

AT A REGULAR MEETING OF THE
BOARD OF COUNTY COMMISSIONERS,
HELD IN AND FOR GADSDEN COUNTY,
FLORIDA ON JANUARY 6, 1998, THE
FOLLOWING PROCEEDINGS WERE HAD,
VIZ.

PRESENT: STERLING L. WATSON, CHAIRMAN
CAROLYN ROBERSON, VICE CHAIRPERSON
W.A. (BILL) MCGILL
EDWARD J. DIXON (arrived late)
NICHOLAS THOMAS, CLERK
HAL RICHMOND, COUNTY ATTORNEY
HOWARD MCKINNON, COUNTY MANAGER

ABSENT: E. H. (HENTZ) FLETCHER

CALL TO ORDER

Chairman Watson called the meeting to order. Clerk Nicholas Thomas led in pledging allegiance to the U.S. Flag. County Manager Howard McKinnon led in prayer.

ADOPTION OF AGENDA

UPON MOTION BY COMMISSIONER ROBERSON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 3 - 0, BY VOICE VOTE TO ADOPT THE AGENDA. (Commissioner Dixon was not present for this vote.)

APPROVAL OF MINUTES

December 16, 1997

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 3 - 0, BY VOICE VOTE, TO APPROVE THE MINUTES OF DECEMBER 16, 1997. (Commissioner Dixon was not present for this vote.)

COUNTY ATTORNEY'S AGENDA

Appeal of Court Order to Pay Conflict Attorney's Fees

Attorney Hal Richmond reported that he had received a copy of the court order in which Judge Gary ordered the County to pay \$20,100 to Attorney Cheryl Gentry. (For her representation of Carl Clausen in a recent murder case) He stated that the judge had included proper justification. He then advised that he did not believe that the County would prevail on an appeal.

Mr. Richmond then told the Board that he had talked with Prosecutor Richard Combs. Mr. Combs shared his opinion regarding an appeal. He asked for directions.

Commissioner McGill asked Mr. Richmond what it would cost to appeal the order.

Mr. Richmond responded that he would expect it to cost \$2,500 including the filing fees.

Commissioner Dixon arrived at this juncture. Mr. Richmond briefed him on the matter being discussed.

Mr. Richmond cited a case - Macombson vs. Sarasota that allows attorneys to be paid \$95.00 per hour when certain factors are present in capitol cases only. (i.e. complications, significant community involvement, etc.) Ms. Gentry's position was that she closed her practice in order to take the Carl Clausen case.

Commissioner Dixon asked what argument could the County make to the Court.

Mr. Richmond stated that the issue would become "Was there sufficient and reasonable grounds to exercise the authority to award her the \$95.00 per hour."

Commissioner Dixon then asked "What precludes a person from closing down one's office and work forty hours a week on one case." "Do attorneys do that?" "Is that common practice?" "If it is not common practice for an attorney, who is given a capitol case (to close his business down) then what is reasonable practice?" "Would she work forty hours a week for a full year?"

Mr. Richmond stated that had been his argument all along. He told the Commission that he had been appointed to several serious homicides in other counties but had never generated such costs. He went on to say that he had attempted to set up a meeting with the chief judge and the court administrator to try to insure that the Board has some input into the selection of attorneys for the conflict cases. He then stated that he raised questions about how the Clausen case became a conflict case. He referenced one case in

which the Court ordered Franklin County to pay \$157,000.

Commissioner Watson stated that he could not see anything so complicated about the Clausen case in comparison to others. He stated that he would like to continue with the appeal.

Commissioner McGill stated that the law should be changed to reflect the local billing rate.

Mr. Richmond reported that a lien was placed on Mr. Clausen's property to help defray the expenses of his prosecution. He informed them that at least two other bills would follow - one to an investigator for \$4,400 and another to a psychologist for \$3,000.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER MCGILL THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO CONTINUE THE APPEAL OF JUDGE GARY'S ORDER TO PAY CHERYL GENTRY \$20,100.

PLANNING AND ZONING ISSUES

Code Enforcement Issues

Growth Management Director Mike Sherman asked the Board to set a public hearing date to hear the nuisance ordinance violation listed below.

Stacy Robertson and Jeffrey Clark Parcel # 2-12-3N-2W-0178-0000B-0070

Upon receiving a telephone complaint from a resident in Springwood Subdivision, the P & Z staff made a site inspection at the above referenced parcel of land. The purpose of the visit was to verify possible code violations. The violations observed included trash and debris thrown on the ground, paint cans along a fence line - some of which are rusting.

Mr. Sherman reported that he sent a letter to the property owners asking them to abate the nuisance. The owners took no action. No other contact was established with the owners until a second letter was sent on December 29, 1997 in which they were advised of this meeting.

Ms. Robertson nor Mr. Clark was present.

The Clerk received pictures as evidence to document the violations.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO HOLD A PUBLIC HEARING ON THE ABOVE REFERENCED VIOLATION ON FEBRUARY 17, 1997.

SHERRY TAYLOR - CHILDREN ARE OUR FUTURE

Ms. Sherry Taylor addressed the Board for Children Are Our Future, Inc. She requested the donation of the old house that once housed the Sheriff's investigators. She stated she expected to house a full service community center and tutorial program for children.

Commissioner Dixon asked Ms. Taylor if she had considered using space at the old Stevens School.

Ms. Taylor answered that she had considered it but felt that the location was not as appropriate as the house.

Mr. Richmond cautioned the Board of the significant liabilities that could be involved. He also had questions regarding the renewal of the lease of the Stevens School.

Commissioner Roberson stated that she had no problem with giving the building to Ms. Taylor. However, she had serious concerns about letting her use the building where it stands.

Chairman Watson stated that he would like to keep the County's options open as to the use of the land where the building stands.

More discussion followed but nothing was resolved.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 3 - 1, BY VOICE VOTE, TO TABLE DISCUSSION OF MS. TAYLOR'S REQUEST AND TO REMOVE THE LEASE AGREEMENT OF THE STEVENS SCHOOL FROM THE CONSENT AGENDA UNTIL THE NEXT REGULAR MEETING ON JANUARY 20, 1998. (CHAIRMAN WATSON CAST THE LONE DISSENTING VOTE.)

CONSENT AGENDA

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE CONSENT AGENDA (WITH EXCEPTION OF THE LEASE AGREEMENT OF OLD STEVENS SCHOOL) TO WIT:

- 1) CDBG 97DB-IE-02-30-01Y04 Request for funds - For the record
- 2) Lease Agreement between the State of Florida and Gadsden - William N. Inman Agriculture Center - for approval
- 3) Article V Resolution - For the record

CLERK'S AGENDA

Funding for Fencing of Post Plant Road Borrow Pit

Clerk Thomas called attention to a memo included in the agenda packet regarding the above referenced subject. He stated that if the Board thought transportation funds could not be used to pay for the fencing, he should offer some clarification.

He explained that he had always insisted that the County use general funds dollars when purchasing real property. However, purchase of real property is not in question. The fencing is a matter of public safety related to the operation of a dirt pit that will be used primarily for transportation purposes. He went on to say that after some discussion with the county manager he was confident that the transportation funds could be used for this purpose.

Public Works Director Jed Lugod stated that paying for the fencing from transportation funds would significantly impact his budget for this fiscal year.

Chairman Watson recommended that the previous motion to take the money from the general fund contingency stand.

Discussion followed.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 2 - 2, BY VOICE VOTE, TO RESCIND THE MOTION TO USE GENERAL FUND CONTINGENCY MONEY TO PAY FOR THE FENCING. THE MOTION FAILED.

Chairman Watson asked the Clerk why transportation funds could not be used to purchase real property when the land will be used solely for removing the dirt for road construction purposes.

Clerk Thomas responded that a specific FL Statute states that real property must be purchased with general funds. He offered to get the information to him later.

Commissioner McGill asked the Clerk how much of the contingency funds has been spent in this fiscal year.

Clerk Thomas could not recall the balance exactly but stated that he was confident that the balance is more than \$100,000. However, he stated that he would verify the amount and let him know later.

Budget Amendments

98-01-06-01 THROUGH 98-01-06-03

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 4- 0, BY VOICE VOTE, TO APPROVE THE BUDGET AMENDMENTS LISTED ABOVE.

Ratification of Approval to Pay County Bills

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO RATIFY THE APPROVAL TO PAY THE COUNTY BILLS.

DISTRICT 1 REPORT

Commissioner McGill asked if there is a time frame in which the County must spend the new grant to renovate the Courthouse.

Clerk Thomas responded that he was not aware of a time limit.

DISTRICT 3 REPORT

Commissioner Roberson had no report.

DISTRICT 4 REPORT

Commissioner Fletcher was excused from the meeting.

DISTRICT 5 REPORT

Commissioner Dixon reported that the Florida Association of Counties (FAC) conducted a state-wide press conference on its position with the Article V Issues as they relate to the upcoming Florida Constitution revision. He stated that if nothing more than clarification of who is responsible for specific things is realized, it will have been worth the effort that FAC has put into it. He reported that the press conference was well received throughout the State.

DISTRICT 2 REPORT

Chairman Watson stated that he would like to move forward with the paving of Merritt Lane. He explained that Merritt Lane is the next road on the road paving prioritization list which was adopted as part of the comprehensive plan. He added that there is money in the budget for capital improvements. He stated that Mr. Lugod expected to pave the road (including the ditch paving) for \$150,000. He asked for a motion.

Commissioner Dixon stated that he was unhappy to see what was happening at this meeting. He stated that it was a one-road plan that does nothing for other districts. He went on to say that he would like to see a plan that has some forethought and takes into account the whole County and how the Board intends to go about accomplishing the plan. He contended that he was opposed to the "hit and miss" method and could not support going forward with anything other than a plan.

Chairman Watson told Commissioner Dixon that he found it interesting that he should show such concern now. He added that he did not remember hearing that concern when Rich Bay Road was proposed. He argued that his concern for a plan had not been evident at other times as well.

Commissioner Dixon stated that he previously proposed a road paving plan that took into account five districts. His plan also proposed funding, construction and paving for all five districts. He then asked Commissioner Watson if he would be so interested in paving the next road on the list if it happened not to be in his district.

Commissioner Watson countered that his argument was empty. He reminded Commissioner Dixon that he (Watson) had supported the

paving of Shiloh and Holt Lane, when it was an alteration from the paving list. He added that those roads were not in his district. He also reminded Commissioner Dixon that he (Watson) had supported the paving of those roads in spite of questionable circumstances surrounding them.

Commissioner Dixon told Chairman Watson not to question the veracity of his argument because he had presented his paving recommendations as a plan. He pointed out that there was no plan associated with the request to pave Merritt Lane.

Discussion continued but nothing was resolved.

Commissioner McGill stated that he had supported the paving of Deer Run Road even though it was not on the paving list. He added that he had also supported the paving of Shiloh and Holt Lane when they were not on the priority list. He pointed out that in every case, the Board approved the paving prior to construction. He went on to say that he had made a site inspection of Merritt Lane and found that a lot of work has already begun without approval from the Board.

Commissioner McGill then suggested that since paving had been done recently in District 1, 2 and 5, the Board should consider doing work in Districts 2 & 4. Based on the Board's past decisions to pave roads out of sequence, he thought that it could be done again.

Commissioner Dixon pointed out that Public Works needs to develop a work plan so that they may go about their business without having to deal with political disputes. A plan could be agreed upon then turned over to them to accomplish. However, the Board must agree upon a methodology that can result in a work plan. He stated that he did not agree with the methodology presented at this meeting.

Chairman Watson commented that he was astonished at the Commissioners who voted to spend over \$500,000 to pave 1.9 miles of road (that is now falling apart) would have a problem in spending \$155,000 to pave 1.7 miles of road at less than 1/3 the cost.

ADJOURNMENT

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

Gadsden County Board of County Commissioners
January 6, 1998 Regular Meeting

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
JANUARY 20, 1998, 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
NICHOLAS THOMAS, CLERK
HAL RICHMOND, COUNTY ATTORNEY
HOWARD MCKINNON, COUNTY MANAGER

CALL TO ORDER

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

ADOPTION OF AGENDA

The agenda was amended as follows:

- 1) The financing of the fire truck was removed from the Consent Agenda.
- 2) The Interlocal Agreement with the City of Midway was removed from the Consent Agenda and placed for discussion under County Manager's Agenda.
- 3) The Stevens School lease was removed from the Agenda.

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

APPROVAL OF MINUTES

January 6, 1998

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE MINUTES OF JANUARY 6, 1998.

COUNTY ATTORNEY

Ordinance Abandoned Housing 98-001

County Attorney Hal Richmond reported that the Notice of Intent for the Abandoned Housing Ordinance was advertised for a public hearing to be held on February 3, 1998.

Lawsuits Appeal of Court Order in State of Florida V. Carl Clausen

Mr. Richmond reported that he had filed a Writ of Certiorari in the Carl Clausen case. He told the Board he would provide a copy of it to anyone who was interested.

Chairman Watson asked for a copy.

COMMITTEES

Better Roads Committee - Larry Ganus

This item was delayed until later in the meeting.

ROAD NAMING PETITIONS

Bill Inman Road v. Tolar White Road

Chairman Watson opened discussion regarding the naming of CR 270 from Selman Street to 270-A. The road was originally assigned the name Bill Inman Road by the E-911 director. Subsequently, the County received petitions from the area residents to name it Tolar-White Road.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 1, BY VOICE VOTE, TO NAME THE ABOVE DESCRIBED ROAD TOLAR-WHITE ROAD. COMMISSIONER FLETCHER CAST THE LONE DISSENTING VOTE.

Concord Road v. Coonbottom Road

Chairman Watson opened discussion regarding the naming of CR 157. Petitions were received for naming the road Concord Road and other petitions were received for naming the road Coonbottom Road.

Commissioner McGill pointed out that there were three times as many signatures on the Concord Road petition as the Coonbottom Road petition.

A MOTION WAS MADE BY COMMISSIONER MCGILL AND SECONDED BY COMMISSIONER FLETCHER TO NAME CR 157 CONCORD ROAD.

Mrs. Louise Blackburn explained how the road came to be called Coonbottom. She stated that it was given that name during the depression years because people hunted in that area for racoons. However, she reported that most area residents would like for the road to be called Concord Road.

THE BOARD VOTED 5 - 0, BY VOICE VOTE, IN FAVOR OF THE MOTION TO NAME CR 157 CONCORD ROAD.

Alcace AME Church Road v. Salter Road

Commissioner McGill asked that the Board take action on the request from a previous meeting to rename Salter Road.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO CHANGE THE NAME OF SALTER ROAD TO ALCACE AME CHURCH ROAD.

PLANNING AND ZONING ISSUES (P & Z)

Richbay Market, Deli & Neighborhood Coffee House Project # 98PZ-201-01-01

Growth Management Director Mike Sherman presented the above stated project for the Board's consideration. He explained that Mr. Dan Winchester of Winchester Adventures, Inc. petitioned the Board for consideration of a neighborhood commercial business and special exception permit. He told them pursuant to the Gadsden County Land Development Code, a special exception permit must be granted for all neighborhood commercial uses which are located in a rural residential land use category.

The parcel is located at the northeast corner of the intersection of Richbay Road and U.S. Highway 27. It is approximately 1.75 acres. The proposed building will be 3400 square feet. The parcel meets the land development code criteria for the proposed purpose.

Mr. Sherman explained that Mr. Winchester proposes to develop the subject property into a neighborhood market/deli and coffee house. The market products would range from grocery items to convenience goods. The coffee house would be located inside the market and would sell coffee by the cup, bulk and deli type sandwiches. Other complimentary products would also be available. The proposed development would also include drive-thru service.

Mr. Sherman stated that the P & Z Commission voted 3 -2 to recommend approval of the project.

P & Z staff recommended approval subject to the applicant meeting the requirements as outlined in the attached memo. In addition, the P & Z staff asked that the Board require Mr. Winchester to do the following:

- 1) have an intersection analysis performed by a licensed

civil engineer prior to the approval of the final site plan;

- 2) include buffer zone "b" on the final plat;
- 3) obtain all pertinent state permits;
- 4) if gasoline is sold, seek all other state agency permits as required, install monitoring wells and other protective measures necessary to insure against possible leakage.

Commissioner McGill disclosed that he had conversations with people on both sides of the issue described by Mr. Sherman. He stated that he also discussed it with those who were neutral on the matter.

Mr. Sherman was sworn by Mr. Richmond, a notary who is duly authorized by the State of Florida to administer oaths.

A MOTION WAS MADE BY COMMISSIONER MCGILL AND SECONDED BY COMMISSIONER FLETCHER TO APPROVE THE REQUEST FOR A SPECIAL EXCEPTION PERMIT AS DESCRIBED ABOVE SUBJECT TO ALL THE SPECIAL CONDITIONS AND REQUIREMENTS AS STATED BY MR. SHERMAN.

Chairman Watson called for public input.

Dan Winchester was sworn by Attorney Richmond, a notary who is duly authorized by the State of Florida to administer oaths. He offered the following as testimony:

- 1) He notified all land owners within 1,000 ft. of the property.
- 2) He distributed flyers describing the details of the project to those on Richbay Road outside of 1,000 ft.
- 3) He talked and met with many neighbors who support the proposal as well as those who opposed it.
- 4) He changed the proposal to meet some of the concerns of those who opposed the proposal.

Mr. Winchester then submitted the conceptual site plan as evidence exhibit #1; overview of the project as exhibit # 2 and petitions in support of the project as exhibit # 3. The evidence was received and marked by the Clerk and made a part of the minutes of this proceeding.

Mr. Bob Crouch, professional environmental engineer, was sworn by Attorney Richmond, a notary authorized by the State of Florida to administer oaths. He spoke in opposition to the proposed project. He offered testimony to support his position as outlined in exhibit # 4. He then offered petitions bearing 109 signatures in opposition to the project as evidence exhibit # 5. The evidence was received and marked by the Clerk and made a part of the minutes of this proceeding. He concluded his testimony by asking the Board to deny the project.

All of the following people were recognized by Chairman Watson to speak to the issue. Prior to making any statements, each person was sworn by Attorney Richmond, a notary authorized by the State of Florida to administer oaths.

- 1) David Andrews - owns the property next to the proposed project - approved of the project
- 2) Laurie McQuaig resident near the proposed project - approved of the project
- 3) Susan Wolf resides at the end of Tire Road - opposed the project
- 4) Sylvia Stewart resides next door to the proposed project; raises bulldogs - opposed to the project
- 5) Emmett Bell resident of Richbay Road for 20 years; opposed to project
- 6) Ken Stillman resident of Tire Road; opposed to the project
- 7) David Wolf resident on Tire Road; opposed to the project
- 8) Jackie Pittman resident of Richbay Road; approved of the project
- 9) Grace Couch resident of Palm Court just off of Rich Bay; opposed to the project

Ms. Linda Bridges asked that her name be added to the petition opposing the project.

Mr. Sherman told the Board they must make a determination as to whether the plan is consistent with the comprehensive plan and the land development code then vote to approve or deny the special exception request. He explained that if the request is denied, Mr. Winchester cannot bring the request back to the Board for at least one year. If it is approved, the next step for Mr. Winchester would be final site plan review.

Mr. Sherman verified that the project meets the location tests in the land development code.

The Chairman called for a vote on the motion.

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

Ordinance Workshop Session - Tree Ordinance

Gadsden County Principle Planner Dustin Smith called attention to the draft copy of the proposed tree ordinance. He told the Board that the draft came about as a combined effort between the P & Z staff and an advisory committee made up of volunteers. (Many of the volunteers were present.) He asked for comments and questions.

Chairman Watson stated that he would like more time to review the proposed ordinance.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO TABLE DISCUSSION OF THE PROPOSED TREE ORDINANCE UNTIL A LATER MEETING.

Public Comment

Dr. John Cooksey questioned if there is really a need for such an ordinance and if sufficient input had been received from property owners.

There was no response.

ECONOMIC DEVELOPMENT ACTIVITIES

Executive Director Tenney Deane reported that a manufacturing plant is continuing their efforts to locate to the Gretna Industrial Park. The company will bring about 25 jobs to Gadsden County. The management company indicated that they would like to be in operation by the summer of 1998.

Mr. Deane then stated that another prospective business is currently looking at the Gretna Industrial Park and is moving toward construction of a facility during 1998.

Mr. Deane reported also that he had been working with a company from abroad who is looking at the feasibility of moving their operation to Gadsden County. The prospect would initially hire approximately 20 employees but would expect to add 100 employees after the first couple of years of successful operation. The principals from the company were impressed with the location of Gadsden County near I-10.

Additionally, Mr. Deane reported that there had been a slow down in the activity at the 10/90 Commerce Park. It centered around an environmental question from the Corps of Engineers which had to be resolved. It has now been resolved and a major motel will soon begin construction across from Flying J.

Mr. Deane told the Board about the Florida Capital Region Economic Development Partnership which was established in late 1997. Their intent is to provide economic development resources to the partners. It involves seven counties including Gadsden. They have a database of all the known approved commercial and industrial sites in the area. Gadsden County will be able to feed off of inquiries coming into the central Tallahassee office. He added that the Chamber of Commerce maintains constant contact with that office and it should benefit Gadsden County greatly.

Commissioner McGill asked Mr. Deane if the opening of the Admiral Benbow Motel in Chattahoochee would attract new business.

Mr. Deane explained that the motel had been in place for many years and was recently expanded by an outside investor. The motel has primarily serviced the railroad crews, hospital related business and out of town sportsmen.

Mr. Deane added that he is attempting to reopen a recreation park in Chattahoochee. He reiterated that he was looking at the entire County and trying to provide a broad chambered function for the County.

COMMITTEE REPORTS

Better Roads Committee

Mr. Larry Ganus reported to the Board as to the progress of

the Better Roads Committee. He stated they are looking at several sources of revenue that can be used for road paving. They expect to continue gathering information and visit the Road and Bridge Department to determine their needs.

The meeting times have been changed from the second Monday of each month to the second and fourth Tuesdays of each month. He then invited the commissioners to meet with them one at a time beginning very soon.

COUNTY MANAGER'S AGENDA

War Memorial Honoring Veterans of Recent Wars

Mr. McKinnon reported that quotes were received from several monument companies for a memorial to be placed on the Courthouse grounds in honor of veterans of the Korean conflict, Vietnam War and the Persian Gulf War. The monument would be exactly like the one on the east side of the Courthouse. The lowest quote was for \$1875.00. He asked for directions.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE PURCHASE OF THE MEMORIAL FROM PORT CITY MEMORIALS OF BAINBRIDGE, GA FOR \$1875.00.

Contingency Fund

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO PAY FOR THE MEMORIAL FROM THE GENERAL FUND CONTINGENCY.

Joint Effort for Beaver Eradication on Quincy Creek

Mr. McKinnon reported that he had been approached by the City of Quincy to participate in a joint effort with them and Englehard Corporation to remove a beaver dam located on the Quincy Creek. The dam is causing flooding already and the problem is expected to become even greater if left alone. The creek itself is the city boundary line but the property most affected by the flooding is located in the County. Since the creek is a navigable waterway it has no proper ownership. It is a valuable water supply for the City of Quincy.

Mr. McKinnon explained that the only answer to the problem is to trap the beavers. The trapper will charge a set amount per beaver. The cost of the eradication was estimated to be \$3,000.

The Board confirmed with Clerk Thomas that the general fund contingency could be used for this purpose.

Dr. John Cooksey addressed the Board. He told them there are many creeks in the County that are dammed up by beavers. He cautioned them about setting a precedent with their actions on this issue.

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIOENR DIXON, THE BOARD VOTED 3 - 1, TO CONTRIBUTE ONE THIRD OF THE COST OF TRAPPING THE BEAVERS NOT TO EXCEED \$1,000. COMMISSIONER FLETCHER ABSTAINED FROM VOTING STATING THAT HIS FAMILY OWNS PROPERTY NEAR THE LOCATION IN QUESTION. CHAIRMAN WATSON CAST THE LONE DISSENTING VOTE.

Interlocal Agreement with City of Midway for Road Maintenance

Chairman Watson stated that he asked to have the interlocal agreement with the City of Midway removed from the Consent Agenda because it did not state a term.

Mr. McKinnon recommended that the agreement be for one year from the date of approval. He also pointed out that Midway had included a list of their roads but the list would be amended to include only dirt roads.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 1, BY VOICE VOTE, TO ENTER INTO THE INTERLOCAL AGREEMENT WITH THE CITY OF MIDWAY TO MAINTAIN THEIR ROADS. CHAIRMAN WATSON CAST THE LONE DISSENTING VOTE.

Mr. McKinnon stated that it would be less than 10 miles of roads.

CONSENT AGENDA

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

- 1) ARPC Appointees for 1998: Bill McGill (alternate Ed Dixon) Evelyn Rollins (alternate T.J. Davis)
- 2) Amendments to the Procurement Policy Section 2.3.2 All supplies, materials, equipment, or services purchased at a price established in a State Contract of the State of Florida Department of Management Services Division of Purchasing. However, should a purchase exceed 10% of the

amount budgeted it shall be placed on the consent agenda
for Board approval

- 3) Keep Gadsden Beautiful Grant for \$2,980 requiring county match of \$2,980 cash in-kind and/or cash match.
- 4) E-911 Road Name changes
- 5) Rental of former E-911 office to GLF Corporation for \$300.00 per month.
- 6) Certification for Payment to Joel Lawson Inc. on Quincy Square Office Complex for renovations. \$98,156.00 The certificate indicated a change order for \$800 bringing the total contracted price to \$370,532.00. No change order was submitted with the certificate.

CLERK'S AGENDA

Budget Amendments 98-01-20-01 through 98-01-21- 05

Clerk Thomas reviewed the above stated budget amendments.

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 Approval to Pay County Bills

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO RATIFY THE APPROVAL TO PAY THE COUNTY BILLS.

In response to questions raised at the January 6, 1998 meeting Clerk Thomas reported the following:

Contingency Fund Balance

The balance of the general fund contingency was \$131,000 prior to the actions taken at this meeting.

Use of Transportation Funds

After having researched the FL Statutes, Clerk Thomas stated that he could find no authority that would allow transportation money to be used to purchase a borrow pit. However, he did find a statute which listed specifically the things for which the

transportation funds could be used and land acquisition was not among them.

DISTRICT 1 REPORT

Commissioner McGill stated that several people had voiced their concern to him about the need to trim the oak trees on the courthouse grounds.

Mr. McKinnon reported that an RFP has been advertised already and plans are moving forward to accomplish beautification of the grounds.

Commissioner McGill then reported that he has written letters to all members of the county's legislative delegation requesting their help for the City of Midway. He also stated that he had contacted several private foundations in New York that would fund government and public administrations. He reported that he had set up a meeting with one member of the Pittsburgh Steelers Football Club whose parents are from Midway to see if they can get a foundation formed to raise money on behalf of Midway.

Commissioner McGill stated that he expects to make an appointment to the Better Roads Committee to replace one from his district who resigned recently.

DISTRICT 3 REPORT

Commissioner Roberson appointed Josephus Eggleton to the Better Roads Committee.

DISTRICT 4 REPORT

Commissioner Fletcher had no report.

DISTRICT 5 REPORT

Commissioner Dixon asked for a report on what is happening with the E-911 system and the problems the post office is apparently having with the new addresses.

Mr. DeVane Mason stated that since he could only report on the status of the E-911 system. He reported that they are still inputting information into the system so that the emergency features will be operable by September 1, 1998. He said that he has given the post office all the information as he has received it. However, only about 1/2 of the address packets have been returned by residents. He reported that he is trying to cross reference the property appraiser's records with his system to

determine some of the addresses which had not been returned. He stated that he is able to input some data when people call his office to verify their address. He cautioned that the emergency features will not work for any resident who does not return their packet or otherwise notify him of their new addresses.

Mr. Mason told the Board that he met with all post masters in the County prior to the onset of the project. They all agreed to make their change effective February 1, 1998. However, Mr. Larry Ganus has expressed reservations about being able to make the changeover by that date.

Mr. McKinnon interjected that he understood that the post office will be sending a letter to every rural route resident giving them instructions about what to do to insure timely delivery of their mail.

Commissioner Dixon suggested that perhaps a newspaper advertisement should be made alerting the citizens that timely delivery of their mail depends on their cooperation in returning their packets or otherwise notifying Mr. Mason and the post office of their new address.

Funding of Borrow Pit Fencing

Commissioner Dixon then turned his attention to the issue raised at the last meeting regarding the funding of the borrow pit fencing. He asked to rescind the December 16, 1997 motion which authorized general fund contingency funds to be used for that purpose.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0, TO RESCIND THE DECEMBER 16, 1997 MOTION TO TAKE THE MONEY TO PAY FOR THE FENCING OF THE BORROW PIT FROM THE GENERAL FUND CONTINGENCY AND AUTHORIZE THE USE OF TRANSPORTATION FUNDS FOR THAT PURPOSE.

DISTRICT 2 REPORT

Chairman Watson yielded his time to Mr. Richard (Dick) Davis, a resident of Merritt Lane.

Mr. Davis asked:

- A) Are you going to pave Merritt Lane according to the Comprehensive Plan?
- B) If you are going to pave it, what is the time table?
- C) If you are not going to pave it, why?

Commissioner Dixon stated that he believed that it should not be paved.

Commissioner Fletcher concurred with Commissioner Dixon.

Commissioner McGill stated that he would not support the paving on Merritt Lane because it appears to him that the road department began construction of the road without the proper authorization. He added that in every case when the County has paved a road, the public works department has received authorization and approval from the Board prior to beginning any work and that was not done in this case.

Commissioner Dixon answered Mr. Davis by saying that he was opposed to paving the road largely because he does not agree with the criteria that was used in evaluating the county roads. He explained that there are many residents who have lived in the County for many years who deserve more equity in the process than they received. He stated also that he was opposed to the list even at the time it was adopted.

Chairman Watson stated that there was nothing wrong with doing the work on Merritt Lane. He contended that the road needed to be built up regardless of whether it is to be paved.

Commissioner Fletcher remarked to the audience that Chairman Watson had violated the comp plan when he elected to pave Deerwood ahead of the roads on the prioritization list.

Mr. Davis asked Commissioner Fletcher if he was willing to punish folks on Merritt Lane just to get even with the Chairman for pushing to pave Deerwood first.

Commissioner Fletcher stated that he was not trying to get even with anyone.

Chairman Watson asked to clarify why Deerwood was paved out of sequence to the comp plan. He stated that the project had already begun when he became a commissioner. The purpose of doing Deerwood was to determine the benefit of slagging a road versus paving a road. He stated also that he supported paving Deerwood for experimental purposes only. He added that he heard absolutely no arguments regarding equity for county citizens when the Board discussed Rich Bay Road.

Mr. Davis told the Board that the road department had to do a

lot of work to Merritt Lane just to get the road stable enough to travel. He recalled that he been awakened at 5:00 a.m. to pull people out of the mud many times. He also told the Board of the time when he or his tenants were able to get mail delivery because the mail boxes were down.

Commissioner Dixon told Mr. Davis he was being a bit melodramatic. He stated that the Chairman should come to the Board with a written plan for improving roads for the entire County before it moves toward any more paving. He explained that without an equitable plan in place, these hostile debates will continue. He then told Mr. Davis that he was sorry that it happened to be his road that brought the issue to this debate but if had not been his road it would have been another road.

Commissioner Dixon told the audience that the Board had put millions of dollars into public works equipment and professional management with the expectation that the County could have a grade "A" public works department. He stated that he didn't have a problem with paving roads but he did have a problem with the way the County is going about it.

Mr. Davis then asked if the County is not going to pave Merritt Lane, what road will be paved next.

Commissioner Dixon stated that there was not plan to pave any road.

Commissioner Watson contended that there is a plan in place but Commissioner Dixon disagrees with the plan.

Mr. Davis recalled a time when the Board told county citizens that there was no money with which they could pave roads and therefore nothing was done. The citizens didn't like it but they accepted it. He then stated that now the County has money to do some paving but nothing is being done. He asked if the Board would continue to do nothing simply because they could not agree on a plan.

Commissioner Dixon argued that it was his prerogative to disagree with the plan. He went on to say that it was not based on sound judgment and was unacceptable to him.

Mr. Davis argued that since the comprehensive plan was adopted by ordinance, it should be enforced in the same manner as other ordinances. He suggested that the County Commission should be held accountable for violating it.

Commissioner Dixon contended that the ordinance was flawed

because the study was flawed and he does not agree with it.

Mr. Davis argued that he could not violate it simply because he disagreed with it.

Mr. Sherman gave a brief history of how the road paving prioritization list came into being.

He stated that in 1991 when the comprehensive plan was first adopted, interveners challenged the County citing that there was no basis for prioritizing capitol improvements in the County. (At that time, the main capitol improvements was paving roads.) The County was directed by the State of Florida Department of Community Affairs to develop a criteria for weighting roads based on need.

Mr. Sherman continued by saying that the roads were tested on the basis of the following:

- 1) Average daily trips on each road within a 24 hour period
- 2) Number of residents on a road
- 3) Right-of-way availability - Was there enough right of way to pave the road based on being able to provide adequate passing lanes and storm water management?
- 4) Central water systems v. private wells on a road - Central water system allow for a higher density.
- 4) Functional classification of each road - Was it a collector or arterial roadway? Did it link an arterial road with a collector road?
- 5) Accident frequency on each roadway - Is there a direct correlation to either the condition of the road or the number of trips?
- 6) Maintenance frequencies - How much money was being put into maintaining those dirt roads? Does it have a direct relation to the volume of traffic on that roadway?

Mr. Sherman then stated that he ranked the roads according to that standard. That process was included in the settlement agreement with the interveners as well as the capitol improvement elements of the comprehensive plan. The settlement agreement was approved unanimously by the Board in 1993. (Commissioner Dixon and Commissioner McGill were on the Board at that time.) He added that he received no indication from the Board at that time that they believed the study was flawed. He stated that he believed that the study was valid.

Mr. Sherman told the Board and audience that he tested about 75 roads in all five districts. He then ranked the top 26 roads. The top five were submitted to the Board for the capitol improvement element for the comprehensive plan. Rich Bay was first

and Merritt Lane was second on the list. The list was unanimously approved by the Board of County Commissioners.

Chairman Watson reiterated to the audience that the reason he supported Deerwood Road paving was to see if slagging a road would work and it did. He added that Merritt Lane could be slagged for \$155,000 or less.

More discussion followed but nothing was resolved.

ADJOURNMENT

UPON MOTION BY COMMISSIONER DIXON AND SECOND 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
FEBRUARY 3, 1998, 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
NICHOLAS THOMAS, CLERK
HAL RICHMOND, COUNTY ATTORNEY
HOWARD MCKINNON, COUNTY MANAGER

CALL TO ORDER

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

ADOPTION OF AGENDA

The agenda was amended as follows:

Item # 7 - Willard Rudd - E-911 concern was deleted from the agenda.

The purchase of a fire truck was removed from the Consent Agenda and placed for discussion under the County Manager'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

January 20, 1998 Regular Meeting

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE MINUTES OF JANUARY 20, 1998.

COUNTY ATTORNEY' AGENDA

Public Hearing - Dangerous/Abandoned Building Ordinance 98-001

Mr. Richmond called attention to the proposed dangerous

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building ordinance and a copy of a similar ordinance adopted by Jefferson County. He stated that a notice of intent for adoption was properly advertised for this meeting. He confirmed that the proposed ordinance is consistent with an ordinance adopted by the City of Quincy.

Mr. Richmond announced the opening of a public hearing to hear arguments for and against the proposed ordinance. He then read the ordinance title into the record.

Chairman Watson called for comments or questions from the Board and the public.

Commissioner McGill asked if any other municipalities had similar ordinances.

Mr. Frank Ritter, building inspector, replied that Havana and Chattahoochee have similar ordinances.

Dr. John Cooksey told the Board that he had obtained a copy of the proposed ordinance. He remarked that it contained ten definitions of dangerous buildings. He asked if the County really needed such an ordinance. He then asked if there are resources in place to enforce it. He suggested that the County should adopt a "watered down" version so as to accomplish its main purpose.

Chairman Watson recalled that his original intent was to give the County some leverage to remedy a situation that existed in the St. John's community. He agreed that the proposed ordinance did go beyond his intention.

Dr. Cooksey stated that he had talked with a commissioner from Jefferson County and learned they had adopted a "not so broad" ordinance to suit their specific needs. He added that the Florida Statutes also address dangerous buildings.

Commissioner Dixon stated that he had expected a more succinct definition of a dangerous building. He added that the County has had problems with owners who abandoned burned buildings and where the owners have failed to provide amenities that are essential to sanitary and decent living standards.

Mr. Richmond explained that to cover the County's options for remedy adequately, the language had to be broad enough to cover the many situations that could occur. The Board can order a home repaired, order it vacated or order it demolished. To have the option, all areas must be covered.

Discussion followed but nothing was resolved.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO TABLE ACTION ON THE DANGEROUS BUILDING ORDINANCE UNTIL MARCH 17, 1998.

Ordinance - Mobile Home

The proposed mobile home ordinance was presented by Mr. Richmond. He asked for authorization to advertise a notice of intent to adopt it.

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 A NOTICE OF INTENT TO ADOPT A NEW MOBILE HOME ORDINANCE ON MARCH 17, 1998.

Lawsuits - Crowder Construction Company

Mr. Richmond reported that Jimmie Crowder Excavating, Inc. has filed a suit in Circuit Civil Court (Case No. 98-52-CAA claiming that the County owes him \$50,077.23.) He asked for directions.

It was the consensus of the Board to hold a confidential meeting at 5:30 p.m. on February 17, 1998 to discuss the above stated case.

PLANNING AND ZONING ISSUES

Land Use Plan Amendment 98-001

Growth Management Director Mike Sherman stated that in January the County adopted a proposed amendment and transmitted it to Florida Department of Community Affairs (DCA) for their review. The amendment proposed to change the land use category of 16 acres of agriculture 3 land to industrial land use. It was for property owned by Mr. Jim Stiles. It is located directly behind Gadsden Station Development of Regional Impact (DRI) (the south track - Brick Yard Road portion.)

Mr. Sherman continued by saying that DCA returned a report to the County objecting to the proposed amendment. Their primary objections were as follows:

-) It has the potential to increase industrial development yet the amendment was not documented with adequate data and analysis to support an increase.

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-) The amendment does not demonstrate that the public facilities will be available to handle the impact of the development concurrent with the impact.

Mr. Sherman told the commissioners that the last land use amendment sent to DCA required about eight months of negotiations prior to the adoption of the ordinance amending the land use map. He added however, that once the ordinance was adopted and returned to DCA, they accepted it and there was never any fear of sanctions.

Mr. Sherman stated that a number of things have occurred in that area since the proposed amendment 98-001 was transmitted to DCA for their initial review. He pointed out that Talquin Electric has secured land to have a spray field in the Midway area for waste water effluent. Talquin also expects to place an elevated storage tank and new wells to provide central water systems to the 16 acres in question as well as the DRI and possibly the City of Midway.

Mr. Sherman explained the following:

- 1) The DRI contains more than 900 acres.
- 2) Of that 900 acres, only five hundred (500) acres can be developed.
- 3) 485 acres are still undeveloped.
- 4) It will be difficult to justify adding another 16 acres to the DRI when there are still so many acres of undeveloped land.

Mr. Sherman asked for directions.

UPON MOTION BY COMMISSIONER ROBERSON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO AUTHORIZE MR. SHERMAN TO ENTER INTO NEGOTIATIONS WITH DCA ON THE PROPOSED LAND USE PLAN AMENDMENT 98-001. IF NECESSARY, AUTHORIZE HIM TO REQUEST AN EXTENSION OF TIME TO CONTINUE THE NEGOTIATIONS UNTIL SUCH TIME AS THE DCA CONCERNS ARE RESOLVED. THE NEGOTIATIONS SHOULD BE RESOLVED BEFORE THE ORDINANCE IS BROUGHT BACK TO THE BOARD FOR FINAL ADOPTION.

Tree Ordinance Work Session

Mr. Sherman reported that he would like to have more input from the Board and from the public on the proposed tree ordinance before presenting it for adoption. He added that he will advertise in the newspaper notifying the public of the work session and request volunteers.

Chairman Watson asked the commissioners if there was a need to

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proceed with a tree ordinance.

Commissioner McGill stated that the County must consider one in light of the environmental laws.

Mr. Sherman explained that the comprehensive plan states that the County will address tree protection. He added that when the land development code was adopted in 1996, it included a provision for protecting trees with a diameter of 36 inches or greater. At the time of its adoption, the Board concluded that if large scale destruction of trees occurred under that size, the matter should come back to the Board for further evaluation.

Mr. Sherman reported that the staff followed the Board's directions by bringing the matter back again. He reported that with every development that had been before the County Commission (for industrial commercial approval), the sites have been clear-cut of trees less than 36 inches in diameter without any replanting.

Commissioner Dixon asked if tree protection could be addressed as a part of the development order.

Mr. Sherman stated that it could be a part of the development order. However, some of the reviews are approved or denied administratively and the Board will never know of them. A development order cannot be enforced if there is an ordinance on record that conflicts with it.

There was a consensus of the Board to hold a work session on the tree ordinance on March 3, 1998 at 5:00 p.m.

10/90 Commerce Park - Request from Armer White

Mr. Sherman recalled to the Board that P & Z staff asked the Board to consider allowing Armer-White developers to continue to sell lots in the 10/90 Commerce Park prior to all the infrastructure being in place. He explained that the ordinance allows for that to happen if the developer deposits money with the county for the remaining costs of the infrastructure.

Mr. Sherman reported that the additional costs over and above what was received in grants for the new road construction is \$104,000. It was determined that Mr. White had delivered a check in that amount to the County. He asked for approval for Mr. White to continue selling lots of Phase I of the development.

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

**ALLOW WHITE/HUNT TO CONTINUE SELLING LOTS IN PHASE I OF THE
10/90 COMMERCE PARK.**

Update on Pending Items

Mr. Sherman told the Board that the nuisance violations in Springbrook Farms (previously before the Board) have not been abated. He stated that he expects to send the owner notice of another hearing regarding the matter. The violations first came to the staff's attention last December.

Mr. Richmond cautioned that discussions should not continue on this matter since it was not on the agenda and the violators had not been notified that it would be discussed.

There was a consensus of the Board to have nuisance violations scheduled for the February 17, 1998 meeting.

GRANTS

Emergency Management State and Local Assistance Grant

County Manager Howard McKinnon relayed a request from Major Alvin Pickles to amend the cash match by and additional \$228 for the State and Local Assistance Grant for FY 97/98.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO AMEND THE BUDGET FOR THE EMERGENCY MANAGEMENT STATE AND LOCAL ASSISTANCE GRANT BY ADDING \$288.

The Clerk was requested to make the appropriate budget amendment.

PUBLIC COMMENT - WILLARD RUDD - E-911 CONCERNS

This item was removed from the agenda.

SHERRI TAYLOR - REQUEST FOR SPACE

Ms. Sherri Taylor, executive director for Children Are Our Future, Inc. appeared before the Board once again requesting space for her program. She stated that her objective would be to have a full service community center. Activities would be very similar to the ones conducted during the summer camp program. Children from

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all over the county would be brought to the center for tutorial and extra curricular activities.

Ms. Taylor asked the Board to lease the old Stevens School to her.

Chairman Watson stated that the Board must first deal with the current lease arrangement with North Florida Education Development Corporation (NFEDC).

Commissioner Fletcher asked as to the status of the current lease with NFEDC.

Mr. Richmond advised that the first five-year term has expired and NFEDC has exercised their option under the terms of the lease and sent a check for \$1.00 for continued use of the property.

Mr. Richmond continued by saying that the Board must determine if there has been a default under the terms of the lease and make a decision as to whether they wish to continue the lease with NFEDC.

Commissioner Fletcher asked the attorney if there has been a default.

Mr. Richmond stated that it has been reported to him that there have been periods of time when the insurance on the property was not in place. It was also reported to him that improvements have not been made to the building in accordance with the lease agreement. Based upon the assumption that the information given to him was accurate, Mr. Richmond stated there had been a default of the terms of the agreement. He could not answer as to whether the Board can win if the matter ends in litigation because of too many unknown facts.

Commissioner McGill stated he must abstain from voting on this issue because he is related to one of the parties.

Mr. Clarence Lewis, chairman of the board of directors of NFEDC and Mrs. Carolyn Ford, executive director of NFEDC, addressed the Board.

Mr. Lewis stated that he felt like he had been hauled into a kangaroo court. He reminded the Board that the original lease was signed in 1992 and it has not been back before the Board for any reason since the signing of the lease. He reported that NFEDC has obtained several grants from Historic Preservation Commission to renovate and restore the building. He added that Stevens School is the only black school which has been place on the list of historic

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places in the County.

Mr. Lewis expressed that he had not been notified by any means (phone call or correspondence) that this item was on the agenda for this evening's meeting. He stated that he felt that it was unfair, unprofessional and politically incorrect.

Mr. Lewis reminded the commissioners that they were losing money on the building at one time and the building had been slated for destruction. He asked where Children Are Our Future was when his organization was trying to save Stevens School. He stated that his NFEDC had spent over \$150,000 in removing asbestos from the building and replacing the roof. He recalled to them that the building was falling in and deteriorating until his NFEDC took possession of the building. The Youth Build school program has been housed there since 1991. He added that the Performers Art program utilizes the building during the summer.

Mr. Lewis then asked Chairman Watson why he had not officially received any comments or notification of default. He stated that he thought it was disrespectful not to have been notified that the issue was going to be discussed in a public meeting on this date. He asked to be formally notified any time the matter would be on the agenda in the future.

Mrs. Ford spoke to the Board briefly to tell them what NFEDC has accomplished over the last five years and what they hoped to accomplish in the next five years. Among other things she told them that she expects Florida A & M University to have a major presence at the school in the future. She asked that the Board grant them renewal of their lease.

Mr. Lewis pointed out that the County has spent a lot of money on renovating the down town buildings but has never applied for any grants with which to renovate Stevens School. Once again he stated that the school was in poor shape when they took occupancy but they have managed to stabilize it and remove the asbestos. He added that they can now begin to make noticeable renovations as they get money.

Mrs. Ford told the Board that the old oil furnace went out the first year they occupied the school and they had to install three heating units. She added that they had a long way to go but she was confident they would make it. Once again she asked the Board to abide by the option in the lease term.

Chairman Watson asked about the lapse in insurance coverage.

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Mrs. Ford stated that she could not recall any time that they did not have insurance coverage. She did recall that Pat Thomas Insurance Agency would not renew their insurance following a summer accident. She said that they changed insurance companies once but never had a lapse in coverage.

Chairman Watson asked Mrs. Ford why they charge Gadsden Association for Retarded Citizens (GARC) \$500 per month when they only pay \$1.00 per year.

Mrs. Ford replied that GARC clients use power tools which use a lot of electricity. She added that she felt it was fair for them to pay that amount since NFEDC pays the utility bill. She stated also that GARC does not pay any of the maintenance and cleaning costs. The utility costs are approximately \$1,200 per month.

Ms. Janice Maxwell expressed her concerns for the students who are attending school there. She stated that she did not think that it was fair to force them to leave. She assured the Board that the school is making a difference in the lives of those students.

Mrs. Martha Coley, executive director of GARC, took exception to Mrs. Ford's remarks. She stated that her organization maintains their wood shop. She added that she could not remember any time when NFEDC cleaned behind them. She then told the Board that GARC provides their own bathroom supplies and do their own cleaning. She stated that GARC had also installed heating in the area they use because she knew that NFEDC was having financial problems.

Mrs. Coley told the Board that her organization was a non profit organization and provides the same type services as NFEDC. She requested to lease space directly with the Board and separate to NFEDC.

Commissioner Dixon thanked the Board for delaying action on this matter at his request. He explained that the reconsideration of the lease has nothing to do with Sherri Taylor or Children Are Our Future. He Told Mr. Lewis that they originally requested a different facility. He added that he did recommend to Ms. Taylor there could possibly be a collaboration of events and programs at the school. He added that the Board has put Ms. Taylor at bay until the school lease can be resolved.

Commissioner Dixon stated the school building is centrally located in the afro-american community and has always been a source of great pride and story telling. He pointed out the following facts:

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-) When the Board approved a lease with NFEDC five years ago, the building was supposed to remain a community property with full community services.
-) The Board expected that the building would become a show place. Promises were made which have not been realized.
-) The building has only been made available to those who can afford it and has been totally dominated by NFEDC.

Commissioner Dixon then explained to Mr. Lewis that the Board does not question the caliber of services provided by NFEDC. He added that the decision to be reached has nothing to do with those programs. It has to do with allowing full community access to the school building.

Mr. Lewis rebutted saying that Stevens School will always be a monument and will remain the hub of the black community. He added that even though the school is in his district, Commissioner Dixon has never even dropped by.

Mr. Lewis then stated that he takes very serious offense to the manner in which the Board has dealt with him on the issue. He asked why no one had called NFEDC if they had such serious concerns. He reminded them that the lease calls for a written notice of default - which he has still not received. He added that he had not even been told of this meeting. Once again, he asked to be notified in advance of all meetings when Stevens School lease will be on the agenda.

Commissioner Dixon stated that he was sorry that they (Mr. Lewis and Ms. Ford) had taken the matter so personally. He stated again that he does not question the integrity of their programs. He also stated that he had been to the school a number of times.

Mr. Lewis told Commissioner Dixon "If this has been such a major concern to you and your district, it seems like to me that you could have called Ms. Ford or called me."

Commissioner Dixon replied that the county manager had attempted to call them on a number of occasions.

Mr. Richmond interrupted and asked how he should proceed in the matter of the lease.

Mr. Lewis asked if the funding for the business incubator project is in jeopardy in terms of being able to utilize the space at Stevens School. He recalled that Commissioner McGill had signed

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a letter of support which had been used in their application for the grant.

Commissioner Dixon recanted that he could not recall approving a letter of support for NFEDC.

Commissioner McGill stated that he had signed a letter of support that was not voted on by the commission but it was nothing binding.

Chairman Watson asked why he signed a letter stating that the Board supported it when no vote was ever taken.

Commissioner McGill recalled that it came about between meetings.

Chairman Watson told Commissioner McGill that he was out of line in doing that.

Commissioner McGill explained that the letter stated that he, himself, endorsed the project but in no way did he state that the County Commission was bound by his endorsement.

Chairman Watson asked the attorney if it is determined that the insurance had lapsed at any point in time, would that alone be sufficient grounds to terminate the lease.

Mr. Richmond answered that it had been reported to him that the insurance had lapsed at one point but he had not physically seen anything to support that statement.

Chairman Watson asked if it would be reasonable to request NFEDC to show proof of insurance for the entire five years - not just a policy but verification that the policy was in force.

Mr. Richmond stated that there is insurance in place at this time. If a lapse occurred, it would have been earlier during the lease term.

Ms. Ford stated that NFEDC has provided a copy of the insurance coverage as well as a copy of the \$1.00 lease payment each year.

Chairman Watson suggested that it would be incumbent of the Board to investigate the insurance issue.

Commissioner Fletcher suggested that the county manager should

determine if there had been a lapse in coverage.

Chairman Watson asked Mr. Richmond if it would be improper for the Board to vote not to renew the lease at the meeting.

Mr. Richmond stated that it would not be out of line but he would have to properly investigate the matter before filing a lawsuit.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 3 - 1, BY VOICE VOTE, NOT TO RENEW THE OPTION FOR LEASE ON THE STEVENS SCHOOL WITH NFEDC BECAUSE OF ITEMS OF DEFAULT THAT OCCURRED DURING THE TERM OF THE LEASE. THE MOTION FURTHER INSTRUCTED THE COUNTY ATTORNEY TO FILE APPROPRIATE PAPERS TO PROCEED WITH AN EVICTION. COMMISSIONER MCGILL ABSTAINED FROM VOTING BECAUSE HE IS RELATED TO MRS. FORD. COMMISSIONER FLETCHER CAST THE LONE DISSENTING VOTE.

