stated that she believes that she had made a mistake in approving the work

and felt she must bring it back before the Board for more discussion. Again, she apologized.

Mike Dorian was recognized for comments. He asked the Board to refer this matter to the Better Roads Committee for a recommendation.

THE BOARD VOTED 3 - 1, BY VOICE VOTE, TO RECONSIDER THE ISSUE DESCRIBED ABOVE. COMMISSIONER MCGILL CAST THE LONE DISSENTING VOTE. CHAIRMAN WATSON DID NOT VOTE BECAUSE MR. WATSON IS HIS FATHER.

UPON MOTION BY COMMISSIONER ROBERSON AND SECOND BY COMMISSIONER FLETCHER THE BOARD VOTED 3 - 1, BY VOICE VOTE, TO DENY MR. WATSON'S REQUEST TO MAKE REPAIRS TO HIS FISH PONDS WHICH WERE DAMAGED BY WATER/SAND RUNOFF FROM A NEARBY COUNTY ROAD. COMMISSIONER MCGILL CAST THE LONE DISSENTING VOTE. CHAIRMAN WATSON DID NOT VOTE AS MR. WATSON IS HIS FATHER.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO HAVE THE COUNTY MANAGER AND THE PUBLIC WORKS DIRECTOR ASSESS DAMAGES TO FISH PONDS OF WALTER WATSON AND TO EVALUATE THE FEASIBILITY OF MAKING ROAD IMPROVEMENTS TO MINIMIZE THE WATER AND SAND RUNOFF WHICH ARE CAUSING THE DAMAGES TO HIS PROPERTY. CHAIRMAN WATSON DID NOT VOTE AS MR. WATSON IS HIS FATHER.

DISTRICT 4 REPORT

Commissioner Fletcher had no report.

DISTRICT 5 REPORT

Commissioner Dixon pointed out that Florida Association of Counties (FAC) have some really hot and heavy issues coming before the Legislature in the next term. He stated that one of those issues is in conflict with the Clerk's Association regarding the Article V funding.

DISTRICT 2 REPORT

Chairman Watson stated that he had been approached by Mr. Stewart Johnson who owns the Allison House. He would like to make a presentation to the Board regarding the consideration of a bed tax.

Chairman Watson then told the Board that he asked Mr. McKinnon to speak with Growth Management Director regarding adding sufficient language to the ordinance dealing with abandoned

buildings to ensure the safety concerns of the citizens. It should have criminal implications.

Building Inspector Frank Ritter reported that he had been working on such an ordinance. It is in a rough draft status.

ADJOURNMENT

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

Sterling L. Watson, Chairman

ATTEST:

Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE BOARD OF
COUNTY COMMISSIONERS, HELD IN AND
FOR GADSDEN COUNTY, FLORIDA ON
DECEMBER 16, 1997, THE FOLLOWING
PROCEEDINGS WERE HAD, VIZ.

PRESENT: STERLING L. WATSON, CHAIRMAN
CAROLYN ROBERSON, VICE CHAIRMAN
W.A.(BILL) MCGILL
E. H. (HENTZ) FLETCHER
EDWARD J. DIXON (Arrived late)
NICHOLAS THOMAS, CLERK
HAL RICHMOND, COUNTY ATTORNEY
HOWARD MCKINNON, COUNTY MANAGER

CALL TO ORDER

Chairman Watson called the meeting to order. Commissioner Roberson led in pledging allegiance to the U.S. Flag and Commissioner McGill led in prayer.

ADOPTION OF AGENDA

The Chairman amended the agenda by adding Better Road Committee Report and removing Havana Flea Market Project.

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER FLETCHER THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO ADOPT THE AGENDA AS AMENDED. (Commissioner Dixon was not present for this vote.)

APPROVAL OF MINUTES

Commissioner Dixon arrived at this juncture.

December 2, 1997 Regular Meeting

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE MINUTES OF DECEMBER 2, 1997 REGULAR MEETING.

COUNTY ATTORNEY

Cost of Conflict Attorney for Clausen Murder Case

Mr. Richmond reported that Attorney Cheryl Gentry had submitted a \$19,000 bill for her representation of Carl Clausen. (A recent murder case) He added that he had argued that the costs were excessive before the court. He supported his argument with the facts that the charge was never first degree murder and the case did not go to trial. However, the circuit judge held that it was a

special case with special circumstances and ordered payment for the full amount.