Chairman Watson told Ms. Sherri Taylor that it would be improper for the Board to discuss her request to lease the Stevens School until the current lease with NFEDC could be resolved.

Mrs. Coley asked how GARC would be affected by the Board's actions.

Mr. Richmond told Mrs. Coley that their continued use of the building had not been jeopardized.

COUNTY MANAGER'S AGENDA

Purchase of Fire Truck

Chairman Watson stated that he asked for the fire truck to be placed for discussion to determine if the truck could be purchased without the need for financing.

Mr. McKinnon explained that the fire protection services had budgeted \$50,000 for a building which will not be realized during this fiscal year. He added that he expected that there should be sufficient money to purchase the truck outright by doing a line item budget amendment.

A MOTION WAS MADE BY COMMISSIONER FLETCHER AND SECONDED BY

COMMISSIONER DIXON TO PAY FOR THE FIRE TRUCK OUTRIGHT AND NOT FINANCE IT.

Chairman Watson stated that the Board should award the bid before voting on the motion.

COMMISSIONER FLETCHER WITHDREW HIS MOTION AND COMMISSIONER DIXON WITHDREW HIS SECOND.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO ACCEPT THE LOWEST BID FROM SOUTHERN COACH OF \$84,505.00 FOR A FIRE TRUCK.

Mr. McKinnon stated that between the \$50,000 budgeted for the building and the other equipment line item, there should be sufficient money to pay for the truck by simply doing a budget amendment with line item transfers.

Clerk Thomas verified that an advertised budget change would not be necessary. He added that his office would prepare a budget amendment for the Board's approval for the March 3, 1998 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 AS AMENDED TO WIT:

- 1) Quincy Square Office Complex Renovation Project - Change Order # 1 - \$800.00 dated January 7, 1998 to Joel Lawson, Inc. bringing total project cost to \$370,532.
-) Quincy Square Office Complex Renovation Project - Change Order # 2 - \$29,535.00 dated January 28, 1998 to Joel Lawson, Inc. bringing total project cost to \$400,067 to date.
-) Quincy Square Office Complex Phase II - Architectural Service Fees for the re-roofing of Buildings 1 & 2 - Proposal for \$3.200 from Lee & Bridges Architectural Consultants, Inc.
- 4) Interlocal Agreement between Gadsden County and Wakulla County for the Request and Use of the Cooperative Collection Center Arrangement Grant.

- 5) Contract with Maury D. Campbell for \$3,205.00 for remodeling of the Chattahoochee Library.
- 6) Purchase of Fire Truck - This item was removed from the Consent Agenda and placed for discussion.
- 7) Contract renewal with Harbor Branch Oceanographic Institution, Inc. to provide groundwater sampling and analysis for Chattahoochee and Gadsden East Landfill
- 8) Apalachee Regional Planning Council Financial statement as of September 30, 1997
- 9) Notification from U.S. Cable Television Group, L.P. d/b/a Cablevision - they are to be sold to Mediacom Southeast LLC.

CLERK'S AGENDA

Budget Amendments 98-02-03-01 THROUGH 98-02-03-04

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

DISTRICT 1 REPORT

Commissioner McGill had no report.

DISTRICT 3 REPORT

Library Commission

Commissioner Roberson appointed Mary Jo Hargrove to the Library Commission. She will replace Rebecca Mullins who moved from the vicinity.

Workshop on Road Paving

Commissioner Roberson requested that the Board schedule a workshop as soon as possible to work on a plan for road paving and

**Gadsden County Board of County Commissioners
February 3, 1998**

resurfacing of roads so that the public works department could move forward.

It was the consensus of the Board to meet on February 10, 1998 at 5:30 p.m. with the Better Roads Committee.

Demonstration on Rice Road

Commissioner Roberson reported that the Better Roads Committee has arranged to have a demonstration of an alternative treatment for dirt roads on February 12, 1998. She asked for permission to use Rice Road for the demonstration. She assured the Board there would be no cost to the County other than preparing the road for the treatment. She explained that it would be a treatment similar to the one used on Ranch Road.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO ALLOW THE DEMONSTRATION TO BE DONE ON RICE ROAD ON FEBRUARY 12, 1998.

DISTRICT 4 REPORT

Commissioner Fletcher had no report.

DISTRICT 5 REPORT

Commissioner Dixon reported that he attended a meeting with representatives from all the school boards and cities in Florida. He said that they were able to come to some good conclusions together.

He told of a leadership meeting to be held in Orlando during the week of February 9, 1998. He stated that all chairs from all county commissions are encouraged to attend.

DISTRICT 2 REPORT

Chairman Watson reported that he had visited Wakulla County with Mr. McKinnon and Mr. Herb Chancey to see how they deal with animal control problems. He stated that they would be presenting a proposal at the beginning of the 1999 budget cycle.

ADJOURNMENT

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

Gadsden County Board of County Commissioners
February 3, 1998

Sterling L. Watson, 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, 1998, 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
HAL RICHMOND, COUNTY ATTORNEY
HOWARD MCKINNON, COUNTY MANAGER

LYNN GATLIN, COURT REPORTER

A private attorney client session was convened on this date with all commissioners present to discuss the legal issues dealing with the Cooksey v. Gadsden County lawsuit. It was advertised and held pursuant to FL ST 286.011 at 5:30 p.m. in the board chambers at 9 East Jefferson St. Quincy, FL.

A verbatim transcript of this meeting will be made available at the conclusion of the case.

Sterling L. Watson, Chairman

ATTEST:

Nicholas Thomas, Clerk

AT A SPECIAL MEETING OF THE BOARD OF
COUNTY COMMISSIONERS, HELD IN AND
FOR GADSDEN COUNTY, FLORIDA ON MARCH
3, 1998, 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
JIM RICHMOND, FOR COUNTY ATTORNEY
HOWARD MCKINNON, COUNTY MANAGER
MURIEL STRAUGHN, DEPUTY CLERK

CALL TO ORDER

Vice-chairman Roberson called the meeting to order at 5:15 p.m. She then turned the meeting over to Dustin Smith, county planner.

Mr. Smith asked the Board members to offer their general comments regarding the proposed tree ordinance before discussions began.

Commissioner Fletcher stated that he was opposed to a tree ordinance of any kind and that the efforts are a waste of time.

Commissioner McGill stated that he was in favor of a tree ordinance but necessarily the one which has been proposed. He added that he felt that the County must find some way to protect the environment without adversely affecting the property owners rights. He asked Commissioner Fletcher if he had an alternative to an ordinance.

Commissioner Fletcher replied that he did not.

Mr. Smith reported that the growth management department has received numerous complaints about clear cutting of properties in residential areas and in agricultural areas. He stated that no one agrees with 100% of the proposed ordinance and that is why he asked for the workshop.

Commissioner Roberson stated that she was aware that some of the trees need to be preserved but she would not like for the County to impose restrictions that would cause a property owner to lose control of their own property. She stated that she believed that the proposed ordinance restricted the owners property rights.

Commissioner Fletcher stated that the county's comprehensive plan already protects trees greater than 36" in diameter and the wetlands are protected by best management practices.

Commissioner Dixon stated that he did not see a big need for a tree ordinance. He then added that he could see the effort coming to fruition without some plan for enforcement included in the ordinance.

Discussion followed.

Public comments were received from Marian Laslie, Dan Cox, Mike Dorian, Bonnie Fowler, Sally Patronis and Dian Sheffield. All of them were in favor of an ordinance. They all agreed that the proposed ordinance needed to be refined.

Photos of developments along U.S. 27 near Havana were offered as evidence of the need for tree protection by Mike Dorian.

After viewing the photos, Commissioner Dixon asked the P & Z staff to investigate the number of mobile homes placed on the property of Southern Mobile Homes, Inc.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 4 - 1 TO TABLE ANY ACTION ON THE PROPOSED TREE ORDINANCE BUT INSTRUCTED THE STAFF TO CONTINUE WORKING ON IT UNTIL THEY COME BACK WITH AN ORDINANCE WHICH STATES THE FOLLOWING: CLEARLY DEFINED PROBLEMS SPECIFIC TO GADSDEN COUNTY; A SOLUTION TO THOSE PROBLEMS; OFFERS SOME INCENTIVES TO THE PROPERTY OWNER TO ABIDE BY THE ORDINANCE; THE CAPABILITY TO ENFORCE IT; AND DOES NOT ADVERSELY AFFECT THE DEVELOPMENT PERMITTING PROCESS TIME. COMMISSIONER MCGILL CAST THE LONE DISSENTING VOTE.

Chairman Watson adjourned the workshop.

Sterling Watson, Chairman

ATTEST:

Nicholas Thomas, Clerk

Chairman Watson

AT A REGULAR MEETING OF THE BOARD OF
COUNTY COMMISSIONERS, HELD IN AND
FOR GADSDEN COUNTY, FLORIDA ON MARCH
17,1998, THE FOLLOWING PROCEEDINGS
WERE HAD, VIZ.

PRESENT: STERLING L. WATSON, CHAIRMAN
CAROLYN ROBERSON, VICE CHAIRMAN
W.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 Watson called the meeting to order. County Manager Howard McKinnon led in pledging allegiance to the U.S. Flag. Chairman Watson then led in a prayer.

ADOPTION OF AGENDA

The agenda was amended to allow Mr. Jimmie Devane, emergency management co-ordinator, to address the Board following the approval of the minutes.

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

APPROVAL OF MINUTES

March 3, 1998 Regular Meeting

UPON MOTION BY COMMISSIONER FLETCHER, AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE MINUTES OF THE ABOVE STATED MEETING.

EMERGENCY MANAGEMENT

Mr. Jimmie Devane, emergency management co-ordinator, presented an agreement between the County and the Capital Area Chapter (CAC) of the American Red Cross. The agreement would allow CAC to manage and administer the \$60,000 grant from the Department of Community Affairs (DCA) (Grant # 97 DB-1E-02-30-01-Y04.) The purpose of the grant is to prepare an emergency mitigation strategy for Gadsden County. Following the completion of this strategy, the

County will then be eligible for another DCA grant for \$110,000 to implement the strategy.

Mr. Devane asked for the Board to approve the agreement.

UPON MOTION BY COMMISSIONER ROBERSON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTE 4 - 0, BY VOICE VOTE, TO APPROVE THE AGREEMENT DESCRIBED ABOVE.

COUNTY ATTORNEY'S AGENDA

Emergency Ordinance Public Hearing - Article V Funding - Constitution Amendment

Mr. Richmond announced a public hearing for the purpose of adopting an ordinance on an emergency basis. The ordinance will allow the County to appropriate \$12,500 to the Florida Association of Counties (FAC) for the purpose of launching an education campaign on the proposed Article V constitution amendment. (The Constitution Revision Commission voted to place the amendment on the ballot in the fall of 1998.) The proposed amendment will benefit county governments in that the State will assume financial responsibility for the costs associated with the state court system.

Mr. Richmond read the title of the ordinance into the record. He then called for public comments. There was no response.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 0, BY VOICE VOTE TO APPROVE THE ABOVE DESCRIBED ORDINANCE.

Mobile Home Ordinance Public Hearing

Mr. Richmond stated that the proposed mobile home ordinance (attached) dealing with the placement and regulation of mobile homes in Gadsden County will repeal and replace Ordinance 96-001. He stated that the ordinance had been duly advertised. He then read it into the record by title.

Chairman Watson called for public comments. There was no response.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 0, BY VOICE, TO APPROVE THE ABOVE DESCRIBED ORDINANCE.

Dangerous Building Ordinance

Mr. Richmond called attention to the proposed dangerous building ordinance. Following discussion, there was a consensus of the Board to leave the language of the ordinance in tact and set a public hearing for its adoption.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE LANGUAGE AS IT IS PROPOSED AND TO SET A PUBLIC HEARING TO ADOPT THE DANGEROUS BUILDING ORDINANCE.

Stevens School Lease

Mr. Richmond reported that he had investigated issues regarding the lease agreement with North Florida Education Corporation (NFEDC). He stated that a specific violation did occur during the term of the lease agreement in that there was a lapse of insurance coverage. He stated that he had attempted to contact NFEDC but they had not returned his phone calls as of this date. He then stated that he would proceed with a formal letter of eviction during the upcoming week.

Cooksey Lawsuit

Mr. Richmond told the Board that a settlement has been offered to Mr. John Cooksey in his law suit with the County. He explained that Mr. Cooksey has requested the installation of a box at the site in question to handle the water flow during serious storm situations. Mr. Richmond stated that Mr. Cooksey said he was willing to accept the box in lieu of some of the money. He added that if the installation amounts to more than the total dollar figure he was given authority to negotiate, he will bring the matter back to the Board.

Old School Lounge

Mr. Richmond reported that the circuit judge ruled in favor of the County on the Writ of Certiori in the case filed by David Theriaque against the County in the Old School Lounge matter. The county's actions on that project were confirmed. He added that he was not certain if that ruling affected the verified complaint which was also filed in that case. He stated that he would proceed appropriately.

Public Comment

Mr. Clarence Lewis, Chairman of the Board of NFEDC, addressed the Board. He asked Mr. Richmond when he called the NFEDC office.

He noted that he had not received any messages through the voice mail or his answering service.

Mr. Richmond responded that he was not certain of the date but he would verify the date with his staff.

PLANNING AND ZONING ISSUES

Code Enforcement - W. O. Pettis

Mr. Sherman stated that his office had investigated several complaints about nuisance on the property owned by Mr. W. O. Pettis. Upon inquiry, it appeared that Mr. Pettis has operated an auto junk yard at that location for many years. However, Mr. Sherman stated that he has not been able to document that it was ever permitted or approved by the Board.

Mr. Sherman asked for directions.

Chairman Watson asked how another similar matter was handled.

Commissioner McGill stated that he personally knew that Mr. Pettis had operated his business there for at least 25 years.

Upon discussion the Board determined that Mr. Pettis had been operating the junk yard for many years. There was a consensus that Mr. Sherman should continue efforts to work with Mr. Pettis. He could however, require him to install a board on board fence around the property.

Code Enforcement - Stacey Robertson and Jeffery Clark

Mr. Sherman reported that despite repeated efforts, Mr. Clark and Ms. Robertson still have not abated the nuisance described in the attached letters. He recommended that the matter be turned over to the attorney.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO INSTRUCT THE COUNTY ATTORNEY TO PROCEED WITH SENDING A LETTER TO STACEY ROBERTSON AND JEFFERY CLARK REGARDING THE ABATEMENT OF THE NUISANCE.

Expedited Permitting Process

Mr. Sherman stated that the State of Florida has made considerable progress over the last few years in attempting to speed up the permitting/review process for developments which require state permits. However, it could improve even more.

In order to shorten the process, the regulatory agencies must be able to provide quicker turn around time without jeopardizing the environmental standards. There is a proposal being considered that will require participation of the counties. They must first agree to the proposed process and participate in it to make it successful. (The county's participation is described in to attached information.)

Mr. Sherman asked to hold a workshop with the Board to properly inform them of the process. He added that a public hearing must then be held in order to adopt a resolution of intent to participate.

A workshop was scheduled for April 7, 1998 at 5:30.

Revised Agreement between Gadsden County and Big Bend Technologies

Mr. Sherman reported that DCA has requested a revised agreement between Gadsden County and Big Bend Technologies to prepare the County's Evaluation and Appraisal Report. The basic difference in the agreement is that it hold the consultant to the same standards as the County. He recommended approval.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE REVISED AGREEMENT WITH BIG BEND TECHNOLOGIES.

EMPLOYEE RECOGNITION - TIM BURTON

Mr. Sherman reported that Building Inspector Tim Burton had passed the Certified Building Official and Code Enforcement and Administration test. He told them that his accomplishment was significant because there are only 112 individuals in the entire United States who have attained that level of certification.

Chairman Watson asked Mr. Burton to tell the audience and the Board how much effort he had to put forth to attain such certification.

Mr. Burton replied that before he attained the Code Enforcement and Professional certification, he had attained nine prior certifications from the Southern Standard Building Code Congress. Those included building inspector, plumbing inspector, electrical inspector, mechanical inspector, building plan reviewer, electrical plan reviewer, plumbing plan reviewer, mechanical plan reviewer and a legal and management exam. The process took 18 months. He attended two classes in Birmingham, Alabama. He attended Lively Vocation and Technical School for 20 nights at

three hours each night for the electrical study. The majority of the tests were administered on Saturdays. The test were 3 1/2 hrs. each.

Chairman Watson pointed out that Mr. Burton had done all of the above on his own. He was not required to do it to maintain his job.

Mr. Burton stated that his job description and the State Licensing rules required him to attain only one certification where he had attained nine.

Chairman Watson congratulated Mr. Burton on the effort he has demonstrated. He stated that he was especially proud to have someone working for the County that cares so much about his job. He then presented him with a plaque of recognition and appreciation. The audience applauded.

ROADS -RENAMING OF COUNTY ROAD TO SALTER ROAD

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 4 - 0, TO CHANGE THE NAME OF ALSACE AME CHURCH ROAD BACK TO SALTER ROAD.

GARY THOMAS - REQUEST FOR USE OF SHIP FUNDS FOR HOME OWNERSHIP ASSISTANCE

Mr. Gary Thomas presented the commissioners with a packet of information. (attached) He then spoke briefly representing 31 families of Gadsden County who are interested in purchasing existing homes throughout the County. They lack the funds for a down payment or closing costs. They would qualify for SHIP assistance.

Mr. Thomas stated that he had been notified that the County had run out of SHIP funds for citizens who want to purchase existing homes. He then requested that the County allocate more SHIP funds for the purchase of existing homes.

Discussion followed.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO TABLE DISCUSSION OF THE ABOVE STATED REQUEST UNTIL THE NEXT REGULAR MEETING ON APRIL 7, 1998.

RECYCLING - REQUEST TO APPLY FOR NEW INNOVATIVE GRANT

Mr. Herbert Chancey informed the Board that the recycling department has applied for an innovative grant of \$300,000. The application was in response from the Department of Environmental Protection(DEP) Innovation Recycling Project, Request for Proposal #9808C. The RFP requested \$300,000 to establish a regional recycling cooperative. If the County should receive the grant, it would allow the Recycling Department to expand some of the programs already in place. Gadsden County would host the project with Jefferson, Madison, Taylor and Wakulla Counties participating.

Mr. Chancey said that DEP will make a final determination on applications on April 15, 1998. All applications will not receive funds since only \$1.7 million was appropriated by the Legislature.

County Manager Howard McKinnon asked the Board to approve the contract if DEP approves the application and awards the \$300,000.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE APPLICATION AND CONTRACT FOR THE NEW RECYCLING GRANT IF THE MONEY IS AWARDED.

COUNTY MANAGER'S AGENDA

Animal Control Committee

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE FORMATION OF AND APPOINTMENTS TO AN ANIMAL CONTROL COMMITTEE. (SEE ATTACHED MEMO)

Resolution - Home Owners Protection Act

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE A RESOLUTION SUPPORTING THE HOMEOWNERS PROTECTION ACT.

FAC - Legislative Day - March 25, 1998

Mr. McKinnon encouraged the commissioners to attend the Legislative Day at the State Capitol on March 25, 1998.

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) Award of Bid # 98-002 for helical corrugated steel pipe to Gulf Atlantic Culvert, Inc. of Tallahassee, FL
- 2) Joel Lawson, Inc. Change Order # 3 for \$3,659.00
- 3) Mauty Campbell contract - change order # 2 for \$650.00 and # 3 for \$430.00
- 4) Department of Corrections Interagency Agreement for inmate labor on the Chattahoochee Library project.
- 5) Appointment of Jimmy Suber to Affordable Housing Partnership Committee to replace Hershal Williams
- 6) Affordable Housing Partnership Minutes for January 28, 1998.
- 7) Contractual Services Agreement - Local Hazard Mitigation Strategy grant contract
- 8) Notice of final closeout on grant # 95DB-19-02-30-02-S03
- 9) E-911 Petition for Road Name Change from Red Oak Road to Earline Hobbs Road
- 10) Request from Town of Havana - authorization to make sewer improvements under CR 12-A

CLERK'S AGENDA

Budget Amendments 98-03-17-01 through 98-03-17-02

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

DISTRICT 1 REPORT

Commissioner McGill had no report.

DISTRICT 3 REPORT

Commissioner Roberson had no report.

DISTRICT 4 REPORT

Commissioner Fletcher had no report.

DISTRICT 2 REPORT

Chairman Watson had no report.

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 MARCH 3, 1998, 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
NICHOLAS THOMAS, CLERK
JIM RICHMOND, FOR HAL RICHMOND, COUNTY ATTORNEY
HOWARD MCKINNON, COUNTY MANAGER

CALL TO ORDER

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

ADOPTION OF AGENDA

February 17, 1998 Regular Meeting

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

APPROVAL OF MINUTES

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE MINUTES OF FEBRUARY 17, 1998.

COUNTY ATTORNEY'S AGENDA

Funding of the Article V Cost Challenge

Mr. Richmond reported that the Florida Association of Counties (FAC) issued a memorandum to clarify that there is a need to run a statewide campaign on the above stated issue regardless of whether the question is on the ballot via the Constitution Revision Committee (CRC) or by way of the FAC's petition initiative. The campaign budget was set at \$3.8 million statewide. It will be used for direct mail and radio advertisements to ensure the passage of the Article V amendment. Without a well organized campaign, the amendment will likely fail in the November election.

Mr. Richmond reported that Gadsden County's share of the campaign is \$12,507. However, the county must pass an ordinance stating the purpose of the expenditure and the benefits which would accrue to the County therefrom. He asked for authority to advertise a notice of intent to adopt such an ordinance.

Commissioner Dixon explained the following: The status of the CRC proposal is currently in the Style and Drafting Committee and must again receive a minimum of 22 votes on the final approval to be placed on the ballot. Although CRC proposal does make a significant step in funding relief for counties, FAC is not entirely satisfied with the approach taken and is working vigorously to amend it. In the meantime, FAC is continuing to collect signatures to keep the petition option alive. If CRC does move forward with the amendment, the FAC will then stop the petition drive. FAC must continue the petition drive in order to meet the deadlines in the event CRC does not move forward.

Chairman Watson asked if any of the money would be refunded to the counties if CRC does move forward with the amendment.

Commissioner Dixon replied that FAC would refund all of the unspent money to the respective counties.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO AUTHORIZE THE COUNTY ATTORNEY TO PROCEED ON AN EMERGENCY BASIS TO ADVERTISE TO ADOPT THE PROPOSED ORDINANCE AT THE NEXT REGULAR MEETING ON MARCH 17, 1998.

Alcoholic Beverage Ordinances

In response to concerns expressed regarding the alcoholic beverage ordinance and the consumption of alcohol within 500 ft. of a licensed establishment, Mr. Richmond reported that Mr. Hal Richmond had done some research of the ordinances already on file.

He stated that there is already an ordinance (75-006) which applies to such a situation. In most cases, the ordinance would apply to prohibit consumption within 500 ft. of a licensed premises. He asked for directions from the Board.

Commissioner Fletcher stated that the County did not need another ordinance as there is nothing wrong with 75-006.

Mr. Mike Sherman argued that the ordinance is ambiguous with the term "public". He asked if the ordinance would cover a situation so as to prohibit standing outside of a lounge to drink.

Mr. Richmond replied "to the extent that someone would want to enforce it, yes."

Mr. Sherman then stated that if the ordinance could be interpreted in that way, he had no problem with it. He said he would report back to the planning commission that the ordinance as interpreted by the Board should cover situations that caused them concern.

Mr. Richmond explained that the Board's interpretation has no affect on what the law enforcement people will or will not do.

Commissioner McGill suggested that if the current ordinance is not being enforced, that another ordinance would not necessarily be enforced.

Commissioner Dixon asked Mr. Sherman what end result did the planning commission wish.

Mr. Sherman replied that the planning commission expressed concern with folks who stand outside lounges and bars drinking alcoholic beverages. Some of the planning commissioners felt that such behavior was not appropriate and the current ordinances were either not being enforced or did not provide a mechanism to stop it.

Chairman Watson asked if the current ordinance could be amended in such a way as to change the ambibuous language.

Commissioner Dixon stated that his concern continues to be the enforcement mechanism. He said that the Sheriff enforces whatever he seems to think should be enforced and obviously this ordinance is not high on his priority list.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER ROBERSON THE BOARD VOTED 5 - 0, BY VOICE VOTE TO AMEND ORDINANCE 75-006 TO STATE SPECIFICALLY THAT DRINKING WITHIN 500 FEET OF A LOUNGE, BAR OR ANY ESTABLISHMENT SELLING ALCOHOLIC BEVERAGES WILL BE PROHIBITED.

The County Attorney was instructed to proceed with advertising a notice of intent.

Hospital -MedTech - Centennial Management

Mr. Richmond reported that the current lessee of the Gadsden Community hospital is seeking to enter into a management contract with Centennial to actually manage the hospital for them. He added that they cannot officially do this without the Board's approval.

He asked for directions to refer this matter to bond counsel for an opinion.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO REFER THE HOSPITAL LEASE AND MANAGEMENT ARRANGEMENT TO BOND COUNSEL.

Road Name Change - Salter Road vs. Alsace AME Church Road

Chairman Watson explained that CR 270-A had been assigned the name Salter Road by the E-911 director and was given Board approval via the consent agenda. Subsequent to that approval, Mr. Denny Hutchinson (a resident on the road) requested that the name be changed to Alsace AME Church Road. In response to his request, the Board voted to rename it Alsace AME Church Road on February 3, 1998. He added that it was not on the agenda for that evening nor were the other residents notified that it would be considered on that date. Subsequent to that approval, a petition bearing the names of every resident on the road except Mr. Hutchinson's was received protesting the change to Alsace AME Church Road. The petitioners asked that the Board change it back to Salter Road.

Chairman Watson then explained that in fairness to all the residents, the matter was placed on the agenda for further consideration for this meeting. He asked for comments.

Commissioner Fletcher asked if the petition contained 100% of the residents on the road.

Chairman Watson replied that it included the names of every resident except for Mr. Hutchinson.

Commissioner McGill questioned if that statement was really true. He stated that he thought there were other residents whose names did not appear. He added that he had talked with Mr. Hutchinson who relayed to him that until 1936 the road had been called Alsace Road. Commissioner McGill stated that he confirmed that with Mr. Chester Brown and Mr. Madry. He added that he was not prepared to change his vote and wished to leave the road named Alsace AME Church Road.

Chairman Watson stated that it had been the practice of the Board to name roads based upon the desire of the majority of the resident's on the road in question. He referred to the vote taken on Concord Road - there were more signatures on the petition to name it Concord as opposed to the petition to name it Coonbottom.

Commissioner McGill replied that this situation is different.

Chairman Watson argued that this situation is not different. According to Mr. Mason, the E-911 director, they had received the residents support when they named it Salter road.

Commissioner Dixon stated that some roads had been named for historical reasons when the wishes of the majority residents were not necessarily the major factor.

Chairman Watson remarked that the Board had only reviewed the names of two roads since the mass naming in conjunction with the E-911 mapping and addressing program. A hearing was conducted with notification and input from the residents. He referred to the "Coonbottom vs. Concord" naming and the "Bill Inman Road vs. Tolar-White Road." The rationale used in the naming both of those roads was the number of signatures of the people living along those roads.

Commissioner McGill recalled that prior to the E-911 road naming campaign, he recalled an incident in his district where there was not a petition and there were people on both sides of an issue. That incidence resulted in the road being named for convenience sake. It had nothing to do with petition signatures.

Chairman Watson replied that he could not see that convenience was an issue if this particular case.

Commissioner McGill replied that his point was that road naming decisions were not always a matter of majority of signatures on a petition.

Commissioner Roberson asked what the road was called prior to the one assigned by E-911.

It was determined that the road was called 270-A. There was no name.

Commissioner Dixon recalled that the road was referred to as Salt Road during the 50's due to the fact that someone had put salt on the road in hopes that it would take the moisture off the road. He added that he would think that the Board would be correct in assigning either name to the road. Alsace would be historically correct and Salter would be correct by popularity.

Mr. Ty Bennett, resident on the road, stated for the record that he was the person who collected the signatures and could attest the fact that the petition was indeed signed by all residents except Mr. Hutchinson. He could not recall that a Mr. Brown lives on the road. He added that Mrs. Brock lived on the

road when it was nothing more than a "pig trail". The road was built so that the school bus could travel it.

Mr. Chester Brown Jr. told the Board that the road has a great history behind it. The community which surrounds the road was once called the Alsace Community. The Alsace AME Church once sat on the corner of Attapulugus Road and the road which goes across to St. Johns. Mr. Hutchinson's house sits north of where the Alsace Church stood. The road has been a historical site for well over 100 years. He stated that his entire family grew up there in that community. He stated for the record that some of the residents homes on that road are literally sitting on top of a grave yard - the Alsace Graveyard.

Mr. Bennett addressed the Board once again to simply state that Mrs. Brock has lived on the road for more than 50 years.

Chairman Watson asked if anyone could justify deviating from the method which settled the controversy surrounding the other two roads. (Based on the number of signatures on petitions) He added that a case could have been made for the historical "Coonbottom" name.

There was no response.

Commissioner Fletcher stated that he did not realize that there was as much interest in the road name as there seems to be. He asked that the matter be tabled until the next meeting.

Commissioner McGill asked if it could be given another name.
UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 1, TO TABLE DISCUSSION UNTIL MARCH 17, 1998. CHAIRMAN WATSON CAST THE LONE DISSENTING VOTE.

JIMMY HATCHER - TALLAHASSEE GRANDE CORPORATION

Mr. Jimmy Hatcher told the Board that there exists an opportunity for Gadsden County to land 300 jobs in the near future. He gave each commissioner a written presentation which describes the project. He told them that the office of Disability Determination (ODD) of the Florida Department of Labor and Employment Security (FDLES) needs a location with a building containing approximately 60,000 sq. feet to serve as offices for approximately 300 employees. He told them that this location could be at the I-10/US 90 interchange adjacent to the DOT building.

He reported that the FDLES has put out a bid form with the State for 60,000 sq. ft. of space. They currently have

approximately 275 employees but are requiring space for 300+ employees. They are anxious to move from their present location.

Mr. Hatcher continued by saying when there is a situation like this, the State has been remodeling old stores in shopping centers to place those folks. The state satellite complex is taking state divisions as quickly as they can. However, DOT has let it be known that the State cannot build any more buildings unless the roads can handle the traffic problems associated with the move.

Mr. Hatcher listed the following arguments which could favor such a move to Gadsden County:

- 1) Gadsden County and the Midway area needs the 300 jobs.
- 2) There is land available adjoining DOT complex at the 10/90 interchange. There is already a state agency there and he will propose to build a new building there to house the 300 jobs.
- 3) The new building and the jobs will increase the tax revenues for the City of Midway and Gadsden County who need the revenue.
- 4) It would relieve traffic congestion for Tallahassee.
- 5) It would equalize job opportunities for Gadsden and Leon County.
- 6) It would start the end of the quality of jobs discrimination between Leon and Gadsden County.
- 7) A new location could be made available by December 1, 1998.

Mr. Hatcher then stated that with the governor's compassion for the City coupled with the influence of Sen. Pat Thomas, the Board of County Commissioners and City Commissioners, there could be a real possibility of bringing those 300 jobs to Gadsden County. However, Mr. Hatcher stated that it will take an organized effort to get it done.

He reported that there will be a pre-bid hearing on the Monday March 9, 1998. He stated that he plans to go to the pre-bid hearing and see what kind of responses he can get. He added that he has already talked privately with some from the DLES to determine the possibility.

Mr. Hatcher then stated that Tallahassee Grande could/would build the building and give the State the option to purchase it within a certain period of years. It will produce jobs and tax revenue if the building is privately owned. However, the endeavor would require the support of the BCC.

Commissioner McGill asked if the jobs will be new positions.

He stated they are existing jobs which will be moved.

When asked, Mr. Hatcher stated that the City of Midway will benefit because the property is already annexed into the city limits and they would receive ad valorem taxes. Logically, with so many jobs, there will be new homes following the jobs. Other amenities will follow the influx of people into the area.

Commissioner McGill asked if he had approached Midway. He answered that he is scheduled on Thursday to appear before them with the same proposal.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO WRITE A LETTER OF SUPPORT FOR THE PROPOSAL FOR FDLES'S RELOCATION INTO GADSDEN COUNTY AS DESCRIBED BY MR. HATCHER.

PLANNING AND ZONING ISSUES (P & Z)

Richbay Market, Deli & Neighborhood Coffee House Project # 98PZ-201-01-01

Note: This project was granted a special exception permit by the Board on January 20, 1998.

Mr. Sherman explained that Commissioner Fletcher had requested that the Board reconsider the above stated project. In response to that request, the P & Z staff notified all parties within 1,000 ft. of the project and all interested parties who requested notice that there would be a discussion on the matter at this meeting. He asked that the Board take specific action to properly advertise and re-agenda the item for a later meeting.

It was determined that the time limit for an appeal to the Board's approval of the project had expired. However, there are many who would have appealed within the time limitation except for the fact they were under the impression that the matter would be revisited without the need of their appeal.

Commissioner Dixon suggested that the Board grant them an extension of time to appeal and have the matter brought back to the Board.

Commissioner Fletcher stated that it would be simpler for the Board just to hold a re-hearing. He noted that he was on the prevailing side of the motion to approve and it is proper for him to ask that it be reconsidered.

Mr. Sherman confirmed that Commissioner Fletcher's request would be a proper way to handle the matter. It would be equally proper for those who opposed the Board's decision to file an appeal and request another hearing.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 4 - 1, TO RECONSIDER THE APPROVAL OF THE SPECIAL EXCEPTION PERMIT PREVIOUSLY GRANTED TO MR. WINCHESTER. CHAIRMAN MCGILL CAST THE LONE DISSENTING VOTE.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 4 - 1, BY VOICE VOTE, TO RE-AGENDA THE ABOVE STATED PROJECT. THE STAFF WAS INSTRUCTED TO RE-ADVERTISE FOR A PUBLIC HEARING ON APRIL 7, 1998. COMMISSIONER MCGILL CAST THE LONE DISSENTING VOTE.

Mr. Sherman told the Board that if the vote of approval for the special exception permit is changed as a result of the re-hearing, the staff would have to notify Mr. Winchester that the Board has withdrawn the special exception permit.

Mr. Winchester asked for clarification. He was told that his project has been re-agendaed for another hearing for reconsideration on April 7, 1998.

Mr. Winchester then asked to have a packet of information filed for the record. (attached) He told the Board that he was proceeding through the process because he had been given approval and had expended money based on that approval.

Commissioner Dixon pointed out to Mr. Winchester if he continues to move forward from this point, it would be at his own risk.

Prescriptive Easement for Lex Thompson

Mr. Sherman reported that Mr. George Shorter requested a permit to place a mobile home on a piece of property which he bought from Mr. Lex Thompson. The property is located off Ray Road which runs perpendicular to Joe Adams Road in District 5. There is not a recorded easement to the property. Historically, access to the property has been along the CSX Railroad's right-of-way (ROW). However, the ROW is intended for use only by CSX and not adjacent property owners.

Mr. Thompson's attorney wrote a letter stating his opinion that a "prescriptive easement" is provided. To the contrary, Jim Richmond, county attorney, has stated that a "prescriptive easement" is not valid until the courts declare it as such.

Since the county's land development code requires that all properties must have legally recorded access, the staff has not administratively issued a permit. However, Mr. Sherman stated that Mr. Lex Thompson is now going through the process of getting a recorded paper easement for Mr. Shorter.

Because it is crucial that Mr. Shorter be allowed to move into his mobile home, Mr. Sherman asked for guidance from the Board. He asked if the staff could (in this one case) consider the prescriptive easement until a paper easement can be recorded.

Mr. Richmond advised that the Board should not consider the easement as a prescriptive easement. He stated the specifics of this case does indicate that there is something that has been used as a road to the property but it is not a county road, therefore the Board has no concern with what kind of road it is. He then stated that he had discussed this matter with Mr. Manausa and determined and based on the peculiar facts in this instance, it would be o.k. for the county to issue the permit and allow Mr. Shorter to occupy the mobile home.

Mr. Richmond emphasized that Mr. Manausa had assured him that the parties are going through the process of obtaining a paper easement and the land owner knows of the potential problems.

Mr. Lex Thompson reported that he has not received a response from CSX concerning the request for easement. However, he has been assured by his attorney that CSX cannot deny them access because people have been living there and using the road for more than 20 years. He stated that none of the people who live on Ray Road have a dedicated easement. There is no legal access across the railroad track. The road has been there a long time and was maintained by the County at one time. His attorney has assured him that it is a prescriptive easement and he has filed what is necessary to get a legal easement for everyone on Ray Road.

Again, Mr. Richmond advised that based on the specific facts and circumstance of this case - 1) the land owner is aware that there is no specific easement, 2) there is an existing roadway, 3) and the owner is going through the necessary steps to get a legal easement), it would be o.k. for the County to issue the permit. In the event that the easement does not go through, each and every land owner would have a right of action against Mr. Thompson. At that point, it would become a court ordered easement - not a prescriptive easement.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO AUTHORIZE THE P & Z STAFF TO ISSUE A PERMIT TO MR. GEORGE SHORTER TO PLACE A MOBILE HOME ON HIS PROPERTY WITH THE SPECIAL CONDITION

THAT MR. LEX THOMPSON CONTINUE HIS EFFORTS TO OBTAIN A PAPER EASEMENT AND ACHIEVE IT FOR ACCESS TO THE PROPERTY IN QUESTION.

Subdivisions - Land Development Code

Mr. Sherman reported that prior to the adoption of the development code, the County required persons who subdivide land into more than one lot per year to go through the subdivision process. The staff has been allowing the division or sale of land as "one lot per year" based on a policy decision which the Board had supposedly made sometime in 1989. However, Mr. Sherman reported that he had been unable to find any written documentation of that policy. Upon adoption of the new land development code in 1996, the subdivision code allows for the division of lands into 2 lots without going through the subdivision process. The time frame of "one lot per year" had nothing to do with the divisions. Therefore, when a parcel of land is divided into the third lot, the applicant is required to go through the subdivision process.

Mr. Sherman requested guidance on whether to continue the practice of granting the division of one lot per year without being required to follow the subdivision requirements. Such a policy would be deviating from the policy set forth in the land development code in 1996.

Mr. Richmond cautioned that if the County should enter into the practice of saying that a property owner may only subdivide a parcel (as they existed in 1996) one time (for eternity) before it becomes a subdivision, it will become difficult to enforce and track. It could also become inconsistent with the intent of the policy.

Commissioner Dixon stated that when a person divides a parcel of land, he may divide it again after one year. In addition, the person who purchased a parcel would be entitled to subdivide his parcel as well. He asked that the Board study the matter in greater detail before making a decision.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO TABLE DISCUSSION ON THE MATTER UNTIL SUCH TIME THAT THE PLANNING DEPARTMENT CAN BRING BACK TO THE BOARD A MORE DEFINITIVE POLICY WITH A TERMINATION CLAUSE AND A PRESCRIBED METHOD FOR ENFORCEMENT.

Comp Plan Amendment- Request to Advertise Public Hearing

Mr. Sherman asked for the authority to advertise for a Comp Plan amendment #98-001 and ordinance adoption. (It was transmitted to DCA in October for consideration by Department of Community Affairs (DCA)).

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO AUTHORIZE AN ADVERTISEMENT FOR PUBLIC HEARING FOR APRIL 7, 1998 FOR THE PURPOSE OF ADOPTING AN ORDINANCE IMPLEMENTING THE COMPREHENSIVE PLAN AMENDMENT 98-001.

Code Enforcement

Mr. Sherman reported that his office has received a complaint regarding junk and debris on property owned by Mr. W.O. Pettis in the Midway area. He stated that the staff has tried to work with Mr. Pettis to get the nuisance abated, but to no avail. He asked that the matter be set for a code enforcement hearing.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE TO SET A CODE ENFORCEMENT HEARING FOR APRIL 7, 1998 ON THE COMPLAINT FILED AGAINST MR. PETTIS.

COUNTY MANAGER'S AGENDA

Mr. McKinnon had nothing to report.

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:

For the record:

- 1) Application and Certificate for Payment # 1 to Sandco, Inc. for \$53,400.91 - 10/90 Commerce Park Project NO. 97-021
- 2) Application and Certificate for Payment # 2 to Sandco, Inc. for \$99,151.87 - 10/90 Commerce Park Project 97-021
- 3) Application and Certificate for Payment # 3 to Sandco, Inc. for \$207,250.61- 10/90 Commerce Park Project 97-021 (\$214,621.61 payment was made in error - adjustment will be made on next payment)
- 4) Application and Certificate for Payment # 1 to Joel H. Lawson for \$98,156.00 Project No. 97-023 Check No. 030184
- 5) Application and Certificate for Payment # 2 to Joel H. Lawson for \$94,064.00 Project 97-023 Check no. 030615

- 6) Invoice and payment of \$3,538.00 to Lee & Bridges on Quincy Square Project #97-23 Check No. 030497
 - 7) Chattahoochee Landfill Closure Permit Renewal
- For approval:
- 1) Request for Architectural Services for the Investigation and Design of Electrical and Communication Services for Buildings 1 & 2 of the Historic Renovation of Quincy Square Project - Phase II in the amount of \$ 2,600 - Lee & Bridges, Inc. Project No. 97-023
 - 2) Proposal for additional architectural services for the re-roofing of Buildings 1 & 2 - Fee not to exceed \$3,200 for the additional work to the existing contract agreement for services - Lee & Bridges, Inc. Project NO. 97-023
 - 3) Special Arrangement Agreement between Bell South and Gadsden County for E-911 Equipment; also Service Contract Agreement with Bell South; waiver of Bell South's requirement to have blanket liability insurance coverage on equipment. Bell South will accept coverage of \$200,000 in the State of Florida's jurisdiction and \$1,000,000 per claim for jurisdictions outside the State of Florida, with an aggregate of \$3,000,000.
 - 4) Leasing and Financing of E-911 equipment with Bell South - BSFS Equipment Leasing
 - 3) 1997 Audit response letter and corrective action plan
 - 4) E-911 Road Name change - former Laura Dell Butler Lane to Jessie Drive.

CLERK'S AGENDA

Public Hearing - Advertised Budget Change to 1997-98 Budget

Mr. Thomas announced a public hearing on the 1997-98 advertised budget change. He stated the change was to appropriate \$171,998.00 from Transportation #2 to Transportation # 1 and an additional appropriation of \$984,397.00 to Transportation # 1 making a total of \$1,156,395.00. The grand total of the Transportation budget will be \$4,904,000. He asked for public input. There was none.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE ADVERTISED BUDGET CHANGE FOR FY 1997-1998. (COMMISSIONER FLETCHER WAS NOT PRESENT FOR THIS VOTE.)

Budget Amendments 98-03-03-01 through 98-03-08-07

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE ABOVE STATED BUDGET AMENDMENTS. (COMMISSIONER FLETCHER WAS NOT PRESENT FOR THIS VOTE.)

Ratification of the Approval to Pay County Bills

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO RATIFY THE APPROVAL TO PAY COUNTY BILLS. (COMMISSIONER FLETCHER WAS NOT PRESENT FOR THIS VOTE.)

DISTRICT 1 REPORT

Commissioner McGill had nothing to report.

DISTRICT 3 REPORT

Commissioner Roberson reported that the Tembind experiment was done on Rice Road on the day of this meeting. She provided each commissioner with an information packet regarding the unpaved road stabilization and dust control treatment. She stated that the road looks o.k. at the present but the test will come after the rain.

DISTRICT 4 REPORT

Commissioner Fletcher had no report.

DISTRICT 5 REPORT

Commissioner Dixon had no report.

DISTRICT 2 REPORT

Chairman Watson had no report.

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
AFFORDABLE HOUSING ADVISORY
COMMITTEE HELD IN AND FOR GADSDEN
COUNTY, FLORIDA ON MARCH 23, 1998,
THE FOLLOWING PROCEEDINGS WERE HAD,
VIZ.

PRESENT: WILLIAM CARR, CHAIR
HERSHOLT JOHNSON
EDWARD BUTLER
BILLY REDDING

ABSENT: JEROME SHOWERS
GWEN JOHNSON
MICHAEL FRANCES
JOSEPH KENNEDY

CALL TO ORDER

The meeting was called to order by Chair Carr.

APPROVAL OF MINUTES - December 17, 1998

UPON MOTION BY MR. JOHNSON AND SECOND BY MR. BUTLER, THE
COMMITTEE VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE MINUTES
OF THE DECEMBER 17, 1997 MEETING.

RESIGNATION OF JAMES ROGERS

Mr. Carr called attention to a letter from James Rogers
stating that he must resign from the Advisory Committee as he will
be leaving the Country for an extended time.

UPON MOTION BY MR. BUTLER AND SECOND BY MR. JOHNSON, THE
COMMITTEE VOTED 4 - 0, BY VOICE VOTE, TO ACCEPT THE
RESIGNATION OF MR. JAMES ROGERS.

STAFF REPORT

Mrs. Rosemary Banks gave a brief report on a recent workshop
she had attended concerning the SHIP program and highlighted a
number of changes to the program.

GADSDEN COUNTY SHIP PROGRAM TOUR OF HOMES

Mrs. Banks invited each committee member to participate in the
Tour of Homes scheduled for May 4, 1998 from 10:00 a.m. to 1:30
p.m. She stated that arrangements had been made with the School
Board to use a bus for the tour.

INCENTIVE PLAN

Mrs. Banks reviewed the Incentive Plan which was adopted for Affordable Housing in Gadsden County by the Board of County Commissioners. She stated that it is working well for the time being. She added that it could be changed in the future if a need arises.

NEW APPOINTMENTS

Mrs. Banks explained that one of the responsibilities of the Advisory Committee is to monitor changes to the county's comprehensive plan. For that reason, the next appointment that will be made to the Advisory Committee will come from the Planning and Zoning Commission.

MEETING SCHEDULE

It was the consensus of the Board to continue to meet on a quarterly basis in the Board Chambers.

MISC. DISCUSSIONS

Mrs. Banks told the committee that the City of Quincy no longer has the homes that were used by the SHIP program to temporarily house people who were having renovations made to their homes. She added that the committee may be asked to help develop a relocation strategy.

It was noted that the allocation of SHIP funds was increased to \$350,000 for the 1997/98 year.

ADJOURNMENT

UPON MOTION BY MR. BUTLER AND SECOND BY MR. JOHNSON, CHAIR
CARR DECLARED THE MEETING ADJOURNED AT 7:10 P.M.

AT A WORKSHOP OF THE BOARD OF COUNTY
COMMISSIONERS, HELD IN AND FOR
GADSDEN COUNTY, FLORIDA ON APRIL 7,
1998, THE FOLLOWING PROCEEDINGS WERE
HAD, VIZ.

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

ABSENT: E. H. (HENTZ) FLETCHER

Chairman Watson called the meeting to order. The purpose of the meeting was to discuss the Florida expedited permitting review process for significant economic development project.

Growth Management Director Mike Sherman was instructed to provide each commissioner with more detailed information for their review.

A public hearing was set for May 19, 1998 at 6:00 p.m. to
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Sterling L. Watson, Chairman

ATTEST:

Nicholas Thomas, Clerk

AT A SPECIAL MEETING OF THE BOARD OF
COUNTY COMMISSIONERS, HELD IN AND
FOR GADSDEN COUNTY, FLORIDA ON APRIL
9, 1998, 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
HAL RICHMOND, COUNTY ATTORNEY
HOWARD MCKINNON, COUNTY MANAGER
MURIEL STRAUGHN, DEPUTY CLERK

Chairman Watson called the meeting to order then turned discussion over to Hal Richmond, county attorney.

Mr. Richmond explained that the meeting was originally requested by the Board to be a confidential attorney/client meeting. However, in reviewing the FL Statutes, he determined that a meeting on this date could not meet the advertising requirements for a confidential meeting. Therefore, it was duly noticed as a special meeting and therefore open to the public.

Mr. Richmond described the purpose of the special meeting. (To discuss the proposed settlement agreement in the law suit filed by Dr. John Cooksey against Gadsden County.)

Discussion followed. It was the consensus of the Board to let the previous motion stand without further action.

Note: The previous motion was made in a confidential meeting. That motion was not restated and was not known to the recording secretary as of the writing of these minutes. A transcript of that meeting has been filed with the Clerk's office but will not be available for public review until the conclusion of this case.

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 APRIL
21, 1998, 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
NICHOLAS THOMAS, CLERK
HAL RICHMOND, COUNTY ATTORNEY
HOWARD MCKINNON, COUNTY MANAGER

CALL TO ORDER

Chairman Watson called the meeting to order. Commissioner Dixon led in pledging allegiance to the U.S. Flag. Muriel Straughn led in a prayer.

ADOPTION OF AGENDA

County Manager Howard McKinnon asked that the Sheriff's Contract BZF80 with the Department of Revenue be removed from the Consent agenda. He then asked to add to the top of the agenda Mr. James Courtney of the North Florida Wood Turners Club of Tallahassee, Florida.

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

APPROVAL OF MINUTES

April 7, 1998 - Regular Meeting

April 9, 1998 - Special Meeting

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

Presentation by James Courtney

Mr. McKinnon introduced Mr. James Courtney, a member of the North Florida Wood Turners Club. He explained that Mr. Courtney had received some of the wood from the magnolia trees which were recently removed from the courthouse grounds.

Mr. Courtney told the Board that the Wood Turners Club wanted to do something to help remember the beautiful magnolia trees which had been removed from the grounds of the courthouse. He presented the Board with a large vase he turned from some of the wood from the trees. Written on a plaque and on the bottom of the vase were the following words: "This vase was turned from the wood of a magnolia tree that stood in the yard of the Gadsden County Courthouse Square for many years. It was presented to the citizens of Gadsden County, especially those who have seen the magnolia grow from a small plant into a beautiful tree. From the windows of this courthouse and the surrounding streets, you have looked beyond the leaves and blooms into the future. Maybe now, when viewing this vase, you will look back and not forget the past. This vase was turned by James Courtney, a member of the North Florida Wood Turners Club in Tallahassee, FL. Presented to the citizens of Gadsden County on this date, April 21, 1998."

There was applause from the audience.

Mr. Courtney then presented the oldest commissioner, Willian A. (Bill) McGill, with a small wooden vase. Mr. Courtney called the vase "The Past". He presented it to Commissioner McGill and said to him "I present to you this token vase that comes from a tree that is a part of Gadsden County history. I hope it will help you keep alive the memories you must have of the planting of a seed that made the tree from which this token came."

There was applause from the audience.

Mr. Courtney then presented the youngest commissioner, Edward J. Dixon with a similar small wooden vase which he called "The Future." He said "I present this token vase to you and to the future that you will bring about. If your roots will grow deep and strong like the roots of this tree did and if you will care for Gadsden County, like this tree was cared for, your dreams will grow into beautiful memories much like the memories our older citizens have now. May this vase keep you mindful of that."

There was applause from the audience.

Mr. Courtney then presented a wooden bowl to the county manager. It was not made from the magnolia tree - it was made from ambrosia maple, a choice wood.

On behalf of all Gadsden County citizens and the Commission, the chairman expressed sincere appreciation to Mr. Courtney for the beautiful vases and his words of wisdom.

COUNTY ATTORNEY

Proposed Ordinance 98-005 - Amendment to Ordinance 85-002

County Attorney Hal Richmond called attention to proposed Ordinance 98-005 which is an amendment to Ordinance No. 85-002. (attached) He asked for directions.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO AUTHORIZE THE COUNTY ATTORNEY TO PUBLISH A NOTICE OF INTENT TO ADOPT THE PROPOSED ORDINANCE 98-005 DEALING WITH CULVERTS IN PRIVATE DRIVEWAYS ETC.

PLANNING AND ZONING ISSUES

President's Lounge Request for Special Exception Permit and Liquor License

Mr. Sherman told members of the audience that Mr. Nelson President had withdrawn his application for a special exception permit and liquor license. The staff had determined that the proposed location of the lounge was only 600 ft. from a church. (This item did not appear on the agenda, however there were people in attendance who had been told that the matter would be addressed at this meeting.)

Cooper Ridge Residential Subdivision

Mr. Ben Boynton petitioned the Board for consideration of a conceptual subdivision plat for the Cooper Ridge Subdivision located in the St. Hebron community, northeast of the City of Quincy. Mr. Boynton proposes ten (10) lots on the property which consists of 13.8 acres more or less. The average lot size will be approximately 1.4 acres. The property is categorized as rural residential in the Future Land Use Map where the minimum lot size and density requirements are determined by the infrastructure provided. Mr. Boynton intends to extend Talquin water facilities to the subdivision which would eliminate the need for deep wells and allow for a minimum of one (1) acre lots. Brown road (a dirt road) bisects the subdivision.

Mr. Sherman explained that the subdivision will allow for both mobile homes and site built homes. It is adjacent to an unpaved county road.

The Planning Commission recommended approval.

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

The Chairman called for public comments. There was no response.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO GRANT MR. BOYNTON CONCEPTUAL PLAT APPROVAL FOR COOPER RIDGE SUBDIVISION SUBJECT TO THE SPECIAL CONDITIONS LISTED IN THE ATTACHED MEMO.

Farms at Quincy - Settlement Agreement Extension

Mr. Sherman told the Board that Mr. Bill Crawford has requested an extension of the approval of the preliminary plat per an agreement which he entered into with the County in 1991. (Mr. Crawford was given a 10 year approval of the preliminary plat with the understanding that he could have another 10 year extension at the end of the first 10 years. Refer to minutes of September 3, 1991 for copy of this agreement Book 50 pages 200-208.)

A MOTION WAS MADE BY COMMISSIONER FLETCHER AND SECONDED BY COMMISSIONER MCGILL TO GRANT MR. CRAWFORD A TEN YEAR EXTENSION OF THE PRELIMINARY PLAT APPROVAL FOR FARMS AT QUINCY.

Commissioner Dixon asked if it was common practice to give 10 year approval for preliminary plats.

Mr. Sherman stated that the settlement agreement with Mr. Crawford is the only one in the County. He added however, that it is common for agreements to be reached between local governments and developers.

Commissioner Dixon then asked Mr. Sherman to state a good reason for granting another 10 year extension.

Mr. Sherman responded that the extension could be justified by the stipulated agreement itself.

Mr. Richmond interjected that the logic of the Board in 1991 was that Mr. Crawford was developing a nice piece of property but it would go slowly. Mr. Crawford expressed at that time that he did not want to rush into developing it only to find that potential homeowners would discover that they could not pay for it. Additionally, because of the comprehensive plan coming into effect in 1991, the Board tried to reach a compromise with Mr. Crawford as to what portions of the plan would apply to the new plan

requirements and what portions would be grandfathered in under the old comp plan requirements.

Mr. Richmond continued by saying that one of things that had concerned Mr. Crawford throughout the negotiations was that he did not want to rush into the development - he wanted to go slowly. There was no opposition to that by the Board at that time. The County derived benefits from the agreement, Mr. Crawford derived benefits and it avoided a lawsuit.

Mr. Richmond then called attention to the fact that the first ten years will not be up until the year 2001. He asked if the request for the ten year extension applied to this year, 1998, or 10 years commencing in the year 2001.

Chairman Watson referred to Mr. Crawford's letter (attached) which read "10 years from now."

Mr. Richmond then stated that it would actually only be a seven year extension.

Commission Dixon clarified that he was not questioning the project's worth. He was simply trying to understand the vein in which the project is being developed.

Mr. Richmond stated that Mr. Crawford changed some of the lots around and provided for cluster homes and things that fit better with the comprehensive plan. This was a benefit to the County by comparison to what he had originally anticipated from the outset of the project. He changed his plan to come more into line with what is now being done throughout the County.

Mr. Bill Crawford spoke briefly to the Board. He stated that the stipulated agreement called for a re-examination by the Board every five years - mainly because of the County's concern for the number of wells going down into the aquifer in that particular area of the County. That five years went by without having that re-examination, so, he wrote to Mike Sherman and suggested that the County follow through with that. He went on to say that the current development plan is far less dense than was provided for in the agreement. He stated that he did not know if Mr. Sherman has had the opportunity to discuss the matter with the Northwest Florida Water Management District or not. However, since there will now be this reexamination, he felt it appropriate to deal with the matter of the promised extension at the same time.

QUESTION WAS CALLED BY COMMISSIONER MCGILL.

THE BOARD VOTED 5 - 0 IN FAVOR OF THE MOTION TO GRANT MR. CRAWFORD A TEN YEAR EXTENSION OF THE PRELIMINARY PLAT APPROVAL FOR FARMS AT QUINCY.

PUBLIC HEARING - ORDINANCE 98-005 - COMPREHENSIVE PLAN AMENDMENT 98-001; PROJECT #98-001A FLUM AMENDMENT (Ag3 - I)

Mr. Sherman announced the opening of a public hearing to consider an amendment to the Gadsden County Comprehensive Plan Future Land Use Map - Amendment 98-001. It is a request by Midway Park, Inc. to change 21 acres from the Agriculture 3 land use category to the industrial land use category. The parcel is located directly south of the Gadsden DRI Tract A which is south of Brickyard Road (CR268A).

This project was first brought to the Board on October 21, 1997 when the Board voted to transmit the application to the Department of Community Affairs (DCA.)

Mr. Sherman stated that at the time the application was submitted, the staff had some concerns regarding the data and analysis used by the applicant. The main concern was over allocation of industrial lands. This concern was also raised by DCA.

Mr. Sherman continued by saying that since the first public hearing, the applicant revised the analysis to respond to the allocation issue. The applicant provided an analysis of the City of Quincy's most recent plan amendment in which they annexed a great deal of county land (zoned industrial) on which to build their industrial park. In the annexation process, the City changed the county's industrial land use to theirs. The County actually lost 32 acres of industrial land use through the annexation. Because of that 32 acre reduction there is no net increase of industrial lands proposed by this amendment in question. Therefore, the staff's previous objection was satisfied.

The Planning Commission voted unanimously to recommend approval.

The staff's recommendation was for approval.

Mr. Jim Stiles, applicant, was present and answered questions from the Board. He stated for the record that he has no intended use for the parcel at this point in time.

Commissioner McGill asked Mr. Stiles if he would be willing to be annexed into the City of Midway. Mr. Stiles replied that he has

already met with the City of Midway and it is his intention to annex into the City of Midway.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO ADOPT ORDINANCE 98-005 AND TRANSMIT THE COMPREHENSIVE PLAN LAND USE AMENDMENT 98-001 AND ORDINANCE 98-005 TO DCA.

Discussion of Densities for Immediate Family Members

Mr. Sherman told the Board that there is a section in the comprehensive plan and the land development code that allows for immediate family exemptions from the density requirements. The thresholds for densities are found in the residential category language. The densities in a residential category is based upon available infrastructure. If the development is on a paved road and there is a central water system, two dwelling units may be placed per acre. In a normal course of issuing permits, if a person has 1/2 acre on a paved road with central water in a residential area a permit will automatically be issued.

When large developments apply for permits, the Board does not necessarily allow 2 units per acre. The residential category allows for 1 unit per acre if there is a deep well and a paved road; or 1 unit per 2 acres if there is a central water system and on a dirt road. There are similar thresholds used for agriculture exemptions.

There has been some discussion about exceptions for subdividing lands for immediate family members. While it is permissible in the comprehensive plan to allow greater density for immediate family members, Mr. Sherman suggested that the Board should set a density threshold for that type of subdividing.

Mr. Sherman asked for an interpretation and directions from the Board.

Discussion followed.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO AUTHORIZE MIKE SHERMAN AND ATTORNEY RICHMOND TO PREPARE A PROPER ORDINANCE AMENDING THE COMPREHENSIVE PLAN THAT WILL REMOVE ANY RESTRICTIONS REGARDING DIRT ROADS WHEN SETTING THE DENSITY REQUIREMENTS IN THE VARIOUS LAND USE CATEGORIES. AT SUCH TIME AS THE WORDING OF THE PROPOSED ORDINANCE IS ACCEPTABLE TO THE BOARD, THE PROPOSED ORDINANCE WILL THEN BE ADVERTISED FOR A PUBLIC HEARING.

Road Paving

Commissioner McGill called attention to a letter from the Department of Community Affairs (DCA) regarding the road paving prioritization list. He asked that Mr. Richmond and Mr. Sherman investigate the feasibility of changing the criteria used by Gadsden County in determining it's prioritization list while they are working on the ordinance to amend the comprehensive plan.

County Buildings - Reroofing of Existing Buildings in the Quincy Square County Office Complex

Mr. Dick Lee, architect with Lee & Bridges, Inc. reported on the bids received in response to the RFP advertised for re-roofing the county buildings in the Quincy Square County Office Complex. The bid specifications called for stripping off the existing roof membranes, taking it back down to the wood deck, then installing a new membrane roof. Therefore, each bidder was asked to submit a base bid and also a unit cost bid for completing the project - 8,000 ft. of removing and re-roofing.

Mr. Lee reported that base bids were received ranging from \$39,200 to \$83,970. He added that the low base bid was from Amerson Roofing of Bratt, Florida with the \$39,200 base bid and a unit cost bid of \$3.50 per square foot. The next lowest bidder was Commercial Roofing with a base bid of \$41,700 with a unit cost of \$2.00 per square foot.

Information about Amerson was obtained at the request of Building Inspector Frank Ritter. (attached) Mr. Lee recommended that the bid be awarded to Amerson Roofing.

Commissioner Fletcher stated that he expects to find a lot of rotted wood in the buildings once the old roofing is removed. He pointed out that if his prediction proves true, the overall cost as proposed by Amerison could actually exceed the total cost as proposed by Commercial Roofing - depending on how much rotted wood would be found. He advised that the unit cost warrants careful consideration.

Mr. Lee confirmed that during the process of the interior renovations (primarily where the elevator was cut through on the south wall) there is some evidence of a leak in the Fletcher Cantey building and the middle building. The leak seems to be principally due to the way the original roof was constructed. He added that there is also evidence of water leaks along certain areas of the walls. However, the leaks do not appear to be ongoing. He added

that he was certain that there would be some rotted wood but could not estimate how much.

Commissioner McGill requested a copy of the bid tabulation sheet showing all the bids.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, TO AWARD THE BID TO COMMERCIAL ROOFING AS DESCRIBED ABOVE.

COUNTY MANAGER'S AGENDA

Roads - Resurfacing

County Manager Howard McKinnon introduced Mr. Max Marble, an engineering consultant with Reynolds, Hill & Smith.

Mr. Marble stated that his firm had been tasked with a project of preparing bid documents and technical specifications for the Gadsden County's roadway resurfacing project which was proposed on February 17, 1998.

Mr. Marble reported that Reynolds, Smith & Hill had performed a field investigation of the roads proposed for resurfacing in each district. He stated that he had traveled every mile of each roadway and noted the current condition of each roadway. The conditions varied from good to the roadway surface completely breaking apart. Based upon the field evaluations, they are preparing construction alternatives for resurfacing. The recommended alternative will depend on the roadway condition. More specifically, some of the roadways have good surface but are cracked and weathered. In some cases, the surfaces are breaking up and falling apart but the base of the roadway is good. In some cases the base course of the pavement has completely failed.

Mr. Marble stated that the options being considered are surface treatments, overlays, removing the existing surface prior to the overlay and preparing the base course before doing any resurfacing. He added that the approach of Reynolds, Smith and Hill is to get as much roadway resurfaced as possible within the budgets established for each district. The project will be developed in such a way that it can be bid with alternates by district to allow flexibility in awarding the bid.

Mr. Marble explained that his firm should be finished with the bid documents and specifications by the April 24, 1998. He added that construction can begin as soon as the project can be advertised.

Chairman Watson asked Mr. Marble how many miles of resurfacing are being considered. Mr. Marble answered by saying that there is a total of 19.2 miles among all the districts.

Chairman Watson then asked how many of those miles had a problem with the base course. Mr. Marble replied that the areas of base course failure are not significant. He explained that those areas will be quantified in the bid documents once they are completed. The bid specifications will require a unit price alternate bid cost.

Commissioner McGill asked if he would expect any of the roads to be closed during resurfacing. Mr. Marble replied that he did not believe any of the roads would be completely closed at any time. However, one lane would obviously be closed for periods of time.

March of Dimes Walk America

Mr. McKinnon reminded the commissioners of Walk America to be held on Saturday. He encouraged each commissioner to participate in the walk. He commended the county employees for the spirit they displayed in their efforts to raise money for this worthwhile cause.

CONSENT AGENDA

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTE D5 - 0, BY VOICE VOTE, TO APPROVE THE CONSENT AGENDA, TO WIT:

- 1) RESOLUTION 98-003 - EMS WRITE-OFF OF BAD DEBTS TOTALING \$42,767.54
- 2) CHANGE ORDER # 1 & 2 FOR SANDCO, INC. CONTRACT FOR ROAD CONSTRUCTION AT 10/90 COMMERCE PARK. # 1 - EXTENDING GADSDEN STATION BLVD 420 FEET NORTH AND 250 FEET SOUTH PER TYPICAL ROADWAY SECTION DEPICTED ON SHEET 3 OF 12 OF THE SITE CONSTRUCTION PLANS. (\$45,000) #2 - SUBSTITUTE RIPRAP LINED DITCH FOR PERVIOUS CONCRETE PAVING. (NO MONEY INVOLVED.)
- 3) REQUEST FROM CHILDREN ARE OUR FUTURE TO CLASSIFY THE FUNDS CONTRIBUTED BY THE COUNTY AS A CASH MATCH FOR A GRANT FROM FAMILY PRESERVATION AND SUPPORT SERVICES.
- 4) AGREEMENT BETWEEN GADSDEN CITIZENS FOR HEALTHY BABIES, INC AND GADSDEN COUNTY EXTENSION SERVICES.
- 5) E-911 ROAD NAME CHANGES (ATTACHED)
- 6) ECONOMIC DEVELOPMENT UPDATE BY CHAMBER OF COMMERCE

CLERK'S AGENDA

Budget Amendment

98-04-21-01

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE ABOVE STATED BUDGET AMENDMENT.

RATIFICATION OF APPROVAL FOR PAYMENT OF COUNTY BILLS

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

DISTRICT 1 REPORT

Commissioner McGill asked the Board to consider placing a plaque in the courthouse stating the date of the recent renovation for historical purposes. He suggested that it would be appropriate to name the sitting commissioners responsible for the renovation.

DISTRICT 5 REPORT

Commissioner Dixon directed his comments to County Manager McKinnon. He reported that he had received a call from Gretna City Manager Charles Hayes. Mr. Hayes indicated that Gretna had received very little if any service from the County despite a directive from the Board. He relayed their urgent need for road scraping and ditch maintenance.

DISTRICT 3 REPORT

Commissioner Roberson had no report.

DISTRICT 4 REPORT

Commissioner Fletcher had no report.

DISTRICT 2 REPORT

Chairman Watson had no report.

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
COUNTY COMMISSIONERS, HELD IN
AND FOR GADSDEN COUNTY,
FLORIDA ON APRIL 7, 1998 THE
FOLLOWING PROCEEDINGS WERE
HAD, VIZ.

PRESENT: STERLING WATSON, CHAIRMAN
CAROLYN ROBERSON, VICE CHAIRMAN
WILLIAM 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 Fletcher led in pledging allegiance to the U.S. Flag. Commissioner Dixon led in a prayer.

ADOPTION OF THE AGENDA

The agenda was amended to remove the Stevens School issue from the County Attorney's agenda.

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

APPROVAL OF MINUTES

March 17, 1998 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 THE ABOVE STATED MEETING.

COUNTY ATTORNEY'S AGENDA

Public Hearing - Ordinance No. 98-004 - Alcoholic Beverages

Mr. Richmond called attention to the proposed ordinance dealing with the consumption of alcohol beverages within 500 feet of any establishment serving and/or selling alcoholic beverages. He read the ordinance title as follows:

AN ORDINANCE PROHIBITING THE CONSUMPTION OF ALCOHOLIC BEVERAGES WITHIN FIVE HUNDRED FEET OF ANY ESTABLISHMENT SERVING AND OR SELLING ALCOHOLIC BEVERAGES; PROVIDING FOR

PENALTIES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Mr. Richmond stated that the proposed ordinance is an amendment to the existing Gadsden County Ordinance on alcohol.

The Chairman called for comments.

Commissioner McGill asked "If a person is in a business where alcohol can be served and consumed, could they leave the building with their drink in their hand."

Mr. Richmond answered "no."

There were no public comments.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO ADOPT ORDINANCE 98-004 WHICH PROHIBITS THE CONSUMPTION OF ALCOHOLIC BEVERAGES WITHIN 500 FEET OUTSIDE OF AN ESTABLISHMENT WHICH SELLS OR SERVES ALCOHOLIC BEVERAGES. (ATTACHED)

Public Hearing - Ordinance 98-001 - Vacation or Demolition of Dangerous Buildings

Mr. Richmond introduced proposed ordinance # 98-001 which allows for demolition of abandoned or dangerous buildings. He read the title into the record as follows:

AN ORDINANCE PROVIDING FOR THE REPAIR, VACATION OR DEMOLITION OF DANGEROUS BUILDINGS PROVIDING DEFINITIONS IN RELATION THERETO, DESIGNATING AN OFFICIAL FOR ENFORCEMENT, PROVIDING FOR INSPECTION OF BUILDINGS, PROVIDING FOR PROCEDURES UPON VIOLATIONS AND FOR EMERGENCY PROCEDURES, PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

Chairman Watson called for public comments and questions. There was no response.

Commissioner McGill asked when the ordinance would go into effect.

Mr. Richmond stated that the ordinance would go into effect on the day of the vote.

Gadsden County Board of County Commissioners

April 7, 1998 Regular Meeting

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

Lawsuits Filed Against Gadsden County

**Public Hearing - Settlement of Circuit Court Case 97-1330-CAA
Sandi Bear V. Gadsden County**

Mr. Richmond reported that a settlement agreement had been reached with Ms. Sandi Beare pertaining to Hidden Lakes Subdivision proposed by Robert Harrell. The subdivision is to be located on the north side of State Road 12, approximately two miles south of the City Limits of the City of Havana. Said subdivision was given preliminary plat approval by the Gadsden County Board of County Commissioners on or about August 19, 1997. Settlement agreement attached.

Mr. Robert Harrell agreed to plat a maximum of 76 lots on the approximately 84.4 acres for which Gadsden County granted him a preliminary plat for the Hidden Lakes Residential Subdivision.

Mrs. Beare agreed not to oppose the final plat approval in exchange for Mr. Harrell's adherence to the maximum 76 lots on the 84.4 acres.

Gadsden County agreed to approve a final plat for Hidden Lakes Residential subdivision.

Chairman Watson asked if there were any questions or comments from the public. There was no response.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO ACCEPT THE SETTLEMENT AGREEMENT AS DESCRIBED ABOVE AND TO AUTHORIZE THE CHAIRMAN TO EXECUTE THE AGREEMENT.

Lawsuits against Gadsden County - Cooksey v. Gadsden County

Mr. Richmond told the Board that he had made a monetary settlement to Dr. John Cooksey in his law suit against Gadsden County. He explained that Dr. Cooksey was willing to accept the offer but requested the installation of a baffle/riser on Edwards Road at the site in question in lieu of part of the money. The baffle would handle the water flow during serious storm situations.

Commissioner Fletcher explained that the baffle would cause the water to flow to the north until flood water would get heavy enough to spill over the baffle. The water would then flow in the direction that it is flowing at the present time and would not

affect other property.

Commissioner Fletcher stated for the record that he has a conflict of interest and must abstain from voting on the issue.

Chairman Watson asked when the Board has to pay the settlement.

Mr. Richmond stated that the County received a letter giving a deadline date of March 26, 1998 for everything to be completed. However, there were three weeks between the second meeting in March and this meeting. He advised the other party that the matter would be on the agenda for this evening.

Chairman Watson asked for a confidential meeting on the matter.

Commissioner McGill asked if that would affect the outcome of the settlement which was reached.

Mr. Richmond explained that he had been given authority to negotiate up to a specific dollar amount. However, the proposed settlement could actually exceed that authorized amount (depending on the costs associated with installation of the baffle.) Another confidential meeting would allow for more discussion.

Commissioner McGill asked if another meeting would violate the judge's order.

Mr. Richmond replied that there is no judge's order on the settlement amount. There is only a proposed settlement agreement which the Board can accept or deny. That proposed agreement could possibly go beyond the dollar amount which the Board authorized him to negotiate.

Chairman Watson stated that he did not remember the Board discussing anything other than a monetary settlement. He did not recall any discussion about a box or baffle. He then stated that he remembered that the purpose in going to court was to prevent having to install the box/baffle.

Commissioner McGill recalled that the attorney was given the authority to negotiate up to a certain dollar amount which could bring the situation to a conclusion. He asked if that dollar amount could have included the cost of the baffle.

Chairman Watson stated again the reason for going to court

was the Board felt that the riser would cause other problems of equal significance.

Commissioner Roberson stated that she felt this matter should be further discussed in another confidential meeting.

Commissioner McGill asked how this delay would impact on Mr. Cooksey's willingness to settle under the terms of the proposed agreement.

Mr. Richmond answered saying that he could not answer that question. He stated that he did not know the status of the box/baffle/riser.

Commissioner Fletcher told the commissioners that the cost of the baffle is insignificant and the matter should be brought to a conclusion.

Chairman Watson stated that he would like to see the baffle before he agreed to it. He added that he could not understand what the net affect of the baffle would be.

Commissioner Dixon asked for another confidential meeting with the attorney.

Further discussion followed. It was the consensus of the Board to hold another confidential meeting on April 9, 1998 at 5:00 p.m.

Lawsuits filed by Gadsden County - Gadsden County V. Cheryl Gentry

Mr. Richmond recalled that he had been instructed by the Board on January 6, 1998 to file an appeal of Judge Gary's order to pay Attorney Cheryl Gentry \$20,100 as compensation in the 1997 Carl Clausen murder case. He reported that the First District Court of Appeals response was without comment and found the judge's order to be correct.

Chairman Watson asked how Ms. Gentry was able to exceed the limitations without prior approval from the Board.

Mr. Richmond responded by saying that she exceeded the limitations three separate times. However, he had argued the Board's position before the judge and he still ordered the County to pay in spite of the arguments.

Mr. Richmond pointed out that after Mr. Clausen pled guilty,

Ms. Gentry asked for \$1,500 for a psychologist. When the bill arrived, it was \$3,500.00 - \$2,000 over the agreed upon amount. The same thing happened with the investigator's bill. The amount agreed to was \$3,000. The bill amounted to \$4,500.00. However, at the hearing, the facts were presented and the judge ruled in her favor. Subsequently, the First District Court of Appeals upheld his order. There is no recourse for appeal at this point.

Mr. Richmond asked the Board for authority to have a meeting with Judge Sauls to present the County's concern regarding the appointment of attorneys to conflict cases.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 1, BY VOICE VOTE, TO PAY THE INVOICE SUBMITTED BY CHERYL GENTRY FOR HER REPRESENTATION OF CARL CLAUSEN IN THE 1997 MURDER CASE. CHAIRMAN WATSON CAST THE LONE DISSENTING VOTE.

Stevens School Lease Update

This issue was removed from the agenda.

PLANNING AND ZONING ISSUES (P & Z)

QUASI JUDICIAL HEARING

Richbay Market, Deli & Neighborhood Coffee House Project # 98PZ-201-01-01

Growth Management Director Mike Sherman stated for the record that the above named project was before the Board again as a re-hearing at the request of Commissioner Fletcher.

Mr. Sherman took an oath administered by Hal Richmond, a notary public empowered by the State of Florida to administer oaths. He then entered into evidence as Exhibit # 1 a staff analysis, information provided by Mr. Winchester, information and letters provided by residents in the Richbay community who are opposed to the project.

Mr. Sherman gave testimony as to the facts of the project. They are as follows:

- 1) Mr. Dan Winchester of Winchester Adventures, Inc. petitioned the Board for consideration of a neighborhood commercial business and special exception permit.

- 2) Pursuant to the Gadsden County Land Development Code, a special exception permit must be granted for all neighborhood commercial uses which are located in a rural residential land use category.
- 3) The parcel in question is located at the northeast corner of the intersection of Richbay Road and U.S. Highway 27. It is approximately 1.75 acres.
- 4) The proposed building will be 3400 square feet. The parcel meets the land development code criteria for the proposed purpose.
- 5) Mr. Winchester proposes to develop the subject property into a neighborhood market/deli and coffee house. The market products would range from grocery items to convenience goods. The coffee house would be located inside the market and would sell coffee by the cup, bulk and deli type sandwiches. Other complimentary products would also be available. The proposed development would also include drive-throughway service.
- 6) The P & Z Commission voted 3 -2 to recommend approval of the project.
- 7) P & Z staff recommended approval subject to the applicant meeting the requirements as outlined in the attached memo. In addition, the P & Z staff asked that the Board require Mr. Winchester to do the following:
 - a) have an intersection analysis performed by a licensed civil engineer prior to the approval of the final site plan;
 - b) include buffer zone "b" on the final plat;
 - c) obtain all pertinent state permits;
 - d) if gasoline is sold, seek all other state agency permits as required, install monitoring wells and other protective measures necessary to insure against possible leakage.
- 8) The location of the proposed use meets the location tests outlined in the land development code. U.S. 27 is the principle arterial and Rich Bay Road has been

classified a collector road. Both roads are paved.

- 9) Primary access of this store will be from Rich Bay Road. An additional access may be granted from U.S. 27.
- 10) The driveway permits must be secured from FDOT for the U.S. 27 access and presented to the P & Z Department prior to the construction of the site.
- 11) Mr. Winchester must have a final site plan. It must be prepared by a civil engineer licensed in the State of Florida to practice.
- 12) Mr. Winchester must also submit a storm water management plan prepared by a civil engineer licensed in the State of Florida to practice. The plan must be consistent with DEP 17-25 administrative code as well as the Gadsden County storm water policy and procedure manual.
- 14) All plans must be submitted to and be certified by the County's engineer.
- 15) Trip generation is derived from the ITE Trip Generation Manual. The land use code used for the analysis is convenience store with gasoline pumps. This land use has been determined for trip generation purposes only, to be the best category. The trip generation of a 3400 sq. ft. store during the PM peak hour would be 219 trips.
- 16) US 27 is operating at LOS A and should remain at that level unto the year 2004.
- 17) An intersection analysis was performed. There are no deficiencies at the intersection of US27 and Rich Bay Road.

Mr. Sherman named the additional requirements of the project if it is approved.

- 1) Buffer type "B" - opaque buffer. This buffer area shall be used to separate commercial and public uses from all residential uses. This buffer area shall be completely opaque from the ground up to a height of six (6) feet. and shall be a minimum of twenty five (25) feet wide. Type B buffer may utilize a masonry wall, berm, planted

or existing vegetation or any combination thereof which maintains a completely opaque buffer. If vegetation is to be used, then a seventy (70) percent opaque buffer shall be required at planting and can be capable of full height and opacity within three years. Commercial uses are required to provide for pedestrian ways to access the adjacent residential areas.

2) FDEP permits for storm water and gas tanks.

The Planning Commission recommendation was for approval by a vote of 3 - 2. The P & Z staff recommendation was for approval because it is consistent with the comprehensive plan.

Mr. Richmond asked if there had been another hearing on this project.

While still under oath, Mr. Sherman stated that there was a hearing held on January 20, 1998. The minutes of the January 20, 1998 hearing were entered as evidence.

Mr. Dan Winchester was sworn as to the testimony that follows. He stated that he did not request a re-hearing since the County Commission had previously ruled in his favor on January 20, 1998. He noted that he had proceeded through the permitting process since that time. He offered a package of information as evidence which included the minutes of January 20, 1998. The facts of his position remained unchanged since the January 20, 1998.

There were no questions asked of Mr. Winchester by the Board or by the audience.

Chairman Watson called for public comments.

Mrs. Dorothy Butler, Rt. 4 Box 791, Havana, FL was sworn by Mr. Richmond, a notary public authorized to administer oaths by the State of Florida. She stated that she lived on Tire Road and that Mr. Winchester had petitioned for this project in 1989 and was it was denied. She added that the property in question was a part of the Deer Creek Subdivision which has restrictive covenants. Part of the reason for the denial of the project in 1989 was because of the restrictive covenants. It was her understanding that nothing could be built there but a single family dwelling. She offered a copy of the restrictive covenants as evidence. She was opposed to the project.

Mr. Ken Stillman, Rt. 4 Box 796, Havana, FL was sworn by Mr. Richmond, a notary public authorized to administer oaths by the State of Florida. He asked that the Board move the Commission meetings to Havana.

Mr. Stillman stated that he was opposed to the project. He stated that he feared auto accidents, water drainage problems and traffic congestion. He called attention to the development of Havana over the last 15 years noting that it had gone from being a burned out tobacco town to a nice art community. He was concerned for his community and argued that they did not need another convenience store.

Mr. Bob Goodhope, Rt.4 Box 711, Havana, FL. was sworn as to the testimony that follows. He stated that he had the misfortune of living in a mobile home park once that experienced well water contamination from leaking gasoline tanks from a nearby gas station. He asked for clarification as to whether there would be underground gasoline tanks at the proposed site.

Mr. Sherman stated that special exception uses are approved on a case by case basis. He told Mr. Goodhope that it is possible that gasoline would be available on the premises. However, he stated that if the project is approved, Mr. Winchester would have to follow the state requirements for containment and monitoring of the gasoline tanks.

Mr. Goodhope then referred to the trip generation count saying that he did not think it is accurate. He recalled that there were 120 signatures on the petition against the project. He surmised that hostile residents would not patronize the store thus creating fewer trips. He said that the trip count should not be considered.

Mr. Richmond responded to questions raised about the restrictive covenants. He stated that restrictive covenants can be amended by a majority of the then residents of a subdivision. It appears that there was an amendment to the restrictive covenants in 1989 which has been filed in the official records of the County. The amendment allows the subject parcel of land to be zoned commercial. He added that restrictive covenants are private property rights. There are legal means to enforce those property rights in court. He further stated that the Board has no legal interest in the restrictive covenants.

Mrs. Dorothy Butler asked for clarification. She then stated that she was unaware of an amendment to the restrictive covenants. She asked how that could have happened.

Mr. Richmond gave her a copy of the amendment to the restrictive covenants which had been filed in the official records in 1989.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 3 - 2 BY VOICE VOTE TO APPROVE MR. WINCHESTER'S REQUEST FOR A SPECIAL EXCEPTION PERMIT. COMMISSIONERS DIXON, MCGILL AND FLETCHER VOTED "YES." COMMISSIONERS WATSON AND ROBERSON VOTED "NO."

Request from Hunt/White Partnership for ability to sell lots 11, 12 from the DRI to MAC Paper Prior to Infrastructure Being in Place

The Hunt/White Partnership requested that the Board allow them to sell another lot in the Gadsden Station Development of Regional Impact (DRI.) This property will be sold to Mac Paper company to relocate their Tallahassee office to the DRI. The partnership agreed to install the infrastructure prior to MAC Paper receiving their certificate of occupancy.

Mr. Sherman pointed out that the subdivision code allows developers to sell lots in a subdivision, provided the infrastructure is in place at the time of sale. However, the Board may allow for the development of lots in the subdivision prior to the final recording and the infrastructure being place. Subsection 6103(4), Procedures of land development code are as follows:

"Issuance of Building Permits and Certificates of Occupancy.

- a. No building permit or certificate of occupancy for any building in the subdivision (or phase thereof) shall be issued prior to the completion of the improvements as required in the commission's final approval of the subdivision plat; EXCEPT that upon a cash deposit by the developer equal to the cost of the improvements, building permits may be allowed at the discretion of the governing body if unusual circumstances make such issuance appropriate."

Mr. Hunt and Mr. White requested that the Board allow them to close on lots 11 and 12 in the 10/90 Commerce Park and for the county to issue them a permit, with the understanding that no certificate of occupancy for MAC Paper Company shall be issued

until all the infrastructure is in place.

Mr. Sherman told the Board that the developer has reached an agreement with Sandco, Inc. to build the infrastructure.

COMMISSIONER FLETCHER MADE A MOTION TO ALLOW HUNT/WHITE TO SELL THE LOTS AS REQUESTED. COMMISSIONER DIXON SECONDED THE MOTION.

Commissioner McGill asked Mr. Armer White if the partnership would consider annexing to the City of Midway.

Mr. White responded that annexing into the City of Midway would not be in the company's best interest.

THE BOARD VOTED 5 - 0 TO APPROVE THE REQUEST STATED ABOVE.

CODE ENFORCEMENT

Nuisance Ordinance Violations - Susan and James Hobbs - Parcel ID # 3-13-2N-2W-0570-00000-0930 in Ochlocknee Estates

Mr. Sherman reported that his staff had again received numerous complaints from the neighbors of Susan and James Hobbs. He asked to set a code enforcement hearing date for April 21, 1998.

He explained that the new complaints stated that there was an old refrigerator and an old sofa in the yard along with bags of garbage. He stated that the Hobbs have not responded to requests that they clear the yard of the debris.

Mr. Sherman noted that the issue was first raised with the Board on December 16, 1997 at which time the Board took no action as the Hobbs are both handicapped citizens. He added that the trash and debris was eventually removed as a result of the first complaint.

Commissioner Dixon insisted that the County staff take measures to assist the Hobbs. He stated that the neighbors should be trying to help them rather than using the County to harass them. He instructed Mr. Sherman to call someone to help them when there are clear violations to codes of this nature.

Mrs. Martha Coley, director of GARC, was in the audience and volunteered to help the Hobbs family get their yard cleaned up.

Mr. and Mrs. Hobbs were in the audience and addressed the Board. She explained that the sofa has been removed and the refrigerator is on the back porch temporarily until her family can help get it removed. She stated that the next door neighbor has not given them a chance to take care of the matter.

Commissioner Dixon stated that the neighbors are using the authority of the County Commission to harass the Hobbs. He added that their attitude was unkind and uncaring and he wanted the County's participation to stop. He then went on to say that he did not want the county staff to bring such matters before the Board again.

Development Projects Update

- * FOX 49 television station relocated their Tallahassee office to Gadsden County. Their studio is up and running. They have received their Certificate of Occupancy.
- * Ajax Construction Company is the process of relocating their Tallahassee office to the 10/90 Commerce Park. The engineered site plan has been approved, building permits have been issued and construction has commenced.
- * Howard Johnson Motel - preliminary site plan review has been completed. Final site plan is in the process of being completed by the developer's engineer.
- * MAC Paper Company - staff met with the MAC Paper company to discuss the requirements of site planning for relocation of their Tallahassee office to the 10/90 Commerce Park.

New ACLF

- * P & Z staff has completed the initial review of the engineered site plan for a new ACLF to be constructed adjacent to Strong Road. Preliminary review is complete with comments sent to engineer for final site plan. The building plan review is underway.

Shiloh Church

- * P & Z staff has completed preliminary review of the Shiloh Church. It is a small church located adjacent to Uptain Road.

Talquin Electric Cooperative Waste Water Treatment Facility

- * The Talquin Electric Cooperative, Inc. has petitioned the Board of County Commissioners for consideration of granting a special exception permit for the location, construction and operation of a waste water treatment facility. The proposed site is adjacent to Dupont Road, approximately 1.5 miles north of the intersection of US 90 and Dupont Road. The Board will be considering the special exception permit request at the May 19, 1998 meeting. Staff is reviewing information submitted by TEC

CODE ENFORCEMENT UPDATE

- * W. O. Pettis - staff is working with Mr. Pettis to help him abate the nuisance or provide information regarding permitting of his junk yard. If this can not be provided, then in accordance with the previous BCC direction, Mr. Pettis will be required to erect a 6 ft. board on board fence.
- * Derrick McKinnon Body Shop - In December of 1997, the BCC granted Mr. Derrick McKinnon a special exception permit for the operation of his body shop. The special exception approval is location approval only. After locational approval is granted, the applicant must comply with the requirements of the land development code, and the standard building code. Mr. McKinnon has not complied with any of the land development code or the standard building code requirements. The staff has made repeated efforts to contact Mr. McKinnon and request compliance without any luck. On April 2, 1998, the staff was finally able to meet with Mr. McKinnon at the County Manager's office. This meeting was initiated by the County Manager. The requirements for an engineered site plan, stormwater management system and acceptable construction plans were again discussed with Mr. Derrick McKinnon. Staff will be meeting with Mr. Derrick McKinnon on April 7th to evaluate any progress. If no progress has been made, the power will be disconnected from his shop and staff will proceed with code enforcement.

Commissioner Dixon stated that he does not make a practice of speaking directly to a department head but felt compelled to

respond to the statements made by Mr. Sherman in the attached update concerning Mr. Derrick McKinnon. He stated that he did not believe that Mr. Sherman had really tried to reach Mr. Derrick McKinnon as he indicated in his memo.

Commissioner Dixon went on to say that the average citizen does not understand the procedures that one must go through to get permits and they need assistance. He then stated that it had been reported to him on more than one occasion that the Growth Management Department was not customer friendly and its behavior toward some individuals bothers him. He went on to say that he had spoken with the county manager about the complaints and expected that something would be done about it.

Chairman Watson countered Commissioner Dixon stating that his remarks were grossly unfair and his accusations regarding the staff's response to Derrick McKinnon were wrong.

More discussion followed but nothing was resolved.

Mr. Sherman asked to respond to Commissioner Dixon's remarks. He stated that his statements regarding the manner in which his office had handled Mr. Derrick McKinnon's project were absolutely false. He added that he had been working with Mr. McKinnon for nine months.

Discussions continued for a brief time. It was the consensus of the Board to address these concerns in another forum.

PURCHASING DEPARTMENT

Request to advertise for a 6" pump for Public Works Department

Management Services Director Arthur Lawson told the Board that the two existing pumps at the public works department are more than 20 years old. He continued by saying that after severe rains, the pumps must be used to de-water dirt pits so that heavy equipment can excavate dry material from them. Without the pumps, the pits stay wet and road repair progress is severely hindered.

Mr. Lawson then stated that neither of the existing pumps are reliable. By comparison, Mr. Lawson noted that a new pump would have the fuel capacity to run for over 20 continuous hours and it would have the ability to move over 1, 700 gallons per minute. He then asked for authority to advertise for bid for a new pump.

Commissioner Fletcher suggested that they would need three sections of six-inch lay-flat hose to accommodate some situations in addition to the pumps. He asked Mr. Lawson to consider adding a discharge hose as an alternate bid as well as also 900 - 1,000 ft. of eight-inch lay-flat hose as another alternate bid. He also suggested that a bid should request 2 pumps rather than one.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO AUTHORIZE MANAGEMENT SERVICES TO ADVERTISE FOR BID TWO PUMPS AS DESCRIBED ABOVE AND THE ALTERNATE BIDS AS DESCRIBED ABOVE AS WELL.

APPROVAL OF THE 2 YEAR JTPA EMPLOYMENT AND TRAINING PLAN

Mr. Rick Fraiser appeared before the Board requesting action of the above stated agreement.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE TWO YEAR EMPLOYMENT AND TRAINING PLAN.

AGREEMENT DESIGNATING THE SUBSTATE GRANTEE UNDER THE ECONOMIC DISLOCATION AND WORKER ADJUSTMENT ASSISTANCE ACT (EDWAA)

LOCAL ELECTED OFFICIALS/JOBS AND EDUCATIONS PARTNERSHIP REGIONAL BOARD AGREEMENT

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE LOCAL ELECTED OFFICIALS/JOB AND EDUCATIONS PARTNERSHIP REGIONAL BOARD AGREEMENT AND THE AGREEMENT DESIGNATING THE SUBSTATE GRANTEE UNDER THE ECONOMIC DISLOCATION AND WORKER ADJUST ASSISTANCE ACT (EDWAA).

SHIP FUNDS - REQUEST BY GARRY THOMAS FOR THE BOARD TO AUTHORIZE THE AFFORDABLE HOUSING PARTNERSHIP COMMITTEE TO REALLOCATE \$75,000 TOWARDS EXISTING HOME PURCHASES AND TO FORMALLY ENDORSE THE 203K (FHA & HUD) LOAN PROGRAM

Mr. Garry Thomas stated that he was representing several Gadsden County Citizens with the following requests:

- 1) The Board of County Commissioners (BCC) strongly recommend to the Affordable Housing Partnership

Committee that \$75,000 of the SHIP Budget be reallocated for the citizens who would like to purchase existing homes in Gadsden County.

- 2) The BCC endorse the FHA 203K Rehabilitation loan for citizens who would like to purchase existing homes and still be eligible for SHIP funds.
- 3) The BCC recommend that the SHIP Program review their current processing procedures and encourage them to streamline their process to produce a 48 hour turn around time.
- 4) The BCC recommend to the SHIP Program allow citizens of Gadsden County to attend the Leon County First-Time Home Buyers Program that take place on a weekly basis so that more Citizens can become eligible for SHIP funds sooner.
- 5) The BCC appoint himself, Garry Thomas, to the next available seat on the Affordable Housing Partnership Committee.

Commissioner Dixon stated that he thought it would be more appropriate to remand this issue back to the Affordable Housing Partnership Committee for their recommendation.

Commissioner Roberson stated that she sits on the affordable housing partnership committee and that they are currently reviewing Mr. Thomas's request and expect to make a decision at the next regular meeting.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO REMAND MR. THOMAS'S REQUEST BACK TO THE AFFORDABLE HOUSING PARTNERSHIP COMMITTEE AND AWAIT THEIR RECOMMENDATION.

COUNTY MANAGER'S AGENDA

Library - Request to Close for Painting

Mr. Howard McKinnon reported that Library Director Jane Mock has requested that the main library be closed for a period of time to allow it to be painted. Inmate labor will be used to do the painting.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO ALLOW THE LIBRARY TO BE CLOSED FOR A FEW DAYS SO THAT IT CAN BE PAINTED.

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) New sick leave transfer plan effective March 26, 1998. The plan provides for an employee to donate his personal sick leave credits to another employee within county employment. The agency personnel officer or his representative shall be responsible for the administration of the plan. To be eligible to receive sick leave credits, an employee must have utilized all accrued sick, compensatory and annual leave. It can only be used for personal illness, accident or injury.
- 2) ESRI Software License Agreement No. 98S1156 - Public Works
- 3) Florida Department of Environmental Protection Agreement for Funding for Establishing a Hazardous Waste Cooperative Collection Center Arrangement with Wakulla County
- 4) Notice that Gadsden County has been declared a disaster area by U. S. Small Business Administration
- 5) Certification of Participation - 1999 Federal Drug Control & System improvement Program
- 6) Custodial Contract for Cleaning Services with Mary Kelly - Livestock Pavilion
- 7) Quincy Square Renovation Project NO. 97-023 Application and Certificate of Payment No. 3 - \$64,285.00 to Joel Lawson, Inc.
- 8) Quincy Square Renovation, Project no. 97-023 - Invoices

- for payment to Lee & Bridges - \$793.00 & \$1,600. - for the record
- 9) State of Florida Annual Local Government Financial Report for FY 96/97
 - 10) Appointment of Sampson J. Samuel to the Affordable Housing Advisory Committee to replace James Rogers
 - 11) Affordable Housing Partnership Meeting Minutes for the month of February, 1998.
 - 12) CDBG Contract Amendment - to incorporate recent changes in the administrative rule governing the Small Cities Community Development Block Grant Program.
 - 13) Certificate of Title - Sheriff's Modular Office Building

CLERK'S AGENDA

Budget Amendments

98-04-07-01 through 98-04-07-06

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 BY VOICE VOTE TO APPROVE THE ABOVE STATED BUDGET AMENDMENTS.

Financial Reports

Clerk Thomas called attention to the attached financial reports. He pointed out that the County has received 75% of the ad valorem taxes. He reported that both revenue and expenditures appear to be fine.

Cash Balance Report

Clerk Thomas reported that the County has \$9.2 million cash on hand at the present time. He stated that is the most cash that he could ever recall the County having. He added that most of that money is invested at SBA.

Ratification of Approval to Pay of County Bills

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

DISTRICT 1 REPORT

Traffic Hazards at I-10/US 90 and Dupont Road

Commissioner McGill stated that he had been approached by residents on Dupont Road regarding the traffic congestion at the intersection of U.S. 90. They asked the Board to relay their concerns to DOT in Chipley and request a traffic light at the intersection. The traffic light request was denied saying that a recent study did not support a need for a traffic light. He recalled that shortly after that denial, an accident occurred in that area which resulted in a death.

Commissioner McGill then suggested that while the development at the 10/90 Commerce Park is good and economically advantageous to Gadsden County, perhaps the County should exercise more foresight specifically with safety issues. He added that the County should intervene with DOT to whatever extent it can.

Commissioner Dixon affirmed those concerns related by Commissioner McGill especially with the semi-truck traffic.

Commissioner McGill emphasized again that the potential dangers at that intersection are so great that it is appropriate for the Board of County Commissioners to take notice and offer some kind of resolution if possible.

Possible Baseball Stadium for Devil Rays Professional Baseball Team

Commissioner McGill reported that he had met with U.S Senator Graham's staff and Representative Boyd's staff to discuss the possibility of applying for grant funds to build a baseball stadium in Midway that would accommodate the Devil Rays Professional Baseball franchise.

Road Paving Prioritization List

Commissioner McGill reported that he had written to DCA to see what they would consider appropriate criteria which the County could use that would result in a road paving prioritization list whereby a road could be paved in each commissioner's district. He said that he has not received a response to that letter yet. However, he stated that DCA has been in touch with the County Manager's office. The Board can expect a response very soon.

DISTRICT 3 REPORT

Commissioner Roberson reported that she had discussed with the County Manager the possibility of a county-wide clean-up day. She asked for input for each commissioner in the near future.

DISTRICT 4 REPORT

Commissioner Fletcher had no report.

DISTRICT 5 REPORT

Commissioner Dixon called attention to the proposed amendment to Ordinance No. 85-002. He stated that he could support it. He added that while looking at amending the ordinance for purpose of installing culverts where there is none, that perhaps another problem could also be addressed. He then spoke to the issue of private roads (in subdivisions) that are in such disrepair that health and safety issues are becoming a real concern. He added that while it is clear that some roads do not belong to the County, it would be incumbent on the County to search for a vehicle whereby the County can make those roads safe yet hold the developer liable for the costs involved. He reiterated that some of the roads are dangerous.

Commissioner Fletcher stated that he believed that the County should take over the maintenance of some of those roads then force the subdivision developer to become responsible for the costs.

Commissioner Fletcher explained that for years, the County approved subdivision permits without requiring the roads to be paved. Then there was a period in time when the County allowed developers to develop subdivisions but did not accept the roads. Then at another point down the road, the County said "o.k. we are not going to let you develop a subdivision unless you pave that road." He then stated "it is the people who bought lots in that window when we didn't accept the roads but still allowed the subdivision to be developed that have become victims. When they bought those lots, they thought that somebody was going to maintain those roads and that is not the way it is. It is time for us to do something about it."

The County Attorney was then given instructions to research the above described situations for possible solutions.

DISTRICT 2 REPORT

Chairman Watson reported that he had researched and found Ordinance 85-002 which required placement of culverts on all driveways or crossing of public roads in the County. The penalty

for not doing so is punishable by fine or imprisonment.

He asked that the ordinance be amended to remove the fine and imprisonment section but to add some kind of language that would allow the County to install pipe where there are no pipes but pass the costs on to the property owner.

County Attorney Richmond stated that the ordinance would need to include a notice of assessment. That notice of assessment can only be brought by the legislative body on a case by case basis. There is a due process requirement of a hearing to the Board after the property owner is notified of the assessment. If there is no protest by the property owner in that length of time, then a lien can be assessed against the property.

Commissioner Dixon suggested the following language: "If the failure to have a culvert pipe or the maintenance of a private road is deemed to be a threat to public safety or health, then Gadsden County Road and Bridge Department is authorized to install the required culvert, pipes, or perform the required maintenance with the costs of such improvements being assessed against the adjacent property owners."

Mr. Richmond stated that he would bring back a proposal for amending 85-002 and he would also bring something relating to the road situations.

ADJOURNMENT

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

Sterling L. Watson, Chairman

ATTEST:

Gadsden County Board of County Commissioners
April 7, 1998 Regular Meeting

Nicholas Thomas, Clerk

AT A SPECIAL MEETING OF THE BOARD OF
COUNTY COMMISSIONERS, HELD IN AND
FOR GADSDEN COUNTY, FLORIDA ON APRIL
24, 1998, THE FOLLOWING PROCEEDINGS
WERE HAD, VIZ.

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

CALL TO ORDER

Chairman Watson called the special meeting to order stating that it was called at the request of Commissioner Fletcher. He then turned the meeting over to him.

Commissioner Fletcher told the commissioners that there is great interest by some business people in Tallahassee to move the Tampa Bay Devil Rays farm team to Gadsden County. However, a stadium would have to be constructed.

Commissioner Fletcher then told the Board that the governor's office administers a fund designed to either entice or keep professional franchises within the State. He explained that the County would need to move quickly and would need a professional consultant to make it happen.

Commissioner Fletcher proposed that the County contract with Lane Stephens, an attorney and consultant (resume attached) for one month for \$3,000 to help the County acquire the funding to build a stadium for the Devil Rays farm team at the 10/90 Commerce Park. He continued by saying that the Board will know at the end of one month whether the money will be made available. If it appears at the end of that month that the money will be forthcoming but further services will be required from Mr. Stephens, the matter will be brought back to the Board.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 3 - 0, BY VOICE VOTE, TO CONTRACT WITH LANE STEPHENS FOR ONE MONTH FOR \$3,000.00 TO HELP THE COUNTY ACQUIRE THE FUNDS NECESSARY TO BUILD A STADIUM FOR THE TAMPA DEVIL RAYS FARM TEAM IN GADSDEN COUNTY. (COMMISSIONERS DIXON AND MCGILL WERE NOT PRESENT FOR THIS VOTE.)

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 3 - 0, BY VOICE VOTE, TO PAY THE ABOVE CONTRACT USING MONEY FROM THE GENERAL FUND CONTINGENCY. (COMMISSIONERS DIXON AND MCGILL WERE NOT PRESENT FOR THIS VOTE.)

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

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 MAY
5, 1998, THE FOLLOWING PROCEEDINGS
WERE HAD, VIZ.

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

ABSENT: CAROLYN ROBERSON

CALL TO ORDER

Chairman Watson called the meeting to order. County Manager Howard McKinnon led in pledging allegiance to the U.S. Flag and Commissioner McGill led in a prayer.

ADOPTION OF AGENDA

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO ADOPT THE AGENDA AS WRITTEN.

APPROVAL OF MINUTES

April 21, 1998 Regular Meeting

April 24, 1998 Special Meeting

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE MINUTES OF THE ABOVE STATED MEETINGS.

COUNTY ATTORNEY'S AGENDA

Lawsuits - Cooksey v. Gadsden County

Mr. Richmond stated that he had furnished each commissioner with the latest proposal from Attorney John Williams in the case of Cooksey versus Gadsden County. He stated that the plaintiff's demands have changed.