Mr. Richmond then told the Board that filing an appeal could contest the amount of the bill.

Clerk Thomas interjected that the finance office has had other problems related to over billing by Ms. Gentry. He also told the Board that there are preestablished maximum amounts for which a lawyer may bill unless some judge finds extenuating circumstances exist as he did in this case.

Discussion followed.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO DIRECT THE COUNTY ATTORNEY TO FILE AN APPEAL OF THE JUDGE'S ORDER TO PAY THE \$19,000 CONFLICT ATTORNEY'S BILL.

Commissioner Dixon pointed out that FAC has an ongoing effort to make the State fund all Article V costs.

Clerk Thomas interjected that he felt that the State has been quite generous to small counties over the recent past. He cited the grants, sales tax extention and state revenue sharing etc. He encouraged the Board to be cautious in its support of the FAC proposal.

Request from Greensboro for Maintenance on County Road

Mr. Richmond recalled to the Board that several years ago, the Board decided that certain things regarding road maintenance of County roads within a municipality would be addressed on a case by case basis.

Mr. Richmond then referred to a work request from Alazada Jackson to clean the ditches in front of her home. Upon investigation, the public works staff determined that the flooding resulted from obstruction of the water flow by her driveway. There was no culvert installed when the driveway was constructed.

The Chairman noted that the County now requires all new driveways entering a county road to have a culvert installed. It was the consensus of the Board that they should hold city residents on county roads to the same standard.

Commissioner Fletcher pointed out that the public works department had cleaned the ditches on the road in question until it

reached the city limits of Greensboro. He asked Mr. Lugod why the worked stopped at that point.

Mr. Lugod responded that all ditches were cleaned wherever there was a need. He added that he decided there was no need to clean Ms. Jackson's ditch because the driveway obstructed the flow of water and caused the flooding. Cleaning the ditch would not have solved the problem without placement of a culvert.

Mr. Richmond asked the Board if they wished to continue to hear all such requests or forward this type request to the Public Works Director or the County Manager for a determination.

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO ADOPT AND FOLLOW THE GUIDELINES SET FORTH IN THE FLORIDA STATUTES PURSUANT TO MAINTENANCE OF COUNTY ROADS WITHIN MUNICIPALITIES; ENCOURAGE MS. JACKSON AND OTHERS TO INSTALL CULVERTS IN DRIVEWAYS WHEREBY THE COUNTY CAN PROPERLY MAINTAIN THE DITCHES; AND THAT SUCH MATTERS SHOULD BE HANDLED ADMINISTRATIVELY BY THE COUNTY MANAGER IN THE FUTURE.

Proposed Abandoned House Ordinance

Mr. Richmond asked for authority to advertise a notice of intent to adopt the above stated ordinance.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER DIXON THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO AUTHORIZE THE COUNTY ATTORNEY TO ADVERTISE THE NOTICE OF INTENT TO ADOPT THE PROPOSED ABANDONED HOUSE ORDINANCE.

PLANNING AND ZONING ISSUES

Cumberland Animal Clinic - Request for Off-premise Sign

Ms. Nancy Boyert, petitioned the Board for consideration of an off-premise sign which will be constructed on the southwest corner of the intersection at U.S. Highway 27 and County Road 270. The property intended for the proposed sign is owned by Mr. Don May and is currently occupied by Dynasty Homes of Havana. The proposed sign face will measure 4' x 6' and will be double-sided.

Growth Management Director Mike Sherman pointed out the Planning Commission recommended approval. The staff recommended approval subject to the special conditions outlined in the attached memo.

UPON MOTION BY COMMISSIONER ROBERSON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE ABOVE STATED REQUEST.

CODE ENFORCEMENT ISSUES

Mr. Sherman stated that his department does not go out into the community searching for code violations. He explained that he investigates matters brought to him as complaints.

Nuisance Ordinance Violations - Mr. Ronald Benfield

This item was removed from the agenda as Mr. Benfield has made substantial progress toward abatement of the nuisance.

Nuisance Ordinance Violations - Susan and James Hobbs - Parcel ID # 3-13-2N-2W-0570-00000-0930 in Ochlocknee Estates

Mr. Sherman told the Board that the above-named residents have a considerable amount of debris and garbage in their yard. He reported they have removed some debris since notification of this hearing. However, substantial violation continues to be unabated.