Commissioner McGill noted that Commissioner Roberson had requested in the attached memo that all controversial matters be postponed in her absence.

It was the consensus of the Board to delay discussion of the Cooksey settlement until Commissioner Roberson could be present.

Hospital - Bond Counsel Review of the Hospital Management Change

Mr. Richmond reported that he had received notification from Bryant, Miller & Olive (the hospital's bond counsel) that they found that the management agreement between Centennial and MedTech had no effect on the bonds. He added that a written opinion would be forthcoming.

Road Improvements - Hazardous Road Conditions in Private Subdivisions

Mr. Richmond recalled that at the last meeting certain private road conditions were brought to the attention of the Board. It was noted that lack of proper maintenance on those roads impaired the health and safety of the residents living along the roads. He continued by saying that the Board directed him to investigate possible alternatives to recoup county money when the County finds it necessary to make improvements to those private roads.

Mr. Richmond said that one of the alternatives proposed at the last meeting was to enact an ordinance which can impose a lien against the developer but would not jeopardize the current homeowners. He reported that since the County is not a charter form of government, it would be difficult to do what was proposed without adversely affecting the current owners.

Resolution - Conflict Attorney Appointments

Mr. Richmond stated that he would like to propose an advisory resolution to the State Court Administrator for the Chairman's signature to the effect that Ms. Cheryl Gentry not be permitted to handle cases in Gadsden County where the County is responsible for payment. He reported that while Ms. Gentry advised that she had worked on the Clausen murder case in Gadsden County full time for 6 weeks, she was also drawing a check from Leon County for being a conflict attorney over there. He added that he would like to see the Clerk and County Manager have more input into the conflict list and how payments are to be made.

Commissioner McGill remarked that he could not understand how she could work full time in Gadsden County and draw a check from Leon County as well. He asked if she was drawing the same salary from Leon County.

Mr. Richmond answered that he could not understand it either. She billed on the average 39 1/2 hrs. per week for 6 - 7 weeks to Gadsden County. He added that he did not realize at the time that she also had a contract to do conflict work in Leon County.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO AUTHORIZE THE COUNTY ATTORNEY TO DRAFT A RESOLUTION AS DESCRIBED ABOVE AND TO AUTHORIZE THE CHAIRMAN TO SIGN IT WHEN COMPLETED.

Mr. Richmond was instructed to follow through with meeting with the Chief Judge to address the problems and concerns with the appointment of conflict attorneys in Gadsden County.

Hazardous Roads continued

Commissioner Dixon asked Mr. Richmond if he knew of any way that the Board could remedy the hazardous privately owned roads without imposing penalties to the current owners.

Mr. Richmond noted that some of the subdivisions are so old that the developer is no longer associated with the subdivision and there is no mechanism with which to impose any kind of penalty on them. He continued by saying there is possibly some measures that can be taken to prevent it from happening in the future.

It was the consensus of the Board for the attorney to draft an ordinance that will affect all future developments and continue to search for a vehicle to resolve the older subdivision roads.

Commissioner Fletcher stated that the situation was caused by a former County Commission because they allowed developers to put into place those subdivisions without making them responsible for the roads.

Commissioner Dixon contended that the current board had also allowed a subdivision to be developed without requiring the infrastructure to be in place. He referred to the Canopy Roads Subdivision developed by Gene Williams in District 5.

Mr. Richmond explained that Mr. Williams had pre-approval for his subdivision that went back 15 years. He was grandfathered in under the old subdivision ordinance even though the subdivision is only a few years old.

Commissioner Dixon stated that the residents in Canopy Roads are "up in arms" because they had absolutely no way, short of going to court, of forcing Mr. Williams to do anything about the roads.

Commissioner Fletcher suggested that the Board make an inventory of all of the hazardous roads so that the County can do something about them.

Commissioner Dixon replied that he would like for the attorney to devise a method in which all developers can be held accountable for the road safety.

Commissioner McGill asked if the current commission should be responsible for previous actions of another sitting commission.

Commissioner Fletcher answered that such decisions must follow the Board. He continued that the Board should be doing something to alleviate the suffering of the residents who live on those hazardous roads. He referred to the subdivision across US90 from the Florida Highway Patrol station.

Chairman Watson argued that if the County takes over maintenance of the private dirt roads, an injustice will have been dealt to the developers who have been required to pave their roads.

Commissioner Dixon agreed that the developers who had properly installed the infrastructure should not be penalized. However, he felt that those who did not pave the roads should be made accountable for what it will cost the County to remedy the situation now. For that reason, he asked the attorney to continue looking for a legal vehicle through which those developers can be forced to pay.

Commissioner Fletcher again stated that it is this Commission's responsibility to see about the plight of the folks that live on unsafe roads. The plight was brought about by former Commissions which allowed the subdivisions to be developed without requiring some form of road maintenance. He reiterated that something must be done about it.

Chairman Watson contended that he would not object to anything that did not require the public works department to take over the responsibility for maintaining them. He added that he thought it would be wrong to accept those dirt roads when the Board is requiring other subdivision developers to pave theirs up front.

Commissioner Fletcher explained that he was referring to that window of time between the time that the Board accepted responsibility for the maintenance of those roads and the time that roads were required to be paved before the subdivision was

developed. He continued that the injustice was during that time frame.

Chairman Watson stated that some of the responsibility must be on the purchaser of property.

Commissioner Fletcher argued that those people had no way of knowing that their road was not going to be maintained by someone.

Chairman Watson contended that they should have known that they were buying property on a private road.

Commissioner Dixon stated that the developers had told the buyers that they (the developer) would maintain the roads until the County would take them. He argued that the extent of the suffering demanded that the County do something - either force the developer into fulfilling that responsibility or the County should intervene with relief.

Chairman Watson asked Mr. Richmond where the County would stand legally if the public works department should begin maintenance on the private roads.

Mr. Richmond stated that an ordinance was properly passed requiring developers to pave the subdivision roads. It was legal. That ordinance did significantly affect roads within the County. Many could not develop their property because of the costs involved with that ordinance. However, the ordinance was passed as a policy decision by the Board.

Mr. Richmond continued by saying that in order to correct situations that exist now and have long existed would require further research. He stated that he would draft something for the Board to consider.

Jack Hubbman, resident of Dixie Farms addressed the Board. He stated that some of the subdivisions had homeowners associations that were suppose to keep up the roads. He added that many of them are now defunct. He asked the Board what recourse he had to get road maintenance.

Edward Johnson, resident on Erline Hobbs Road in the Sawdust Community, told the Board that his neighborhood does not have a homeowners association nor do they have the financial means to bring a law suit against the people that sold them the land. He said that the residents had attempted to deed the right-of-ways to the County in 1996 but the County would not accept them. He asked that the Board direct the public works department to drag some ditches so that the water will run off the road. He added that

they were not asking that their road be paved. He reiterated that they have had extreme difficulty getting to and from their homes for many years and it gets worse as time goes on.

Commissioner Fletcher argued that the County should accept the right-of-way on Erline Hobbs Road and others like it because the former Board allowed the development without assuring that someone would properly maintain the roads.

Commissioner McGill asked how long the subdivision had been developed.

Mr. Johnson answered that it was 12 years old.

Commissioner McGill stated that he thought the County must find a way to get a handle on some of the private roads. He said that he had been traveling the County roads for the last 6 - 8 months. He reported that some of them are in ridiculously bad shape. He added that he has been getting numerous calls from people who need help.

Mr. Johnson asked why the County maintains some roads where no one lives. He then asked why the manpower could not be shifted to roads where people live instead.

Chairman Watson answered that someone owns the property adjacent to those roads. There is a land owner that needs access to the property.

Mr. Johnson contended that he and his neighbors also need access to their property.

Commissioner Fletcher agreed with Mr. Johnson.

Commissioner Dixon told Mr. Johnson that the Board was not his enemy. He also told him that the Board was trying to find a way to help him and his neighbors. He asked him to work with the Board to get something done.

Mr. Johnson told of a situation when an ambulance got stuck in the mud trying to get medical help to one of his neighbors. He reminded the Board that they thought it was important for the County to get the E 911 system up and running for emergency situations. He stated that it seemed to him that it would be equally important to ensure that the roads were in decent shape so that emergency vehicles could respond to E-911 calls.

AUDIT PROPOSAL

Mr. Mike Pattillo, CPA with Purvis, Gray and Company presented the Board with an engagement letter stating their desire to continue doing the Gadsden County audits for three more years. The new agreement would begin with the year ending September 30, 1998 for \$42,000 per year. He added that it is the same figure as charged for the last two years.

Commissioner Dixon stated that he would like to see the auditing services go out to bid this year. He explained that he thought that it would be good business practice to send the audit out every few years. He added that Purvis, Gray has done the audit for approximately 20 years. He said he was not in favor of the audit engagement letter.

Commissioner McGill stated that even if it goes out for bids, the Board may still end up with Purvis, Gray and Company. However, he added at least the Board would be assured that they were getting the most economical deal. He was in favor of going out for bids.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 3 - 1 TO SEND THE AUDITING SERVICES OUT FOR BIDS. CHAIRMAN WATSON CAST THE LONE DISSENTING VOTE.

COUNTY MANAGER'S AGENDA

Disaster Relief Funding FEMA Project Application No. 039-00000 DCA Agreement No. 98-EM-M9-02-30-01-174

Mr. McKinnon reported that he had received the Disaster Relief Funding Agreement from the Department of Community Affairs. He asked that the Chairman be given the authority to sign the agreement. He explained that it would help the county to mitigate the damages that resulted from the 12 inch rain. The agreement calls for the County to fund 12 1/2% as a share of the cost. He added that the in-kind contribution of manpower would meet the required match.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO AUTHORIZE THE CHAIRMAN TO SIGN THE DISASTER RELIEF FUNDING AGREEMENT AS DESCRIBED ABOVE.

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) Resolution No. 98-004 - Declaring May 17 - 23, 1998 as Emergency Medical Services Week
- 2) County Manager's Annual Leave Policy (increasing the annual leave from 15 days per year to 20 days per year.)
- 3) Appointment of Larry Helm as the at-large member to the Gadsden County Animal Control Committee
- 4) Extension of Term Notice - Farmer's Market Lease - extended to June 30, 1999. The lease rate remains unchanged and covers 31,785 square feet of floor space for \$12,025.36 per month.
- 5) Appointment of Harry Holt to the Nominee Qualifications Review Committee for Gadsden County - Health and Human Services Board, District 2
- 6) SHIP subordination Agreement for Victor and Diane Keaton
- 7) CDBG Contract # 97DB-1E-02-30-01-Y04 Hazardous Mitigation - Request for one year extension to June 25, 1999. The project was bided out to Capital Area Chapter of the American Red Cross.
- 8) BZF80 Sheriff Service of Process FY 98/99 IV-D Cases Agreement Child Support Enforcement
- 9) E-911 Road Name Change - Otho Road to Otho Whittle Road New road south off Salem Road (CR 159) north of Dogtown Road - La-Camelia Road (New)
- 10) Certification for Payment to Joel Lawson, Inc. for \$33,453.00 Check No. 031598 (For the record)
- 11) Invoice and payment to Lee & Bridges for \$1,098.00 - historic preservation of Quincy Square Project. Check NO. 031601 - For the Record.
- 12) Annual Update for Register Agent/District Form & Special District Information - Gadsden Hospital - For the record.
- 13) NFEDC/HOME/SHIP Partnership Project 93HH-27 - Notice of reallocation of funds.
- 14) Letter of Agreement with Lane Stephens - \$3,000 (Consultant hired to work on the possible Devil Rays baseball deal.)

CLERK'S AGENDA

Budget Amendments 98-05-05-01 through 98-05-05-09

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE ABOVE MENTIONED BUDGET AMENDMENTS.

Ratification of Approval to Pay 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.

DISTRICT 1 REPORT

Commissioner McGill called attention to a letter to the County from Senator Pat Thomas concerning the money which was appropriated by the Legislature for various Gadsden County projects. He called particular attention to the \$50,000 which was appropriated for the City of Midway. He said that the total amount coming to Gadsden County will exceed \$31.6 million. He asked that a letter of commendation from the Board be sent to Senator Thomas.

DISTRICT 4 REPORT

Commissioner Fletcher made no report.

DISTRICT 5 REPORT

Commissioner Dixon stated that he spent a lot of time this year in the legislative session. He said that while Gadsden County does not have a lot of representatives at the Capitol, it does have two of the most influential representatives in the State. He noted that Representative Lawson and Senator Thomas made some moves during this past session that will take Gadsden County through its next phase of growth. He closed by saying that the County had a banner year.

Commissioner McGill recalled that the County received \$100,000 in Article V funding.

DISTRICT 2 Report

Chairman Watson had no report.

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
COUNTY COMMISSIONERS, HELD IN
AND FOR GADSDEN COUNTY, FLORIDA
ON MAY 19, 1998, THE FOLLOWING
PROCEEDINGS WERE HAD, VIZ.

PRESENT: STERLING L. WATSON, CHAIRMAN
CAROLYN ROBERSON, VICE CHAIRMAN
W.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 Watson called the meeting to order. He then led in pledging allegiance to the U.S. Flag and a prayer.

ADOPTION OF AGENDA

Chairman Watson read an excerpt of a letter to the Board from Talquin Electric Cooperative in which they withdrew their application for a special exception permit to construct a waste water treatment plant in Midway. The application was then removed from the agenda. The letter cited lack of community support as a reason for withdrawing the application.

County Manager McKinnon asked to add to the consent agenda a SHIP Satisfaction of Lien for Annie Holland.

Pursuant to the request by Commissioner Dixon, the public hearing on Ordinance 98-005 - requiring placement of culverts and drainage pipes was duly noticed to be continued until June 2, 1998.

Commissioner McGill called attention to Commissioner Dixon's letter requesting that the Board take no action on the proposed ordinance requiring culverts and drainage pipes, the Stevens School Lease and the request for travel to the NACO Conference.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 0, BY VOICE VOTE TO ADOPT THE AGENDA AS AMENDED ABOVE.

APPROVAL OF MINUTES

May 5, 1998 Regular Meeting

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE MINUTES OF MAY 5, 1998.

COUNTY ATTORNEY

Public Hearing - Ordinance 98-005 - Requiring Drainage and Culvert Pipes

This item was removed from the agenda.

Law Suits - Cooksey V. Gadsden County

Mr. Richmond advised that the County must move forward with the Cooksey v. Gadsden County law suit. He added that it will require expert witnesses such as a hydrologist and a professional appraiser. He then asked for the authority to hire the expert witnesses.

Commissioner Fletcher stated that the Board should settle with Mr. Cooksey before more money is spent.

Commissioner McGill noted that the settlement amount had been changed from \$60,000 to \$100,000.

Chairman Watson stated that he could not in good conscience vote to settle for \$100,000.

Mr. Richmond reported that the County has been ordered by the Court to pay the attorney's fees to date.

Commissioner Fletcher stated for the record that he would abstain from voting on this matter due to the fact that Dr. Cooksey's son is his employee.

Mr. Richmond stated that the County must pay the following in order to pursue this case further:

- 1) Cost of filing the law suit
- 2) Court registry deposit
- 3) Attorney fees - the Court ordered "to date" and all those which will follow
- 4) Expert fair market appraisal of the property involved
- 5) Expert Hydrologist
- 6) Expert Surveyor
- 6) Severance damage to the water head - to be determined.

Mr. Richmond added that the suit will get complicated because part of the complaint will have to be directed against the State Department of Transportation. He explained that the majority of the water being dumped onto Dr. Cooksey's property clearly comes from SR 65.

He then stated that it would take approximately \$10,000 to pay for the expert witnesses cost up to the point of trial and an additional \$10,000 through the end of the trial.

Mr. Richmond then stressed that the County has been directed by the Court to move forward with the law suit.

UPON MOTION BY COMMISSIONER ROBERSON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 3 - 0, BY VOICE VOTE, TO AUTHORIZE THE COUNTY ATTORNEY TO HIRE EXPERT WITNESSES NECESSARY TO DEFEND THE COUNTY'S POSITION IN THE COOKSEY V. GADSDEN COUNTY CASE AND THE ASSOCIATED COSTS. COMMISSIONER FLETCHER DID NOT VOTE.

Stevens School Lease Agreement

This item was removed from the agenda.

PLANNING AND ZONING ISSUES

Growth Management Director Mike Sherman presented the following projects.

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

Note: Mr. Robert Harrell first proposed the above stated development to the Board for 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. (The proposed subdivision is located on the north side of SR 12, approximately 1.1 miles west of the Havana Town limits.) It came before the Board again 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 August 19, 1997 at which time it was given preliminary plat approval with the stipulation that he would develop only 76 lots on the 84.4 acres. Subsequent to that date, a law suit was filed which was later dismissed upon a stipulated settlement agreement being reached between the

parties. The Court ordered the dismissal of the case on April 20, 1998.

Mr. Sherman related to the Board that Mr. Robert Harrell requested an extension of the preliminary plat approval. He explained that the additional time is needed because litigation brought about by adjacent property owners to the proposed project caused a delay in the development. Mr. Sherman added that Mr. Harrell had also been required by the Board to redesign the lots which meant that he had to completely start over.

Discussion followed.

Mr. Richmond interjected that during the pendency of the litigation, (prior to everyone signing off on the stipulated agreement) Mr. Harrell could not have pursued work on the development. He added that Mr. Harrell had a very enforceable right in court to at least 18 months beginning from the date the dismissal order was filed in Court.

Chairman Watson questioned Mike Sherman as to whether Mr. Harrell could have begun working on his project as soon as he was given preliminary plat approval.

Mr. Sherman replied that he could have started the redesign. However, he added that it would not have been advisable to continue anything until the litigation was resolved.

The following people opposed the extension of the preliminary plat approval:

John Theil, Rt. 3, Havana, FL; 7577 Havana Highway, Havana, FL
Sandi Beare, Rt. 3 Box 786, Havana, FL
Nickie Beare, Rt. 3 Box 786, Havana, FL

Mr. Robert Harrell addressed the Board to defend his request for the extension. He stated that he had to start all over from scratch when the Board restricted the development to only 76 lots. (His original plan was designed with 96 lots.) He stated that as soon as he received official notification from his attorney that the dismissal order had been filed, he immediately went to the Planning and Zoning office to request the extension.

It was confirmed with Mr. Sherman that Mr. Harrell had made his request on May 1, 1998.

It was determined that Mr. Harrell's project had been hampered sufficiently to justify granting him an extension of 18 months.

If, at the end of the 18 months, he should need additional time, he can request it.

Mr. Harrell presented a copy of the Order Of Dismissal which was filed in court on April 20, 1998.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO GRANT MR. HARRELL AN EXTENSION OF 18 MONTHS FROM APRIL 20, 1998.

Public Hearing - Resolution - Florida's Expedited Permitting Review Process

Mr. Sherman stated that the State of Florida has made considerable progress over the last few years in attempting to speed up the permitting/review process for significant economic development projects which require state environmental permits. He added however, it could improve even more.

Mr. Sherman continued by saying that in order to shorten the process, the regulatory agencies must be able to provide quicker turn around time without jeopardizing the environmental standards.

He explained that there is a proposal being considered but it will require participation of the counties. The counties must first agree to the proposed process and participate in it to make it successful.

Mr. Sherman noted that this public hearing was set to adopt a resolution signifying Gadsden County's support and participation in the expedited process. He added the public hearing was advertised in the local newspapers. He called attention to Resolution # 98-005 (attached).

Discussion followed.

Chairman Watson called for public comments.

Mrs. Marian Laslie questioned if the new process would change anything with regard to the public's right to notice.

Mr. Sherman replied that the process is shortened once it goes to the State. Nothing will change as it relates to the public.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO ADOPT THE RESOLUTION AS DESCRIBED ABOVE.

RECYCLING Contract Number SW159

Mr. Herb Chancey told the Board that the 1997 Legislature appropriated \$1.7 million for special innovative recycling projects. The Department of Environmental Protection (DEP) developed the application criteria. Gadsden County submitted an application and has been awarded \$300,000. He noted that only 8 of the 67 projects were selected to receive the maximum funding of \$300,000. He presented the contract agreement for the grant for approval. (attached)

Mrs. Marian Laslie asked Mr. Chancey to give a brief description of how the grant will benefit the County.

Mr. Chancey explained that it will bring approximately \$200,000 of new equipment to the current program. It will expand the program, formalize and enhance the multi-county program which has been ongoing for 4 years. He added that this money will help the County's recycling program to survive if grants are ever eliminated at the State level.

Commissioner McGill asked how Gadsden County managed to receive as much money as Duval County.

Mr. Chancey explained that there were 5 different people who graded the applications. Each person graded each application separately without discussion among themselves. They used a formula by which they awarded points to each application. Because Gadsden presented a regional multi-county program, it was awarded an additional 10 points. Other points were awarded for innovative practices that are already a part of the project as well as the good reputation of the current recycling program.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 0, BY VOICE VOTE TO APPROVE THE CONTRACT DESCRIBED ABOVE.

BID AWARD

Bid #Y5-183 Paving of Merritt Lane

Management Services Director Arthur Lawson told the Board of Orange County's bid # Y5-183 for Asphalt Stabilization which was awarded to Asphalt Recycling, Inc. of Melbourne Beach, FL. He then reported that the Gadsden County Bid Committee recommended that the Board allow the County to "piggyback" on the bid of the Orange County bid and award the base stabilization contract for Merritt Lane to Asphalt Recycling, Inc. in the amount of \$30,999.92.

Asphalt Recycling proposed to perform a cold in-place mixing process on Merritt Lane. This process uses asphalt emulsion to

create a stronger road base material. In addition, the contractor will be expected to fine grade the entire length of the road.

Merritt Lane is approximately 20,944 square yards. Asphalt Recycling will supply the machine that will inject oil 8 " deep of the road base. It will also fine grade the road.

The County will supply AE200 emulsion, grader, roller and water truck with driver.

The grader and rollers will be operated by Asphalt Recycling.

Commissioner McGill asked what the total cost of paving Merritt Lane would be.

Public Works Director Jed Lugod explained that this bid is only for the road base stabilization. The Public Works Department has already done a substantial amount of work to the road - the culverts and cross drains have already been changed. After the stabilization is done, a seal coating will be placed on top of it.

Commissioner Fletcher asked if he knew whether or not this process will work in the clay material in Gadsden County.

Mr. Lugod replied that the contractor ran a test and determined that the type of soil on Merritt Lane is appropriate for this process.

Commissioner Fletcher asked if the contractor will guarantee that it will work.

Mr. Lugod answered that he will ask for a guarantee. He added that the process has been used successfully in other counties.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 0, BY VOICE VOTE TO AWARD THE MERRITT LANE ROAD BASE STABILIZATION CONTRACT TO ASPHALT RECYCLING, INC. FOR \$30,999.92.

Bid No. 98-007 - Two 6-inch Trailer Mounted Pumps

Mr. Lawson recalled that on April 7, 1998 the Board had authorized advertisement for two 6 inch pumps; a discharge hose as an alternate bid; and 900 - 1,000 ft. of eight-inch lay-flat hose as another alternate bid.

Note: The pumps will be used to de-water dirt pits so that heavy equipment can excavate dry material from them. Without the pumps, the pits stay wet and road repair progress is severely hindered.

Mr. Lawson reported that seven bids were submitted in response to the advertisement. Public Works Director Jed Lugod and the Bid Committee reviewed the bids and recommended that the bid be awarded to the low bidder, Boston Tractor Company, Inc. of Boston, GA. for \$29,220.00

Commissioner Fletcher noted that there is only a small difference between the low bid and the next lowest bid which is closer in proximity than Boston Tractor Company. He asked if the equipment is identical.

Mr. Lawson replied that the equipment is not identical. The pump unit itself would be identical but there are some differences because of the way the specifications were bid.

Commissioner McGill asked which of the vendors would be the most likely to respond quickly when there is a need for equipment repair.

Mr. Lawson answered that his question was not addressed in the bid process.

Commissioner McGill then asked what costs would be involved in the installation of the equipment.

Mr. Lawson replied that the equipment will already be installed on a trailer and ready to go.

Commissioner Roberson asked if the bid price included the delivery fees.

Mr Lawson replied that the bid is the delivered price.

Commissioner Fletcher remarked that the County has had a bad experience with a boom mower which was purchased from a company which is some distance away. He recalled that the machinery has been broken for more than 6 months.

Mr. Richmond confirmed that the mower is out of operation. He interjected that the County is involved in litigation in trying to get the boom mower repaired.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO AWARD THE BID TO FLORIDA IRRIGATION OF TALLAHASSEE, FL FOR \$31,200.

Salary Survey

Mr. Lawson recalled that the Board had expressed interest in obtaining a salary survey of the surrounding area during the 97/98 budget process. He asked for directions and clarification from the Board.

UPON MOTION BY COMMISSIONER ROBERSON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO PUT THE SALARY SURVEY OUT TO BID FOR THE PURPOSE OF DETERMINING HOW MUCH A PROFESSIONAL SURVEY AND ANALYSIS WOULD COST. THE RESULTS OF THE BID SHOULD BE BROUGHT BACK TO THE BOARD FOR A DECISION AS TO WHETHER TO GET A PROFESSIONAL SURVEY AND ANALYSIS.

COUNTY MANAGER'S AGENDA

Pre-Application for EDA Funding

County Manager Howard McKinnon called attention to a letter from Lane Stephens, the consultant hired by the Board to help the County acquire the funds necessary to build a stadium for the minor league baseball team if they desire to move to Gadsden County.

Mr. Lane Stephens addressed the Board. He explained that he had been hired to try to secure funding to assist Mr. Devoe Moore in the location of the Orlando Devil Rays Baseball Team to Gadsden County. Unfortunately, he reported that there were no vehicles traveling through the Legislature during the last week of the session to which an amendment could be attached. He explained that no one was successful in tapping into the professional sports franchise sales tax rebate program fund this year. However, the money is still there and it is still an opportunity.

Mr. Stephens stated that since the end of the legislative session, he had done extensive research to find alternative funding for the baseball stadium and specifically for the infrastructure that would be needed if the stadium were to come into play. He secured an application for an EDA grant from the Economic Development Administration. It is a 50/50 match program that can be used for infrastructure costs such as upgrading of Brickyard Road, asphalt construction, water mains, sewer mains, fire hydrants, etc.

Mr. Stephens reported that he had a meeting with Mrs. Mary Helen Blakesly with OTED in the Governor's office about state funds to help the County meet the cash match. OTED has a program called Rural Community Development Revolving Loan program that could provide up to \$350,000 as a loan to the County at a very low

interest rate. (2 or 2.5% interest rate) The terms for repayment are liberal as well.

The unique thing about the program with EDA and the Rural Community Development Revolving loan program is that it allows the County to meet the infrastructure needs in industrial areas in advance of any commerce making a commitment to come into the county. It requires a pre-application process to be sent to Atlanta to see if it is the type program that will help Gadsden County with its infrastructure needs.

Mr. Stephens described a number of other programs that may be available to Mr. Moore without involving the County in any way.

Mr. Stephens explained that moving a team is a long process. The Devil Rays ownership and management have to approve it, then it must be approved by the Southern League and then by the Professional Baseball League in Tampa.

Mr. Stephens told the Board that USDA has another grant that he is studying on behalf of the County. It could be used as an addition to the Brickyard Road improvements.

Mr. McKinnon explained that a pre-application must be completed and submitted in order for the Economic Development Administration (EDA) in Atlanta to evaluate the project. If the EDA guidelines are met, then the County will be invited to submit an application. He added that although this process is only a pre-application, a number of items must be obtained in order to complete the information. Some estimates need to be compiled and provided for the construction budget. Also a topographic map of the project site and engineering plans must be completed.

Mrs. Pat McLain asked Mr. Stephens if the improvement to Brickyard Road would be inside the city limits of Midway.

Mr. Stephens could not answer her question.

Commissioner McGill asked if this process is the application or the pre-application.

Mr. Stephens answered that it is only the pre-application. He stated that if the County were to begin the process right away, a decision would not be made until late fall regarding funding from Washington.

Commissioner McGill told Mrs. McLain that he would work hard to get the park annexed into the City of Midway or relocated into the City.

Mr. Stephens stated that he would come back to the Board with the pre-application once he has confirmed hard numbers. The costs of the construction of the stadium must still be analyzed then the County can make a determination as to what kind of financial commitment it would be faced with.

Mr. Stephens confirmed that the match for the grant must be cash.

Auditor Selection Process

Mr. McKinnon recalled that at the last meeting he received instructions to do an RFP for audit services. He said that it has been the custom for the Board to have an auditor selection committee comprised of the constitutional officers and a representative of the Board. He asked for directions regarding an auditor selection committee.

COMMISSIONER FLETCHER MADE A MOTION TO CONTINUE THE CONTRACT WITH THE CURRENT AUDITORS - PURVIS, GRAY AND COMPANY. COMMISSIONER ROBERSON SECONDED THE MOTION.

Commissioner McGill asked how that motion would affect the motion at the last meeting to go out for RFP for audit services.

Commissioner Fletcher clarified that he would like to forego the RFP process and engage Purvis, Gray and Company for an additional 3 years as outlined in their letter of engagement.

Commissioner McGill stated that he had no problem with Purvis, Gray and Company as an auditing firm. However, he added that he thought it was in the public's best interest to get proposals from other companies to ensure that the County is getting the most for its money. He explained that his feelings had not changed and he would maintain his vote to go out for RFP.

Chairman Watson stated that when he is happy with Purvis Gray and could see no reason for change.

Commissioner McGill stated that he thought there is an auditor general's opinion regarding selection of auditing services.

Chairman Watson maintained that he was not familiar with such an opinion and thought it should be the Board's prerogative to continue with Purvis, Gray.

Commissioner Roberson stated that she had only positive experiences with Purvis, Gray and had no problem in continuing their services.

Mr. McKinnon asked to clarify the term for which the letter of engagement should cover.

It was determined that the term should be whatever was proposed in their letter of engagement which was 3 years.

THE BOARD VOTED 3 - 1 IN FAVOR OF THE MOTION. COMMISSIONER MCGILL CAST THE LONE DISSENTING VOTE.

Contingency Request - Relocation of Septic Tank for Mrs. Nora Trawick and Ms. Tracy Trawick

Mr. McKinnon reported that in 1991 the County had agreed to relocate Mrs. Nora Trawick's and Ms. Tracy Trawick's mobile home and septic tank with proper design considerations to another suitable site on their property in exchange for the right-of-way along Atwater Road. (This was done during the process of paving Atwater Road.)

The cost of relocating the septic tank could cost up to \$5,000 because the new septic tank will have to be a mounded tank. He asked that the money be taken from the general fund contingency.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER ROBBERSON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE UP TO \$5,000.00 FROM THE GENERAL FUND CONTINGENCY TO PAY FOR THE RELOCATION OF THE SEPTIC TANK DESCRIBED ABOVE.

SHIP - Tour of Homes

Mr. McKinnon called attention to a memo received from Mr. Stephen J. Bennett of the Florida Housing Finance Authority following the annual SHIP Tour of Homes in Gadsden County. He remarked that the tour was very successful and the local program was commended. Mr. Bennett sent the attached memo stating that he was impressed with the service and the quality of the product the staff is providing to the residents in Gadsden County. In addition, Mr. Bennett found that the Gadsden County SHIP program met the requirements of the statute and the rule.

March of Dimes Presentation

Ms. Alice Dupont recognized the County as being the best new team in the "Walk America," fund raising campaign for the March of Dimes. She noted that the County raised \$1,500. Overall she noted

that the campaign raised \$58,000 which exceeded the goal by \$10,000.00.

Mr. McKinnon commended the employees for doing an outstanding job.

NUISANCE COMPLAINT - HELEN TUCKER

Mrs. Helen Tucker, 304 Choctaw Dr., Ochlocknee Estates, Rt. 6, Box 614, Havana, FL 32333 appeared personally before the Board to make a formal nuisance complaint about her neighbors, Susan and James Hobbs. She referenced former complaints which she and her neighbors had filed with the Code Enforcement Department. (See minutes of April 7, 1998 for more details.)

Mrs. Tucker reported that an extraordinary amount of trash continues to be unsightly in the Hobbs yard. She reported also that the Hobbs have nine dogs that deposit feces in the neighbors' yards as well as their own. She said that the odor was so terrible that she can not abide being outdoors. In addition, the dogs bark continuously through the night making it impossible to sleep.

Mrs. Tucker told the Board that in addition to the nuisance violations, Mrs. Hobbs had verbally threatened her to the extent that it was necessary to seek a restraining order against Mrs. Hobbs.

Mrs. Tucker stated that she was told that the Mrs. Hobbs had appeared before the Board in a wheel chair and gained the Board's sympathy with her claim of being handicapped. Mrs. Tucker reported that Mrs. Hobbs can and does walk and drive at her convenience.

Mrs. Tucker related an incident in which Mrs. Hobbs stated that she was pleased that a complaint had been filed against her because as a result, the County helped her get repairs made to her home for which she did not have to pay.

Mrs. Tucker closed her remarks by asking each commissioner to visit her neighborhood and see first hand the problem she had just described.

Chairman Watson asked if any of the commissioners had been out to the Hobbs home.

Commissioner McGill answered that he had visited the site. He added that he asked someone from the Health Department to make an inspection of the property to see if there were any health hazards. He said that he has not received a report from them as of this date.

Mrs. Tucker told the Board that the nuisance has been ongoing for more than 8 months.

Chairman Watson stated that he felt that the Board had not fulfilled its responsibility with regard to the complaints filed in this matter.

Ralph Goodson, Mrs. Tucker's son, addressed the Board to affirm his mother's complaints.

Commissioner McGill stated that he had received calls from other neighbors who are equally upset as Mrs. Tucker. He said that he felt the County Commission would be shirking it's responsibility if it did not find a way to bring some relief to the complainants.

Mr. Richmond interjected that this is a matter where there are ordinances in place to address it. He added that the only way the Board can properly address the problem is through the due process requirements of the ordinances. The ordinance requires that the Code Enforcement Department bring a complaint to the Board and have all parties present during discussions.

Chairman Watson stated that he thought each commissioner should visit the Hobbs home before the next hearing.

Commissioner Fletcher stated that he was ready to resolve the matter.

Mr. Mike Sherman was directed to bring the complaint back to the Board for a code enforcement hearing and to notify all parties involved.

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) Economic Development Activity Report for April, 1998 filed by the Chamber of Commerce
- 2) Bond Counsel Opinion Re: \$4,040,000 Gadsden County, Florida General Obligation Hospital Refunding Bonds, Series 1995 - execution and delivery of agreement between MedTech of North Florida and Centennial Healthcare Management Corporation will not adversely affect the exclusion of interest on the series 1995 Bonds
- 3) Gadsden County Task Force on Domestic And Sexual Violence Request to Plant Flowers at the Memorial Site of the

Victims of Domestic Violence and to Erect a Sign to Inform People that October is Domestic Violence Awareness Month

- 4) Proclamation of Month of May as Teen Pregnancy Prevention Month.
- 5) Notice from DEP - Compliance of Rule 62-701.630, Florida Administrative Code - Chattahoochee Landfill and Gadsden East Landfill
- 6) Literacy Grant Application
- 7) Satisfaction of SHIP Lien on Annie Holland

CLERK'S AGENDA

Revenue Sharing Application

Clerk Nicholas Thomas requested authority for the Chairman to sign the State Revenue Sharing Application.

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 STATE REVENUE SHARING APPLICATION.

BUDGET AMENDMENTS

98-05-21-01 through 98-05-21-07

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE ABOVE STATED AMENDMENTS.

Ratification of the Approval to Pay County Bills

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO PAY THE COUNTY BILLS.

DISTRICT 1 REPORT

Commissioner McGill made no report.

DISTRICT 3 REPORT

Industrial Development Authority Appointment

Commissioner Roberson appointed Charles N. Thrash to the Industrial Development Authority.

Resolution - Mary Francis Cowen

Commissioner Roberson presented a resolution recognizing and honoring Mrs. Mary Frances Cowen who died recently for her years of service to her community, the Library Commission and her work for the Chattahoochee City Library. The resolution is to be presented to her family and the news media.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 0, BY VOICE VOTE TO APPROVE THE RESOLUTION HONORING THE LIFE OF MARY FRANCES COWEN.

DISTRICT 4 REPORT

Commissioner Fletcher had no report.

DISTRICT 2 REPORT

Chairman Watson had no report.

DISTRICT 5 REPORT

Commissioner Dixon was not present.

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
COUNTY COMMISSIONERS, HELD IN
AND FOR GADSDEN COUNTY, FLORIDA
ON JUNE 2, 1998, THE FOLLOWING
PROCEEDINGS WERE HAD, VIZ.

PRESENT: STERLING L. WATSON, CHAIR
CAROLYN ROBERSON, VICE CHAIR
WILLIAM A. 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. County Attorney Hal Richmond led in pledging allegiance to the U.S. Flag. County Manager Howard McKinnon led in a prayer.

ADOPTION OF AGENDA

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

APPROVAL OF MINUTES - May 19, 1998 Regular Meeting

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE MINUTES OF THE ABOVE STATED MEETING.

COUNTY ATTORNEY'S AGENDA

Ordinance Public Hearing - 98-005; Ordinance Requiring Drainage and Culvert Pipes and Providing for Payment

County Attorney Hal Richmond presented the above described ordinance. He explained that it was advertised for a public hearing and adoption for the last regular meeting on May 19, 1998. The hearing was continued by public announcement until this meeting. The ordinance is in addition to Ordinance 85-002. He then read the ordinance title into the record as follows:

"An ordinance requiring water drainage pipes or culverts under all driveways or other crossings of rights-of-ways of public roads in the unincorporated areas of Gadsden County, Florida; providing for the installation thereof by Gadsden County's public works department; providing for the payment of the costs of installation; providing for liens against the

property to which said violating driveway or crossing of the right-of-way leads; providing for civil and criminal penalties; providing for severability; providing for repeal of inconsistent ordinances and providing an effective date."

Chairman Watson called for discussion from the Board.

Commissioner Dixon opposed the proposed ordinance. He stated the ordinance does not provide for the "grandfathering" of those people who had historically accessed their property without culverts prior to the adoption of the 1985 ordinance. He summarized his objections by saying that if a culvert on a given piece of property serves a public purpose or a community need, the cost of installing it should be absorbed by the County - not the property owner.

Commissioner Fletcher stated that he thought the ordinance would work an undue hardship on a lot of people if the County should force them to put in the culverts at their own expense. He concluded by saying "It is wrong and I don't think we ought to do it."

Chairman Watson reminded the commissioners that an ordinance has been on file since 1985 requiring people to install culverts.

Commissioner Fletcher stated that he felt folks should have been "grandfathered in."

Chairman Watson stated that it was not the intent of the ordinance to deliberately set out to find people who do not have culverts already installed. The intent was only to alleviate drainage problems which is caused by lack of a culvert. It was not the intent to have a culvert police.

Commissioner Fletcher stated that this ordinance will certainly allow that to happen.

Chairman Watson compared the intent of this ordinance to the intent of the dangerous building ordinance which was passed recently. There was no intent to go around the County looking for situations. The exact same concerns were expressed with it as well.

Commissioner Dixon recalled that the dangerous building ordinance dealt with the health, safety and welfare of the entire public whereas the culvert ordinance would only deal with the health, welfare and safety of those who live in a hundred-year flood zone.

Chairman Watson explained that his point was that the dangerous building ordinance could open up the opportunity to go around looking for dangerous buildings even though it was not the intent of the ordinance.

Commissioner Dixon stated that the two are not synonymous in any way. He reminded the Chairman that there was a compromise when the dangerous building ordinance was approved to the effect that the Board agreed not to deliberately set out to go looking for dangerous buildings. He suggested that if and when a dangerous building should fall on someone, public outcry will surely follow. By having an ordinance on record, the public could say that we should have done something about the building before that someone got hurt. The intent of that law is only good until something bad happens. The County will see very quickly that the intent of the ordinance will change.

Chairman Watson referred to a situation on Dave Thomas Lane where a drainage problem could be easily corrected if one of the property owners would install a culvert. However, that owner refuses to do so.

Commissioner Fletcher stated that the County should put the culvert in at County expense.

Commissioner Dixon asked if that property owner failed to heed the law when the structure was built?

Chairman Watson replied that he did not know.

Commissioner Dixon stated that if the structure was in place before 1985, the property owner was not required to install a culvert. He added that he was weary of drafting ordinances to fit one particular person.

Chairman Watson rebutted that this situation is not the only one like it in the County.

Commissioner Dixon stated that if someone circumvented the law, it becomes a different question. But the proposed ordinance does not address that.

A MOTION WAS MADE BY COMMISSIONER FLETCHER AND SECONDED BY COMMISSIONER DIXON TO REJECT THE PROPOSED ORDINANCE AS IT IS WRITTEN AND DESCRIBED ABOVE.

Chairman Watson called for public input.

Mr. Billy Mote was recognized for comments. He asked why the people should be required to put in more culverts when the County does not maintain the ones that are already in place. He told them that he knew of many culverts where the County does not even dig the dirt out of the ends so that the water can flow.

Chairman Watson told Mr. Mote that he recognized that the County has not been keeping up the culverts as they should. He continued by saying that the County has purchased a piece of equipment that will clean the culverts. However, it has not arrived yet.

Mr. Mote told the Board that he has a gully across his drive caused by water that should drain through his culvert. The water can't drain through the culvert because it is clogged with dirt. He said that he reported it to the county manager months ago and nothing has been done about it as of this date.

THE BOARD VOTED 3-2, BY VOICE VOTE, IN FAVOR OF THE MOTION TO REJECT THE ORDINANCE. THE MOTION PASSED. COMMISSIONERS FLETCHER, MCGILL AND DIXON VOTED "AYE" AND COMMISSIONER ROBERSON AND CHAIRMAN WATSON VOTED "NO."

Farms at Quincy - Extension Agreement

Mr. Richmond recalled that the Board approved an extension of the Farms at Quincy development order on April 21, 1998. The agreement was originally negotiated with Mr. Bill Crawford in 1991.

It was duly argued by the Board at the April 21 meeting and a resolution was passed to extend the development order for ten years. Subsequently, Mr. Crawford has requested that a hard copy agreement be drawn up reflecting the Board's action. He asked for directions.

It was the consensus of the Board to notify Mr. Crawford to have his attorney prepare an appropriate agreement and the County will sign it after a proper review.

GADSDEN PRIMARY CARE CENTER

Mr. Joel Montgomery addressed the Board as the Chief Executive Officer for North Florida Medical Centers, Inc. (NFMCI). He introduced his staff: Dr. Jessie Furlow, Physician; Phyllis Knottage, Chief Financial Officer; Eloise Sykes, Chief Bookkeeper; Becky Veely, Human Resources Coordinator.

Mr. Montgomery told the Board that NFMCI is a not-for-profit organization in Tallahassee. It owns and manages six primary care clinics in medically underserved areas of North Florida. Gadsden

Medical Center is one of the facilities which is co-located with the Gadsden County Public Health Unit (GCPHU.)

Mr. Montgomery stated that the purpose of his appearance was to request a reduction in the annual rent from \$50,000 per year to \$10.00 per year. Gadsden Medical Center paid the County more than \$500,000 in rent over the past 11 years and the County's debt on the building was completely satisfied by the rental income.

For further detail, refer to the written proposal attached to these minutes.

Commissioner Dixon asked someone to explain the role of the public health department and its relationship to NFMCI. He stated that he would favor lowering the rent but could not support a reduction to a mere \$10.00.

Chairman Watson reminded the Board that the projected rental income was used as revenue to balance the current year budget. He also reminded them that NFMCI has requested that the County make some repairs to the building.

Commissioner Dixon stated that he would like to be certain that the reduction in rent would be supplemental to the health services and not supplanted to do some other things such as salary increases in other locations.

Dr. Jessie Furlowe addressed the Board to answer questions.

Ms. Cindy Bradford addressed the Board to answer questions regarding the relationship between the GCPHU and NFMCI.

Chairman Watson directed questions to Clerk Thomas regarding the building costs.

Clerk Thomas told the Board that the building actually cost \$500,000 and it was refinanced three times before it was actually paid off. He confirmed that there was some general fund money used to pay for the building in addition to the rental income.

A MOTION WAS MADE BY COMMISSIONER DIXON TO REDUCE THE RENT BY 50% WITH CONTINUAL MONITORING BY THE COUNTY'S ADMINISTRATION. THE NEW RATE IS TO BEGIN AT THE CONCLUSION OF THE CURRENT LEASE CONTRACT. COMMISSIONER FLETCHER SECONDED THE MOTION.

There was further discussion regarding the relationship between the GCPHU and NFMCI. It was determined that are mutual agreements whereby the GCPHU provides public health services, family planning, maternity and pre-natal indigent care,

immunizations, communicable diseases etc. The GCPHU has a sliding fee scale. When there is a client that has a primary care need, they are referred to NFMCI on a sliding scale fee also. There is not a duplication of services between the two facilities. They work together to provide all services needed by Gadsden County indigent patients.

THE QUESTION WAS CALLED BY COMMISSIONER FLETCHER.

Further discussion followed regarding the ending date of the current lease agreement.

THE QUESTION WAS CALLED AGAIN BY COMMISSIONER MCGILL.

THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE 50% REDUCTION OF THE LEASE FOR THE PRIMARY CARE BUILDING TO NORTH FLORIDA MEDICAL CENTER, INC. EFFECTIVE WITH THE NEW LEASE AGREEMENT WHEN IT COMES UP FOR RENEWAL. IT WAS FURTHER AGREED THAT THE LEASE WILL BE REVIEWED ANNUALLY.

GRANTS E-911

Major Alvin Pickles addressed the Board. He told the commissioners that in order to have only one answering station per dispatch position with the new E-911 telephone system, the County needs to combine the existing North Star unit with the new Positron unit. This will incorporate all administrative and 911 lines into a single answering station. He then asked for approval to pay \$749.00 up front costs and monthly cost of \$120.70. All funds will come from the E-911 surcharge fees.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE PAYMENTS DESCRIBED ABOVE. COMMISSIONER FLETCHER WAS NOT PRESENT FOR THIS VOTE.

GRANTS - DRUG ABUSE - SFY 1999 DRUG CONTROL & SYSTEM IMPROVEMENT - EDWARD BYRNE PROGRAM

Captain Jim Godwin told the Board that the Gadsden County Sheriff's Narcotic Unit is in the process of submitting the 1999 Drug Control & System Improvement Formula Grant Program (Edward Byrne Program) to the Department of Community Affairs. The grant is for \$100,070 which requires a County match of \$33,356.66. He then asked for approval of the grant saying that the local match is funded with drug abuse fine money and general fund money.

Chairman Watson asked when it would be necessary to meet the matching funds.

Captain Godwin replied that it would be necessary to appropriate the cash match in the FY98/99 budget.

Commissioner Dixon asked if the Board will make the match or if the Sheriff will make the match.

County Manager Howard McKinnon replied that part of the money comes from the drug abuse fine money collected through the courts. The remainder will be transferred from the general fund. Approximately \$19,500 comes from the general fund. He emphasized also that the program includes participation from all law enforcement agencies in the County.

There was some discussion about the fine collections versus assessments. It was determined that sufficient money is assessed in drug cases to support the required match. However, the money that is actually collected is not adequate.

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE GRANT APPLICATION DESCRIBED ABOVE.

GREENSBORO - REQUEST FOR PLACEMENT OF SPEED ZONE LIGHT AT 270 WEST OF GREENSBORO

Greensboro Police Chief Morgan Markham addressed the Board saying that there is a safety concern for children at the Greensboro Elementary School. He stated that there is no set speed limit/zone for the school. He went on to say that vehicles speed through the school zone in excess of 55 mph. He stated that there are no signs erected specifying a slower speed. He also stated that it is out of his jurisdiction to police the traffic there.

Chief Markham said that he had contacted Florida Department of Transportation (DOT) and they will place flashing speed zone lights with timers at the high school on SR 12 because it is a State Road.

Since the County maintains CR 270 he proposed that the County place flashing speed zone lights with timers on CR 270 before and after the Elementary School and a flashing speed zone light with timer on CR 270B.

Commissioner Dixon stated that he thought the school Board was responsible for traffic lights.

Commissioner Roberson stated that she had received a phone call regarding the light.

Clerk Thomas told the Board that there is an agreement with DOT and the County accepting some responsibility regarding school zone lights as well as lights on certain state roads. The blanket agreement was signed in 1987.

Commissioner Dixon asked how soon the signs could be erected.

Chief Markham answered that they should be installed before the next school session.

Commissioner McGill suggested that the County act expeditiously to have the lights installed.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER MCGILL THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO DIRECT THE COUNTY MANAGER TO LOOK INTO THE MATTER DESCRIBED ABOVE AND TAKE NECESSARY ACTION TO RESPOND TO THE REQUEST EXPEDITIOUSLY.

REQUEST TO WAIVE PERMIT FEES FOR CHARTER SCHOOL

Ms. Sondra Anderson addressed the Board. She told them that she is one of two people for whom the Gadsden County School Board has approved a charter school which will receive federal funds. She stated that she has secured a place for the school at the Harris Flea Market which is zoned commercial. She asked the Board to waive the \$350 small scale land use change fee and any building inspection fees charged by the County.

Discussion followed.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO WAIVE THE SMALL SCALE LAND USE CHANGE FEE AND ANY BUILDING INSPECTION FEES CHARGED BY THE COUNTY.

Mr. McKinnon asked to clarify that there is a fire inspection fee that is charged by the City of Quincy that the County cannot waive. He also said there is a radon fee which is imposed and collected by the State.

PLANNING AND ZONING ISSUES

Growth Management Director Mike Sherman told the Board his department has received a request from Ms. Betty Ralicki to have a traffic study performed for Salem Road and ultimately reduce the speed as determined by the study.

Mr. Sherman explained that the County could be liable if the speed limit is changed without a study being performed. (It is customary to have a study prior to changing speed zones to prove the necessity for the change.) He asked for directions from the Board. The speed on Salem Road is currently 45 mph.

Discussion followed regarding whether to perform an in-house study or to have a private consultant do the traffic study. (The cost of a study was estimated to be about \$3,000).

Commissioner Dixon stated that he would expect very little enforcement if any. He suggested that the County just post a sign that reads "Speed Reduced Ahead."

Commissioner McGill asked if it would be necessary to pass an ordinance in order to reduce the speed.

Mr. Sherman replied that Mr. Lugod could be instructed to place a sign on the road. However, he stated that his experience had been that it is best to do a traffic study prior to implementing a new speed zone.

Mr. Sherman was instructed to ascertain what a traffic study would cost and bring the matter back to the Board.

Mr. McKinnon was instructed to have the public works department erect whatever sign it could legally to effect a slow down of the traffic on Salem Road.

CODE ENFORCEMENT ITEMS

Hobbs Nuisance Violation

Overland Construction Sign Violation

Mr. Sherman was instructed to set hearings for the above described nuisances for the first meeting in July.

COMPREHENSIVE PLAN - CHANGES TO THE DENSITY REQUIREMENTS FOR THE RURAL RESIDENTIAL CATEGORIES

Mr. Sherman recalled that he had received requests from some of the commissioners to make changes to the allowable densities in the land use categories of the comprehensive plan. He stated that it would require an amendment and he would like to have a good understanding from the Board as to how he should proceed. He noted that he had been unsuccessful in his attempts to reach individual commissioners for their input. He then asked for directions.

Chairman Watson said that he did not think the County would have much success in getting approval of such an amendment from Department of Community Affairs (DCA). He then pointed out that such an undertaking would be very time consuming. He stated that he was inclined to leave the plan as it is.

Commissioner Dixon stated that he would like to see the density go to one house to one acre. He pointed out that there is a lot more a stake than whether the County has time to do an amendment. He stated the he realized that it is a major shift in policy but with proper planning and adequate lobbying, it could be accomplished.

Commissioner Dixon pointed out that the economic ability of the general population of Gadsden County is such that they can not afford to own more than one acre of land. The current density ratios impose a hardship on those who support the tomato farms and nurseries. He said that there is no real justification for the densities to be greater than one dwelling to one acre of land.

Commissioner Dixon concluded his remarks by saying that he knew that it would take a lot of time and lobbying but he felt it would be worth the effort. He was in favor of moving forward with a comp plan amendment.

Chairman Watson called for public comments.

Mrs. Rosemary Banks, Community Development Director, urged the Board, when making amendments to the comp plan, to not put such limits on the land use for it greatly impacts affordable housing in the County. She asked them to modify it to reflect the uniqueness of the County - not merely to take another county's plan and try to re-mould it.

Mrs. Banks continued by saying that the County needs to look out for "it's" citizens. "It's" citizens include a lot of very low to moderate income people who will not be able to find financing for two, three, ten or twenty acres of land as required by the comp plan. She told the Board that financing agencies for housing in Gadsden County will not finance over one acre of land for low income people.

Mr. Billy Mote agreed with Mrs. Banks comments. He stated that young couples can not afford to go out and buy land and build a house. He said he could approve of one house per acre, but not more than one acre.

Mr. Sherman asked if the study should be only for those areas currently zoned rural residential or should it encompass the rural residential and the agricultural categories.

Mr. Sherman stated that the County, by law, must use the projected population threshold figures provided in the Florida Administrative Code Rules. Also by law, the County must allocate residential areas to allow for that projected population to be met.

If the County should apply the one house per one acre density to all land use categories, it will effectively take away all agricultural lands for densities. That would allow for an increase in the population up to 200,000 people.

Mr. Sherman continued. He said if the County established the one house per acre in only the rural residential categories, there is a much better chance of getting DCA to approve it. On the other hand, he said "I can tell you that if we take away all the agricultural land in this County, as far as residential densities, there is absolutely no way that DCA is going to agree to it. Our population is going to be "x" , but our allowable population will be "50 times x."

Commissioner Dixon asked Mr. Sherman to prepare a written report demonstrating the following:

- 1) How a one to one density of the rural residential categories will affect the comp plan
- 2) How a one to one density of the agricultural areas will affect the comp plan.
- 3) How DCA is likely to view each of the above.

Commissioner Dixon told Mr. Sherman that he had received his messages when he tried to reach him by telephone. He then apologized for not returning his calls.

Mr. Sherman concluded by saying that he would like to talk to each commissioner individually and get their input into the process.

COUNTY MANAGER'S AGENDA

Travel Request

Mr. McKinnon asked the Board to approve travel for Commissioner Dixon to attend the National Association of Counties.

He added that he will be the President of the Florida Association of Counties next year and it would be most appropriate for him to attend the National meeting. The projected expenses were \$1,950.00.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE TRAVEL EXPENSE FOR COMMISSIONER DIXON TO ATTEND THE NATIONAL ASSOCIATION OF COUNTIES IN PORTLAND, OREGON.

CONSENT AGENDA

Chairman Watson called for questions and comments regarding the consent agenda. There was no response.

UPON MOTION BY COMMISSIONER ROBERSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 4 - 1, BY VOICE VOTE, TO APPROVE THE CONSENT AGENDA TO WIT:

- 1) Letter of default of lease directed to North Florida Education Development Corporation for space at Stevens School Building effective February 3, 1998. County to retake possession of the building no later than 10 days from date of correspondence - May 26, 1998.
- 2) Resolution 98-009 - EMS Write Off of Bad Debts totaling \$76,158.73
- 3) Resolution 98-008 - County will not be responsible for the payment of attorneys who do not follow the administrative order in obtaining pre-approval by the Court for fees and costs; request that Second Judicial Circuit Conflicts Committee provide for local attorneys of Gadsden County to receive all conflict access unless the number or volume is too great; in first degree murder cases, the Second Judicial Circuit Conflicts Committee should receive the input of Gadsden County prior to the appointment of any attorneys on first degree murder cases to insure the proper funding and a willingness to cooperate with complying with the Administrative Order.
- 4) Bid Award for petroleum products to Petroleum Traders: Premium Unleaded Gasoline (-.0278) and # 2 low sulfur diesel fuel (+.0086) over the OPIS/Bainbridge/Average.
- 5) \$10,000 Recycling Grant Approval - Department of Environmental Protection Contract No. SW169
- 6) Financial Statements and Independent Auditor's Report for Quincy-Gadsden Airport Authority.
- 7) E-911 Road Name Changes
Dipvat Road changed to Old Church Road
J.E. Corry Lane to Morey Lane
New Road North off SR 12E W. of Tallavana named Coca-Cola Ave.

- 8) Letter of Support of Carter-Parramore's effort in submitting a proposal for the purpose of implementing the School to Work System entitled, "Making The Pieces Fit"
- 9) Contract Agreement with Commercial Roofing, Inc. for re-roofing of Quincy Square Project 98-004 Base bid for \$41,700 plus \$2.00 unit costs for removal and replacement of damaged wood deck.
- 10) Warranty Deed to Betty Kenon Lot 4A on the Goldwire Road SHIP Program
- 11) Satisfaction of Rehabilitation & Special Assessment Lien on Katie Mae Williams dated January 1, 1986, OR Book 326 Page 1287-1289
- 12) Lease Agreement - Wetumpka Fire Department - land owned by State of Florida Lease No. 3599

CLERK'S AGENDA

Cash Report & Financial Statements

Clerk Thomas told the Board that the County has \$9.4 million in actual cash in the bank. \$1,085,356.48 in Quincy State Bank; \$7,653,166.23 invested at SBA; \$753,889.86 in escrow accounts. He then called attention to the financial statements. He pointed out that the County has now collected about 75% of the projected revenues. He said that 40% of the inter fund transfers have been made thus far. He reported that expenditures seem to be under control and he could not foresee any problems. However, he did point out that the local option gas tax revenues are lagging but should not pose a problem.

Budget Amendments

98-06-02-01 through 98-06-02-09

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE ABOVE STATED BUDGET AMENDMENTS.

Ratification of the Approval to Pay County Bills

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

DISTRICT 1 REPORT

Commissioner McGill called attention to the Cooksey law suit. He stated that he had talked with members of the Cooksey family

who indicated that they would settle for a \$60,000 settlement and the installation of a riser. He asked for the Board to revisit the issue.

There was a consensus to agenda the matter for a later date.

Mr. Richmond stated that the riser requested by Mr. Cooksey had full discussion before the Board at a previous meeting. It was determined at that meeting that the riser could infringe on the rights of others. He pointed out that he would be attending the FAC Conference and he will miss the next regular meeting. He asked that the Cooksey matter be agendaed for the first meeting in July.

Road Maintenance of Unpaved Nonpublic Roads

Commissioner McGill reported that he had traveled several nonpublic dirt roads which are in dire need of maintenance by the County. He was particularly concerned about several in District 4.

He stated he would agenda the matter by road name for the next meeting.

Commissioner Dixon asked Mr. Richmond if he had made any progress in finding a mechanism to make a developer be responsible for maintenance of some of the private roads which needed work.

Mr. Richmond stated that he would have no problem in writing some type of ordinance to make a developer responsible for future projects. The problem has been in finding some remedy for those roads already in existence.

However, Mr. Richmond reported that he had contacted one developer regarding conditions of a subdivision road. That developer agreed to place limerock on the entire road.

DISTRICT 3 REPORT

Commissioner Roberson spoke to the issue of naming roads and placement of road signs resulting from the implementation of the E-911 Program. She asked that the County set a deadline date as to when citizens could petition the Board for changes to their newly assigned road names.

There was a consensus to have the County Manager to bring a formal recommendation dealing with road name changes to the Board for consideration.

DISTRICT 4 REPORT

Frank Jackson Road

Morris L. Baker addressed the Board as a resident from the Friendship Community. He told the Board he had a petition requesting that their road be paved.

Commissioner Fletcher stated that he had previously argued with the Board for paving their road without success. He told Mr. Baker that he understood their request.

Chairman Watson told Commissioner Fletcher that until the road paving prioritization list is changed that the Board must adhere to it.

Commissioner McGill stated that he had hoped that the County could have new criteria established for the road paving prioritization list before the end of the fiscal year. That would allow for addressing the more critical needs first.

A MOTION WAS MADE BY COMMISSIONER FLETCHER AND SECONDED BY COMMISSIONER DIXON TO AUTHORIZE THE COUNTY MANAGER TO PROCEED WITH A COMP PLAN AMENDMENT TO CHANGE THE CRITERIA USED IN FORMULATING THE ROAD PAVING PRIORITIZATION LIST.

Chairman Watson asked the attorney if it would be proper to vote on this item since it was not agendaed.

Mr. Richmond responded that, technically speaking, the Board should not act on an unagendaed item because it did not have due notice to the public. However, the particular motion on the floor dealt more with instructions to the staff on a matter that will ultimately be brought forth for a full public hearing. (The hearing would appear on an agenda at a future date and it would be advertised in local newspapers.) He advised that a vote would not be improper.

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

Road Resurfacing Bid

Commissioner Fletcher stated that he would like to change (by addendum) the specifications from the way the engineer has them specified in the resurfacing bid. He asked that it be changed to a 50 pound leveling course (with 1/2 " asphalt) then a 1 1/2" overlay on top of that - giving a 2" resurfacing job on the roads. He said it will save about \$250,000.

Commissioner Roberson stated that she would like to have a meeting with the engineer that wrote the specifications to find out why he wrote the specifications the way he did.

Commissioner Fletcher pointed out there is a problem with the quantities of the roads in the bid. For example, the bid states that 65-A north of SR 12 is just 1 1/8 mile when it is really only 1 mile. He said that the engineer did not know everything.

Chairman Watson said that the discrepancies should be brought up to the engineer.

Further discussion followed.

There was a consensus to meet with the engineer to discuss the bid specifications prior to making a decision on the matter. A special meeting was set for Thursday, June 4, 1998 at 5:00 p.m.

Commissioner McGill asked that the Cooksey matter be added to the agenda for the special meeting.

DISTRICT 5 REPORT

Commissioner Dixon pointed out that the Florida Association of Counties (FAC) is having its annual conference at Marco Island June 17 - 20, 1998. He requested that all those who could attend to do so. He said that if things go properly, he would become the next president of the association.

PUBLIC COMMENTS

Goldwire Road Residents

Ms. Sharon Cummings asked where Goldwire Road is on the road paving list. She had been told that it was # 3 by the Road & Bridge Department.

It could not be determined but Chairman Watson said he would notify her later.

Mr. Richard Sharpe, resident of Goldwire Road, told of the flooding problems that exist on Goldwire Road. He said that some of the residents were stranded for three days because the road was not travelable.

Commissioner Fletcher stated that there is nothing that can be done about the paving for now, but the flooding problem could be addressed.

Mr. Bill Mote stated that all the dirt roads are a problem.

Frank Jackson Road

Mr. Horace Williams encouraged the Board to work together toward getting the roads paved.

Commissioner McGill explained that the County's road paving prioritization came into being as a result of a law suit brought by Rich Bay Road residents. He acknowledged that the criteria being used is flawed and it should be changed. He assured the public that the County is making progress in getting it changed. Until such time as a new list can be comprised, the existing list must be followed. Merritt Lane and Wayside Farms are the two roads being paved at the present time because they are next on the list.

Mr. Williams asked if a new population survey would be done at the time the next list is compiled. He told them that his road becomes more populated weekly.

Commissioner McGill assured him that they will be looking at the demographics of the roads when considering the changes.

Commissioner Dixon assured the residents that the Board has committed itself to re-doing the criteria that resulted in the current paving list.

ADJOURNMENT

**THERE BEING NO OTHER BUSINESS BEFORE THE BOARD, THE CHAIRMAN
DECLARED THE MEETING ADJOURNED.**

Sterling L. Watson, Chair

ATTEST:

Nicholas Thomas, Clerk

AT A SPECIAL MEETING OF THE BOARD OF
COUNTY COMMISSIONERS, HELD IN AND
FOR GADSDEN COUNTY, FLORIDA ON JUNE
4, 1998, 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
NICHOLAS THOMAS, CLERK
HAL RICHMOND, COUNTY ATTORNEY
HOWARD MCKINNON, COUNTY MANAGER

CALL TO ORDER

Chairman Watson called the meeting to order. He stated the purpose of the meeting was to meet with the county's engineers to discuss the bid specifications for resurfacing roads in Gadsden County. Also, the Board would discuss the Cooksey V. Gadsden County lawsuit.

Commissioner Fletcher stated that the County can't afford to resurface the paved roads unless the bid specifications are modified somewhat. He stated that all the County needs on the roads is a 50 pound leveling course which is about 1/2 inch, then a 1 1/2 " overlay on top of that. He said "The County can't afford to drive a Mercedes. We've got to get by with a second hand Ford."

Commissioner Roberson asked the following questions:

- 1) Why was milling included as a requirement in the bid document when clearly there are many places where there is not adequate depth to mill? (In her experience, the only time a road was milled was when there was an asphalt buildup of 5 - 6 inches.)
- 2) What measures will be taken to protect the road base compaction when milling is done at the level of the road base?
- 3) What causes gator-backing? (She understood that when gator-backing appears, it is a good indication that there is a problem with the sub-base.)
- 4) Will there be adequate crews in place to assure good traffic control?
- 5) Were core samples taken on any of the roads?

Commissioner Roberson asked the Board to consider requesting alternate bids for more than one type of resurfacing on any given road. That would offer the opportunity for more acceptable resurfacing at separate areas of a roadway.

Commissioner Fletcher pointed out that the lower part of 65-A was once considered the worst road in the County until it was resurfaced in 1991. It had no milling or crack treatment when it was resurfaced. All it had was 1 1/2" of asphalt. Now it is the best road seven years after it was resurfaced.

Mr. Max Marble, engineering consultant with Reynolds, Smith and Hill responded to the Board's questions and concerns. He stated that the firm's goal was to give resurfacing options so that the County will not have to resurface them again for a long time. He gave the following answers to the questions raised:

Question # 1: The purpose of the milling is not necessarily for the sake of milling or profiling or coming with a better slope, but to remove the bad material so that the sub-base can be repaired. Milling is a way to get to the end product - getting rid of the bad surface. It costs about \$2.00 per square yard. There are other ways to remove the surface that may be cheaper and those are things the engineers can identify. (using front loader, backhoe and dump trucks.) Where there are 8 inches of surface, milling can be done without fear of disturbing the base.

Question # 2: There is a note in the plan that if the pavement is less than the depth of milling specified, the contractor could propose alternative methods for removing the pavement that are cheaper. The majority of the roads will have 2 inches or less of asphalt. There is already a cheaper alternative for the contractor to remove those sections of pavement. Other things can be discussed once the projects are bid. This is a unit price contract and the County has the rights (in the bid documents) to increase or decrease quantities at will.

Question # 3: Alligator cracking is normally considered a sub base failure.

Questions # 4: It will be handled by the contractor on a case by case basis. DOT practices are recommended. An addendum to the bid document will be issued that

will become part of the contract documents and ensure that all contractors will be bidding on the same amount of work.

Question # 5: This question was not answered in the context which it was asked. The following was the response given: "In the bid documents on each specification, the owner reserves the right to perform any testing that he sees fit to ensure the roads are being surfaced in a quality fashion. If there is a suspicion that a contractor has not given the County the proper density, the County has the right to go out and take a core sample and do a density test. The contractor will not, however test every single yard of roadway."

After lengthy discussion, it was determined that there should be an addendum to the bid documents to allow for alternate bids for various portions of each road in an effort to keep the resurfacing costs lower. Additionally, there should be an alternate bid for 50 pound leveling course and a 1 1/2" wearing surface (without crack relief) as well as an alternate bid for just a 2" overlay. The Board can then make a decision on each road when the bid prices come in.

In addition to the above, Mr. Marble agreed to make the following changes to the bid documents:

- 1) Remove the requirements for milling and crack relief from the sections of roads where he feels it can be safely removed and to the extent that he will still be willing to sign his name to the design;
- 2) To work with the public works department to mark sections of roads that are to be cut out, excavated and replaced at full depth;
- 3) Identify the roads which he is confident that a 2" overlay would be acceptable;
- 4) Waive the requirement for the contractor to mobilize individual crews working on multiple roads;
- 5) Change the bid document to allow the distance between flaggers from "1/4 mile" to "within site distance."

Questions were raised regarding DOT signage. Mr. Marble confirmed that the document already contains notes requiring the same signage as required by DOT standards.

Commissioner Fletcher left at this juncture of the meeting.

COOKSEY V. GADSDEN COUNTY

Commissioner McGill stated that he had become increasingly concerned about the Cooksey law suit. He remarked that he understood that the reason the Board rejected the settlement offer of \$60,000 plus a riser was the potential for doing damages to a number of other people's property in the vicinity of the riser. He said he has visited the site in question and he believes that it would take an enormous amount of rain to cause other people any damages.

He reported that he had talked to the Cooksey family and was told they would still agree to settle for \$60,000 plus installation of a riser. He asked the Board to bring the matter back to the table for reconsideration.

It was determined that no circumstances had changed pursuant to the suit since the Board's previous actions.

Commissioner Dixon asked that a water flow expert come to the next meeting and demonstrate the problem and possible solutions with visuals and written materials.

It was the consensus of the Board to re-agenda the Cooksey law suit for July 9, 1998. Mr. Richmond was instructed to contact a hydrologist or water flow expert and have him make a presentation as described above. The Board will then reconsider whether to go forward with the law suit or accept the settlement offer.

GADSDEN COMMUNITY HOSPITAL

Mr. Richmond reported that he had been apprised of a new situation with the hospital. He stated that he received a letter from the attorney for Centennial HealthCare Management Corporation.

(They are the management company that contracted with MedTech of North Florida to keep the hospital going.) See the attached letter for details.

Centennial has an agreement with MedTech that they (Centennial) would advance \$500,000 in operating cost, come into the hospital and get it going. They have done that. However, there are two outstanding bills to Internal Revenue Service (IRS) 941's - \$254,653 and 940's - \$10,000 making a total of about \$265,000.00.

Mr. Richmond stated that Centennial is willing to take over the lease operation of the hospital but they are not agreeable to putting another \$265,000 into MedTech.

Mr. Richmond continued to explain the situation. He said that there is a first mortgage on the accounts receivable for \$250,000. There are approximately \$1.3 million in accounts receivable so nobody is at risk of losing money. But it will take from two to four months to collect the receivables.

Centennial requested to have the hospital trust fund purchase the first mortgage on the accounts receivable or take an agreement from Centennial that they will pay all of the money back when they receive the pre-Feb.1,1998 receivables. There is between \$800,000 - \$1 million that should readily be received within 90 - 120 days.

IRS is expected to arrive for a site visit on June 15, 1998. Commissioner Dixon was opposed to advancing any money to anyone on behalf of the hospital.

Chairman Watson stated that he would be willing to let Centennial take over the lease of the hospital because he did not believe that MedTech was going to survive. He opposed advancing any money to the hospital.

Discussion followed.

Mr. Richmond confirmed that if the hospital should cease operation, the bond holders could go to court and call the bonds due. That would be a liability to the County. When the bond documents were originally drawn, the revenues from the hospital were paying them. Now the bonds are being paid by assessed taxes each year. Technically, the County would be in default if the hospital closed.

Clerk Thomas called attention to the fact that Centennial is a publicly traded company and not a non-profit organization as required by the bond covenants.

Mr. Richmond acknowledged that Centennial is not a non-profit organization. However, he said they are working toward getting established as a non-profit. In the meantime Centennial continues to work through MedTech which is a non-profit agency.

Clerk Thomas asked that the Board provide substantial documentation upon submitting any kind of payment request.

Mr. McKinnon stated that it might be possible for a check to be paid directly to the IRS and not to MedTech.

Chairman Watson said he would oppose advancing any money or paying any debt for the hospital. He stated that Centennial can put their own money into the hospital.

Mr. Richmond stated that all he was doing was passing along a proposal but was not advising the Board to take any action.

Chairman Watson stated the if Centennial is willing to pay MedTech's debts and use the pre-Feb.3, 1998 accounts receivable to do so, he had no problem with letting Centennial have the lease.

Mr. Richmond made a formal disclosure: QL Enterprises (owned locally) has the first mortgage at this point on the accounts receivable. He represented them in the law suit which they filed against MedTech. It does not appear at this point to be a conflict with his position as the County Attorney. He stated that he will do whatever he is instructed to do as his first loyalty is with the County.

Chairman Watson asked if he was also Bill Hardee's attorney.

Mr. Richmond answered that he has been Mr. Hardee's attorney in the past. He explained that proper disclosure has been made in all cases and Mr. Hardee has signed written waivers in that regard.

Mr. Richmond then told the Board that if a sub-lease arrangement cannot be made between MedTech and Centennial, the Board would have to go through the RFP process again.

Mr. Richmond was instructed to get in touch with the bond people to see what the County would have to do to pay off the hospital bonds if an agreement cannot be reached between MedTech and Centennial or if the IRS should decide to close the hospital.

There was a consensus not to hold a meeting on the hospital issue.

Commissioner McGill left at this juncture of the meeting.

TRAVEL REQUEST

Mr. McKinnon requested approval for himself to attend the Florida Association of Counties conference in Marco Island.

UPON MOTION DIXON AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 3 - 0, BY VOICE VOTE, TO APPROVE MR. MCKINNON'S TRAVEL TO MARCO ISLAND.

ADJOURNMENT

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

Sterling L. Watson, Chairman

ATTEST:

Nicholas Thomas, Clerk

AT A SPECIAL MEETING OF THE BOARD OF
COUNTY COMMISSIONERS, HELD IN AND
FOR GADSDEN COUNTY, FLORIDA ON JUNE
15, 1998, 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
NICHOLAS THOMAS, CLERK
HAL RICHMOND, COUNTY ATTORNEY
HOWARD MCKINNON, COUNTY MANAGER

CALL TO ORDER

Chairman Watson called the meeting to order stating that the purpose of the meeting was to discuss the hospital lease situation. He then turned it over to County Attorney Hal Richmond.

Mr. Richmond stated some additional factors have come into play with regard to Gadsden Community Hospital since the last meeting. He recalled that he was directed to contact the bond counsel to determine what the county's responsibility would be if the hospital should close. He provided the Board a copy of the reply letter.

He summarized the letter by saying "Under the terms of the bond, the hospital must be operated as a hospital. If the hospital closes, then the County would be responsible for feaseance which is putting an amount of money into a trust bank account to pay the bond holders or else pay them off. If, for some reason the hospital closes and the bond holders call the loan, there is no way that the County can use an ad valorem tax base to pay for the bonds. The Bond Resolution provides that, as a hospital, the county can use the ad valorem taxes to pay for the bonds. But, if the hospital closes, the County would have no right to use that taxing mechanism. It reverts back to the general fund which is already at 10 mills."

Mr. Richmond continued by saying that MedTech has gotten into some real financial difficulty . They owe a substantial amount of money to Internal Revenue Service (IRS) - \$310,000; QL Enterprises - \$260,000; civil judgement to Ralph Neff for \$140,000; and numerous other local vendors who have not been paid. Because of that they have allowed Centennial Healthcare Corp. to come in and operate the hospital. Centennial is using MedTech's medicare and medicaid billing identification numbers with which to submit their bills for services. In turn, payments are remitted in MedTech's

name. In the meantime, Centennial has applied for their own numbers and non-profit license.

Then Mr. Richmond told the Board that Centennial has indicated that they would like to have the lease for the hospital. He added that they have invested \$600,000 of their own money to help keep the hospital moving forward. They would like to continue to administer the hospital but they are not in a position to invest another \$700,000 which is the amount of indebtedness currently held by MedTech of North FL.

Mr. Richmond then explained that Centennial had proposed that they be allowed to borrow up to \$700,000 from the hospital endowment trust to pay off MedTech's debts to IRS and the local vendors. They would repay that money within 6 months using pre-February receivables that come into the hospital.

Mr. Richmond told the Board that the emergency nature of the lease situation became evident last week when the CAT Scan equipment was picked up because the lease payments were not made by MedTech. In addition, the IRS has also set a deadline of June 13, 1998 for payment of the 941 taxes.

Mr. Richmond stated that Centennial is a publicly traded corporation and they have proven to be good with hospital operations in the past.

Mr. Richmond said that he visited the hospital and toured the new wing that they've opened for extended care beds. He reported that it was fantastic. He said that they have it ready to go, but, they need to know what the future is of the hospital.

Mr. Richmond then said if the Board should decide it did not want to advance the money from the trust fund and the hospital closes, the question would become: A) Can we get it open again? and B) Will the bondsmen and the people who hold the bonds sue or declare the County in default of the bonds?

Discussion followed.

Comments and questions were recognized from the following:

Mike Lake
Bill Hardee
Graves Williams
Jerry Wynn

Following a lengthy discussion, the matter still was not resolved.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO HOLD ANOTHER SPECIAL MEETING TO DISCUSS THE HOSPITAL SITUATION ON JUNE 22, 1998 AT 5:00 P.M.

Clerk Thomas was asked to provide the Board with an analysis of the situation with Gadsden Community Hospital by the next meeting.

ADJOURNMENT

THERE BEING NO OTHER BUSINESS, 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 JUNE
16, 1998, THE FOLLOWING PROCEEDINGS
WERE HAD, VIZ.

PRESENT: STERLING L. WATSON, CHAIRMAN
CAROLYN ROBERSON, VICE CHAIRMAN
W.A. (BILL) MCGILL
E. H. (HENTZ) FLETCHER
NICHOLAS THOMAS, CLERK
HOWARD MCKINNON, COUNTY MANAGER

ABSENT: EDWARD J. DIXON
HAL RICHMOND, COUNTY ATTORNEY

CALL TO ORDER

Chairman Watson called the meeting to order. He then led
in pledging allegiance to the U.S. Flag and a prayer.

ADOPTION OF AGENDA

Amendment to the Agenda

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER
FLETCHER, THE BOARD VOTED 2 - 1 TO REMOVE THE SMALL SCALE MAP
AMENDMENT FROM THE AGENDA PER THE WRITTEN REQUEST OF
COMMISSIONER DIXON. (COMMISSIONER ROBERSON WAS NOT PRESENT
FOR THIS VOTE. COMMISSIONERS FLETCHER AND MCGILL VOTED YES,
CHAIRMAN WATSON CAST THE LONE DISSENTING VOTE.)

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER
FLETCHER, THE BOARD VOTED 3 - 0, BY VOICE VOTE, TO APPROVE THE
AGENDA AS AMENDED. (COMMISSIONER ROBERSON WAS NOT PRESENT.)

APPROVAL OF MINUTES

June 2, 1998 Regular Meeting

June 4, 1998 Special Meeting

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER
FLETCHER, THE BOARD VOTED 3 - 0, BY VOICE VOTE, TO APPROVE THE
MINUTES AS STATED ABOVE.

LOCAL MITIGATION STRATEGY

Mrs. Nancy Etheridge, mitigation coordinator with Capital Area Chapter of the American Red Cross addressed the Board. She stated that she was the person responsible for coordinating the local mitigation strategy for Gadsden County, noting that the County contracted with the Red Cross to develop the local strategy. She said that a work group is active and working together. She announced that the group would be meeting at 11:00 a.m. on Wednesday, June 17 in the board room of the Chamber of Commerce building. She invited the Board's participation.

Chairman Watson asked Ms. Etheridge to explain to the audience what she was doing.

She stated the following: "Gadsden County was awarded a community development block grant to develop a local mitigation strategy. The purpose behind mitigation strategy is to take a comprehensive look at hazards that might affect Gadsden County and try to develop ideas and programs that will reduce the vulnerability to those hazards either by reducing the chance that the hazards will happen or by changing things so that when the hazards do happen that the damage will be less than it would have been otherwise. For example, one of the big things in recent times has been flooding. The federal government has had a program whereby communities can apply for funds to purchase homes that are repeatedly flooded and relocate those families. What we are hoping to do for Gadsden County is identify similar programs that would reduce vulnerability to other hazards - hazardous material spills from the railroad or the interstate, wild wind fires, etc.

The first deliverables will be ready to be submitted to the County which, in turn, will be submitted to the Department of Community Affairs (DCA) around June 30. The County originally submitted a set of first quarter deliverables, but they have been revised."

PLANNING AND ZONING ISSUES

Growth Management Director Mike Sherman introduced the following projects.

A J Meats

Mr. William Jones petitioned the Board for consideration of a request to establish a meat store/delicatessen/butcher shop in an existing structure in Gadsden County. The structure most recently housed The Pizza Place and apparently was occupied by a similar

type of business. The property is located on the east side of US 27 just north of CR 159, south of the city of Havana. The applicant does not intend to build any additional square footage onto the structure or create any additional impervious surfaces. The applicant will be required to hook up to the Town of Havana water lines if the business is located within one-quarter of a mile of the end of the service lines. There are presently several abandoned vehicles on-site which should be removed to avoid a code enforcement issue. Requirements of the Land Development Code and staff recommendations are listed in the attached document.

Mr. Sherman reported that the Planning Commission and the staff recommended approval subject to the special conditions listed in the attached document.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE ABOVE STATED PROJECT.

REGENCY MOTORS - Special Exception Permit

Mr. Akbar Ghavamikia petitioned the Board for consideration of a special exception permit to establish a used car lot to be located on the east side of U.S. 27, just north of its intersection with CR 270. Even though the property is designated commercial already, it requires a special exception permit because of the outdoor nature of the business proposed. The site is currently vacant and consists of approximately two acres, however, the applicant intends to subdivide the parcel into two, one acre lots and develop the second parcel as an engineering office at a later date. The P & Z Department requested and received a conceptual master plan for both parcels which is included in the attached documents. The Planning Commission and the staff recommended approval subject to the special conditions in the attached documents.

A MOTION WAS MADE BY COMMISSIONER FLETCHER AND SECONDED BY COMMISSIONER MCGILL TO APPROVE THE PROJECT AS DESCRIBED ABOVE.

Commissioner McGill asked if the applicant will be removing trees from the lot.

Mr. Sherman replied that some trees will be removed, but the applicant must still comply with the requirements of the land development code as far as tree removal and replacement.

Commissioner McGill then asked if the applicant will be paving the parking lot.

Mr. Sherman answered that the applicant will be paving the parking lot and he will also be required to provide for storm water management pursuant to the Gadsden County stormwater management policy procedure manual as well as DEP's 1725 FL Administrative Code rules. He will be required to obtain a permit from DEP as well as Gadsden County and is committed to preserving as many trees as possible. Mr. Sherman added that the project will be monitored to insure that all policies are followed.

Commissioner McGill asked that when paving is being performed, that special care be taken to assure adequate resources for the continual good health for the trees.

Chairman Watson called for public input.

Mr. Mike Dorian requested that the Board place a special condition that would require Mr. Ghavanikia to preserve a set percentage of the trees on the lots especially along the road frontage.

Mr. Akbar Ghvamikia told the Board that he expects to follow all environmental requirements and will work with the P & Z staff to comply with the Board's request to save as many trees as possible especially along the road frontage.

Mrs. Kathy Grove expressed concern that US 27 was beginning to look much like Tallahassee's West Tennessee St. She encouraged the preservation of as many trees as possible on the site. She also stated that if the applicant goes out of business in six months, an unsightly paved parking lot will be left behind.

Commissioner McGill called the question on the motion.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER MCGILL AND PUBLIC DEBATE, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE ABOVE STATED PROJECT SUBJECT TO THE CONDITIONS LISTED IN THE ATTACHED DOCUMENTS.

CONTRACTS - Agreement with Ms. Lynn Adair

Mr. Sherman told the Board that the P & Z Department is in the process of updating the county's comprehensive plan. He asked for approval to contract with Ms. Lynn Adair to provide word processing services to accomplish the update. Ms. Adair agreed to provide the services at \$20.00 per hour with an upset amount of \$2,000.

Mr. Sherman added that there is sufficient money in the P & Z budget to pay for the expenditure described above.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE AGREEMENT DESCRIBED ABOVE. THE MOTION FURTHER INCLUDED GIVING THE CHAIRMAN THE AUTHORITY TO SIGN THE AGREEMENT.

SMALL SCALE MAP AMENDMENT - SS98- 001A

This item was deleted from the agenda at the beginning of the meeting per a request from Commissioner Dixon who could not be in attendance.

Comprehensive Plan Amendment 98-001 County Ordinance 98-005

Mr. Sherman told the Board that he had received notification from DCA that they had found Gadsden County Comp Plan Amendment 98-001 to be Not In Compliance (NOI) pursuant to the requirements of Chapter 163, Part 2, Florida Statutes. They raised a number of objections.

Mr. Sherman stated that the County has two options available at this point: 1) Begin negotiations with the State to strike a stipulated settlement or 2) Rescind the amendment.

An administrative hearing will be scheduled soon for a hearing officer to review the issue with possible ramification of sanctions being opposed upon the County. The County has traditionally entered into negotiations with the State which puts the hearing on hold until it becomes evident that an agreement cannot be reached.

The County has almost always been able to come to favorable terms with DCA.

Mr. Sherman asked for directions as how he should proceed.

Chairman Watson asked if the property should be designated Industrial, could a tank farm be put on the property despite promises from the owner/developer that they would not place a tank farm on it.

Mr. Sherman replied that the way the county's code is written, the uses would come before the Board for approval. If a project were denied by the Board, it could be appealed to DCA for a ruling.

It could be stipulated in an agreement with the owner/developer that they would not put a tank farm on the property.

Commissioner Fletcher asked that the issue be deferred until the county attorney is present to advise the Board.

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO DEFER THE ABOVE STATED ISSUE UNTIL JULY 7, 1998.

City of Midway Comp Plan Amendment

Mr. Sherman told the Board that the City of Midway recently annexed 80 acres adjacent to Dupont Road which is also adjacent to the Gadsden Station DRI. They adopted a comp plan amendment that would change that land use category from the county agriculture and residential to commercial use category.

The Gadsden County P & Z staff reviewed the data and analysis provided by the City of Midway to DCA. The staff found that the data and analysis were not adequate to prove the necessity for the change in land use. While the County does not normally object to anything the municipalities adopt, this change in land use could greatly impact Dupont Road, which is an unpaved county road. The applicant stipulated in the data and analysis that he would pave 1/4 mile of Dupont Road.

Mr. Sherman explained that Dupont Road is functionally classified as a collector road even though it is a dirt road. He stated that he would like to recommend to DCA or enter into the matter as an intervening party and attempt to require that the City of Midway or the developer pave the entire length of Dupont Road and construct a stormwater management system for the road.

Commissioner McGill asked what was the likelihood that DCA would object to the County's request to pave the entire length of the road.

Mr. Sherman could not answer the question. However, he stated that DCA had expressed to him that they are concerned about the traffic impact associated with an 80 acre commercial development on a dirt road which is already highly traveled. The maintenance and impact on the County would be considerable.

Mr. Sherman recommended that the County pursue the avenue of requiring the developer to pave the entire length of Dupont Road by becoming an intervener to the issue.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO PROCEED IN AN APPROPRIATE MANNER TO REQUIRE THE DEVELOPER OF THE 80 ACRES DESCRIBED ABOVE TO PAVE THE ENTIRE LENGTH OF DUPONT ROAD.

Derrick McKinnon Body Shop

Chairman Watson asked Mr. Sherman what was the status of Mr. Derrick McKinnon's Body Shop.

Mr. Sherman replied that he met with Mr. McKinnon and his engineer and went over the site plan requirements. He told Mr. McKinnon that he needed to get an architect to look at the structure that is in place to see if it could be brought up to the standard building codes. Mr. McKinnon has submitted a conceptual site plan prepared by Mr. Skipper. He stated that the process does not appear to have progressed any since last December.

Discussion followed.

Mr. Sherman asked the Board to give him directions as how to proceed. He explained that he was reluctant to proceed without the expressed instructions of the Board. He pointed out that no development order has been issued. Mr. McKinnon was given approval subject to a number of conditions, none of which have been complied with.

Mr. Sherman was directed to proceed with Mr. McKinnon as a code enforcement issue.

Board Chambers - Air-conditioner

Mr. Sherman was instructed to have the Board Chambers' air conditioner repaired as soon as possible.

Courthouse Clock

Mr. Sherman was instructed to have the courthouse clock repaired.

PUBLIC COMMENTS

Mr. Terry Kever stated that he had a project on the agenda for this meeting and it was deferred until July 7, 1998. He explained that he had vacation plans for that time frame that cannot be changed. He asked if the Board would go ahead and consider it since it received the unanimous approval of the P & Z Commission.

Commissioner McGill sympathized with Mr. Kever but explained that it is the practice of the Board to oblige a Commissioner's request to defer controversial decisions in their absence.

Mr. Kever contended that his project is not a part of a controversy. He stated that he would have to forfeit his right to

be present if the decision is postponed until July. He noted that it was delayed twice at the P & Z Commission because their agendas were too lengthy. He asked once again for the Board to act on his project to prevent possible financial hardship that will come with a delay.

Commissioner McGill suggested that the Board hold a special meeting to accommodate Mr. Kever's request.

There was a consensus of the Board to hear Mr. Kever's project on June 22, 1998 at 5:00 p.m.

COUNTY ATTORNEY

County Attorney Hal Richmond was not present. He was attending the Florida Association of Counties Annual Conference.

COUNTY MANAGER'S AGENDA

Committee Appointment - Sandy Pearsall to the Regional Workforce Development Board/WAGES Coalition

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPOINT SANDY PEARSALL TO THE REGIONAL WORKFORCE DEVELOPMENT BOARD.

Florida Association of Counties

Mr. McKinnon reminded the Board that he would be out of town from Wednesday morning, June 17, 1998 until the week end to attend the Florida Association of Counties Conference in Marco Island.

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) E-911 Road Name Changes
Carter Road renamed Roney Road - requested by citizens' petition; Becky Court renamed Blue Heron Point - requested by citizens' petition; Willow Road renamed Cora Lewis Court - requested by citizens' petition; Jubilee Lane - new road east off Concord Road, north of Swisher Road; Burns Road - changed to Burns Lane (in Robertsville area)

- 2) Maintenance Agreement for flashing light at Greensboro High School (Section 50050 on SR 12 Kilometer Post 10.299; Mile post 6.401)
- 3) Grants - Acceptance of FDEP 1998/99 Florida Recreation Development Assistance Program Funding - \$20,000 grant for improvements to Pat Thomas Park FRDAP Project No. F99007
- 4) Grants - Small County Solid Waste Grant Application; Litter Control and Prevention Grant Application; Solid Waste Tire grant Application
- 5) Bid Award - Quincy Square Rest Room Project # 98-011 to Kenon Plumbing for \$15,000 - for approval
- 6) Quincy Square Project # 97-023 - Lee & Bridges Invoice dated June 4, 1998 for professional services \$366.00 - for the record

CLERK'S AGENDA

Budget Amendments 98-06-16-01 through 98-06-16-06

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE ABOVE STATED BUDGET AMENDMENTS.

Ratification of the Approval to Pay 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.

DISTRICT 1 REPORT

Commissioner McGill had no report.

DISTRICT 3 REPORT

Commissioner Roberson appointed Pinky Middlebrook as the Library Commissioner from District 3.

Commissioner Roberson displayed a plaque to be given to Mr. W.O. Whittle in recognition for the donation of the land for the Sycamore Volunteer Fire Department. There was also a brass plaque to be placed on the building itself.

DISTRICT 4 REPORT

Commissioner Fletcher had no report.

DISTRICT 5 REPORT

Commissioner Dixon was not present.

DISTRICT 2 REPORT

Chairman Watson had no report.

ADJOURNMENT

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

Sterling L. Watson, Chairman

ATTEST:

Nicholas Thomas, Clerk

AT A SPECIAL MEETING OF THE BOARD
OF COUNTY COMMISSIONERS, HELD IN AND
FOR GADSDEN COUNTY, FLORIDA ON JUNE
22, 1998, 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
HAL RICHMOND, COUNTY ATTORNEY
HOWARD MCKINNON, COUNTY MANAGER
MURIEL STRAUGHN, DEPUTY CLERK

CALL TO ORDER

Chairman Watson called the meeting to order.

BID AWARD - ROADWAY RESURFACING/PAVING BID NO. 98.008

Mr. Max Marble, Engineering Consultant with Reynolds, Smith & Hill stated that on Thursday, June 18, 1998, bids were received for the county roadway resurfacing project. He reported that 3 bids were submitted but only 2 were accepted. The other bid was rejected for being submitted after the deadline and was not considered.

Mr. Marble continued by saying that the two bids received were from C.W. Roberts Construction and Peavy and Son Construction. All the requirements of the bid documents were met with only one exception. That exception was for bid prices for alternatives. Neither company provided prices for the alternates. In that respect the bids would be considered equivalent.

Mr. Marble noted that the bid prices were very close with only a \$25,000 spread between the two contractors. He then recommended that the bid be awarded to C.W. Roberts, Inc. as the low bidder on the project.

Discussion followed.

Chairman Watson called attention to an error in the district budget summary. District 2 and District 3 figures were transposed. He then questioned the omission of Merritt Lane.

Mr. Marble explained that Merritt Lane was not included in the original paving list which the County provided to the engineers. He stated that he had discussed how to add Merritt Lane to the project with Public Works Director Jed Lugod and Management Services Director Arthur Lawson. He went on to say that it can be

accomplished by issuing a change order to the construction contract. The unit prices can be used to figure the cost for paving Merritt Lane.

Chairman Watson stated that the County originally planned for Leon County Public Works to pave Merritt Lane, but it did not work out for them to do it.

Commissioner Fletcher stated that he had no problem with adding Merritt Lane to the contract.

A MOTION WAS MADE BY COMMISSIONER FLETCHER AND SECONDED BY COMMISSIONER ROBERSON TO AWARD THE BID TO C.W. ROBERTS CONSTRUCTION COMPANY.

Discussion followed.

THE BOARD VOTED 4- 0, BY VOICE VOTE, TO APPROVE THE AWARD OF THE BID TO C.W. ROBERTS, INC. (Commissioner Dixon was not present for this vote.)

SMALL SCALE MAP AMENDMENT - SS98-001A

Mr. Terry Kever petitioned the Board to consider changing the land use category on a parcel of land from the ag 1 to commercial. The parcel of land is approximately 1.87 acres and is located on the north side of US 90, approximately 1.5 miles west of the City of Quincy. Mr. Kever intends to construct a funeral home on the parcel. Funeral homes are permitted in the commercial land use category.

The Planning Commission recommended unanimous approval by a vote of 10 - 0.

The P & Z staff recommended denial of the project because the proposed amendment is inconsistent with the comprehensive plan. (See the attachments to the minutes of June 16, 1998 for a detailed description of this project.)

A MOTION WAS MADE BY COMMISSIONER FLETCHER AND SECONDED BY COMMISSIONER ROBERSON TO APPROVE THE SMALL SCALE MAP AMENDMENT SS98-001A FOR TERRY KEVER.

Discussion followed.

Commissioner Dixon arrived at this juncture of the meeting.

Chairman Watson called for public comment.

There was no response.

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

Mr. Sherman stated that he would prepare an ordinance for adoption which will officially change the map.

GADSDEN COMMUNITY HOSPITAL

Mr. Richmond stated that pursuant to the meeting on June 16, 1998, there was another proposal from Centennial Healthcare, Inc. regarding the management of Gadsden Community Hospital. The proposal concerned the buy-out of MedTech's hospital debt. He disclosed that he had represented MedTech and he has represented QL Enterprises for 20 years. (QL holds a UCC(1) lien on MedTech's accounts receivable.) The proposal was that the hospital endowment trust loan \$700,000 (secured by a first mortgage on the accounts receivable) to MedTech to be used to pay their debts to the local vendors and to the IRS. The amount owed to local vendors is approximately \$440,000 in addition to IRS.

Mr. Richmond said that there had been some discussion regarding whether the loan was proper or valid. He assured the Board that MedTech has sufficient accounts receivable to insure repayment of the loan. However, the Clerk, who is the chief financial officer for the County, urged the Board to move cautiously. He pointed out that the Clerk had not looked at MedTech's accounts receivable or seen the documentation that can validate the County's position if a loan should be made.

Mr. Richmond clarified that he was not trying to force any proposal, but was only informing the Board of the proposal. He said that if Mr. Hardee, MedTech CEO, goes into bankruptcy, the hospital will surely follow.

Chairman Watson proposed that the Board allow the hospital trust fund to loan Centennial \$438,647 (to take care of IRS and the local vendors) and endorse the lease transfer to Centennial and let them (Centennial) take care of the debt to QL.

Commissioner Dixon referred to the attached memos from Clerk Nicholas Thomas. He stated that the Clerk as the chief financial officer for the County had stated some very grave concerns which the Board cannot ignore. He was opposed to advancing money to anyone.

Chairman Watson said that his proposal was not out of line with the Clerk's memo. He read the following statement from Clerk

Thomas's memo: "The only way the County will get its money back is if Centennial accepts full responsibility for the loan." He added that he was not trying to bail MedTech out of its financial difficulty. He clarified that he only hoped to provide for a smooth transition from MedTech to Centennial. His proposal would allow MedTech to remain solvent over the next 90 days until Centennial can get their I.D. numbers from Medicare and Medicare and get the hospital's certificate of need transferred.

Commissioner Dixon suggested that the Board terminate the lease agreement with MedTech and give it to Centennial.

Chairman Watson stated that if the lease is cancelled, MedTech will most likely file for bankruptcy. If that happens, the hospital could close. He said he would like to see MedTech stay operational for 90 days.

Commissioner Dixon contended that the Board has known for six months that MedTech was a day to day operation and it was ludicrous to pretend that the dilemma is an overnight emergency. Again, he opposed any measures to bail MedTech out. He stated that the hospital should "live and die by its own merits."

Public remarks were heard from John Peckering of Centennial Healthcare, Inc. and Alex Hicks, Gadsden Community Hospital Administrator.

Commissioner Roberson questioned how the unpaid debts might impact the future operations of the hospital and the County. She was assured that the County would have no liability at all for the hospital debt. However, it could affect continued business between the local vendors and the hospital.

After lengthy discussion, Commissioner Fletcher proposed that the County endorse the transfer of the hospital lease from MedTech to Centennial. He suggested that Centennial should pay off MedTech's debt to QL Enterprises and assume the responsibility for paying MedTech's promissory note to the County. He further stated that Mr. Hardee should "take his lumps with the IRS."

Commissioner McGill moved to offer the above proposal as a motion and Commissioner Fletcher seconded the motion. Mr. Richmond clarified how the motion should be stated. It was as follows:

A MOTION WAS MADE BY COMMISSIONER MCGILL AND SECONDED BY COMMISSIONER FLETCHER TO PROPOSE THAT THE HOSPITAL TRUST FUND NOT MAKE A LOAN TO EITHER MEDTECH OR CENTENNIAL AT THIS TIME.

FURTHERMORE, THE BOARD WOULD NOT OPPOSE HAVING THE HOSPITAL LEASE ASSIGNED FROM MEDTECH TO CENTENNIAL.

More discussion followed.

COMMISSIONERS FLETCHER AND MCGILL VOTED "AYE".

CHAIRMAN WATSON VOTED "NO."

COMMISSIONER DIXON VOTED "NO."

More discussion followed.

COMMISSIONER DIXON AMENDED HIS VOTE TO "AYE."

COMMISSIONER ROBERSON VOTED "AYE."

THE MOTION PASSED 4 - 1.

Authorization to Hire Tax Attorney

County Manager Howard McKinnon referred to a statement in Clerk Thomas's memo regarding seeking expert advice. He reported that he had conversations with Nabors, Giblin and Nickerson about the hospital situation. He stated that they would be available to assist the County if the Board determined that there was a need.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 4 - 1, BY VOICE VOTE, TO AUTHORIZE THE COUNTY ATTORNEY TO HIRE ANOTHER LAW FIRM TO PROVIDE A DETAILED ANALYSIS OF THE HOSPITAL SITUATION. CHAIRMAN WATSON CAST THE LONE DISSENTING VOTE.

Road Paving Contract

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO AUTHORIZE THE CHAIRMAN TO SIGN THE CONTRACT WITH C. W. ROBERTS CONTRACTING INC.

E-911

Mr. McKinnon announced that the 911 system will be switching over to the new E-911 system on June 24th 2:00 p.m. at the county jail. The Sheriff's office extended an invitation to the commissioners to be present when the switch takes place.

ADJOURNMENT

**THERE BEING NO OTHER BUSINESS BEFORE THE BOARD, THE CHAIRMAN
DECLARED THE MEETING ADJOURNED.**

Sterling L. Watson, Chairman

ATTEST:

Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE
AFFORDABLE HOUSING ADVISORY
COMMITTEE HELD IN AND FOR GADSDEN
COUNTY, FLORIDA ON JUNE 23, 1998,
THE FOLLOWING PROCEEDINGS WERE HAD,
VIZ.

PRESENT: HERSHOLT JOHNSON
EDWARD J. BUTLER
BILLY REDDING
SAMPSON J. SAMUEL
MARSHA MOORE, DEPUTY CLERK

ABSENT: WILLIAM CARR
JEROME SHOWERS
GWEN JOHNSON
MICHAEL FRANCIS
JOSEPH KENNEDY

CALL TO ORDER

The meeting was called to order by Edward Butler in the absence of the chair and vice-chair.

COMMITTEE APPOINTMENT

Mr. Samuels was appointed to replace Mr. James Rogers.

STAFF REPORT

Mrs. Banks asked the members to continue read and review the book she provided at the last meeting.

Mrs. Banks reported that she attended the following workshops since the last meeting:

- May 12 Housing 101 - in Jacksonville - general overview and introduction of information regarding housing program designs, planning, and public policy issues
- May 27-28 Tampa - Housing Rehabilitation Program. It was training for the Housing Rehabilitation Program. It dealt with rehab programs and meeting its goals. Included were the following topics: available resources for funding rehab projects; components of a successful rehab program; contractor selection; monitoring the contractor's performance; inspections; energy efficiency issues; recapture of

funds.

June 10 Ft. Myers - Partnership Development. She said that she learned a lot about how a partnership should be done in a community. The partnership role is to implement and to set goals and come up with innovative ways to provide affordable housing to the citizens in the county. In contrast, the current partnership in Gadsden County likes to have a hand in the administrative end of the program. That will no longer be a part of the role of partnership committee. It was noted that the partnership committee should be persons that can bring something to the table to offer or provide to the program. (Bankers, builders, etc.)

June 15 - 16 SHIP Program Administration - She learned that the State has added state-level-monitoring to the program.

Mrs. Banks told the committee that she would be attending other workshops listed below:

July 20 - West Palm Beach - Project Financing and Underwriting - This will be a part of the A HOME training. Conception to end of a project.

July 29 - 30 in Ft. Lauderdale - Training for dealing and partnering with non-profit agencies.

Mrs. Banks then told the committee that she will be conducting in-house training for program recipients. She noted that she will mainly focus on credit counseling and underwriting criteria for the different lending institutions.

Mrs. Banks reported that Gadsden County no longer must have an Advisory Committee. It can be "sunset." (No longer must meet the Sunshine Law requirements.) She asked that the current Advisory Committee consider becoming a part of the partnership committee.

There was a discussion regarding how to generate more interest in the partnership committee to insure good participation and attendance.

She then told that she would like to begin a program in Gadsden County to pre-qualify people for home loans.

TOUR OF HOMES

Mrs. Banks reported that the Tour of Homes was a great success.

RELOCATION HOMES

Mrs. Banks reported that the SHIP Program must provide relocation homes for displaced home owners that are going through renovations. For that reason, the SHIP program will build those relocation homes.