Commissioner Roberson stated that Ms. Hobbs had contacted her and related her situation. In turn, Commissioner Roberson asked Mrs. Rosemary Banks to make an assessment of the situation. She continued by saying Mrs. Banks reported that Mr. & Mrs. Hobbs had taken some measures and were attempting others. (Mr. & Mrs. Hobbs are disabled.)

Mr. and Mrs. Hobbs was present and addressed the Board.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO TABLE FURTHER DISCUSSION.

Nuisance Violation - Mr. Terry Manuel - Parcel ID # 2-09-3N-6W-0540-00007-0060

Mr. Sherman reported that Mr. Terry Manuel may be operating an auto body shop at his home without the appropriate permits. The nuisance ordinance requires that all automobiles parked on residential property be licensed, tagged and insured.

Mr. Terry Manuel addressed the Board stating that the cars in question are his personal property - all of which are drivable and will crank. He acknowledged that he had not been through the permitting process to operate a business but stated that he would be willing to start that process as required.

UPON MOTION BY COMMISSIONER ROBERSON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO ALLOW TERRY MANUEL 60 DAYS TO GO THROUGH THE COUNTY'S PROCESS TO HAVE HIS BUSINESS PROPERLY PERMITTED.

Date for Public Hearing for Comprehensive Plan Amendments -Land Development Regulations

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO HOLD A PUBLIC HEARING ON JANUARY 20, 1998 TO CONSIDER AN ORDINANCE TO AMEND THE LAND DEVELOPMENT REGULATIONS CODE OF THE COMPREHENSIVE PLAN.

Request for Minor Subdivision Plat Approval

Mrs. Virginia Byrd requested approval for two minor subdivisions. One with four lots on 85 acres and another with five lots on 235 acres. Each parcel will be a minimum of 10 acres. The county surveyor and county engineer reviewed the proposed projects and reported that both projects meet the technical standards of Chapter 177. Mrs. Byrd and Mr. White of Broward Davis & Associates was in the audience.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE TWO ABOVE STATED MINOR SUBDIVISION PLATS.

PUBLIC HEARING - LAND USE MAP CHANGE - ORDINANCE

Mr. Sherman presented an ordinance allowing for a small scale land use map amendment for Mr. Lex Thompson.

Mr. Richmond read the title of the ordinance into the record which was duly noticed on November 6, 1997 in the Gadsden County Times.

Chairman Watson called for comments from the public. There was no response.

Commissioner McGill stated that he had talked with Mr. Thompson and he agreed to sign an agreement stating he would be willing to be annexed to the City of Midway.

Mr. Sherman stated that such a thing could not be contracted.

Mr. Richmond stated that it would be illegal for the County to impose that as a condition of approval.

Commissioner Fletcher stated that Mr. Thompson had communicated to him on the day of this meeting, that he was willing to be annexed by the City of Midway.

UPON MOTION BY FLETCHER AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE LAND USE MAP CHANGE ORDINANCE REFERENCED ABOVE.

ECONOMIC DEVELOPMENT

Mr. Tenney Deane, Director of the Gadsden County Chamber of Commerce addressed the Board. He referenced the executive summary of the activities of the Chamber of Commerce regarding economic development. (Report attached)

Chairman Watson asked Mr. Deane to prepare his report in the same format used by the former director.

Commissioner Dixon told Mr. Deane that he would like to see greater participation from the Afro-American community in the Chamber of Commerce.

Mr. Deane welcomed the Board's input and interest. He assured them that he would solicit membership from the entire business community throughout the County.

BETTER ROAD COMMITTEE REPORT

Mr. Rod Palmer, Vice-chairman of the Better Roads Committee, gave a report of its last meeting on December 8, 1997.

Commissioner McGill announced that the Committee would be meeting in all the municipalities.

COUNTY MANAGER'S AGENDA

Post Plant Road Borrow Pit

Mr. McKinnon reported that he received three quotations for 1400 linear feet of fencing at the new Post Plant Road borrow pit. The hog wire fence will be 4' high, with steel posts every ten feet. Bracing will be done every 300' and a barbed wire will top the hog wire. He recommended that the contract be awarded to Blackfoot Construction, Inc. for \$2,590.00. (They were the local contractors.)

Mr. McKinnon explained that Englehard Inc. donated the use of the land with the stipulation that a fence be installed prior to excavation. He added that staff was assured by Englehard that the fence complies with the agreement.