It was the consensus of the committee to send Mr. James Rogers a sympathy card in light of the recent death of his son.

APPROVAL OF MINUTES OF MARCH 23, 1998

UPON MOTION BY MR. JOHNSON AND SECOND BY MR. REDDING, THE COMMITTEE VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE MINUTES OF MARCH 23, 1998 CONTINGENT UPON RECEIVING AT LEAST ONE OTHER VOTE BY AN ABSENT MEMBER OF THE COMMITTEE.

ADJOURNMENT

UPON MOTION BY MR. SAMUELS AND SECOND BY MR. JOHNSON, THE MEETING WAS DECLARED ADJOURNED.

AT A REGULAR MEETING OF THE BOARD OF
COUNTY COMMISSIONERS, HELD IN AND
FOR GADSDEN COUNTY, FLORIDA ON JULY
7, 1998, 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
NICHOLAS THOMAS, CLERK
HAL RICHMOND, COUNTY ATTORNEY
HOWARD MCKINNON, COUNTY MANAGER

CALL TO ORDER

Chairman Watson called the meeting to order. Clerk Nicholas Thomas led in pledging allegiance to the U.S. Flag and Muriel Straughn led in prayer.

ADOPTION OF AGENDA

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

APPROVAL OF MINUTES

June 15, 1998 Special Meeting

June 16, 1998 Regular Meeting

June 22, 1998 Special Meeting

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

COUNTY ATTORNEY

AWARD PRESENTATION TO SENATOR PAT THOMAS BY FAC

Mr. John Wayne Smith of the Florida Association of Counties (FAC) Executive Committee addressed the Board. He stated that his purpose for being before the Board was to recognize Senator Pat Thomas for his work in the Florida Legislature on behalf of counties and the citizens in his district.

Mr. Smith pointed out that Senator Thomas is concluding his 24th year in the Florida Senate. He reported that the senator has demonstrated outstanding support of the Rural Affairs Caucus and small counties. He noted that the most recent accomplishments for small counties were courthouse funding issues, E-911 grants and a new definition for a small county. (In the past small counties have been defined as counties with a population below 50,000. This past legislature changed that threshold figure to 75,000.) Two other issues which helped earn Sen. Thomas distinction were his dealing with property tax assessment and his efforts to retain a portion of the tobacco settlement for counties. (These efforts were successful in the Senate but not in the House of Representatives.)

Mr. Smith then presented Senator Thomas with a plaque of appreciation and recognition for his efforts on behalf of Florida counties.

Senator Thomas spoke briefly. He pointed out that Commissioner Ed Dixon became the President-elect of the FAC for the new year. He remarked that Commissioner Dixon has been a very able voice in the FAC which is considered to be a very strong mover of state government.

Senator Thomas then turned his remarks to SR 267 which was recently named Pat Thomas Parkway by the Gadsden County Board of County Commissioners and the City of Quincy Commissioners. He stated that the road is just beautiful and is a very nice entrance way to the City and County. He encouraged the Board to take measures to ensure and perpetuate it's unique beauty. He then congratulated the Board for the improvement to the Courthouse grounds. (Removal of the Magnolia trees)

COUNTY ATTORNEY'S AGENDA

Cooksey v. Gadsden County 96-1139-CAA

Mr. Richard Musgrove, President of Big Bend Technologies, summarized to the Board the expert witness testimony he gave at a recent court hearing in the lawsuit of Cooksey v. Gadsden County. He gave each commissioner a copy of a map of the area in question (attached.) He demonstrated that Dr. Cooksey's property lies to the northwest quadrant of the intersection of Edwards Road and Highway 65 as well as the southeast quadrant. He said that his testimony revealed that during the 25 year storm flow from the upper watershed under Edwards Road, there was actually zero flow. In a storm event that is greater than that up to a 100 year storm event, there would be only 1.6 CSF flow through the culvert. That amount is considered to be very minor.

Mr. Musgrove recommended that the County obtain a survey to determine other elevations in the area that were not included in the survey (by Bannerman) presented by Dr. Cooksey at the court hearing. This would also substantiate the Bannerman survey.

Discussion followed. A verbatim account of this discussion is on file with the Clerk's office but was not made a part of the official minutes.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO PROCEED WITH OBTAINING THE SURVEY DESCRIBED BY MR. MUSGROVE TO DETERMINE THE ELEVATIONS ABSENT FROM THE BANNERMAN SURVEY AND TO SUBSTANTIATE THE BANNERMAN SURVEY. COMMISSIONER FLETCHER ABSTAINED FROM VOTING. (Conflict form attached)

North Florida Economic Development Corporation (NFEDC) V. Gadsden County 98-649-CAA

Mr. Richmond reported that he received a Notice of Intent to Sue the County from NFEDC over the loss of their lease to the Old Stevens School. In their pleading they have claimed that the County does not have sufficient grounds to find them in default of their lease.

Gadsden County v. Ford New Holland

Mr. Richmond asked for authority to file a product liability case against Ford New Holland regarding a defective Alamo boom mower purchased from them in November, 1995. It has been inoperable for 40% of the time but repairs have been made under warranty. However, it is no longer under warranty and the County must bear the cost of repairs.

Mr. Richmond reported that the county staff maintains that the unit is defective to do the work that it was supposed to do. There is considerable correspondence between Public Works Director Jed Lugod and Ford New Holland to support the County's position in a lawsuit.

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO AUTHORIZE THE COUNTY ATTORNEY TO PROCEED WITH FILING A LAWSUIT AGAINST FORD NEW HOLLAND.

GUARDIAN AD LITEM PROGRAM

Ms. Shannon C. Lord addressed the Board. She reported that the State Comptroller's office has put them on notice that they

will begin enforcing its policy of charging a 7% service charge on all non-federal grants that are processed through that office. The grant provided by Gadsden County to the Guardian Ad Litem Program will be subject to that service charge.

Ms. Lord asked the Board to write a letter to the Comptroller's office requesting a waiver or an exemption of the service charge because it would have an adverse affect on the program.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO WRITE A LETTER TO THE OFFICE OF THE COMPTROLLER REQUESTING THAT THEY GRANT A WAIVER OR AN EXEMPTION OF THE 7% SERVICE CHARGE FOR THE GADSDEN COUNTY GRANT TO THE GUARDIAN AD LITEM PROGRAM.

EMPOWERMENT ZONES - REQUEST BY EXTENSION SERVICE

Dr. Henry Grant addressed the Board. He told them that the Gadsden County Extension Department has volunteered to be the lead agency in completing an application to the US Department of Agriculture, Office of Community Development to be declared an empowerment zone for the census tracts which qualify. He added that the probability of Gadsden County being designated as an empowerment zone is low. However, he said, by going through the process, it could be designated as a "Champion Community."

Dr. Grant stated that history has proven that Champion Communities have been able to receive funds from public and private sources that have equal to or surpass the amount of money that empowerment zones have been able to get.

Dr. Grant concluded his remarks by saing that the empowerment zone process includes the development of a strategic plan that will lay out what the County intends to do regarding economic development for the next 10 years. It must also include how the plan will be carried out in two year increments.

Dr. Grant explained that if the County is fortunate enough to be designated as an empowerment zone, it could be awarded up to as much as \$4 million per year for 10 years.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE APPLICATION DESCRIBED BY DR. GRANT.

PLANNING AND ZONING ISSUES

Ms. B's Bingo

Growth Management Director Mike Sherman presented the following project.

Mrs. Emily Bently petitioned the County Commissioners for consideration of a request to establish a bingo facility in Gadsden County. The proposed site is located at the south west corner of SR 267 and Hogan Lane. The subject site consists of approximately 40 acres. The applicant has an option to purchase additional land adjacent to the site totaling 132 acres. The property is zoned commercial and would allow this type of business if the Board would grant a special exception permit.

The Planning Commission recommended approval subject to the requirements of the land development code and special conditions listed in the attached memo.

Mr. Sherman stated that his department would require a clear deed and a final site plan prior to issuing a development order.

Mr. Bo Creel, the applicant's representative, was present to answer questions.

Mr. Richmond, a licensed notary public, administered an oath to Mr. Sherman. He swore that all the above statements are true and that all information contained in the file on the project is correct.

Mr. Richmond then administered an oath to Mr. Bo Creel. Mr. Creel then explained that the facility will be a metal building and there will be an asphalt parking lot. He assured the Board that the applicants will exceed any county requirement to make the property presentable.

A MOTION WAS MADE BY COMMISSIONER DIXON TO CONCEPTUALLY APPROVE THE PROJECT FOR ELEVEN ACRES SUBJECT TO IT MEETING ALL THE LAND DEVELOPMENT CODES, ALL SPECIAL CONDITIONS LISTED IN THE ATTACHED MEMO AND FURTHER APPROVAL BY THE BOARD OF THE FINAL SITE PLANS AND ALL OTHER PERTINENT DETAILS OF THE BUSINESS OPERATION INCLUDING ITS HOURS OF OPERATION.

Discussion followed.

Elijah Knight was recognized for questions and comments. He asked the Board not to act on the request for another 40 days. He

indicated that he questioned the validity of the deeds to the property in question.

Commissioner Dixon told Mr. Knight if he a problem with the deeds, he would have to see a judge in order to put a stop to the project. He explained that the Board of County Commissioners does not have any authority over the deeds.

Marion Laslie was recognized for questions and comments. She was concerned about the size of the parking lot.

THE CHAIRMAN CALLED FOR A VOTE. THE BOARD VOTED 5 - 0, BY VOICE VOTE, IN FAVOR OF THE MOTION STATED ABOVE.

Note: The recording secretary did not hear a second to the motion nor was a second audible on the taped recording of the meeting.

CODE ENFORCEMENT

Hobbs Nuisance Complaint

Note: See minutes of December 16, 1997, April 7, 1998 and May 15, 1998 for historical details of this complaint.

Mr. Sherman stated that he was directed by the Board on June 16, 1998 to bring the Hobbs nuisance violations back to be heard by the Code Enforcement Board. He stated that he inspected the Hobbs site on the afternoon of this meeting. He reported that the Hobbs have made some progress in clearing the debris from the premises. He entered two pictures as evidence. (Attached)

Mr. Sherman went on to say that there are still complaints from the neighbors about the Hobbs not keeping their dogs in their own yard and also that the dogs' barking keep them awake at night.

Mr. Richmond told the Board that the county's ordinance of record is not appropriate to require the Hobbs to keep their dogs in their own yard. He added that it is difficult to enforce a barking dog ordinance when the Sheriff's Department has historically declined to make arrests when complaints are filed.

Chairman Watson called for James and Susan Hobbs to address the Board.

The following facts were determined:

- 1) There are 4 dogs which live with the Hobbs permanently - 3 are house dogs; 1 is mixed wolf/lab that stays tied in the yard; 2 other dogs that belong to their son are at the home 90% of the time; other dogs have been there

- from time to time temporarily until they could be adopted by others
- 2) There is a fence on only two sides of the property.
 - 3) The Hobbs are in the process of getting regular garbage pick up
 - 4) Helen Tucker, a complainant and neighbor took out a restraining order against Susan Hobbs
 - 5) Multiple complaints have been filed against the Hobbs by neighbors.

After discussion, Mr. Hobbs made a commitment to keep the dogs on his property at all times.

It was determined that the Board of County Commissioners had no role in the situation.

Mrs. Helen Tucker addressed the Board. She offered another letter of complaint and pictures which demonstrate the extent of the complaints. She contended that the Hobbs have 11 dogs which are a continual problem for all the neighbors.

Mr. Richmond stated the following:

"Based upon the level of debris which was found at this time, the Board cannot act. However, Mrs. Tucker has private rights. She can hire a lawyer, sue them, get an injunction against them. There are a lot of things a private citizen can do. Mrs. Tucker has rights. She can go to court. She can get an injunction against the Hobbs, not just for domestic violence which she has already done, but she can get an injunction for any reason that the court finds is offensive - that the dogs are causing a problem because they are defecating on her property. We don't have an ordinance that covers that. It doesn't mean that it is right, but, as a private citizen, she can go solve the problem in court. We can't solve it for her here."

The Board determined that there are no county ordinances which cover the kinds of problems the neighbors allege against the Hobbs.

It was suggested that Mrs. Tucker go to see Legal Services to seek help.

Derrick McKinnon Body Shop Violation

Note: See the minutes of August 19, 1997; December 2, 1997; April 7, 1998; and June 16, 1998 for historical details of this project.

Commissioner Dixon stated that he had an opportunity to work with Mr. Derrick McKinnon in getting himself properly situated in his business. He said that Mr. McKinnon knows that he is in a difficult situation and he has been pursuing small business loans and an architectural services. However, Mr. McKinnon has come to the conclusion that it is not in his best interest to continue operation at the current site.

Commissioner Dixon then suggested that the Board grant Mr. McKinnon an additional 12 months to allow him time to close his business at the current location and move to an approved location.

Mr. McKinnon was present and told the Board that he needs to be able to continue to make money so that he will be financially able to open at another site.

Commissioner Roberson asked Mr. McKinnon how long it would take him to complete the work he had already contracted to do.

Mr. McKinnon answered that it would take him a year.

A MOTION WAS MADE BY COMMISSIONER DIXON AND SECONDED BY COMMISSIONER FLETCHER TO ALLOW MR. MCKINNON 12 MONTHS TO CLOSE DOWN HIS OPERATION AND MOVE TO ANOTHER APPROVED LOCATION.

Discussion followed. Chairman Watson stated that the request would allow Mr. McKinnon to continue his operation for another whole year in violation of the standards that other businesses are being held to. He was opposed to the motion.

COMMISSIONER FLETCHER CALLED THE QUESTION. THE BOARD VOTED 4 - 1 IN FAVOR OF THE MOTION. (CHAIRMAN WATSON CAST THE LONE DISSENTING VOTE.)

Comprehensive Plan Amendment 98-001 County Ordinance 98-005

Mr. Sherman told the Board that he had received notification from the Florida Department of Community Affairs (DCA) that they had found Gadsden County Comp Plan Amendment 98-001 to be "Not In Compliance (NOI)" pursuant to the requirements of Chapter 163, Part 2, Florida Statutes. He added that they (DCA) raised a number of objections.

Mr. Sherman explained that the County has two options available at this point: 1) Begin negotiations with the State to strike a stipulated settlement or 2) rescind the amendment. He went on to say that if an agreement could not be reached, an administrative hearing will be scheduled for a hearing officer to review the issue. (at which time there could be sanctions imposed

upon the County) He added that the County has traditionally entered into negotiations with the State and has almost always been able to come to favorable terms.

Mr. Sherman asked for directions as how he should proceed.

Chairman Watson asked, "If the property should be designated Industrial, could a tank farm be put on the property despite promises from the owner/developer that they would not place a tank farm on it?"

Mr. Sherman replied, "The way the county's code is written, the uses would come before the Board for approval. If a project were denied by the Board, it could be appealed to DCA for a ruling. However, it could be stipulated in an agreement with the owner/developer that they would not put a tank farm on the property."

Chairman Watson called for public comment.

Marion Laslie asked why the Board is considering this amendment when there are industrial lands still available in the County. She stated that she thinks that the amendment is too vague without even the mention of a business name. She added that through her conversation with DCA, if a parcel is designated industrial, it would allow for the location of hazardous materials being stored there. She stated that the location in question is too close to the nearby water bodies and it could pose health problems if the water should become contaminated.

Ms. Laslie then asked what would happen to a person who violated an ordinance whereby they cannot even be fined.

Mr. Sherman replied that the Gadsden County Comprehensive Plan has a policy regarding what would be allowed in an industrial land use category. The policy was designed to include developments which have significant off-site impacts. Also, the Land Development Code sets up another layer of the review process for certain types of uses which have significant off-site impacts. If a person came in to get a permit for a tank farm, the staff would inform the applicant that they must get approval from the Board of County Commissioners. At that time, the Board could place conditions on a development which are in addition to those required by the only the Land Development Code.

Further discussion followed.

Mr. Jim Stiles, owner and developer of the property in question, stated that he had made a written commitment to bring the

project back to the Board for its review and approval prior to placing any type business on the land.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO AUTHORIZE MR. SHERMAN TO PROCEED WITH NEGOTIATIONS WITH DCA REGARDING THEIR NOTICE OF INTENT TO FIND THE LAND USE PLAN AMENDMENT NOT IN COMPLIANCE.

REQUEST TO WAIVE REQUIREMENT FOR P & Z HEARING FOR MS. SONDRANDERSON'S CHARTER SCHOOL

Mr. Sherman told the Board that Ms. Sondra Anderson was recently approved for a charter school and hopes to house it at the Harris Flea Market. She has made an application for small scale land use change to change it from commercial land use. The deadline date for receiving small scale map amendment applications had past when Ms. Anderson returned the revised application to the P & Z Department. She is now in a time crunch and has requested that the Board waive the P & Z Commission review so that she can get the school opened to coincide with the public schools. Mr. Sherman assured the Board that all the legal requirements will have been met without the P & Z Commission hearing.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO WAIVE THE USUAL HEARING BEFORE THE P & Z COMMISSION AND HEAR IT ON JULY 21, 1998.

COUNTY MANAGER'S AGENDA

Peacock Estates Drainage Easement

County Manager Howard McKinnon told the Board that there is a drainage easement between lots 19 and 20 in Peacock Estates that is currently dysfunctional because of improvements made on an adjacent lot. Mr. Patel brought in fill dirt which eliminated the swell which created the drainage. In addition, he has constructed a block wall across the easement causing the water to flow onto the neighboring lot.

Mr. McKinnon asked the Board to authorize the county attorney to send a letter to the property owner to re-establish the drainage and remove the block wall.

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

AUTHORIZE THE COUNTY ATTORNEY TO WRITE A LETTER TO THE PROPERTY OWNER TO REMOVE THE BLOCK WALL AND RE-ESTABLISH THE DRAINAGE.

Havana Landfill Fencing

Mr. McKinnon told the Board that in the late 1980's, the County erected a fence on the north side of the Havana Landfill. It appears the fence was erected along what was thought to be the property line between the County and the adjacent property owner.

Recently, Mrs. Louise Blackburn, the neighboring land owner, had a survey done by Bobby Presnell & Associates. The survey revealed that the County's fence crosses over the property line and onto her property. Tommy Skipper, a local surveyor, agreed with the survey findings. Subsequently, Mrs. Blackburn has requested that the County remove and relocate the landfill fence.

Commissioner McGill suggested that the County pursue making the surveyor responsible for the error bear the cost of removing and possibly erecting a new fence.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE REMOVAL OF THE HAVANA LANDFILL FENCE.

City of Gretna's Request for Ditch Pulling

Mr. McKinnon told the Board that Midway City Manager Charles Hayes has requested the County to pull the ditches for some of their roads. (A list is attached to these minutes.) Gretna has agreed to clean the ditches of trash, trim the necessary bushes and clear the right of way of mailboxes before the ditch pulling occurs. They've agreed to provide a crew to repair damage to water or sewer lines (if it should occur) and to clean the road of trash or debris (if any appears) after the ditch pulling. Additionally, Gretna has agreed to allow the County to schedule the work in increments with the county's regular maintenance schedule.

Mr. McKinnon continued by saying that the County will pull only where there are existing established ditches along the roadways. The County will schedule the activity in advance so coordination can occur between the respective work crews. Gretna has agreed to pay \$50.00 per hour or an estimated total payment of \$5,150.00. The County's estimated total cost is \$13,668.00.

Mr. McKinnon stated that he was providing the report so that the Board would know and understand the scope of the work requested by Gretna. He then recommenced that the work be performed by the

County's Public Works Department and requested that the Board accept the report as presented.

Chairman Watson pointed out that when City Manager Hayes first came to the Board requesting assistance, he represented to the Board that Gretna had only 2 roads and he only expected the work to take 3 hours to accomplish. In December, 1997, Mr. Hayes sent a letter requesting assistance with 12 roads. In April 1998, another letter was received requesting help on 25 roads. The scope of work appears to be far greater than originally anticipated.

Chairman Watson then reminded the Board that there are county roads that need to have their ditches pulled which have not been accomplished yet.

A MOTION WAS MADE BY COMMISSIONER FLETCHER AND SECONDED BY COMMISSIONER DIXON TO ACCEPT THE REPORT AND THE COUNTY MANAGER'S RECOMMENDATION.

Commissioner Dixon questioned why Williams St. would require 16 hours of work when it is only .7 mile long. (See report attached.)

Mr. McKinnon commented that the county operator that performs that type work did the estimates without explanation.

Commissioner Roberson stated that she thought that Gretna had only about 6 miles of roads.

Commissioner Fletcher stated that the county has pulled the ditches on Ralph Richards Road (which runs through his nursery) for many years and it has never taken more than 4 hours to do the job.

Commissioner Dixon commented that the Board issued directions to do the work in Gretna as they requested. He stated that the directions have not been followed and that he had some grave concerns about it.

Commissioner Fletcher stated that not even the road grading had been done.

Commissioner McGill asked why would it take 16 hours to dig the ditches on Williams Road.

THE BOARD VOTED 4 - 1 IN FAVOR OF THE MOTION TO ACCEPT THE REPORT AND RECOMMENDATION FROM THE COUNTY MANAGER.

CONSENT AGENDA

Removal of Lease Agreement with North Florida Medical Centers, Inc.

Commissioner Dixon told the Board that he understood that the North Florida Medical Centers, Inc. has asked some of the Gadsden County Board members to resign. He asked that their lease agreement be pulled from the consent agenda until the Board can ascertain why the resignations were requested.

Mr. Richmond advised that if the lease is placed for discussion, it should be re-agendaed for the next meeting date. He also advised that North Florida Medical Centers, Inc. should be notified that it was removed from the Consent Agenda and give them an opportunity to be present when it will be discussed.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO PULL THE LEASE AGREEMENT WITH NORTH FLORIDA MEDICAL CENTER, INC. FROM THE CONSENT AGENDA.

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

- 1) Proposal of Nabors, Giblin & Nickerson to represent Gadsden County in matters dealing with Gadsden Community Hospital - for approval
- 2) Agreement between Gadsden Citizens for Healthy Babies, Inc. and Gadsden County Extension Services - for approval
- 3) Agreement between North Florida Junior College and Gadsden County EMS - for approval
- 4) Pat Thomas Park improvement grant - DEP Contract No. F9007
- 5) Mosquito Control Budget for FY 98-99 - Approval of work plan and operation work plan narrative
- 6) Agreement with Kenon Plumbing for approval (\$15,000)
- 7) Waiver of county imposed inspection fees for Union Chapel Church - for approval

- 8) Bid No. 98-014 - Heat pumps for Quincy Square Office Complex Project - awarded to Winton Suber Heating and Air for \$28,990 - for approval
- 9) Change Order No. 4 Quincy Square Historic Renovation Project - \$600.00 bringing the total of the project to \$404,326.00
- 10) Certificate for Payment to Joel H. Lawson, Inc. - Quincy Square Phase II - \$44,965.00 - for the record.
- 11) Review and Clearance of FY 97 Audit for CDBG 95DB-65-02-30-12-H22 \$141,569 and 97DB-1E-02-30-01-Y04 \$3,356.00
- 12) Gadsden County Affordable Housing Advisory Committee Meeting Minutes for March, 1998 - for the record
- 13) Economic Development Activities Report - for the record
- 14) Northwest Florida/Big Bend Health Council appointments - Susan C. Fite (Elderly) and Jerry Wynn (Provider) - this appointment will expire September 30, 2000 - for approval

CLERK'S AGENDA

Tax Collector's List of Errors, Insolvencies, Double Assessments, and Discounts Report - Board Certification

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE TAX COLLECTOR'S LIST OF ERRORS, INSOLVENCIES, DOUBLE ASSESSMENTS, AND DISCOUNTS REPORT.

Budget Amendments 98-07-07-01 through 97-07-07-06

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE ABOVE LISTED BUDGET AMENDMENTS.

Ratification of the Approval to Pay 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.

DISTRICT 1 REPORT

Better Roads Committee

Commissioner McGill appointed Carl Jackson to the Better Roads Committee.

FACC - President Elect

Commissioner McGill called attention to the fact that Commissioner Dixon is now the President-elect for the Florida Association of Counties. He pointed out that there will be some financial responsibilities relating to the annual conference that the president's county must bear. He asked the Chairman to appoint a committee to begin working on planning for that event.

City of Midway Comp Plan Amendment

Commissioner McGill recalled the action that the Board took at the last meeting regarding Midway's amendment to their comprehensive plan.

The City of Midway recently annexed 80 acres adjacent to Dupont Road which is also adjacent to the Gadsden Station DRI. They adopted a comp plan amendment that would change that land use category from the county agriculture and residential to commercial use category.

The Gadsden County P & Z staff reviewed the data and analysis provided by the City of Midway to DCA. The staff found that the data and analysis was not adequate to prove the necessity for the change in land use. While the County does not normally object to anything the municipalities adopt, this change in land use could greatly impact Dupont Road, which is an unpaved county road. The applicant stipulated in the data and analysis that he would pave 1/4 mile of Dupont Road.

The Board voted to pursue the avenue of requiring the developer to pave the entire length of Dupont Road by becoming an intervenor to the issue with DCA.

Commissioner McGill reported that the developer has made it known that he will kill the project before he would pave the entire length of Dupont Road. He suggested that the Board re-address its position. It seems that Midway believes that the County is infringing on its ability to develop.

DISTRICT 3 REPORT

Commissioner Roberson reported that there would be a ribbon cutting at the Chattahoochee Branch Public Library on Thursday, July 9, 1998 at 10:00 - 11:30. This will celebrate the completion of the recent renovations made to the Library.

She then asked that the Chairman be authorized to write a letter to DOT requesting their assistance in repairing CR 269 where they are doing a state project over the railroad. She reported that the road is in terrible shape because their heavy equipment is damaging it.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO AUTHORIZE THE CHAIRMAN TO WRITE A LETTER TO DOT REQUESTING THEM TO AID THE COUNTY IN REPAIRING THE DAMAGES TO CR 269 AT THE RAILROAD WHICH WAS DONE BY THEIR HEAVY EQUIPMENT.

DISTRICT 4 REPORT

Commissioner Fletcher had no report.

DISTRICT 5 REPORT

Commissioner Dixon thanked the commissioners for their support in the FAC matters. He stated that small counties have a major role in the FAC as a result of commissioners support.

DISTRICT 2 REPORT

Chairman Watson appointed John Hinson to the Library Commission to replace Mrs. Jean Fletcher.

He then congratulated Commissioner Dixon on becoming the President-elect of the FAC. He extended the Board's appreciation for the time he spends dealing with affairs of the Association and State.

ADJOURNMENT

**THERE BEING NO OTHER BUSINESS BEFORE THE BOARD, 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 JULY
21, 1998, THE FOLLOWING PROCEEDINGS
WERE HAD, VIZ.

PRESENT: STERLING L. WATSON, CHAIR
CAROLYN ROBERSON, VICE CHAIR
W.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

Chair Watson called the meeting to order. He then led in
pledging allegiance to the U.S. Flag and Commissioner McGill led in
prayer.

ADOPTION OF AGENDA

Item No. 5 (98/99 Appropriation Review Information Update for
Gadsden County Agricultural Center Renovations) was removed at the
written request of Dr. Henry Grant.

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

APPROVAL OF MINUTES

July 7, 1998 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 JULY 7, 1998 REGULAR MEETING.

COUNTY ATTORNEY'S AGENDA

Cooksey vs. Gadsden County

County Attorney Hal Richmond reported that the County is now in the posture of an eminent domain lawsuit with Dr. John Cooksey. He then reported that he had an appraisal done on the property which was found to be a "taking" by the circuit court. Additionally, he stated that he had obtained quotes from engineers and hydrologists as to costs relating to expert witness testimony at the valuation trial if the lawsuit should proceed. The county's potential expert witness fees and Dr. Cooksey's expert witness fees could approach \$70,000. (\$23,000 already paid; \$20,000 for additional attorney fees for Dr. Cooksey; \$7,500 in engineering fees for the County; \$7,500 in engineering fees for Dr. Cooksey; \$10,000 in appraiser fees at the rate of \$175.00 per hr; \$10,000 in appraiser fees for Dr. Cooksey; and \$10,000 to Big Bend Technologies.)

Mr. Richmond recalled to the Board that Dr. Cooksey remains willing to settle the lawsuit out of court for \$60,000 including the installation of a riser/baffle at the culvert on Edwards Road at the site of the "taking." He cautioned the Board that he was uncertain how long Dr. Cooksey will remain willing to settle. He then asked for directions.

Commissioner McGill reasoned that there would be very little savings to the County (if any) by going forward to trial. He also pointed out the risk of losing in court. The cost could increase dramatically.

Commissioner Fletcher stated the likelihood of water flooding other homes in the area is minimal. He explained that the elevation of the pond is 260 and the homes are above 264.

Chair Watson was opposed to settling with Dr. Cooksey and favored proceeding with the lawsuit. He stated he could not justify paying \$60,000 for a piece of land determined to be worth only \$1,400.

Commissioner Fletcher asked Mr. Richmond for a recommendation.

Mr. Richmond declined to offer a recommendation and restated the analysis of the settlement offer versus going to trial.

Discussion followed.

COMMISSIONER MCGILL MADE A MOTION TO ACCEPT THE SETTLEMENT

OFFER FROM DR. COOKSEY.

More discussion followed.

THE MOTION DIED FOR LACK OF A SECOND.

Commissioner Roberson could not decide. She asked to pass the matter until the end of the meeting.

Inmate Issue with Tallahassee Memorial Medical Center (TMH)

Mr. Richmond advised the Board that he had received notice from TMH attorneys that they expect the County to pay a bill for a county jail inmate released on his own recognizance (ROR) and then brought to the hospital for medical treatment. They are demanding payment or they will sue the County.

Mr. Richmond stated that TMH sued the County in a similar case several years ago. The County ultimately won that case on appeal. He stated that when a defendant is ROR'd, the County is no longer responsible for their medical treatment.

Mr. Richmond stated that TMH is saying that the Sheriff can't ROR a sick inmate to avoid responsibility for the medical treatment. They cited case law in Idaho and Texas which prohibits that practice. However, Mr. Richmond stated that Florida Law allows for the practice.

PLANNING AND ZONING ISSUES

**Small Scale Lane Use Plan Amendment - SS98-004 Project #98-004
FLUM Amendment (Commercial to Public)**

Growth Management Director Mike Sherman told the Board that Mr. Charlie Harris has requested a small scale map amendment for part of his flea market on west U.S. 90. The applicant requested that the County change 2.4 acres of the 13 acres from commercial to public land use category. (Mrs. Anderson's charter school.)

Mr. Sherman stated that the intended use is not inconsistent with the comp plan. The P & Z staff recommended approval.

**UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY
COMMISSIONER MCGILL, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO
APPROVE THE ABOVE STATED AMENDMENT.**

Discussion with Department of Community Affairs (DCA) Re: Comp Plan Amendment 98-001; County Ordinance # 98- 005

Mr. Sherman recalled that the above stated amendment changed a portion of the Gadsden Station DRI from agriculture category to industrial category. The amendment was forwarded to the DCA. They have notified the County of their intentions to find the amendment "Not In Compliance."

Mr. Sherman reminded the Board that they directed him to begin negotiations with DCA to see if they could reach some type of stipulated settlement that would allow the property to remain industrial. He said he had met with the DCA planners and attorneys. They told him there is absolutely nothing that the County could do to for them to agree to allow the subject parcel to become industrial. They also told him that if the County continues with the effort to have the category changed, they will require administrative hearings.

Mr. Sherman then told the Board that the options available to the County at this point are:

- 1) Continue the effort with further data and analysis to prove to the State that this property should be industrial;
- 2) rescind the amendment;
- 3) provide for a new category for "light industrial" land use in the comprehensive plan that would limit developments which have potential significant off-site impacts (petroleum farms etc.)

Mr. Jim Stiles, the applicant for the land use change, made a written request that the County rescind the amendment and its corresponding ordinance. Mr. Stiles also said that he was not interested in pursuing "light industrial" land use. He informed the Board that he would come back to request a small scale land use map amendment for only 10 acres. (A small scale amendment would keep DCA out of the loop unless someone intervenes.)

Mr. Sherman asked for directions.

Mr. Richmond informed the Board that there must be a new ordinance to repeal Ordinance 98-005.

Mike Dorian stated that the fact that Mr. Stiles was not interested in "light industrial land use" makes his intentions for the land questionable.

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO RESCIND THE AMENDMENT DESCRIBED ABOVE.

COMMUNITY DEVELOPMENT - AFFORDABLE HOUSING

Resolution 98-012 Local Housing Assistance Plan for FY 97/98 & 98/99

Community Development Director Rosemary Banks explained the above stated resolution amending the local housing assistance plan for 97/98 and 98/99. The resolution will add a new line item for relocation homes. In addition, it will give the Chair the authority to execute all documents and certifications required by the Housing Finance Corporation.

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO PASS THE ABOVE DESCRIBED RESOLUTION.

Warranty Deed to Reginald and Glenda Ray- Habitat for Humanities Program

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE WARRANTY DEED TO REGINALD AND GLENDA RAY.

Resolution 98-010 - To seek \$350,000 In CDBG Funds to Provide for a Flood Buy Out Program

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE ABOVE STATED RESOLUTION.

GRANT REQUEST - KIDS' POWER ENRICHMENT PROGRAM

Mr. Harold Kelly, a public school teacher in Chattahoochee, addressed the Board requesting funds to assist in the Kids' Power Enrichment Program. He explained that the program targets children in the Chattahoochee area. It has been in existence for two years.

It operates during the summer months and after school during the school year. It provides academic, athletic, social and spiritual enrichment.

The Board reached a consensus to hear the request again during the regular budget preparation cycle.

COUNTY MANAGER'S AGENDA

Regional Workforce Development Board/Wages Coalition of the Big

Bend Jobs and Education Council, Inc.

Mr. McKinnon told the Board that the local Chamber of Commerce has requested that the Board appoint two people from the private sector to serve on the above stated board. (The procedure for appointing representatives to this board is for the Chamber of Commerce to nominate people for the vacancies and the Board of County Commissioners to make the appointments.)

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPOINT MR. STERLING DUPONT AND MS. LYNN JOHNSON TO THE ABOVE STATED BOARD.

Garbage and Solid Waste Services

Mr. McKinnon told the Board that the current agreement with Waste Management will soon expire. There is a clause which allows for an automatic renewal unless proper notice is given (p. 6 part III.) He continued by saying it is now approaching the "window of time" required by the contract if an automatic renewal is deemed undesirable.

Discussion followed as to some alternatives to the Waste Management Service.

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO GIVE NOTICE TO WASTE MANAGEMENT THAT THE COUNTY WILL EXERCISE ITS RIGHT TO NOT RENEW THE CONTRACT AUTOMATICALLY.

TAX MILLAGE RATE

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO SET THE TENTATIVE AD VALOREM TAX MILLAGE RATE FOR THE COUNTY OPERATING PURPOSES AT 10 MILLS FOR THE FY 98/99.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO SET THE TENTATIVE AD VALOREM MILLAGE RATE FOR THE HOSPITAL BOND ISSUE AT 1.050 MILLS.

FY 98/99 BUDGET CALENDAR

Mr. McKinnon called attention the budget calendar which was provided in the agenda packets. He offered it for informational purposes only.

Commissioner McGill stated that he would like to have the budget cycle begin earlier next year.

HOSPITAL

Mr. McKinnon stated that Mr. Harry Chiles of Nabors, Giblin and Nickerson, requested a meeting with the Board to discuss matters relating to a possible resolution to the operation of Gadsden Community Hospital.

Mr. McKinnon explained that a proposal had been made by Mr. Chiles that the hospital trust fund loan Centennial Corp., who is currently operating the hospital for MedTech, money to pay off MedTech's indebtedness to IRS and the local vendors; Centennial would assume the promissory note between MedTech and Gadsden County; and Centennial would deal with QL Enterprises separately.

The Chair asked the Clerk if he could approve of such a loan to Centennial.

The Clerk stated that he could approve of it only if the repayment of the loan was not contingent on the collection of pre-February hospital receivables.

A special meeting was set for Wednesday, July 23, 1998 at 5:00 p.m.

COOKSEY V. GADSDEN COUNTY

COMMISSIONER MCGILL MADE A MOTION TO SETTLE WITH DR. COOKSEY IN THE LAWSUIT FILED BY HIM AGAINST THE COUNTY. THE SETTLEMENT WAS FOR \$60,000 WHICH INCLUDES THE COST OF THE INSTALLATION OF A RISER/BAFFLE AT THE SITE ON EDWARDS ROAD WHERE THERE WAS FOUND TO BE A TAKING OF DR. COOKSEY'S PROPERTY.

Discussion followed.

COMMISSIONER ROBERSON seconded THE MOTION.

Further discussion followed.

THE BOARD VOTED 2 - 1 IN FAVOR OF THE MOTION TO SETTLE. COMMISSIONERS MCGILL AND ROBERSON VOTED "AYE". CHAIR WATSON VOTED "NO." COMMISSIONER FLETCHER ABSTAINED. (FORM ATTACHED)

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) Change Order # 1 to C.W. Roberts Construction, Inc. Contract - Timber Run 1.8 miles (begin at CR 270 to intersection with Beaver Creek Road) + \$21,850.00; Merritt Lane - +\$96,389.50 (Bid NO. 98-008) This brings the total of the contract to \$1,042,751.75.
- 3) Change Order # 2 to C. W. Roberts Construction, Inc. Contract - Wayside Farms - \$149,668.00 which brings the total of the contract to \$1,192,419.75
- 4) CDBG Contract # 97-1E-02-30-01-Y04 - First Quarter Deliverables - for the record
- 5) Approval to award the demolition of the old Sheriff's office building to Coastal Land Management for \$3,850.00
- 6) Minutes of the Affordable Housing Partnership Committee for April and May
- 7) Local Mitigation Strategy Grant - Modification # 1 to Contractual Services Agreement - Change of the due date for 1st Period Deliverables to October 31, 1998 Contract #98-LM-4H-0230-01-020
- 8) Resolution # 98-011 - EMS Write-off of Bad Debts totaling \$99,966.85.

**9) Report on Economic Development Activities for month of
June 1998**

CLERK OF CIRCUIT COURT

Budget Amendments 98-07-21-01 through 98-07-21-09

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE ABOVE STATED BUDGET AMENDMENTS.

Ratification of the Approval to Pay the 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.

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.

ADJOURNMENT

THERE BEING NO OTHER BUSINESS AND UPON MOTION BY COMMISSIONER FLETCHER, THE CHAIR DECLARED THE MEETING ADJOURNED.

Sterling L. Watson, Chair

Gadsden County Board of County Commissioners
July 21, 1998 Regular Meeting

ATTEST:

Nicholas Thomas, Clerk

AT A SPECIAL MEETING OF THE BOARD OF
COUNTY COMMISSIONERS, HELD IN AND
FOR GADSDEN COUNTY, FLORIDA ON JULY
22,1998, THE FOLLOWING PROCEEDINGS
WERE HAD, VIZ.

PRESENT: STERLING L. WATSON, CHAIRMAN
CAROLYN ROBERSON, VICE CHAIRMAN
W.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 Watson called the meeting to order and turned it over to Hal Richmond.

Mr. Richmond described the purpose of the meeting to review the proposal by Nabors, Giblin and Nickerson regarding the operation of the Gadsden Community Hospital.

Mr. Harry Chiles, attorney with Nabors, Giblin and Nickerson addressed the Board. He referred to a draft letter dated July 21, 1998, from George Maros to Howard McKinnon which outlined an agreement regarding Centennial's continued operation of the hospital.

Mr. Chiles stated that the proposal in the letter from Mr. Maros did not reflect what he recollected from the meeting with Centennial on Friday, July 17. He summarized his recollection as follows:

- 1) Centennial would purchase from QL Enterprises, the UCC-1's which are now in court proceedings and have frozen the operating accounts of the hospital. By purchasing those it would unfreeze the operating accounts.
- 2) The hospital endowment trust fund would loan Centennial money to pay off MedTech's indebtedness to the Internal Revenue Service (IRS) and the local vendors.
- 3) If it is deemed necessary to collateralize the loan, Centennial would do that with something other than hospital receivables.

Mr. Chiles asked for directions from the Board.

Commissioner Fletcher stated that he felt the Board should give Mr. Chiles the authority to continue to negotiate with Centennial for terms as he outlined in the attached letter.

Mr. Max Fletcher suggested that the Board approve an agreement provided that it meets with the approval of the County Manager and the County attorney. (Assets sufficient to secure the loan.)

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO GIVE AUTHORITY TO MR. CHILES TO CONTINUE TO NEGOTIATE WITH CENTENNIAL FOR A LOAN FROM THE HOSPITAL TRUST FUND BUT TO INSURE ASSETS SUFFICIENT TO SECURE THE LOAN. ONCE AN AGREEMENT CAN BE REACHED THAT MEETS WITH THE APPROVAL OF THE COUNTY MANAGER AND THE COUNTY ATTORNEY, IT SHOULD BE BROUGHT BACK TO THE BOARD FOR FINAL APPROVAL.

Graves Williams asked for clarification of the motion.

ADJOURNMENT

There being no other business before the Board, the meeting was 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
AUGUST 4, 1998, 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
NICHOLAS THOMAS, CLERK
HAL RICHMOND, COUNTY ATTORNEY
HOWARD MCKINNON, COUNTY MANAGER

CALL TO ORDER

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

ADOPTION OF AGENDA

The agenda was amended to include an appointment to the Canvassing Board during the District 2 Report.

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

APPROVAL OF MINUTES

July 21, 1998 Regular Meeting

July 22, 1998 Special Meeting

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

COUNTY ATTORNEY

County Attorney Hal Richmond was present but had no report.

COUNTY MANAGER

Gadsden Community Hospital

County Manager Howard McKinnon reported that no definite agreement has been reached with Centennial Corporation as it relates to the operation of the hospital. However, he added that communication is continuing.

Lease of the Gadsden County Primary Health Care Center

Note: CEO Joel Montgomery appeared before the Board on June 2, 1998 and requested a waiver of the lease payments on the Primary Health Care Building to North Florida Medical Centers, Inc. The Board agreed to a 50% reduction in the lease with the understanding that the County staff would monitor the administration of the organization to insure that the reduction in the lease would be used to supplement the health services and not supplanted for other things such as salary increases in other locations.

Subsequent to the reduction of the lease payment, it became known to the Board of County Commissioners (BCC) that some of the Gadsden County employees had been asked to resign while at the same time, raises were given to others. For that reason, the lease agreement was pulled from the Consent Agenda of the July 7, 1998 BCC meeting and re-agendaed for discussion at this meeting with Mr. Montgomery.

Mr. Joel Montgomery, CEO of North Florida Medical Centers, Inc. was present.

Commissioner Dixon stated that he was concerned that a number of employees of Gadsden Center of the North Florida Medical Centers, Inc. were asked to resign while at the same time a number of raises were given. He told Mr. Montgomery that it concerned him greatly that his organization would come to the Gadsden County Board and ask for a rate reduction and in turn, grant raises.

Mr. Montgomery responded by saying "Your statement raises a subject matter that, even though I would like to respond to, I am prohibited from discussing issues pertaining to personnel matters and revealing any aspect of our personnel files or programs. I am here to respond to our relationship as the lessor/lessee and not with regard to our internal operations."

Commissioner Dixon maintained that the North Florida Medical Center's internal operations are directly affected by the Board's

external operations. He reminded Mr. Montgomery that his organization had been granted a reduction in lease payments in good faith that they would be doing things that are in the best interest of Gadsden County.

Mr. Montgomery pointed out the following:

- 1) The building is debt free and was fully paid through monthly rental payments.
- 2) The Gadsden Center provides over \$300,000 annually in uncompensated care.
- 3) The jobs of 22 employees with a payroll of \$750,000 annually is a stake.
- 4) Nothing in their proposal was intended to imply that they will cease operation without the reduction in lease payments.
- 5) The effort to reduce expenses was for the purpose of additional resources that will help in providing uncompensated care to Gadsden citizens.

Commissioner Dixon asked Mr. Montgomery if he intended to answer his question.

Mr. Montgomery responded by saying, "Even though I would like to, I am unable to respond to internal operational issues particularly in relation to personnel."

Commissioner Dixon asked "Have you or have you not given substantial raises to your executive directors?"

Mr. Montgomery again responded that he could not make any comment about personnel issues.

Commissioner McGill stated that salaries paid for with public funds would be public information. He asked if he would respond to a general question regarding raises rather than specific questions.

Mr. Montgomery stated that his organization is a not-for-profit business and not subject to the sunshine law. He invited the Board to put their questions in writing and he would present them to his board for their consideration.

Commissioner Dixon agreed to make his request in writing but stated that he did not appreciate the "stone-walling". He stated that Mr. Montgomery knew what the meeting was about and should have come prepared to answer questions.

Mr. Montgomery asked that the letter inviting him to attend this meeting be read into the record. He stated that the only

issues he knew to expect were stated in the letter from Mr. McKinnon.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TABLE THE APPROVAL OF THE LEASE WITH NORTH FLORIDA MEDICAL CENTERS, INC.

ABOUT FACE! - ANDREA HOWARD

Ms. Andrea Howard invited the commissioners to attend a graduation ceremony on Thursday evening for the About Face! summer youth program. She explained the program is sponsored by the Florida National Guard and targets financially disadvantaged children between the ages of 13 - 17. She also appealed to the commissioners to support the program through letters, faxes and e-mail to the agencies that fund the program.

GADSDEN COUNTY AGRICULTURE CENTER RENOVATIONS

Dr. Henry Grant, County Extension Director, presented the renovation and expansion plans for the William Inman Agriculture Center over the course of several years. The Legislature funded \$160,000 toward the project. The project plans and budget are attached to these minutes. He asked for the Board's approval.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE PLANS AND BUDGET AS PROPOSED IN THE ATTACHED PLANS.

TEEN COURT

Mr. Robert Lewis, co-ordinator for the Gadsden County Teen Court, appeared before the Board requesting the use of the courtroom facility in the County Courthouse Annex # 3 on Mondays from 5:00 p.m. - 9:00 p.m.

Mr. Lewis explained that the Teen Court was funded by the Department of Juvenile Justice, a grant written by the Gadsden County School Board. It is a diversion program designed to keep juvenile offenders from going through the traditional handling.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE USE OF THE COURTHOUSE ANNEX # 3 FOR THE TEEN COURT ON MONDAY EVENINGS.

LEX THOMPSON - DEVELOPER

Mr. Lex Thompson came before the Board requesting clarification regarding a zoning issue. He explained that he was considering the purchase of some property on Highbridge Road. He talked with the Planning Department and learned that he could develop the property into 1/2 acre lots if he would pave the roads and install a central water system. He was also told that there is no guarantee that the Board would approve 1/2 acre lots even if the comprehensive plan would allow it. Given the costs associated with such a development, he asked for some assurances from the Board before he makes the financial investment.

Dustin Smith, of the county planning department, verified that 1/2 acre lots on the property would be acceptable with both the land development code and the comp plan. However, he stated that he had witnessed the Board's disapproval of 1/2 lots in areas where they would not be inconsistent with the comp plan or the land development code. He noted that compatibility of the area must be taken into consideration when granting density. There is always the possibility of extenuating factors that would impact on the Board's decision regarding the density of a parcel.

Mr. Thompson said that he could accept restricting the size of the lots if environmental concerns become an issue. He stated however, that he would like to have some assurance, barring any environmental issues, that he will be granted 1/2 lots before he purchases the land and spends money for the engineering.

Mr. Thompson then stated that the City of Midway has experienced problems with getting permits issued through the county planning department.

Mayor Pat McLain confirmed that the City of Midway residents have experienced problems getting building permits from the County even though a project was approved by the City.

Commissioner McGill related an incident which occurred with Midway Forest. Part of that development is in the City and another in the County. It was reported to him that the County had denied permits not only for the portion in the County but also for portions in the City.

Mr. Dustin Smith, county planner, stated that he was not sure that the incident described by Commissioner McGill actually happened. He could only recall denials of the portion of the development which lies in the County.

Mr. Thompson explained that the subdivision was annexed into the City of Midway one week after the development was approved. He proceeded to develop the property as if it was within the city

limits. However, the proper documentation was not filed appropriately and timely and the planning department claimed no knowledge of the annexation.

Mayor McLain stated that the planning department does not bother to visit Midway when a permit application is filed.

Mr. Dustin Smith countered that the department does a site inspection of every permit application that comes to the office.

Mr. Thompson related an incident where a person took a letter from the City of Midway to the planning department where she was denied a permit even though the lot was within the city limits.

Mr. McKinnon was instructed to look into the matter.

Mr. Richmond clarified that if Mr. Thompson's proposed development is zoned for 2 units per acre and if there is not a reason to vary from the 1/2 acre lot, Mr. Thompson would have a reasonable right to expect to be able to place 2 houses per acre.

Mr. Smith cautioned that there could possibly be some compatibility issues that would surface later.

Mr. Thompson also told the Board about a problem in obtaining a permit for a lot in the Mt. Zion area of the County. The matter was referred to the County Manager for resolution.

Mr. Thompson then described still another dilemma on Ray Road which is a dirt road and is zoned rural residential. (Rural residential only allows one dwelling unit per 2 acres except when there is a central water supply or a paved road.) Mr. George Shorter owns a 2.5 acre lot on Ray Road and is hooked up to city water. Mr. Shorter's mother owns one acre next to him and has applied for a permit to place a home on it. She attempted to get city water installed but could not because the City of Quincy does not have the capacity to which she can connect. Therefore, the planning department denied her a permit because there can only be one dwelling per two acres when there is no central water or a paved road.

Mr. Thompson suggested that the attitude of the planning department seems to be that they try to find avenues to deny permits rather than finding a way to help them. He remarked that some situations become very confusing to the average person.

This matter was also referred to the County Manager.

SALARY SURVEY

Management Services Director Arthur Lawson told the Board that he had obtained quotes from consulting firms regarding performing a salary survey for the County. He stated that the prices range from \$8,500 to \$22,000. The price would ultimately depend on the specifics requested by the County. He recommended that the Board budget adequate funds for the survey to be performed during FY 98/99.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO BUDGET FUNDS FOR A SALARY SURVEY DURING THE FY 98/99 AND ACCOMPLISH THE SURVEY BEFORE THE BEGINNING OF THE FY 1999/2000.

COUNTY MANAGER'S AGENDA

Request for Remedy of Drainage Problem at Lake Talquin

Mr. McKinnon told the Board of a situation at Lake Talquin where there exists a drainage problem across an individual's property where there is no easement. The problem began during the 1970's and has worsened over the years. The property owner has requested that the County install a culvert for the drainage. He pointed out that the project would require some design work and a DEP permit. He then stated that he would have the design work prepared and bring the matter back to the Board for approval.

Appointment of Sherry Tucker to Workforce Development Board

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPOINT THE CHAMBER OF COMMERCE DIRECTOR SHERRY TUCKER TO THE WORKFORCE DEVELOPMENT BOARD.

School Zone Flashers at Greensboro Elementary School

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE INSTALLATION OF 2 SCHOOL ZONE FLASHER SERVICES AT GREENSBORO ELEMENTARY SCHOOL - ALSO 2 FLASHER CABINETS EACH WITH A TIME CLOCK, FLASHING HEADS, 2 WOODEN POLES AND 2 METAL POLES WITH THE NECESSARY SIGNS - TOTALING \$4,650.00. THE INSTALLATION WILL BE DONE BY GRIFFIN'S TRAFFIC SIGNAL AND LOOP REPAIR FROM PANAMA CITY, FL.

Waiver of Permit Fees for the School Zone Flashers at Greensboro Elementary School

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO WAIVE THE COUNTY PERMIT FEES FOR THE ABOVE STATED PROJECT.

Empowerment Zone Steering Committee

Mr. McKinnon reported that the steering committee working on the empowerment zone application held their first meeting. He stated that he would keep the Board informed of the progress of application process.

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) Extension of the Stipulated Settlement Agreement with William (Bill) Crawford for the Farms at Quincy, Greater Farms at Quincy, Unit I and Greater Farms at Quincy, Unit II. Extension to April 20, 2008.
- 2) Interagency agreements between Gadsden County and Florida Department of Corrections for inmate labor. (Public Works, Recycling, Road & Bridge # 2; Road and Bridge # 1; Courthouse, Annex & Offices; Road & Bridge; Gadsden County Parks
- 3) Grants - Small County Solid Waste Grant No. SC99-09 for \$50,000; Solid Waste Recycling Education Grant No. RE99-18 \$89,682; Waste Tire Solid Waste Grant No. WT99-20 for \$21,322; Litter Control and Prevention Grant No. LC99-18 for \$17,241.00.
- 4) Donation of the 1988 Ford LTD Vin #2FABP72F9JX163334 TO Senior Citizens - Vehicle determined to have no value by the Board
- 5) Approval of the Gadsden County Affordable Housing Partnership Committee minutes for the month of March.

CLERK'S AGENDA

Financial Reports

Clerk Nicholas Thomas called attention to the financial reports in the board agenda packets. He stated that overall the financial situation looks good for this year.

Budget Amendments 98-08-04-01 through 98-08-04-07

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE ABOVE LISTED BUDGET AMENDMENTS.

Ratification of Board Approval to Pay County Bills

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

DISTRICT 1 REPORT

Commissioner McGill invited everyone to Havana for the festivities for the Havana's Night Out.

DISTRICT 3 REPORT

Commissioner Roberson reported that she had seen a news clip on the solid waste alternative program in Panama City Beach. She stated that she thought it would certainly something that Gadsden County might also want to consider.

DISTRICT 4 REPORT

Commissioner Fletcher had no report.

DISTRICT 5 REPORT

Commissioner Dixon gave a brief report on his trip to the National Association of Counties Conference in Portland, Oregon.

DISTRICT 2 REPORT

Value Adjustment Board

Chairman Watson appointed Commissioner Fletcher and Commissioner McGill to the Value Adjustment Board.

Canvassing Board

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, VOICE VOTE, TO APPOINT COMMISSIONER ROBERSON TO THE CANVASSING BOARD.

ADJOURNMENT

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

Sterling L. Watson, CHAIRMAN

ATTEST:

Nicholas Thomas, Clerk

AT A SPECIAL COMBINED MEETING OF THE
BOARD OF COUNTY COMMISSIONERS, BOARD
OF QUINCY CITY COMMISSIONERS AND THE
GADSDEN/QUINCY AIRPORT AUTHORITY
HELD IN AND FOR GADSDEN COUNTY,
FLORIDA ON AUGUST 18, 1998, THE
FOLLOWING PROCEEDINGS WERE HAD, VIZ.

COUNTY COMMISSIONERS PRESENT

CAROLYN ROBERSON, VICE CHAIR
W.A. (BILL) MCGILL
EDWARD J. DIXON
NICHOLAS THOMAS, CLERK
HAL RICHMOND, COUNTY ATTORNEY
HOWARD MCKINNON, COUNTY MANAGER

COUNTY COMMISSIONERS ABSENT

STERLING WATSON, CHAIR
E.H. (HENTZ) FLETCHER

CITY OF QUINCY COMMISSIONERS PRESENT

KEITH DOWDELL, MAYOR
GLENDELL RUSS
DON CHESSE
WILSON HINSON
ANTHONY POWELL, CITY MANAGER

CITY COMMISSIONERS ABSENT

CAROLYN FORD

AIRPORT AUTHORITY MEMBERS PRESENT

BUSTER BURNETT, CHAIR
JERRY OWENS
JEFF DAVIS
LARRY SIRMONS
DELORES SPOONER

AIRPORT AUTHORITY MEMBERS ABSENT

CHUCK LASLIE

CALL TO ORDER

The meeting was called to order by Jerry Owens, Vice Chair of the Airport Authority. He then introduced Mr. Buster Burnett, Chair.

Mr. Burnett spoke for approximately 25 minutes demonstrating the impact the airport has had on the economy of Gadsden County.

He began by first telling the story of how Mr. Sam Walton came to locate his first Florida WalMart in Quincy. He said that when Mr. Walton was interested in locating a store in Florida, he first looked in the Jackson County area. His pilot flew him into their airport and he looked the county over. While he liked the county, he did not like the airport. It was his practice not to locate a store where there was no airport and therefore Jackson County was ruled out. Mr. Walton made it a habit to make frequent visits to all his stores and an airport was necessary to facilitate ease of travel.

During one of Mr. Walton's trips to North Florida, he saw the Quincy Airport and decided to land his plane. The story was told that his ultimate decision to open his store in Quincy was primarily due to the fact that he liked the airport.

Mr. Burnett then showed the financial impact WalMart and Quincy Joist/Addison Steel had on the economy of Gadsden County as well as the tax base. He pointed out that neither business would have considered locating in Gadsden County if there had been no airport. He concluded his remarks by saying that the airport is Gadsden County's best kept secret. He implored each commission to be cognizant of the effect that the airport will have on the future growth of the County. He urged them to continue funding the airport so that it, the County and the City can reach their potential. (See the attached agenda and financial data.)

ADJOURNMENT

UPON MOTION BY MR. JERRY OWENS AND SECOND BY MR. SIRMONS, THE AIRPORT AUTHORITY VOTED 4 - 0 TO ADJOURN THE MEETING.

AT A SPECIAL MEETING OF THE BOARD OF
COUNTY COMMISSIONERS, HELD IN AND
FOR GADSDEN COUNTY, FLORIDA ON
AUGUST 19, 1998, THE FOLLOWING
PROCEEDINGS WERE HAD, VIZ.

PRESENT: BILL MCGILL, CHAIRMAN
STERLING WATSON, 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

Gadsden County Commissioner Chairman McGill called the meeting to order then turned it over to Mr. Jerry Owens of the Gadsden County Airport Authority.

Mr. Owens described the meeting as being the required annual meeting with the City of Quincy Commissioners, Gadsden County Commissioners and the Airport Authority Board members.

Mr. Owens gave a detailed presentation as described in the attached memo.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY CITY COMMISSIONER WILSON HINSON, THE TWO BOARDS UNANIMOUSLY APPROVED THE BUDGET AND SIX YEAR DEVELOPMENT PLAN FOR THE GADSDEN AIRPORT AUTHORITY.

The meeting was adjourned by Mr. Owens upon completion of his presentation.

No county business was conducted at this meeting.

AT A SPECIAL MEETING OF THE BOARD OF
COUNTY COMMISSIONERS, HELD IN AND
FOR GADSDEN COUNTY, FLORIDA ON
AUGUST 24, 1998, THE FOLLOWING
PROCEEDINGS WERE HAD, VIZ.

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

CALL TO ORDER

Chair Watson called the meeting to order stating the purpose of the meeting was to hear budget requests from private/non profit agencies and some of the county departments. He then turned over the meeting to County Manager Howard McKinnon.

The agencies and their representatives which appeared before the Board are listed below:

American Red Cross	Barbara Cloud	\$ 6,000.00
Children Are Our Future	Sherry Taylor	\$10,000.00
Gadsden County Senior Citizens	Solomon Sanders	\$15,000.00
Gadsden Day Care	Marilyn Anderson	\$ 5,000.00
Gadsden/Quincy Airport	Buster Burnett	\$10,000.00
Legal Services of North FL	Mary Dekle & Grant Dearborn	\$10,000.00
The Shelter	Mel Eby	\$15,000.00
Chamber of Commerce	Sherry Tucker	\$40,000.00

Ms. Tucker was asked to do the following:

1. Take input from the County with regard to how they utilize the funds they receive from the County.
2. Provide the Board a written description of the vision of the Chamber and the plan for accomplishing it.
3. Demonstrate how that vision and plan will benefit the County relative to the amount of funding they receive from the County.

4. Provide information regarding the recruitment of minority businesses as members of the Chamber.

Guardian Ad Litem	Kim Stevens	\$17,994.00
Gadsden Youth Development	Louvenia Sailor	\$10,000.00
DISC Village	Gail Dixon	\$24,000.00
Power Ministries	Harold Kelly	\$ 9,600.00

Mr. Kelley was asked to resubmit his budget explaining in more detail how the money marked as "salaries" will be utilized.

Capital Medical Society	Jesse Starkey	\$ 5,000.00
Eureka Project, Inc.	Richard Ford	\$18,500.00
Working It Out	Dr. V. B. Friar, II	\$10,000.00
Tiny Tots	Lillie Powell Louella Bowers	\$ 5,000.00

Gadsden County Public Library	Jane Mock
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Mrs. Mock was asked to investigate the lease arrangement with Tallahassee Community College and report back to the Board and the county manager. It was the consensus of the Board that if design work for library expansion is done, it should be done for a new building rather than for expansion in its present location. It was also suggested that she contact the architectural school at FAMU/FSU or FL Department of General Services for the proposed design work.

Gadsden County Extension	Dr. Henry Grant
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Dr. Grant was asked to determine how much of his salary the County is responsible for paying.

Gadsden County Probation	Martha Chancey
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Mrs. Chancey was asked to determine how much revenue her department takes in and compare it to the cost for operating the Probation Department.

Gadsden County Animal Control	Herb Chancey
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Discussion of the animal control budget was deferred until the next regular meeting of the Board.

Gadsden County Commodity Program Herb Chancey

NEXT BUDGET WORKSHOP

The next budget workshop was changed from Monday, August 31, 1998 to Wednesday, September 2, 1998 at 6:00 p.m.

ADJOURNMENT

There being no other business before the County, Chair Watson adjourned the meeting.

Sterling L. Watson, Chair

ATTEST:

Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE BOARD OF
COUNTY COMMISSIONERS, HELD IN AND
FOR GADSDEN COUNTY, FLORIDA ON
SEPTEMBER 1, 1998, 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
NICHOLAS THOMAS, CLERK
HAL RICHMOND, COUNTY ATTORNEY
HOWARD MCKINNON, COUNTY MANAGER

CALL TO ORDER

Chairman Watson called the meeting to order then led in
pledging allegiance to the U.S. Flag and a prayer.

ADOPTION OF AGENDA

The agenda was amended to include the Ochlocknee River Kennel
proposal.

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER
ROBERSON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE
AGENDA AS AMENDED. (COMMISSIONER DIXON WAS NOT PRESENT FOR
THIS VOTE.)

APPROVAL OF MINUTES

August 18, 1998 Regular Meeting

August 24, 1998 Special Meeting

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER
FLETCHER, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE
MINUTES OF THE ABOVE STATED MEETINGS. (COMMISSIONER DIXON WAS
NOT PRESENT FOR THIS VOTE.)

RECOGNITION OF EMS STAFF AND GADSDEN COMMUNITY HOSPITAL STAFF

Mrs. Rosemary Banks appeared before the Board as a private
citizen to publicly commend the Gadsden County Emergency Services
(EMS) and the Gadsden Community Hospital staff. She told how
responsive they had been to a family crisis on August 8, 1998. She
then pledged her efforts to look for grant funds to furnish
emergency response equipment for the hospital and the EMS
Department so that similar incidents can be handled within the

County without the need to transport patients to another area hospital. She then acknowledged the employees with certificates of recognition.

Chairman Watson thanked Mrs. Banks for bringing the incident to the attention of the Board.

NAMING OF THE GOVERNMENT COMPLEX - EDWARD J. BUTLER BUILDING

Mrs. Banks presented the Board with petitions requesting that the new governmental office complex be named the Edward J. Butler Building. She cited a number of programs which Mr. Butler brought to Gadsden County during his tenure as a county employee.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO NAME THE NEW GADSDEN COUNTY GOVERNMENTAL OFFICE COMPLEX THE EDWARD J. BUTLER BUILDING.

QUASI-JUDICIAL HEARING FOR SMALL SCALE MAP AMENDMENT - SS98-001C

Request from [Metropolitan Church](#) 5 acres from AG1 and Rural Residential Land Use to Public Land Use

Note: A verbatim transcript of this portion of the meeting can be obtained from Mrs. Lynn Gatlin, certified court reporter, who was hired by the applicant's attorney for the purpose of this meeting.

The Metropolitan Church of Tallahassee, FL petitioned the Board to consider changing the land use category on a parcel of land from the rural residential and agriculture 1 category to public land use category. The parcel of land is approximately 5.0 acres and is located adjacent to Rich Bay Road. Metro's intent is to develop the property into a church and private day school with grades K - 8. (All schools are classified as public on the future land use map.)

Growth Management Director Mike Sherman was sworn by County Attorney Hal Richmond as to the testimony he would give in the above stated matter. (Mr. Richmond is a notary public, duly authorized by the State of Florida to administer oaths.) He offered the following facts:

- 1) The applicants completed the application for the small scale map amendment to the satisfaction of the planning department as well as a traffic study and a natural features inventory analysis.

- 2) The amendment would not be inconsistent with the County's comprehensive plan.
- 3) The Planning Commission recommended denial by only a 1 vote margin.
- 4) The Planning Department received numerous telephone calls in opposition to the project.
- 5) The level of service standard for U.S. 27 and Rich Bay Road will not be degraded to a non-acceptable level by the proposed project nor will the intersection require any improvements.
- 6) Copies of the application was filed in the Board's agenda packets and entered as evidence at this juncture of the meeting.
- 7) The proposed building will seat 420 people.
- 8) One parking space will be required for every three seats the building will accommodate.
- 9) The proposed private school will house only K - 8 grades.
- 10) The county's code calls for a 25 ft. buffer around the property.

Mr. Charles A. Francis of the Law firm of Francis and Sweet (attorney for the applicant) addressed the Board. He clarified the following:

- 1) The proposed school will house only pre K - 8th grades - 120 students.
- 2) The project is a church/private school combination ministry. The facility will house both. The facility will not require a land use change if it is used solely as a church - only the school will require the change.
- 3) The applicants will meet all requirements of the county codes.
- 4) The traffic studies indicate that the project meets the traffic concurrency requirements. (supported by the engineering and contractors written statements)
- 5) The Church has been in existence in Tallahassee for 15 years. The school has been in operation for 5 years.

- 6) Submitted as evidence for the record was a letter from the school's current landlord. The letter is a recommendation in support of the applicants. It was read into the record.
- 7) There is sufficient room at the intersection of the road leading to the proposed school to construct a safe entrance. There is full view in both directions.
- 8) All schools are purposely located in neighborhoods. Land values near schools tend to go up - not down.
- 9) There are no compatibility issues with the project which cannot be resolved.

Mr. Jim Lambert of Lambert Construction was sworn by Mr. Hal Richmond. He then offered the following as testimony:

- 1) He visually demonstrated the location of the project on maps. He pointed out all the neighboring parcels and the location of home owners who support the project as well as those who oppose the project.
- 2) He visually demonstrated the location of the project and its relationship to the adjoining properties using enlarged photographs.

The following people offered testimony in support of the small scale map amendment. Each was sworn by Mr. Hal Richmond.

Rev. Preston Scott
Ms. Carla Price
Deacon Sherwood Brown
Rev. Malcolm Barrington
Mary Clayton

A question arose concerning the methodology used by the applicant in determining the traffic impact the school would have on the area. Upon questions from the Board, Growth Management Director Mike Sherman confirmed that the applicant had used an acceptable methodology in the traffic analysis portion of the application (ITE based on the square footage of a school facility.)

He also confirmed that if the traffic impact was measured by the number of students, that it might be different but it would be comparable.

Chairman Watson asked if the enrollment was likely to increase to as many as 300 students.

Ms. Clayton answered (still under oath) that to increase the number of students would be contradictory with the school's philosophy to maintain small group dynamics - the class caps are set at 12 - 15 students per class.

Chairman Watson then asked Deacon Sherwood Brown to explain what he meant when he made the following statement: "If the school did go away, the ministry would remain."

Deacon Brown explained that the church is the mother entity which has several ministries. The school is only one component of the church's ministries. If the school ceased operation, Sunday church services and mid-week services would continue. The church would still build the same building with the same space with or without the school. The facility was designed for dual purposes but would be utilized for a single purpose if necessary.

Attorney Francis called attention to the fact that the issue before the Board was for land use change for the purpose of the school only. The use for a church is authorized already by the comp plan itself. It would not be necessary to seek the Board's approval for construction of the church. He reiterated that they expected to comply with all code restrictions and did not anticipate requesting a waiver for any requirement.

The following people offered testimony in opposition to the small scale map amendment. Each was sworn by Mr. Hal Richmond prior to their testimony.

Gary Tucker
Jack Overstreet
David Rogers
Charles Johnson

Roland Lamb, civil engineer who performed the traffic study for the applicants, was called by Mr. Charles Johnson to answer questions. He was sworn by Attorney Hal Richmond prior to his testimony.

Mr. Lamb stated that the County took on significant safety liability by paving a 90 degree turn without the proper elevations on Rich Bay Road. He said that it was a real safety hazard. He added that if the project (Metropolitan School) is approved for land use change, part of the scope of work he will perform is to study that curve that intersects with the church drive way to see how safety can be mitigated. He added that it would be incumbent on the County to participate in the study because of the existing danger on the road. He also added that it can be mitigated but the

County should be significantly involved and work with the church to insure that safety concerns are properly addressed by all parties.

Mr. Johnson asked Mr. Lamb what it would take to make the curve better and safer.

Mr. Lamb answered that he would have to make a comprehensive study before making a recommendation. He did state that he would not put his engineering seal on the access to Rich Bay Road as it is designed at the present time. He was quick to add that improvements need to be made regardless of whether the church/school is constructed. He stated again that the County has a great liability with the curve. He also said that a lawsuit resulting from even one single accident could cost the County far more than the cost to mitigate the safety concerns.

Mr. Charles Johnson spoke again in opposition to the amendment to the land use map.

The Chairman called for other comments.

One unidentified lady made a statement that the engineers statements appeared to have been rehearsed.

Rev. Barrington stated the engineer had never revealed his concerns about the road dangers to the church. He stated that he was concerned that such dangers had not made it known them earlier.

A MOTION WAS MADE BY COMMISSIONER DIXON AND SECONDED BY COMMISSIONER FLETCHER TO APPROVE THE SMALL SCALE LAND USE MAP AMENDMENT.

Chairman Watson stated that there should always be a compelling and overwhelming reason to change residential land uses. He recalled that he opposed Mr. Winchester's project on Rich Bay Road several months ago for that reason. He stated that the Board has a "contract" with people to preserve the zoning integrity of residential areas where they establish their homes. He continued by saying that if and when they (land uses) are changed they should always be supported by the citizens who will be affected by it. He concluded by saying that after the church's engineer went on record pointing out a specific danger, he felt it would be irresponsible to approve any change that will compound the danger which already exists.

Commissioner Dixon stated that the church had made a very good presentation to support their request. He emphasized that the planning staff had deemed that the traffic analysis was acceptable and the project is not inconsistent with the Gadsden County

Comprehensive Plan. He continued by saying that it was inexcusable for the engineer not to have informed the applicants of the safety concerns prior to this meeting. He then contended that a residential community is a proper place for a church and/or school to be located.

Commissioner Dixon then suggested that any concerns for safety can be mitigated. He reminded the Board of how hard these same residents worked to get their road paved. He added that growth always follows the paving of a road, especially one like Rich Bay Road which is in such close proximity to U.S. 27 and offers easy access to Tallahassee. He pointed out that 40% of the Gadsden County residents drive into Leon County to work every day. That fact alone makes it horrendous to question the relocation of any out-of-county entity to Gadsden County.

Commissioner Dixon then pointed out that Metropolitan Church does not need approval to build their church on their own property once the site plan is approved. He said he could not think of any compelling reason not to approve the request for the land use change. He argued that the school would not infringe on any other property owner's rights. He suggested that possibly the only reason that some of the residents did not want the land use change to be approved is because Metropolitan Church and School is a black church.

Chairman Watson was quick to point out that the same people who oppose the land use change for this school also recently opposed the location of Dan Winchester's convenience store. (Mr. Winchester is white.) He argued that race was absolutely not a factor in reaching his decision.

Commissioner Roberson asked how many other churches were in the area. She was told there were two others - both of which are black churches.

COMMISSIONER MCGILL CALLED THE QUESTION ON THE MOTION.

**CHAIRMAN WATSON CALLED FOR EACH VOTE INDIVIDUALLY.
COMMISSIONER DIXON AND COMMISSIONER FLETCHER VOTED "AYE."
COMMISSIONER MCGILL, ROBERSON AND WATSON VOTED "NAY."
THE MOTION TO APPROVE THE LAND USE CHANGE FAILED BY A VOTE OF
2 - 3.**

OCHLOCKNEE RIVER KENNEL

This item was not addressed.

COUNTY MANAGER'S AGENDA

County Manager Howard McKinnon reminded the Board of the budget workshop at 6:00 p.m. on Wednesday, September 2, 1998 in the courtroom of the courthouse.

CONSENT AGENDA

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE CONSENT AGENDA TO WIT: (COMMISSIONER FLETCHER ABSTAINED FROM VOTING AS HIS COUNTY COMMISSION BOND APPEARED ON THE CONSENT AGENDA.)

- 1) Satisfaction of Rehab & Special Assessment Lien for Laura McMillon - for approval
- 2) Interdepartmental agreement between Gadsden County Extension Services and Gadsden County Community Development - for approval
- 3) Quincy Square Renovation Project No. 97-023 Application and certification for payment no. 6 for \$18,169.00 to Joel Lawson, Inc. (Check no. 33591)- for the record
- 4) Resolution 98-15 - Small County Coalition 1998-99 Participation - approved to pay \$2,500 to Robert P. Jones & Associates for legislative consultant services associated with the Small County Coalition.
- 5) Report of No Participation - 9B-ER98-2CDBG Disaster Relief Funds
- 6) Letter of Notification to Mac Paper Company that the Board has agreed to accept the right-of-way and maintenance for the portion of Commerce Boulevard that is completed in Phase II of the Gadsden 10/90 Park.
- 7) Letter of notification from John Hunt and Armer White that they will hold Gadsden County harmless for Phase 2 of the 10/90 Commerce Park until August 18, 1999.
- 8) Purchase of used 1996 Nissan, Model C50KPL lift truck from North FL Material Handling Company for \$12,100.00 for the Recycling Department. (3 quotes received prior to purchase)(\$10,000 from HW#390; \$2,100 from RE98-18)
- 9) County Commission Bond for E.H. (Hentz) Fletcher
- 10) Bid Award 98-017 for Purchase of four portable cardiac monitor defibrillator units for EMS - Physio Control of Redmond, WA - for approval (4 units (Lifepac 12) for \$88,417.00 less \$16,000 trade-in for net total of \$72,417.) To be purchased with grant funds.

CLERK'S AGENDA

Budget Amendments 98-09-01-01 through 98-09-01-03

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE ABOVE STATED BUDGET AMENDMENTS.

Ratification of the Approval to Pay County Bills

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

DISTRICT 1 REPORT

Commissioner McGill stated that he had some concerns regarding the paving of Merritt Lane but he would address them at a later meeting.

DISTRICTS 2, 3, 4, 5

There were no reports for Districts 2 - 5.

ADJOURNMENT

**THERE BEING NO OTHER BUSINESS BEFORE THE BOARD, THE CHAIRMAN
DECLARED THE MEETING ADJOURNED.**

Sterling L. Watson, Chairman

ATTEST:

NICHOLAS THOMAS, CLERK

AT A BUDGET WORKSHOP OF THE BOARD OF
COUNTY COMMISSIONERS, HELD IN AND
FOR GADSDEN COUNTY, FLORIDA ON
SEPTEMBER 10, 1998, THE FOLLOWING
PROCEEDINGS WERE HAD, VIZ.

PRESENT: STERLING L. WATSON, CHAIRMAN
CAROLYN ROBERSON, VICE CHAIRMAN
E. H. (HENTZ) FLETCHER
NICHOLAS THOMAS, CLERK
HOWARD MCKINNON, COUNTY MANAGER
MURIEL STRAUGHN, DEPUTY CLERK

ABSENT: BILL MCGILL
EDWARD J. DIXON
HAL RICHMOND, COUNTY ATTORNEY

CALL TO ORDER

Chairman Watson called the meeting to order and turned it over to County Manager Howard McKinnon.

Mr. McKinnon called attention to the packet of information dealing with animal control in Gadsden County. (Proposal to build an animal shelter and operation budget attached.) The following people addressed the Board on behalf of the animal shelter proposal.

Dr. Larry Helm
Sid Torbitt
Renee Adamitis
Kathy Daniel
Tina Roberts

There was a consensus of the Board to approve the concept of an animal shelter as proposed in the attached budget presented by the Humane Society. Mr. McKinnon agreed to contact each municipality to discuss what level of commitment they are willing to put toward animal control issues. The animal control budget would be placed into the FY 98/99 Budget contingent on the cities participation.

Building Maintenance & Repair p.35

Mr. McKinnon told the Board that when the proposed budget was prepared, it was assumed that the elevator would be installed in the government office complex prior to the year-end. However, there is a chance that it will not be delivered during this fiscal year.

He gave notice that it may be necessary to add the cost of the elevator to the new year's budget. The budget will roll over that amount of money.

Jail Facility p. 35

Mr. Frank Ritter stated that there will be a lot of repairs made to the county jail next year - mostly installation of video cameras. \$55,000 will be transferred from the correctional facility fund balance to pay for the video cameras. It will not come from general fund.

Building Inspection p. 40

The proposed budget for the Building Inspection Department is \$282,632.00 but it will be totally funded from the user fees generated by the department itself. (\$278,541.32 in user fees were collected from 7/31/97 to 8/30/98 plus \$25,000 contractor license fees totaling \$293,541.32.)

Mr. Ritter pointed out that a new position will be added - mobile home park code enforcement officer. This person will enforce all codes and issue citations (using discretion) without coming to the BCC.

Note: The County has been re-evaluated for its ISO rating. Gadsden County will probably be the top building inspection department in the State once again this year.

Community Development p. 32

Mrs. Rosemary Banks asked the Board to fund the salary of the department's secretary from the general fund this coming year. She explained that it has traditionally been paid from the CDBG grant. However, the grant has been closed out. She pointed out that the Community Development Department is the only department in the County in which the secretary is not paid from the general fund. The alternative is to lay-off the secretary.

Emergency Medical Services p. 105

EMS Director Tommy Baker pointed out an increase in EMS revenue over last year. Collections were up and there is a decrease in the transfer from general fund.

There was discussion regarding starting salaries of the paramedics in comparison to surrounding counties.

It was the consensus of the Board to add enough money to the EMS Budget to raise the starting pay for full time paramedics to \$25,000 beginning immediately. There could be additional adjustments once the county's salary survey is complete.

Fire Services p. 73

Fire Services Co-ordinator Oliver Sellars reported that all fire departments are timely filing the required reports.

He then pointed out the proposed budget includes the construction of a building for Mt. Pleasant volunteer department. The building will be erected in such a way that it can eventually be shared by the ambulance services. It was determined that a site has been secured.

Parks

Mr. Sellars noted that the budget includes the purchase of a tractor and box blade with which to maintain the park grounds at Lake Talquin. He also noted replacement of some of the playground equipment.

Small Quantity Generator

Mr. Sellars pointed out that the only change to the small quantity generator budget over last year is the 3% increase in salary.

Growth Management Dept. p. 47

Growth Management Director Mike Sherman pointed out that the planning department budget is \$5,000 less than last year. He called attention to the fact the a preliminary salary survey indicated that the P & Z staff is underpaid.

Mr. Sherman was asked to provide information regarding area salaries before the budget hearing on Monday.

Citizens Requests

Mike Dorian requested that the Board consider budgeting \$500.00 for better notification of hearings to the public regarding issues of concern. He asked that signs be posted along the roads so that people in neighborhoods have good notification of matters that are changing. He then submitted a letter of recommendation.

Mr. Dorian then presented a letter from Ms. Marion Laslie

requesting that the Board do more effective advertising of the County's recycling program.

Public Works Budget p.137

Mr. Clifford Schneft stated that the original budget submitted to the County Manager totaled \$3.9 million. At Mr. McKinnon's request it was reduced to \$3.1 million. The reductions were made as follows:

- 1) Equipment purchases reduced in two accounts by \$380,000 (191,000 and 188,000)
- 2) Major culvert replacement was reduced by \$50,000.
- 3) Limerock purchases was reduced by \$40,000 which leaves only \$35,000 for limerock purchases. (\$60,000 was used in the FY 97/98)
- 4) Removed \$200,000 for Timbine road treatment - road stabilization process as used on Rice Road.

Mr. Schneft pointed out that the public works department has excellent equipment at this point. There are several older pieces that are failing and need to be replaced. They are included on p. 137. The proposal is to purchase the equipment and make the payments in arrears.

Mr. Schneft then stated that some of the equipment is now coming down to the 5-year cycles. The debt service is at its peak during the present year. The trade-ins that will be made in the future will reduce the debt service considerably - between 20% and 40% as the years go on. There will be years that equipment purchases will not impact the budget at all because the equipment being traded in will be used as the down payment. See attached spreadsheet.

Mr. Schneft also stated that "If we don't include the vibratory roller, we are looking at about \$220,000 worth of new replacement equipment. There is no new equipment being added - it is all replacement of 89's and 82's. The newest equipment we are looking to trade is the 3 bat wing mowers."

Mr. Schneft then asked for some additional employees. He explained that the department currently has 5 people out on disability. On the average, the public works department has about 10% absenteeism per day. Incomplete crews make it difficult to accomplish things timely. He requested equipment operators in particular.

Commissioner Fletcher stated that the County needs a qualified operator on every one of the 7 motor graders. p.136

p.135

It was the consensus of the Board not to reduce the limerock purchase.

It was determined that the Timbine treatment appears to be working on Rice Road - on the road itself, but, there is erosion on the shoulders of the road. (The shoulders were not treated.) \$5,000 would be required to treat the shoulders. Even with the recent heavy rains, there was not loss of use of the road. Also, there was no dust on the road during the three month drought. It cannot be graded unless it is wet, therefore the road was not graded for 3 months.

The proposed budget provides for the purchase of a van to replace the bus being used at the present.

Better Roads Committee Recommendation

Mr. Larry Ganus, Chair of the Better Roads Committee, told the Board that the committee was recommending that the Board designate funds equivalent to what the county takes in from the Flying J Truck Stop (approximately \$500,000 per year) to a capital budget line item designated specifically to work on the comp plan road paving prioritization list.

General Servicesp. 22

Mr. Arthur Lawson stated that his budget includes money for a salary survey. There were no questions from the Board.

Veteran's Services

Mr. Chester Brown requested an increase in his budget for an OPS position and new computer. The OPS position was requested because the workload is expected to increase while the veteran records are being updated (upon the purchase of the new computer.)

There was a consensus of the Board to add \$2,000 to their budget for the computer.

Mr. Brown stated that the veteran count is going down.

County Manager's Office

Mr. McKinnon stated that he is requesting a replacement vehicle and a fuel system upgrade.

Non-Profit Requests

There was discussion regarding the requests by the non-profit agencies. There was no consensus regarding them.

Mr. McKinnon stated that in the proposed budget, the General Fund has used \$591,000 of the fund balance. However, the entire amount is for one-time expenditures for capital projects. (Increased this evening by \$75,000 for the animal shelter.)

Mr. McKinnon stated that he would make the changes to the budget resulting from this meeting. He told the commissioners that they could still make changes to it prior to adopting the tentative budget on Monday, September 14, 1998. After the tentative budget is adopted on Monday then advertised, it cannot be increased (but it could be decreased by way of a budget amendment.)

ADJOURNMENT

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

Sterling L. Watson, Chairman

ATTEST:

Nicholas Thomas, Clerk

AT A SPECIAL MEETING OF THE BOARD OF
COUNTY COMMISSIONERS, HELD IN AND
FOR GADSDEN COUNTY, FLORIDA ON
SEPTEMBER 14, 1998 THE FOLLOWING
PROCEEDINGS WERE HAD, VIZ.

PRESENT: STERLING L. WATSON, CHAIRMAN
CAROLYN ROBERSON, VICE CHAIRMAN
E. H. (HENTZ) FLETCHER
HOWARD MCKINNON, COUNTY MANAGER
MURIEL STRAUGHN, DEPUTY CLERK

ABSENT: EDWARD J. DIXON (arrived after the meeting had
adjourned)
BILL MCGILL

CALL TO ORDER

Chairman Watson called the meeting to order. He then turned the meeting over to County Manager Howard McKinnon.

Mr. McKinnon stated that the purpose of the meeting was to conduct a public hearing pertaining to the adoption of the tentative budget for FY 98/99.

Mr. McKinnon called attention to the summary of the proposed tentative budget which included the changes which the Board directed at the budget workshop.

Chairman Watson stated that before the Board actually commits to fund 4 positions for the animal control program, he would like to be sure that the cities will be participating by way of a interlocal agreement.

Mr. McKinnon advised that it would be better to fund it at the proposed level and amend it if circumstances should change.

There was a consensus to approve the following:

- 1) \$50,000 rollover - installation of the elevator in the complex
- 2) \$2,200 - computer for Veterans Services
- 3) \$85,000 - construction of animal shelter
- 4) \$15,000 - operation of the animal shelter in addition to what was already in the budget and in addition to whatever the cities will commit to the shelter.

There was a consensus as to the Transportation budget as follows:

Original Proposed Transportation Budget	\$4,134,455
Rollover for Road Projects	486,815
Equipment	198,514
Line Item for comp plan priority list for paving	490,000
Line Item for resurfacing by district	400,000
TOTAL	\$5,219,784

EMS Salary upgrade	50,244
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NON-PROFIT AGENCIES

Commissioner Fletcher suggested that the Board fund the non profit agencies exactly as last year with one exception - discontinue the funding for The Leon County Shelter.

Chairman Watson stated that he would like for the Board to only fund the American Red Cross, Sr. Citizens, Airport Authority and the Chamber of Commerce.

Commissioner Roberson stated that she was not pleased with the fact that the Board funds DISC Village as much as it does. She reminded the Board of the projects for which the Board is responsible.

Commissioner Fletcher contended that the organization does a tremendous amount of good work in Gadsden County in the area of substance abuse.

The following was the consensus of the Board.

- 1) American Red Cross- 3,000.00
- 2) Children Are Our Future - \$3,000.00
- 3) Gadsden County Sr. Citizens - \$15,000.00
- 4) Gadsden Day Care - \$3,000.00
- 5) Gadsden Airport Authority - \$10,000.00
- 6) Legal Services of North Florida - \$10,000.00
- 7) Chamber of Commerce - \$40,000.00
- 8) Guardian Ad Litem - \$2,500.00
- 9) Gadsden Youth Development - \$2,500.00
- 10) DISC Village - \$18,000

TRANSPORTATION

There was a consensus to delete the following pieces of equipment from the budget:

No. 410 - 1973 Multipurpose Harrow - \$6,000
No. 411 - 1987 Multipurpose Harrow - \$6,000
New Vibratory Roller - \$145,000

The new total for equipment purchases - \$198,514.00

Larry Ganus asked the Board to include in the transportation budget include two new line items in the budget. One for the Comprehensive Plan Road Paving Prioritization List - \$490,000. The second one for resurfacing of existing paved roadways. He also suggested that the existing paved roads should be prioritized in the same manner as the unpaved roads.

Mr. McKinnon advised the Board to leave at least \$300,000 in the transportation budget fund balance to guard against a revenue shortfall.

Following discussion, it was determined that \$400,000 should be set aside for resurfacing. The money should be moved from the fire assessment fund balance to the resurfacing line item.

There was a consensus to change the percentage of the infrastructure sales tax that is designated for fire services. It was agreed that the percentage should remain at a point to adequately fund the fire services and anything over that amount be put into transportation.

ADOPTION OF THE GENERAL OPERATING FUND MILLAGE

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 3 - 0, BY VOICE VOTE, TO ADOPT 10 MILLS AS THE GENERAL OPERATING FUND MILLAGE.

ADOPTION OF THE DEBT SERVICE MILLAGE

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 3 - 0, BY VOICE VOTE, TO SET THE DEBT SERVICE MILLAGE FOR THE HOSPITAL DEBT SERVICE AT 1.050 MILLS.

ADOPTION OF THE TENTATIVE BUDGET

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY

COMMISSIONER ROBERSON, THE BOARD VOTED 3 - 0, BY VOICE VOTE, TO APPROVE THE TENTATIVE BUDGET AT \$23,310,284. (THE PROPOSED BUDGET OF \$21,610,811.00 PLUS THE ITEMS LISTED ABOVE AND DESCRIBED IN THE ATTACHED BUDGET SUMMARY.)

FINAL BUDGET HEARING

Mr. McKinnon told the Board that the Budget would be advertised as described above. He reminded them that the date for the hearing to adopt the final budget is September 28, 1998 at 6:00 p.m. He told them that the budget could be lowered at that time but it could not be increased.

ADJOURNMENT

THERE BEING NO OTHER BUSINESS BEFORE THE BOARD, THE CHAIRMAN DECLARED THE MEETING ADJOURNED.

Commissioner Dixon arrived at this juncture of the meeting.

CITIZEN REQUEST

Mr. George Porter addressed the Board regarding the Law Library. He stated that he had talked with Clerk Nicholas Thomas who told him that the County has a responsibility to provide an adequate and up to date law library. He said that Clerk Thomas told him that there was a list of materials needed for the library but the money has not been forthcoming from the fees imposed which were imposed for library purposes. Additionally, the Clerk told him that the Board has not appropriated any additional revenue with which the materials can be purchased. The list totaled approximately \$50,000.

Mr. Porter told the Board that he understood that if the County does not appropriate the money, he cannot adequately establish the law library. He reminded the Board that the Constitution of the US guarantees that the County should have a law library that is adequate and up to date. He then stated that he sent a letter to the County Manager stating his intentions to file a law suit to try to force the Commission to establish the library.

Chairman Watson stated that it had not been addressed in the current budget.

Mr. McKinnon confirmed that it had not been included in the FY 98/99 budget. He also stated that he has not received any request from the Clerk or the judges asking for additional money for the law library.

Mr. Porter was instructed to go back to the Clerk and make his request once again.

Mr. Porter then stated that the library is not accessible to persons with disabilities. He then stated that it needs to be relocated and it needs to be updated with the books.

He called attention to the fact that on all the county vehicles is the motto "Gadsden Looks to Books".

Commissioner Dixon told Mr. Porter to address the issue with the Clerk. Then, if the issue is insufficient funds, the Clerk needs to inform the Board of the problem so that remedies can be made.

Sterling L. Watson, Chair

ATTEST:

Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE BOARD OF
COUNTY COMMISSIONERS, HELD IN AND
FOR GADSDEN COUNTY, FLORIDA ON
SEPTEMBER 15, 1998, THE FOLLOWING
PROCEEDINGS WERE HAD, VIZ.

PRESENT: STERLING L. WATSON, CHAIRMAN
CAROLYN ROBERSON, VICE CHAIRMAN
EDWARD J. DIXON
HAL RICHMOND, COUNTY ATTORNEY
HOWARD MCKINNON, COUNTY MANAGER
HELENE MICHAELS, DEPUTY CLERK

ABSENT: E. H. (HENTZ) FLETCHER
BILL MCGILL
NICHOLAS THOMAS, CLERK

CALL TO ORDER

Chairman Watson called the meeting to order. Following the pledge of allegiance to the U.S. Flag, Muriel Straughn led in a prayer.

ADOPTION OF AMENDED AGENDA

UPON MOTION BY COMMISSIONER ROBERSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 3 - 0, BY VOICE VOTE, TO ADOPT THE AMENDED AGENDA AS WRITTEN.

APPROVAL OF MINUTES

September 1, 1998 Regular Meeting

UPON MOTION BY COMMISSIONER ROBERSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 3 - 0, BY VOICE VOTE, TO APPROVE THE MINUTES OF ABOVE STATED MEETING.

COUNTY ATTORNEY

County Attorney Hal Richmond reported that a non jury trial is scheduled for November 18, 1998 in Lawsuit 98-649-CAA (North Florida Education Development Corporation v. Gadsden County re: Stevens School lease). Circuit Court Judge Nikki Clark will preside.

Additionally, he reported that there is still some paper work to follow up on with the Cooksey law suit settlement.

REQUEST FROM TAX COLLECTOR FOR RELOCATION OF OFFICE

Tax Collector Dale Summerford spoke to the Board requesting that his office be relocated to the Barnett Bank Building rather than to the new government office complex. He pointed out the following to justify his request.

- 1) The Tax Collector's office is much like the banking industry - collection and distribution of large amounts of money.
- 2) The vaults will offer greater security for his operations.
- 3) The close proximity to the Quincy State Bank and the Courthouse would make it very convenient to utilize the bailiffs as escorts to the bank when making deposits.
- 4) The Tax Collector's office will soon take over the actual printing of motor vehicle titles. Again, the old bank vaults will provide ideal secure storage space for blank car titles and vehicle tags, thus minimize the possibility for title fraud.
- 5) The increased security that the old Barnett Bank Building has to offer would abate many of the issues which concern the insurance company as a result of the recent robbery of his office.
- 6) He could offer added conveniences to the public from that building - night deposit drop box for after hours tax payments, drive-in window in the parking lot for drive through service, adequate size room to conduct the tax certificate sale, and ample parking spaces.
- 7) There is a very real possibility that the State will turn over the function of issuing driver licenses to the tax collectors. (There are already about 20 offices throughout the State that are already doing that now.)

Commissioner Dixon asked Mr. Summerford to make a written request and provide his rationale with his request.

CONTRACTS - REYNOLDS, SMITH & HILL

Mr. William Sieves, of Reynolds, Smith & Hill, addressed the Board. He requested an extension of their contract to provide engineering services for Gadsden County. He pointed out that the fees had not increased over last year.

Brief discussion followed. The county staff recommended approval.

UPON MOTION BY COMMISSIONER DIXON SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 3 - 0, BY VOICE VOTE TO APPROVE THE EXTENSION OF THE ABOVE STATED CONTRACT.

PLANNING AND ZONING ISSUES

Easement for Louise Wynn

Mr. Dustin Smith told the Board that Ms. Louise Wynn has a parcel of land which is located behind a county park adjacent to Carter Road. Ms. Wynn presently does not have access to her property and is requesting the County allow her to record an access easement across the county park to her property. He added that Ms. Wynn is the person who donated the land to the County for the park. The P & Z staff recommended approval. (see attachment)

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 3 - 0 BY VOICE VOTE, TO APPROVE THE ACCESS EASEMENT FOR LOUISE WYNN AS DESCRIBED IN THE ATTACHED DOCUMENTS.

COUNTY MANAGER'S AGENDA

County Manager Howard McKinnon informed the Board that the contract with Waste Management for the solid waste collection was executed in July, 1991 and the language in the contract disclosed that the agreement expires September 1, 1999.

It was determined that the window of opportunity (180 days to 240 days official notice) to consider alternatives is now. Therefore it is appropriate for the County to inform Waste Management that the Board will not automatically renew the contract.

Mr. McKinnon told the Board that he will issue a report soon that will disclose at least one alternative to Waste Management.

Empowerment Zone Designation Application

Mr. McKinnon called attention to the Action Plan for the Gadsden County Empowerment Zone Designation (attached.) It was developed as a result of several community meetings with citizens throughout Gadsden County. The application is to be submitted on September 25th to the Department of Community Affairs. They will review it then forward it on to the Federal government on October 9, 1998. He then asked for permission to have the chairman sign the cover letter that will accompany the application. Additionally, he asked that individual commissioners send letters of support for the project.

UPON MOTION BY COMMISSIONER ROBERSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 3 - 0, BY VOICE VOTE TO SIGN THE TRANSMITTAL LETTER TO ACCOMPANY THE EMPOWERMENT ZONE DESIGNATION APPLICATION.

CONSENT AGENDA

Chairman Watson called for comments from the public as to the consent agenda. There was no response.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 3 - 0, BY VOICE VOTE, TO APPROVE THE CONSENT AGENDA to wit:

- 1) Mosquito Control Annual Certified Budget 98/99 (for approval)
- 2) Notice of administrative close-out of CDBG No. 95DB-65-02-30-01-H22 (for the record)
- 3) State of Emergency Proclamation - 98-014 (Hurricane Earl for the record)
- 4) Domestic Violence Awareness Proclamation No. 98-016 (for approval)
- 5) Resolution 98-018 - EMS Write-off of \$99,943.08 bad debt.
- 6) Extension of the contract with Peach State Ambulance, Sales and Service for remount of ambulances (for approval.)
- 7) Resolution 98-017 - to allow Gadsden County EMS to apply for grant to provide for training and education programs, health, fitness and equipment - \$16,097.01 - 4 ambulance stretchers, Employee continuing education, complete the locker room, lockers, shower, from previous year grant)
- 8) Hazardous Analysis Funding Agreement - for approval - Contract #99CP-3V-02-30-22-013 \$11,943.00
- 9) Contract and 2 change orders with Winton Suber, A/C Refrigeration for installation of heat pumps, as set forth in the plans and specifications for Quincy Square Renovation project. Total amount - \$31,355.78
- 9) Contract with Tony Williams Drywalls @\$.40 per square foot to hang finish and orange peel drywall on the Quincy Square renovation project. (for approval)
- 10) Contract with Chops Acoustical to install ceilings in the Quincy Square project @ \$1.20 sq. ft. for the 2nd floor and \$1.00 sq. ft. for the first floor. (for approval)
- 11) Agreement with Phone Tel Technologies for revenue sharing of pay telephones

CLERK'S AGENDA

Cash Report and Financial Statements

Ms. Helene Michaels presented the Cash Report and Financial Statements in the absence of the Clerk who was attending a Clerk's Association Conference.

Budget Amendments 98-09-15-01 Through 98-09-15-08

UPON MOTION BY COMMISSIONER ROBERSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 3 - 0, BY VOICE VOTE, TO APPROVE THE ABOVE STATED BUDGET AMENDMENTS.

Ratification of Approval for the Payment of the County Bills

UPON MOTION BY COMMISSIONER ROBERSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 3 - 0, BY VOICE VOTE, TO APPROVE THE PAYMENT OF THE COUNTY BILLS.

DISTRICT 1 REPORT

Commissioner McGill was not present.

DISTRICT 3 REPORT

Commissioner Roberson asked that a procedure be put into place for naming roads and changing road names.

It was determined that the county manager would make a report and recommendation regarding road names in October.

DISTRICT 4 REPORT

Commissioner Fletcher was not present.

DISTRICT 5 REPORT

Commissioner Dixon stated for the record that a number of people were present expecting to give input to a P & Z Project - Petro South on SR 267 at I-10.

Mr. Dustin Smith stated that he understood that the project has been removed from the agenda entirely. He explained that the staff originally brought the project to the Planning Commission as a neighborhood commercial use. It has been an existing business since 1982, but it had never been permitted as a commercial business under the comprehensive plan. When the new owners gave notice that it intended to expand the business, staff thought

originally that it would need to be permitted as a neighborhood commercial use before they could receive building permits to expand. It was later determined that the project could be "grandfathered in" and be approved administratively.

Commissioner Dixon stated that he did not understand how it could be grandfathered in. He could not recall that any such thing had been done before. He asked Mr. Smith to provide him with a copy of the policy and the rationale that was used to make the determination that it could be approved administratively.

Mr. Smith told the Board that he had handled the request from the outset and had come to believe that he misconstrued the situation in the beginning.

Commissioner Dixon then told the audience that the matter could not be discussed until and unless it was brought to the Board for its review.

DISTRICT 2 REPORT

Chairman Watson had no report.

ADJOURNMENT

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

CITIZEN REQUEST

An unidentified lady in the audience stated that she had received notice that a hearing would be held regarding the application for the waste water treatment plant in Havana. She questioned why it was not addressed.

Mr. Dustin Smith explained that the matter was originally placed on the agenda expecting that it would first be heard by the planning commission. Due to Hurricane Earl, the planning commission meeting was not held. Therefore, all items that should have been heard were postponed until the next regular meeting of the planning commission (in October.) He assured her that it would be rescheduled and that she would be notified.

Sterling L. Watson, Chairman

ATTEST:

Nicholas Thomas, Clerk

AT A MEETING OF THE VALUE ADJUSTMENT
BOARD, HELD IN AND FOR GADSDEN
COUNTY, FLORIDA ON SEPTEMBER 24,
1998, THE FOLLOWING PROCEEDINGS WERE
HAD, VIZ.

PRESENT:

STERLING L. WATSON, BOARD OF COUNTY COMMISSIONERS CHAIRMAN
W.A. (BILL) MCGILL, BOARD OF COUNTY COMMISSIONERS
E. H. (HENTZ) FLETCHER, BOARD OF COUNTY COMMISSIONERS
MRS. WILLIE RUTH WILLIAMS, SCHOOL BOARD MEMBER
WALTER MCPHERSON, SCHOOL BOARD MEMBER
HAL RICHMOND, COUNTY ATTORNEY

GEORGE HAMILTON, PROPERTY APPRAISER
ALEX HINSON, ATTORNEY FOR PROPERTY APPRAISER
MARSHA KING, DEPUTY PROPERTY APPRAISER

MURIEL STRAUGHN, DEPUTY CLERK

CALL TO ORDER

Chairman Watson called the meeting to order then turned it over to
Property Appraiser George Hamilton.

PETITION NO. 98-001-VAB WALMART STORE #488 - TANGIBLE PROPERTY

PUBLIC HEARING

Agent for Walmart Store is Jack E. West of Property Tax Control Co.
The property was assessed by the Property Appraiser at \$475,230.
The applicant estimated the fair market value of the property as of
January 1, 1998 to be \$237,615.00 per the petition.

Property Appraiser George Hamilton announced the opening of a
hearing for Petition NO. 98-001-VAB. He called for a representative
of Walmart Store #488 to address the Board. There was no response.
The petitioner failed to appear.

FINDING OF FACTS:

Adequate notice was given to the petitioner of the
hearing but he failed to appear.

CONCLUSIONS OF LAW:

In the absence of the petitioner, the assessed value of
the Property Appraiser was presumed to be correct.

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY SCHOOL BOARD

AT A SPECIAL MEETING OF THE BOARD OF
COUNTY COMMISSIONERS, HELD IN AND
FOR GADSDEN COUNTY, FLORIDA ON
SEPTEMBER 28, 1998, THE FOLLOWING
PROCEEDINGS WERE HAD, VIZ.

PRESENT: STERLING L. WATSON, CHAIRMAN
CAROLYN ROBERSON, VICE CHAIRMAN
W.A. (BILL) MCGILL
EDWARD J. DIXON
HOWARD MCKINNON, COUNTY MANAGER
MURIEL STRAUGHN, DEPUTY CLERK

ABSENT: E. H. (HENTZ) FLETCHER
HAL RICHMOND, ATTORNEY

CALL TO ORDER

Chairman Watson called the meeting to order. He then turned the meeting over to County Manager Howard McKinnon.

Mr. McKinnon announced the opening of a public hearing for the purpose of adopting the final budget for 1998/99 and setting the ad valorem tax millage rate for the general operating fund and hospital debt service. He then gave a recap of the tentative budget which totaled \$23,310,284.00.

Discussion followed regarding the road paving budget and the prioritization list. There was no motion offered nor was there a decided consensus to change the way the budget had allocated the funds.

Discussion followed regarding the funding of the non-profit agencies.

Commissioner McGill offered a proposal for funding all of the non-profit agencies to some extent rather than funding nothing to some. His proposal called for an additional \$63,000 to be taken from the fund balance.