Mr. McKinnon requested that funds be taken from the general fund contingency because he was uncertain that gas tax dollars could be used in this manner.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO AWARD THE CONTRACT TO BLACKFOOT CONSTRUCTION, INC. FOR \$2,590.00. FURTHER, THEY AUTHORIZED PAYMENT OF THE FENCE FROM GENERAL FUND CONTINGENCY.

Renaming the Portion of SR 267 (from I-10 to the Quincy City Limits) Pat Thomas Parkway

Mr. McKinnon reported that the County has received a request to re-name the portion of SR 267 between I-10 and the Quincy City limits Pat Thomas Parkway. He stated that the City of Quincy had also received a request to rename the portion between U.S. 90 and the city limits - making the entire link between U.S. 90 and I-10 Pat Thomas Parkway.

UPON MOTION BY COMMISSIONER ROBERSON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE VOTE TO RENAME THE PORTION OF SR 267 BETWEEN THE QUINCY CITY LIMITS AND I-10 PAT THOMAS PARKWAY.

SHERRY TAYLOR - REQUEST FOR USE OF OLD SHERIFF INVESTIGATOR'S BUILDING

Chairman Watson called for Ms. Taylor to address the Board. She was not present, therefore no action was taken on her request.

CONSENT AGENDA

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

- 1) Resolution Adopting Gadsden County Comprehensive Emergency Management Plan
- 2) 1997-98 Union Contract
- 3) Interlocal Fire Service Agreement with Chattahoochee
- 4) Invoice from McGinnis & Flemming Engineering, Inc. totaling \$5,632.40- hospital emergency repairs and nurse call system. (\$4,000 - expanded scope outside of Phase I Report; \$1,632.50 - additional services for nurse call emergency repairs, plan sheet improvements and extended design coordination with staff.)
- 4) Approval of E911 Road Name changes
- 5) Purchase of Low-Boy Dump Trailer - \$9,950.00 (reconditioned 1975 City Aluminum Dump trailer) to be used with tractor to haul limerock, sand and clay to various sites in the county. (This item was not budgeted) Borco Equipment Company, Inc.

CLERK'S AGENDA

Budget Amendments 97-12-16-01 through 97-12-16-04

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE ABOVE DESCRIBED AMENDMENTS.

Ratification of Payment of County Bills

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO RATIFY THE APPROVAL FOR PAYMENT OF THE COUNTY BILLS.

DISTRICT 1 REPORT

Commissioner McGill reported that he had received some objections from citizens regarding the re-naming of Salter Road. He asked the Board to look into the matter in view of the public outcry.

DISTRICT 3 REPORT

There was no report.

DISTRICT 4 REPORT

There was no report.

DISTRICT 5 REPORT

Commissioner Dixon asked that the Board members send letters of support to the members of the Constitution Revision Commission regarding Article V funding. The Constitution, as it reads now, calls for the State to fund the judiciary which now costs the counties about \$613 million annually to operate. Counties only collect \$200 million in fees and other local revenue to offset that cost. The difference must come from ad valorem taxes.

The FAC has taken the position that the State should receive the fees collected and in turn totally fund the state court system. That would encompass the state attorney, public defender, court reporter, court administration, hearing officers, child custody, guardian ad litem, guardianship, alternative dispute resolution, criminal justice information systems, witness coordination, law library, expert witness, court reporter, clerks etc. Local commissioners would then only be responsible for court security and court facilities.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, APPROVED THE ATTACHED RESOLUTION TO BE SENT TO THE CONSTITUTION REVISION COMMISSION IN SUPPORT OF THE FAC STAND WITH ARTICLE V FUNDING.

DISTRICT 2 REPORT

Chairman Watson presented the committee assignments for the upcoming year. (Attached)

Paving of Merritt Lane

Chairman Watson noted that the next road on the road paving priority list is Merritt Lane. He urged the commissioners to get prepared to moved forward with paving it and resurfacing other roads in district 3 and 4.

Commissioner Fletcher stated that he would like to see the Board put all the needed projects on the table simultaneously and have multiple projects moving forward at the same time.

Culvert Installations

Chairman Watson then called attention to the numerous drive-ways off county roads where there are no culverts. In many of the areas, it is causing drainage problems. He stated that he would like to see the County require all of them to install culverts.

Discussion followed but no action was taken.

ADJOURNMENT

**UPON MOTION BY COMMISSIONER FLETCHER, THE CHAIRMAN DECLARED
THE MEETING ADJOURNED.**

Sterling L. Watson, Chairman

ATTEST:

Nicholas Thomas, Clerk