A MOTION WAS MADE BY COMMISSIONER MCGILL TO ADOPT HIS PROPOSAL FOR FUNDING OF THE PRIVATE NON-PROFIT AGENCIES AND TO INCREASE THE BUDGET BY \$63,000 (TO BE TAKEN FROM FUND BALANCE.)

Mr. McKinnon cautioned the Board that if the budget is increased, it would have to be re-advertised and another public hearing would have to be held.

THE MOTION DIED FOR LACK OF A SECOND.

Commissioner Dixon pointed out that the budget did not include a LANS networking system for the County which he felt was very necessary.

There was discussion regarding the funding of the animal control program.

Commissioner Dixon proposed that the animal control budget be reduced by 75% and distribute the difference among the non-profits and the LANS networking system.

A MOTION WAS MADE BY COMMISSIONER DIXON AND SECONDED BY COMMISSIONER MCGILL TO REDUCE THE ANIMAL CONTROL PROGRAM BY \$112,000 AND PUT \$40,000 INTO THE LANS SYSTEM AND THE REMAINDER INTO ADDITIONAL FUNDING OF THE NON-PROFIT AGENCIES.

DISCUSSION FOLLOWED.

PUBLIC COMMENTS WERE RECEIVED FROM THE FOLLOWING PEOPLE:

Harold Kelley, Power Ministries
Reverend Friar, Working It Out
Ernestine Platt, Assisted Living
Mary Dekle, Legal Services
Sherry Taylor, Children Are Our Future
Larry Ganus, Better Roads Committee
Mel Eby, The Leon County Shelter
Renee Adamitis, Gadsden County Humane Society
Sid Torbitt, Gadsden County Humane Society

CHAIRMAN WATSON CALLED FOR A VOTE ON THE MOTION. THE BOARD VOTED 2 - 2. COMMISSIONERS DIXON AND MCGILL VOTED "AYE" AND COMMISSIONER ROBERSON AND CHAIRMAN WATSON VOTED "NO." THERE WAS NO ACTION.

GENERAL OPERATING BUDGET MILLAGE RESOLUTION 98-021

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO ADOPT THE GENERAL OPERATING MILLAGE AT 10.00 MILS WHICH REPRESENTS A 2.17% INCREASE OVER THE ROLL BACK RATE.

HOSPITAL DEBT SERVICE MILLAGE RATE RESOLUTION 98-020

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO ADOPT THE HOSPITAL MILLAGE RATE AT 1.050 MILLS.

Further discussion followed regarding the budget but no clear and definite consensus could be reached regarding the animal control program nor the private non-profit agencies.

A MOTION WAS MADE BY COMMISSIONER DIXON AND SECONDED BY COMMISSIONER MCGILL TO REDUCE THE PROPOSED BUDGET BY \$261,455 (EXCLUDING THE ANIMAL CONTROL BUDGET AND ALL OF THE NON PROFITS) AND ADOPT THE FINAL BUDGET AT \$23,048,829.00. THE BOARD VOTED 3 - 1 IN FAVOR OF THE MOTION. CHAIRMAN WATSON CAST THE LONE DISSENTING VOTE.

There was a consensus that another budget workshop should be held to discuss the unresolved issues dealing with the animal control budget and the private non-profit agencies.

ADJOURNMENT

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

Sterling L. Watson, Chairman

ATTEST:

Nicholas Thomas, Clerk

**MEMBER WALTER MCPHERSON, THE BOARD VOTED 3 - 0, BY VOICE VOTE,
TO APPROVE THE PROPERTY APPRAISER'S ASSESSMENT OF THE ABOVE
STATED CAUSE.**

PETITION NO. 98-002-VAB 360 COMMUNICATIONS PA ACCOUNT # 10700 000

Appraised Value: \$235,640

Applicants Estimated Value: \$198,633

PETITION NO. 98-003-VAB 360 COMMUNICATIONS PA ACCOUNT # 10800 000

Appraised Value: \$345,043

Applicants Estimated Value: \$206,789

PETITION NO. 98-004VAB 360 COMMUNICATIONS PA ACCOUNT # 10600 000

Appraised Value: \$126,236

Applicants Estimated Value: \$126,227

PETITION NO. 98-005-VAB 360 COMMUNICATIONS PA ACCOUNT # 10500 000

Appraised Value: \$134,651

Applicants Estimated Value: \$105,502

PETITION NO. 98-006-VAB 360 COMMUNICATIONS PA ACCOUNT # 09650 000

Appraised Value: \$3,188,804

Applicants Estimated Value: \$2,254,245

PUBLIC HEARING

Property Appraiser George Hamilton opened a hearing for the
Petition Nos. 98-002-VAB through 98-006-VAB. He called for a
representative for 360 Communications/Alltel to address the Board.
There was no response. The petitioner failed to appear.

FINDING OF FACTS:

Adequate notice was given to the petitioner but he did not
appear at the scheduled time.

CONCLUSIONS OF LAW:

In the absence of the petitioner, the Property Appraiser's assessed values were presumed to be correct in the parcels identified in Petition Nos. 98-002-VAB through 98-006-VAB.

LATE FILED PETITIONS FOR HOMESTEAD EXEMPTION GRANTED PRIOR TO HEARING

The following requests for late-filed homestead exemption were granted upon payment of the applicant's filing fee but prior to the certification of tax values by the Property Appraiser. The names were read into the record by Deputy Property Appraiser Marsha King as follows:

Morris A. Hanley
Homer L. and Oral T. Scott
Rebecca Hardy
Jose M. Huerta
Charles E. Campbell, Jr.
Eddie Knight
Franklin Murphy
Stuart N. and Mary Jo Ward
Jackie Stewart
Janet Abbott
Katasha Parker
Kevin Lee
James G. Pace IV
Donna Jefferson
Alberto G. Arriaga, Jr.
Jennifer Broadbrooks
Derrick C. McKinnon
Elizabeth Henry
James Shaw
Veronica McGridd
James Fogle
Neather Shaw
William Strom
David Sterling Cox

LATE FILED REQUESTS FOR AGRICULTURAL CLASSIFICATION

The following requests for late-filed agricultural classification were granted upon payment of the applicant's filing fee but prior to the certification of tax values by the Property Appraiser. The names were read into the record by Deputy Property Appraiser Marsha King as follows:

Morris A. Hanley
William A. Stinson

Jennifer L. Broadbrooks
Anthony Viegbesie
William Welch
Curtis Leo Madison

UPON MOTION BY SCHOOL BOARD MEMBER WALTER MCPHERSON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 3 - 0, BY VOICE VOTE, TO APPROVE THE LATE-FILED HOMESTEAD EXEMPTIONS AND LATE-FILED AGRICULTURAL CLASSIFICATION REQUESTS AS LISTED ABOVE.

APPEALS TO NOTICES OF DISAPPROVAL OF TAX EXEMPTION APPLICATIONS

Notices of Disapproval of Application for Property Tax Exemption were sent by the Property Appraiser to the following parcel owners. Upon examination of pertinent facts, the Property Appraiser granted the exemption but prior to the certification of the tax roll.

Stephen T. John
Michael W. and Rachel D. Gould
Roger and Susan Pfeiffer
Heirs of Ms. Cennie Shaw Estate (Partial exemption granted - two of the heirs continue to reside in the home)

UPON MOTION BY SCHOOL BOARD MEMBER WALTER MCPHERSON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 3 - 0, BY VOICE VOTE, TO APPROVE THE ABOVE LISTED EXEMPTIONS WHICH WERE GRANTED BY THE PROPERTY APPRAISER UPON THEIR APPEAL OF THE NOTICE OF DISAPPROVAL OF TAX EXEMPTION.

DENIAL OF REQUESTS FOR HOMESTEAD EXEMPTION

The following requests for homestead exemption were denied by the Property Appraiser. Each of the applicants were notified via U.S. Mail that their request was denied and each was informed of their right to an appeal. No petitions were filed with the Value Adjustment Board in response to Notice of Disapproval. Deputy Property Appraiser Marsha King read the following names into the record:

Denied because there was no dwelling on the parcel:

Ms. Patience Ruth Gaia and Ms. Anne Egete Clothiaux
Richard P. and Margaret A. Harris
Earnest and Otto Shaw

Hiers of Minnie Dinking

Denied because the house on the parcel was being rented:

Martha Masburn
Kenneth and Linda Rudd
Terry and Luvenia Bradley
Joyce Wynn Suber
James Lester, Jr.
Cedric Roney
Kenneth Folsom

Denied because there is no one living on the parcel for which
the application for homestead exemption was made:

James M. and Deanna Carver
Marston and Linda Johnson
Michael T. Ewell
Tommisenia B. Holloman
Chris Johnson
Anna McGriff and General Richardson
James Wood
Estate of Gloria Cotton

Denied because the applicants did not make the parcel claimed
as homestead his permanent residence as of January 1, 1998

Mr. and Mrs. Redie Washington
Annie Doris Deyouks
Dennis Preston
Hiers of Abraha Carroll
Curtis Neal King
Lillie McMillan
Carl J. and Cynthia S. Clausen
Donald Gardner
Claretha Miller
Cennie Shaw Estate
Evelyn Marshall
Tom Long
Beatrice Brown
Lois Cowart White
Russell and Betty Bryant
Estate of Jane Johnson Mirkinson
Genie Hatcher
Joann Slay
Roger and Susan Pfeiffer
Sue Reed
Katherine Storch

Ruth Price
Carney Boyce and Joyce E. Howell
Arthur Knight and Cathenia G. Walker Knight
Heirs of Dora Bradwell
James Robinson and Myrtle J. Smith
Betty Gainer and Katrine Thompkins
James P. Goodson III
Maria Martinez
Beatrice Brown
Estate of Bernice Maxwell
Grayson and Mike Shepard
Ken and Carlotta Rose

The following applications for agricultural classifications were denied because the parcel for which the application was made is not being used for agricultural purposes:

Benjamin and Vanessa Brown
David C. and Shirley B. Ritchie

UPON MOTION BY SCHOOL BOARD MEMBER WALTER MCPHERSON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 3 - 0, BY VOICE VOTE, TO ACCEPT THE ABOVE LISTED DENIALS AS READ INTO THE RECORD BY DEPUTY PROPERTY APPRAISER MARSHA KING.

MEETING CONTINUANCE

UPON MOTION BY SCHOOL BOARD MEMBER WALTER MCPHERSON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 3 - 0 TO CONTINUE THE MEETING UNTIL OCTOBER 6, 1998 AT 5:45 AT WHICH TIME THE MINUTES OF THIS PROCEEDING WILL BE PRESENTED FOR APPROVAL.

OCTOBER 6, 1998

UPON MOTION BY _____ AND SECOND BY
_____, THE BOARD VOTED
_____ TO _____ TO APPROVE THE MINUTES AS STATED ABOVE.

Sterling L. Watson, Chairman

ATTEST:

Nicholas Thomas, Clerk

AT A SPECIAL MEETING OF THE BOARD OF
COUNTY COMMISSIONERS, HELD IN AND
FOR GADSDEN COUNTY, FLORIDA ON
SEPTEMBER 28, 1998, THE FOLLOWING
PROCEEDINGS WERE HAD, VIZ.

PRESENT: STERLING L. WATSON, CHAIRMAN
CAROLYN ROBERSON, VICE CHAIRMAN
W.A. (BILL) MCGILL
EDWARD J. DIXON
HOWARD MCKINNON, COUNTY MANAGER
MURIEL STRAUGHN, DEPUTY CLERK

ABSENT: E. H. (HENTZ) FLETCHER
HAL RICHMOND, ATTORNEY

CALL TO ORDER

Chairman Watson called the meeting to order. He then turned the meeting over to County Manager Howard McKinnon.

Mr. McKinnon announced the opening of a public hearing for the purpose of adopting the final budget for 1998/99 and setting the ad valorem tax millage rate for the general operating fund and hospital debt service. He then gave a recap of the tentative budget which totaled \$23,310,284.00.

Discussion followed regarding the road paving budget and the prioritization list. There was no motion offered nor was there a decided consensus to change the way the budget had allocated the funds.

Discussion followed regarding the funding of the non-profit agencies.

Commissioner McGill offered a proposal for funding all of the non-profit agencies to some extent rather than funding nothing to some. His proposal called for an additional \$63,000 to be taken from the fund balance.

A MOTION WAS MADE BY COMMISSIONER MCGILL TO ADOPT HIS PROPOSAL FOR FUNDING OF THE PRIVATE NON-PROFIT AGENCIES AND TO INCREASE THE BUDGET BY \$63,000 (TO BE TAKEN FROM FUND BALANCE.)

Mr. McKinnon cautioned the Board that if the budget is increased, it would have to be re-advertised and another public hearing would have to be held.

THE MOTION DIED FOR LACK OF A SECOND.

Commissioner Dixon pointed out that the budget did not include a LANS networking system for the County which he felt was very necessary.

There was discussion regarding the funding of the animal control program.

Commissioner Dixon proposed that the animal control budget be reduced by 75% and distribute the difference among the non-profits and the LANS networking system.

A MOTION WAS MADE BY COMMISSIONER DIXON AND SECONDED BY COMMISSIONER MCGILL TO REDUCE THE ANIMAL CONTROL PROGRAM BY \$112,000 AND PUT \$40,000 INTO THE LANS SYSTEM AND THE REMAINDER INTO ADDITIONAL FUNDING OF THE NON-PROFIT AGENCIES.

DISCUSSION FOLLOWED.

PUBLIC COMMENTS WERE RECEIVED FROM THE FOLLOWING PEOPLE:

Harold Kelley, Power Ministries
Reverend Friar, Working It Out
Ernestine Platt, Assisted Living
Mary Dekle, Legal Services
Sherry Taylor, Children Are Our Future
Larry Ganus, Better Roads Committee
Mel Eby, The Leon County Shelter
Renee Adamitis, Gadsden County Humane Society
Sid Torbitt, Gadsden County Humane Society

CHAIRMAN WATSON CALLED FOR A VOTE ON THE MOTION. THE BOARD VOTED 2 - 2. COMMISSIONERS DIXON AND MCGILL VOTED "AYE" AND COMMISSIONER ROBERSON AND CHAIRMAN WATSON VOTED "NO." THERE WAS NO ACTION.

GENERAL OPERATING BUDGET MILLAGE RESOLUTION 98-021

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO ADOPT THE GENERAL OPERATING MILLAGE AT 10.00 MILS WHICH REPRESENTS A 2.17% INCREASE OVER THE ROLL BACK RATE.

HOSPITAL DEBT SERVICE MILLAGE RATE RESOLUTION 98-020

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO ADOPT THE HOSPITAL MILLAGE RATE AT 1.050 MILLS.

Further discussion followed regarding the budget but no clear and definite consensus could be reached regarding the animal control program nor the private non-profit agencies.

A MOTION WAS MADE BY COMMISSIONER DIXON AND SECONDED BY COMMISSIONER MCGILL TO REDUCE THE PROPOSED BUDGET BY \$261,455 (EXCLUDING THE ANIMAL CONTROL BUDGET AND ALL OF THE NON PROFITS) AND ADOPT THE FINAL BUDGET AT \$23,048,829.00. THE BOARD VOTED 3 - 1 IN FAVOR OF THE MOTION. CHAIRMAN WATSON CAST THE LONE DISSENTING VOTE.

There was a consensus that another budget workshop should be held to discuss the unresolved issues dealing with the animal control budget and the private non-profit agencies.

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
OCTOBER 6, 1998, 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
NICHOLAS THOMAS, CLERK
HAL RICHMOND, COUNTY ATTORNEY
HOWARD MCKINNON, COUNTY MANAGER

CALL TO ORDER

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

ADOPTION OF AGENDA

The consent agenda was amended by removing the jail physician's employment agreement (included in the agenda packet) and replacing it with a corrected agreement per the memo attached.

The Consent Agenda was also amended by removing the hazardous analysis contract (included in the agenda packet) and replacing it with a corrected copy per the attached memo.

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

APPROVAL OF MINUTES

September 10, 1998 Budget Workshop

September 14, 1998 Special Meeting

September 15, 1998 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 THE ABOVE STATED MEETINGS.

ESCAMBIA COUNTY HOUSING FINANCE AUTHORITY

Mr. Gordon Jernigan of the Escambia County Housing Finance Authority addressed the Board. He told them that the Authority

plans to issue bonds again in 1999 for first-time home-buyers and single-family program. Because Gadsden County has participated in several of the previous bond issues, Mr. Jernigan asked for the Board's support of another bond issue in 1999. He said that the bonds should be issued in February or March of 1999. He then asked the Board to set a public hearing for November 3, 1998 at 6:00 p.m. for the purpose of authorizing the Authority to operate in Gadsden County. He said that \$1 million would be reserved for people in Gadsden County.

In response to Commissioner McGill's questions, Mr. Jernigan stated that about \$600,000 of the 1998 allocation has been used by Gadsden County home buyers. He explained that he expects to market the program differently with the 1999 issue in the hope that more people will take advantage of the program.

Mr. Jernigan explained to the audience that the bond program is designed for first-time home buyers in the counties which participate in the program. A family of 1 or 2 can earn about \$43,000 per year and still qualify for the program. A family can purchase a home for up to \$100,000 at a fixed interest rate of about 5.85% or less. The applicants must qualify for the loan but down payment assistance is available. The authority offers a \$2,500 soft second mortgage to any home buyer to help with the down payment and closing costs. They do not have to make a payment on that \$2,500 during the life of the mortgage nor does it accumulate interest during the life of the first mortgage. The SHIP program will also assist new homes buyers with up \$5,000 or more.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO SET A PUBLIC HEARING FOR NOVEMBER 3, 1998 FOR THE PURPOSE OF PARTICIPATING IN THE ESCAMBIA COUNTY HOUSING FINANCE AUTHORITY SINGLE FAMILY MORTGAGE REVENUE BONDS, SERIES 1999.

COUNTY ATTORNEY'S AGENDA

Mr. Richmond was present but had nothing to report.

BUILDING OFFICIAL - USE OF COUNTY OFFICE SPACE

Mr. Frank Ritter recommended that the Tax Collector be relocated to the first floor of the old Barnett Bank Building; the Property Appraiser be relocated to 5 East Jefferson St. (old Growth Management office); the State Attorney be relocated to 3 East Jefferson St. (old Fletcher Cantey Building). He stated that all the areas are adequate in size but need to have a plan developed. He asked the Board for approval of the space assignments and for

authority to have the plans developed for the above stated uses.

Commissioner Dixon questioned whether the Tax Collector really needed as much space as would be allocated to him at the Barnett Bank Building. He asked what the Tax Collector projected to do in such an enormous amount of space.

Mr. Ritter stated that the Tax Collector requested 2768 sq. ft. of space in 1996. He currently has 2368. The lower floor of the bank has 8,584 which includes the area being used by the county probation department, all corridors, rest rooms and vaults. He explained that the design of the building does not allow use of all of the floor space. There are 3 ft. wide load-bearing walls which are situated in such a way that does not allow for use of the adjacent space - it is too large for hallways but not large enough to be used for office space.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE REQUESTS AS STATED ABOVE BY THE BUILDING OFFICIAL.

PLANNING AND ZONING ISSUES

Petro South, Inc.

Petro South, Inc. petitioned the Board of County Commissioners for consideration of a proposal to build an addition onto an existing convenience store located at the southeast corner of State Road 267 and Shiloh Road in Gadsden County. The store was permitted and constructed in 1982. The owner of the property is Mr. Joe Butler of Quincy, FL.

Growth Management Director Mike Sherman told the Board that the P & Z staff inadvertently sent notices to the property owners in the vicinity of the convenience store that the planning commission would consider the project at their September meeting. Due to Hurricane Earl, the meeting was cancelled, therefore it has not been reviewed by them.

County Attorney Hal Richmond asked Mr. Sherman if this type of review would be normally heard by the Board.

Mr. Sherman replied that there are two types of review. Type I is an administrative review where there is no policy decisions required. Type II review is when the issue goes before the governing body for a policy decision. He explained that he interpreted the project to be a renovation and under normal circumstances, it would not require a review by the Board of County

Commissioners - a development order is not required - only a building permit.

Commissioner Dixon stated that the information he received from P & Z said that the project was grand-fathered in because it is a non-conforming use.

Mr. Sherman confirmed Commissioner Dixon's statement.

Commissioner Dixon then stated that Mr. Sherman does not have the authority to justify non-conforming uses.

Mr. Sherman stated that he did not believe that the project is a non-conforming use. It is a convenience store. Convenience stores are neighborhood uses that are allowed in residential neighborhoods.

Commissioner Dixon asked if it were rural residential and a person wanted to turn it into a convenience store, would it change the classification of the property.

Mr. Sherman answered that it would not change the classification. He continued by saying that if there was not a convenience store there at the present and a person came into the P & Z office and wanted to build a convenience store there and it met the location tests for a convenience store, it would require a special exception permit from the Board of County Commissioners. The zoning of the land use map itself would not change. This project was permitted by the County prior to the adoption of the comprehensive plan and the land development code as a convenience store. It is a legal conforming use of the property. Whether it was grand-fathered in or not, the business was in place prior to the adoption of the comprehensive plan. The building plans were approved for the structure that is presently in place.

Commissioner Dixon asked "Since it was approved as a commercial establishment, does our map show it as a commercial establishment?"

Mr. Sherman answered that the map does not show it as a commercial land use. It is shown as rural residential location.

Mr. Richmond asked to be allowed to establish what posture the project is in with regard to the Board. He stated that the public had notice to appear but he was not certain that the Board should be hearing it. He continued by saying that unless there is substantial change in the circumstances, the matter should not be brought to the Board. Based on the facts presented thus far, there does not appear to be substantial change to the business.

Commissioner Dixon stated "Mr. Attorney, let me respectfully say that what I am hearing from Mr. Sherman is a bunch of crap. Now, I have sat at this desk long enough to know when he is giving the juice and I am getting it right now. He has double talked. Tell me straight. Now we have had this conversation I don't know how many times and how many nights.

I've got a neighborhood full of people about to gouge my eyes out because they don't understand and I'm not sure your office understands.

One of your principle planners stood right here and said that he didn't know what was going on. We sent stuff that we didn't mean to send. We called for meetings that we are not going to have, but nobody told them (Shiloh community.) This has nothing to do with Mr. Butler's project. This has to do with ineptness in your office. Now, I don't know how we resolve that. That is for the manager. But, you have put me and this Board in a very precarious position again. Again, because people do not have a idea of what is happening. Nobody, including Mr. Butler, has an idea of what is going on."

Mr. Richmond then clarified the facts before the Board as follows:

- 1) In 1982, there was a meeting at which the prior Board approved the building in its present location.
- 2) When the comprehensive plan was done in 1991, it made the property a non-commercial use area (rural residential).
- 3) The store was already in existence when the comprehensive plan was adopted and it has been operating continually since construction.
- 4) There are some minor renovations to the store being considered by Mr. Butler. 440 sq. ft. are going to be added in a porch. They are going to block in another porch and turn it into a cooler.
- 5) The proposed changes are matters which normally would be taken care of by informing P & Z and getting a building permit - it is already a lawful use.
- 6) In this case, there was a mistake on the map that did not recognize the fact that this business was in existence. But in researching the records and verifying it with the Property Appraiser, it has been taxed as commercial property since the store's inception.

Commissioner Dixon argued that it would have been taxed as that use regardless of whether it is a non-conforming use. He contended that when the superstructure of the building is changed, it must become a conforming use.

Commissioner Dixon then pointed out the following facts:

- 1) The superstructure of the building is changing.
- 2) More gas pumps are being added.
- 3) The plan does not make any requirements for storm water control.
- 4) If it is determined to be a non-conforming use that wants to become bigger and better, and make changes to the exterior, it must become a conforming use.

Mr. Sherman stated that Mr. Butler would like to add an additional 120 sq. ft. of new area under roof. The front porch and the cooler area are presently under roof and are considered renovation work. The foundation and load bearing walls will not change.

Commissioner Dixon contended that knocking out a wall and extending the area of the square footage is a major renovation.

Mr. Sherman explained that the land development code does not list such renovation as a type II development. Renovations do not require development orders and permits.

Commissioner Dixon asked Mr. Sherman to explain what type of construction would cause the non-conforming use standard to "kick in" and necessitate the Board's review.

Mr. Sherman answered by reading the following from the land development code. "All non-residential interior alterations as long as such alterations continue in the same category of use and in the same intensity of use as measured by the trip generation rate as set forth in the ITE Trip Generation Manual."

Mr. Sherman continued by saying that the threshold requirement for stormwater management kicks in at 1,000 sq. ft. of new impervious surfaces which can only be done one time. Mr. Butler has only 120 sq. ft. of new under-roof area and therefore it is exempted from providing stormwater management.

Commissioner Dixon stated that he did not agree that the project meets the requirements for administrative review as opposed to Board review.

Commissioner McGill asked Mr. Sherman if the public was notified that the staff made an error in sending out notices for a public hearing.

Mr. Sherman could not confirm that such notice was sent.

Mr. Richmond clarified the following: P & Z staff scheduled a hearing for the planning commission and the county commission on the issue and sent notices of both hearing dates to residents in the vicinity of the project. The planning commission meeting was cancelled due to inclement weather associated with Hurricane Earl.

It was removed from the BCC agenda because it had not been through the planning commission. In the interim, the P & Z staff came to believe that they had erred in setting it for a public hearing. When provided with documentation that a previous commission had in fact approved the project, the P & Z staff concluded that the project would not require a development order - only a building permit. Unfortunately, a notice went out in error and the people have come to the Board expecting to be heard. He said that from a legal point of view, he had to adopt the staff's position and advised that the issue is not a matter for the Board's consideration at this time. He added that if there are changes that exceed the guidelines that the Board has given the staff authority to review administratively, it will come back to the Board and be considered at that point.

Commissioner Dixon asked Mr. Richmond if the issue is of such controversy that staff should not make the decision, could it come before the Board.

Mr. Richmond answered by saying that if the staff chooses not to make a decision, it can be brought to the Board for a decision. He added however, that he understood that staff had made a decision in this matter.

Commissioner Fletcher concluded that it is a matter that should not have come before the Board.

Commissioner Dixon contended that the matter is already before the Board. He stated that there are some issues that need to be talked about.

Commissioner Fletcher then agreed to hear the issue.

Mr. Sherman asked how he should proceed at this point.

Mr. Richmond advised that the options available to the Board are as follows:

- 1) Determine that there is sufficient change in the circumstances of the project to warrant Board action and proceed accordingly.
- 2) Take no action.
- 3) Deny the project.

Mr. Richmond then advised that based upon the power delegated to the P & Z staff, he questioned the legality of whether the matter was properly before the Board. He added that if the staff had taken a position to not grant it, the Board could have the right to review it. However, the staff has determined that there is no need for a development order - only a building permit.

There was a consensus to hear the issue.

Mr. Sherman stated that the matter before the Board now is a request for a special exception permit to make renovations/alterations/ additions for the existing convenience store owned by Mr. Joe Butler at the intersection of SR 267 and Shiloh Road.

He explained that convenience stores are allowed in neighborhood and rural residential areas provided that they meet certain requirements. One of those requirements is that they meet the location tests. (1 - It must be located at an intersection of two paved roads (this one does); 2 - It must be no more than 2 acres (this one is); 3 - It must meet neighborhood commercial uses (this one does.)

Mr. Sherman stated that the store was approved prior to the adoption of the comprehensive plan. The trip generation rates that will be an issue by the property has two characteristics. Convenience stores operate on "passerby" trips and "destination" trips generated from the development. The project would not increase the trip generation rate enough to push the level of service standard on SR 267 to an unacceptable level.

The P & Z staff maintained that the project would not be inconsistent with the comprehensive plan and it would remain a neighborhood commercial use.

Mr. Sherman was administered a sworn oath by Mr. Richmond, a notary public empowered by the State of Florida to administer oaths. He stated that his testimony stated at this hearing was true. He then submitted his file on the project as evidence in the hearing.

Chairman Watson called for public comments in support of the project.

Dr. John Cooksey addressed the Board. He stated that he attended another hearing on a similar project which was approved without question. He added that he thought all citizens should be treated alike.

Mr. Charleston Holt asked that **Ms. Valarie Janard, attorney,** be allowed to address the Board on behalf of the Shiloh community.

Ms. Janard was sworn by Mr. Richmond as to the testimony she would give.

Ms. Janard made the following remarks as to the community's opposition to the project.

- 1) Mr. Sherman had confused her in that he repeatedly referred to the planned changes as renovation yet, the notice of intent dated September 29, 1998 refers to plans for an "expansion" of an existing convenience store at the location in question. The site plan clearly shows that there is a plan to enlarge the existing building, to build additional pumps and canopy, therefore adding on separately to the existing building. It appears to be an expansion. She asked for clarification of the definitions of the terms used. The notice clearly states "this is an expansion requiring approval as a neighborhood commercial use before the building permit is issued for the expansion." It also defines the neighborhood commercial use as "that type of use serving the daily needs of a limited surrounding geographical area."
- 2) Petro South, Inc. (proposed lessee) is not coming into the community to perpetuate a neighborhood convenience store. They want to do something bigger and it is most likely to increase additional usage from I-10. That will bring transient traffic onto 267 and encourage the use of the new expanded facility. The proposed expansion does not meet the definition which was published in the notice of a limited surrounding geographical area.
- 3) Upon a site inspection, she found evidence on the ground of construction west of the disputed boundary line. There are piles of clay with utility covers in the ground. There are guyed lines which go over to the disputed boundary line. (This work was later determined to be DEP monitoring wells that had nothing to do with the project in question at this meeting.)
- 4) Ms. Davis, an adjacent property owner, instructed Ms. Janard to file a lawsuit to quiet title and to file a notice of lis pendens against Mr. Butler to settle the disputed boundary line.

- 5) Mr. Butler made an offer to buy some of Ms. Davis's property. This is tacet and overt recognition by Mr. Butler that he needs more land than he may legally own to put the expansion into operation.

Ms. Janard asked that the Board table the issue until the boundary dispute can be settled and Mr. Butler's intentions for the property can be truthfully determined.

Ms. Janard asked that a copy of a letter from Mr. Holt to the County Manager be entered into evidence. (The letter was not available at the time of this hearing but it was to be supplemented later.)

Commissioner Dixon explained that the construction work and metal shafts that Ms. Janard referred to earlier in the meeting are in fact deep wells which are searching for leaks. They have been placed there by Department of Environmental Protection (DEP).

The following people were recognized for comments in opposition to the project. They were all sworn an oath by Mr. Richmond as to their testimony.

Charleston Holt, spokesman for the Shiloh community had all citizens who opposed the expansion of the convenience store to stand. There were approximately 35 people who stood. He then read a letter into the record that he had written to County Manager Howard McKinnon concerning the project.

Others who spoke in opposition were as follows:

Mrs. Louis Wynn
Mr. Fred Carter

Mrs. Iris Davis (owner of the property in dispute) She testified that she had been aware of the dispute since 1995 when she had the land surveyed by Tommy Skipper.

Chairman Watson asked that everyone stay focused on the issue of the expansion and not the land dispute.

Commissioner Dixon begged to differ with the chairman. He said that whether the Board is getting straight answers from the parties is a part of the dispute.

Chairman Watson insisted that the Board cannot settle a boundary dispute.

Commissioner Dixon stated that whatever position the Board takes will inherently affect the boundary dispute.

Mr. Richmond clarified that there is definitely a land dispute between the two parties. The only interest that the County has in this issue is whether it will permit a further encroachment on that disputed property. The plans submitted to P & Z do not expand any encroachment. It has been announced that the affected party will take the matter to court to get it resolved. He also stated that unless the Board is doing something that will encroach on Ms. Davis's property, it is not within the scope of the project before the Board. Ms. Davis has a private right.

Commissioner Dixon stated that the approval or denial of the project means that Ms. Davis and those below her will indirectly receive more water due to additional paving. The Board's decision does affect the people who live there.

Chairman Watson pointed out that the site plan increased the impervious surface area well under the threshold that would prompt the Board to require storm water management.

Upon further discussion with Mr. Holt, it became apparent that the citizens also take issue with the property which was once a road behind Mr. Butler's store. The road has been blocked. He requested that it be returned to a usable road through to Holt Lane.

Once again, Chairman Watson pointed out that the issue at hand has only to do with the store - not the road and not the boundary line.

Commissioner Dixon argued that Petro South is not a neighborhood convenience store. It is a big seller of diesel and gas to travelers along I-10. He took issue with the manner in which the P & Z staff defined the project. He argued that their interpretation of what is going on at that site is not correct.

Chairman Watson countered that he based his decision on his own interpretation of the Board's adopted policies. He added that the project falls within the policy guidelines that would allow for an administrative Type I review. The project, as presented, falls well below the threshold as an acceptable increase to impervious surfaces for administrative review. He then stated that there was obviously an error on the land use map.

Commissioner Dixon stated that he has not received a written explanation of why P & Z believes the land use map is wrong or information relating to the history of this project. He did however have a lot of people who have lived in that vicinity all

their lives saying that what is happening is not right. He contended that if the property was not properly zoned or re-zoned at the time the land use map was adopted, it is considered a non-conforming use that must get proper zoning from the Board before it expands.

Mr. Harry K. Holt was sworn as to the testimony he would give. He spoke in opposition to the expansion of the project.

A MOTION WAS MADE BY COMMISSIONER MCGILL AND SECONDED BY COMMISSIONER DIXON TO TABLE FURTHER ACTION ON THIS PROJECT UNTIL THE BOUNDARY DISPUTE CAN BE SETTLED.

Chairman Watson began discussion.

Commissioner Dixon asked the Chairman to carry the motion before calling for discussion.

The Chairman called for a vote.

Commissioner Dixon asked for more discussion before a vote is taken.

Commissioner Fletcher asked to amend Commissioner McGill's motion to delay action for only two weeks.

Commissioner McGill withdrew his motion.

Commissioner Dixon then withdrew the second.

A MOTION WAS MADE BY COMMISSIONER FLETCHER TO DELAY ACTION ON THE PROJECT UNTIL THE NEXT REGULAR COUNTY COMMISSION MEETING - OCTOBER 20, 1998. THE MOTION DIED FOR LACK OF A SECOND.

A signed petition was filed with the Clerk by Mr. Charleston Holt.

Mr. Joe Butler was sworn an oath by Mr. Richmond as to the testimony he would give. He then addressed the Board on his own behalf. He stated that he did not know about a land dispute until it was surveyed in May of this year. He said that he has hired an engineering firm to gather facts and would be taking appropriate actions regarding the land dispute at the time the information is compiled. He stated that when he found out that there was a dispute, he sent a representative to Mrs. Davis to try to work it out without having to go to court. She declined his offer.

Mr. Butler told the Board that he has had the land surveyed two times and he was never given any indication that there was a

problem with the boundary lines. He stated that he remains willing to try to work the dispute out with Mrs. Davis.

Commissioner McGill stated that it appears that the entire community is opposed to the expansion.

Commissioner Roberson pointed out that the expansion is not affected by the disputed boundary. None of the new area will encroach onto the disputed area.

Chairman Watson stated that there is only 120 additional sq. ft. of impervious surface with the expansion.

COMMISSIONER DIXON MADE A MOTION THAT GIVEN THE CONTROVERSIAL NATURE OF THE PROJECT THAT IT IS WILL REQUIRE THE ACTION OF THE BOARD OF COUNTY COMMISSIONERS PURSUANT TO THE LAND REGULATION CODES AND INTERPRETATION OF THE COMPREHENSIVE PLAN. IT WAS FURTHER MOVED THAT THE BOARD DELAY ACTION ON THE PETRO SOUTH, INC. PROJECT FOR TWO WEEKS. WITHIN THAT TWO WEEKS, THE BOARD SHOULD INVESTIGATE AND DETERMINE WHAT GEOGRAPHICAL AREA PETRO SOUTH WILL TARGET AS PATRONS - A LIMITED SURROUNDING GEOGRAPHICAL AREA OR TRANSIENT I-10 TRAFFIC. THE BOARD SHOULD ALSO INVESTIGATE WHAT CONCERNS DEP MAY HAVE WITH THE PROJECT AND DETERMINE WHAT EFFECTS THE EXPANSION/RENOVATIONS WILL HAVE (IF ANY) ON THE SURROUNDING AREA.

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

THE MOTION PASSED.

There was a consensus of the Board that a definite decision will be made at the next hearing of the project.

EVALUATION AND APPRAISAL REPORT (EAR)

Mr. Sherman asked the Board to set a work session date so the staff can advise the Board of the progress of the EAR. There was a consensus to meet on October 22, 1998 at 4:30 p.m.

CITIZENS REQUEST TO BE HEARD

Ms. Dian Sheffield addressed the Board regarding another proposal from Gadsden United for a tree ordinance. She presented

them with the new proposal for their review.

Mike Dorian entered into evidence pictures of a lot where a developer of commercial property on US 27 legally clear-cut the trees. He pleaded with the Board to take measures to prevent the clear-cutting of trees in the future.

There was further discussion regarding a tree ordinance.

PRIVATE ROADS

Mr. Edward Johnson had requested to address the Board but was not present.

Commissioner Fletcher asked that the Board instruct the County Manager's office to take an inventory of the un-maintained roads in private subdivisions. Furthermore he asked that the public works department be instructed to develop some type of criteria which the Board may use to determine which of those private subdivision roads the County should maintain and which it should not maintain. (Those roads in subdivisions where the Board approved or permitted a subdivision to be developed by metes and bounds without making provisions for the maintenance of the roads within that subdivision.) The staff was also instructed to determine if proper road maintenance had been made as a condition of the development orders for those subdivisions.

Commissioner Dixon stated that his greatest concern continues to be in coming up with some type of penalty to impose on the subdivision developer for not providing for the maintenance of the private roads within a subdivision. He suggested that perhaps the Board should not allow a developer to continue selling lots until such time as the roads are up to an acceptable standard. He suggested also that the Board should deny permitting any new subdivisions to those developers who refuse to take responsibility for the roads in older subdivisions.

Mr. Richmond stated that if it is part of the development order that a developer maintain the roads in a subdivision and they do not do it, then it could be brought back to the Board and a stop order can be issued. However, there may be some gray areas where the order does not reflect who is going to be responsible after all lots have been sold.

Chairman Watson asked how that will affect those persons who live on private roads which are not maintained by the County when and if the County should begin maintaining private subdivision roads.

Commissioner Dixon answered that the criteria could be developed in such a way as to insure fairness but provide for the basic health, safety and welfare of the people.

Mr. Larry Ganus who lives on Frank Smith Road asked to address the Board. He told them that when the developer cut the road into the subdivision where he lives, all the lots were sold and the developer is no longer here. There was a property owners association which has gone defunct and has no means of repairing the road. Some help is needed from the County.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 1, BY VOICE VOTE, TO INSTRUCT THE COUNTY MANAGER TO MAKE AN INVENTORY OF THE ROADS IN SUBDIVISIONS WHICH WERE APPROVED BY THE COUNTY FOR DEVELOPMENT WITHOUT MAKING PROVISIONS FOR THE MAINTENANCE OF THE ROADS WITHIN THAT SUBDIVISION AND TO DEVELOP A CRITERIA FOR THE BOARD TO DETERMINE WHICH OF THOSE ROADS SHOULD BE MAINTAINED BY THE COUNTY AND WHICH SHOULD NOT BE MAINTAINED BY THE COUNTY. (CHAIRMAN WATSON CAST THE LONE DISSENTING VOTE.)

COUNTY MANAGER'S AGENDA

Mr. McKinnon asked the Board to set a date for the discussion of the amendment to the 98/99 budget which was passed on September 28, 1998.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER DIXON THE BOARD VOTED 4 - 1, BY VOICE VOTE, TO DISCUSS THE AMENDMENT TO THE 98/99 BUDGET AT THE OCTOBER 20 MEETING AND SET THE PUBLIC HEARING FOR NOVEMBER 3, 1998. CHAIRMAN WATSON CAST THE LONE DISSENTING VOTE.

CONSENT AGENDA

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

- 1) Tax Collector's errors and insolvencies list for 1997.
- 2) Waiver of permits for Shiloh Church of Christ and Bear Creek Bethel Church
- 3) Road names George Madre Court, Eola Davis Lane and Salem Lane
- 4) Letter requesting \$200,000 grant in aid to State Court Administrators's Office for courtroom expansion for circuit court and architectural fees.
- 5) Amended employment agreement with Dr. Gloria Ramos as

- jail physician.
- 6) Hazardous Analysis Grant Agreement # 99CP-3V-02-30-22-013
 - 7) Interlocal agreements with municipalities and County to allow American Red Cross to develop the local mitigation strategy for hazard mitigation.
 - 8) Administrative Services agreement between County and the American Red Cross to develop and implement the local mitigation strategy for Gadsden County. #98-LM-4H-0230-01-020.
 - 9) Emergency Management and Assistance Trust 99CP-05-02-30-01-020
 - 10) Lease to the County (99 years) of the Mt. Pleasant Volunteer Fire Department
 - 11) Lease Agreement with James and Mary Auman for the office of the State Attorney.
 - 12) Division of Forestry Annual Report (July 97 - June 98)
 - 14) Emergency Food Assistance Contract - Commodity Food \$12,398.40. Emergency Feeding Contract with USDA
 - 15) Insurance Contracts - Worker Comp. and Auto liability - Florida Municipal Trust Insurance through the League of Cities.
 - 16) Amendment # 2 to the Memorandum of Agreement with the City of Gretna to continue to discharge waste water affluent into the Telogia Creek
 - 17) Railroad crossing repair Expenses - approval to pay \$12,657.25 to CSX
 - 18) Application for State Aid to Libraries grant
 - 19) Letter from DCA acknowledging County's Empowerment Zone application
 - 20) Certificate for payment# 3 to C.W. Roberts Contracting for paving \$321,477.97
 - 21) Resolution 98-019 Honoring Sheriff Major Alvin Pickles for 27 years of service upon his retirement.

CLERK'S AGENDA

Clerk Thomas told the Board that the Legislature mandated certain changes to the Chart of Account numbers to allow for better reporting to the State regarding the costs associated with the court system.

Chart of Account Budget Amendments 98-10-06-01 through 98-10-06-25 1997/98 Budget

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE ABOVE STATED BUDGET AMENDMENTS.

Clerk Thomas added that there will be more budget amendments

forthcoming to make similar changes to the 98/99 budget.

Other 97/98 (year-end) Budget Amendments 98-10-06-26 through 98-10-06-53

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE ABOVE STATED BUDGET AMENDMENTS.

Ratification of the Approval to Pay County Bills

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 0 9, BY VOICE VOTE, TO APPROVE THE PAYMENT OF THE COUNTY BILLS.

DISTRICT 1 REPORT

Gasoline v. Propane Research

Commissioner McGill told the Board that he had attended a meeting of the Apalachee Regional Planning Council recently when he learned about the Florida Cleaner Cities Program. The Legislature approved funding for some research by the Center for Urban Transportation. He understood that they are offering up to \$5,000 per vehicle to convert from gasoline to propane gas. The propane gas costs \$.45 per gallon as opposed to \$1.25 for gasoline. The panel talked specifically about school buses and local government vehicles. He asked that the County think about it and obtain more information. It could prove beneficial to have some of the emergency vehicles equipped with propane.

Empowerment Zone Application

Commissioner McGill reported that the City of Havana did not qualify to be an empowerment zone because the incidence of poverty was not high enough. He stated that the county's application was submitted to DCA. If successful, the County could receive up to \$4 million per year but he was not certain how the money could be spent.

Resolutions - Gadsden Men of Action Achievement Awards

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO ADOPT THE RESOLUTION SUPPORTING THE ACHIEVEMENT AWARD PROGRAM WHICH IS SPONSORED BY THE GADSDEN COUNTY MEN OF ACTION. THOSE BEING HONORED THIS YEAR ARE W.A. WOODHAM, RUSSELL STEVENS, VIVIAN KELLEY, WILLIE ADAMS AND ROBERT BARKLEY.

Chattahoochee Fall Fest on the River

Commissioner Roberson told the Board of Chattahoochee's plan to have a fall festival near the boat landing in Chattahoochee on November 14, 1998. The festival will feature live entertainment, arts, crafts, food, antique cars, children activities, 5 K Run. The day will conclude with a lighted boat parade after dark and fire works display.

The City is requesting a contribution of \$1,000 from Gadsden County as a corporate sponsor.

Chairman Watson was opposed to the donation.

Commissioner McGill stated that this would be an opportunity to express to Chattahoochee that they are indeed part of Gadsden County.

Commissioner Dixon stated that he supported the request because this will be an activity that will build community.

Commissioner Fletcher stated that it could certainly be discussed during the upcoming budget amendment process.

DISTRICT 4 REPORT

Commissioner Fletcher had no report.

DISTRICT 5 REPORT

Commissioner Dixon addressed the paving budget of \$490,000. He stated that the budget seems to have been guided toward the old paving prioritization list. He stated that he has looked at a situation that will render a better formula for prioritizing the road paving list. He asked the Board to agree not to spend any of the budgeted money until the new list can be prepared.

A MOTION WAS MADE BY COMMISSIONER DIXON AND A SECOND BY COMMISSIONER FLETCHER TO EXPEND NO 98/99 ROAD PAVING FUNDS UNTIL SUCH TIME THE BOARD REVISITS THE ROAD PAVING PRIORITIZATION LIST AS A REGULARLY ADGENDAED ITEM WHEN A NEW LIST CAN BE APPROVED.

Mike Dorian asked Mr. Richmond if the County was in compliance at the present time with regard to the road paving list.

Mr. Richmond referred the question to Mike Sherman.

Mike Dorian then asked Mr. Richmond if he was aware of the settlement agreement with the Rich Bay Road residents.

Mr. Richmond answered that he was aware.

Mr. Dorian argued that the County is not in compliance and the County can be sued because the County has not lived up to the agreement made in 1991.

Further discussion followed.

THE QUESTION WAS CALLED BY COMMISSIONER DIXON.

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

DISTRICT 2 REPORT

Chairman Watson had no report.

ADJOURNMENT

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

Sterling L. Watson, Chairman

ATTEST:

Nicholas Thomas, Clerk

Gadsden County Board of County Commissioners
October 6, 1998 Regular Meeting

AT A REGULAR MEETING OF THE BOARD OF
COUNTY COMMISSIONERS, HELD IN AND
FOR GADSDEN COUNTY, FLORIDA ON
OCTOBER 20, 1998, 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
NICHOLAS THOMAS, CLERK
HAL RICHMOND, COUNTY ATTORNEY
HOWARD MCKINNON, COUNTY MANAGER

CALL TO ORDER

Chairman Watson called the meeting to order. County Manager Howard McKinnon led in pledging allegiance to the US Flag and Commissioner Dixon led in a prayer.

ADOPTION OF THE AGENDA

The agenda was amended to include the Tax Collection's Year-end Report under the Clerk's agenda.

Item #6 was moved to # 9 on the agenda.

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

APPROVAL OF MINUTES

September 28, 1998 - Special Meeting

October 6, 1998 - Regular Meeting

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

COUNTY ATTORNEY'S AGENDA

Mr. Richmond requested to meet in a confidential litigation meeting with the Board. The meeting was set for Monday November 2, 1998 at 5:30 p.m.

HOSPITAL AGREEMENT

Mr. Harry Chiles, attorney with Nabors, Giblin and Nickerson presented a loan agreement and promissory note between the County and Centennial Healthcare for debts incurred by MedTech of North Florida while they were leasing the hospital. (MedTech subcontracted with Centennial Healthcare to operate the hospital.)

The loan agreement calls for the County to loan Centennial Healthcare money from the hospital endowment trust fund to be used to pay the IRS and a number of local vendors. The outstanding payroll taxes unpaid (with penalties and interest) amount to approximately \$385,000. The local vendor debts amount to almost \$120,000.

The loan agreement calls for the County to provide funds up to \$450,000 to Centennial Healthcare. Centennial will make arrangements to pay all other vendors over and above the total amount of \$450,000. The agreement also calls for the County to write the checks directly to the IRS and local vendors. Nevertheless, it is considered a loan to Centennial Healthcare.

The promissory note calls for Centennial to repay the loan within 18 months or as soon as the outstanding debt becomes \$100,000 or less - whichever occurs first. The repayments to the trust fund will be in the amount of \$20,000 per month. The agreement calls for interest to be accruing on the loan at a rate of 8%.

Centennial Healthcare has agreed to assume the inventory loan which the County made to MedTech. They are in the process of becoming a non-profit organization and it is their intent to assume the lease of the hospital.

Discussion followed.

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 AGREEMENT AND PROMISSORY NOTE AS DESCRIBED ABOVE.

ECONOMIC DEVELOPMENT

Ms. Tucker was not present. Her economic development reports are included with these minutes for the record.

BUILDING PERMIT REQUEST - MS. DORA MOORE

Ms. Dora Moore, Rt. 2, Havana, FL, appeared before the Board to request a permit to place a mobile home on her property temporarily for a family member. There has been other mobile homes there for family members off and on for 20 years. There is a septic tank already in place as well as water.

Mr. Mike Sherman reported that Ms. Moore's property is 1.87 acres and is considered to be rural residential. It is on a dirt road and it has a deep well. He said that Ms. Moore requested that the County allow her to place a second unit on the parcel. The minimum density is one acre per dwelling unit. She would need two full acres in order to get a permit without Board approval.

Mr. Sherman went on to say that the land development code states that if the use has been discontinued for more than one year, it reverts back to the current code. The previous mobile home has been gone for more than one year. Her request requires Board approval.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTE 5 - 0, BY VOICE VOTE, TO GRANT A SPECIAL EXCEPTION AND ALLOW MS. MOORE TO PLACE A SECOND MOBILE HOME ON HER PROPERTY.

COUNTY MANAGER'S AGENDA

FY 98/99 Budget Discussion

Mr. McKinnon called attention to the items in the agenda packet regarding the FY 98/99 budget for the non-profit organizations.

A MOTION WAS MADE BY COMMISSIONER ROBERSON AND SECONDED BY COMMISSIONER FLETCHER TO APPROVE THE FUNDING OF THE NON-PROFIT ORGANIZATIONS AT THE SAME LEVEL AS APPROVED FOR THE TENTATIVE BUDGET.

Commissioner McGill was opposed to the tentative budget because it did not provide any funds at all for the new applicants.

Commissioner Dixon was opposed to totally funding the animal shelter. He proposed that the County only pay an equal portion (along with the cities) of the cost of the shelter and its operation. His proposal for funding of the non-profit organizations were included in the agenda packet and is attached to these minutes.

Commissioner McGill made an impassioned plea to raise the level of funding for the non-profits by \$150,000. He contended that more fairness should be included the budget.

The Chairman called for a vote.

Commissioner McGill plead with the chairman to not act in such haste.

Commissioner Dixon asked to continue the debate.

Discussion continued but nothing was resolved.

A MOTION WAS MADE BY COMMISSIONER FLETCHER AND SECONDED BY COMMISSIONER DIXON TO TABLE ANY ACTION ON THE MOTION.

THE CHAIRMAN CALLED FOR A VOTE ON THE PREVIOUS MOTION.

Mr. Richmond advised that a motion to table takes precedence over any other motion if it is properly seconded. He requested that the motion to table be dealt with first.

THE BOARD VOTED 3 - 2 IN FAVOR OF THE MOTION TO TABLE ACTION ON THE FIRST MOTION. COMMISSIONER ROBERSON AND CHAIRMAN WATSON CAST THE DISSENTING VOTES.

Commissioner Roberson stated for the record that the Senior Citizens were funded at the level of their request which was \$15,000.

Evaluation and Appraisal Report (EAR) Workshop - Thursday, October 22, 1998

Mr. McKinnon reminded the Board of the workshop on Thursday, October 22, 1998 at 4:30 p.m. to review the EAR of the comp plan.

PLANNING AND ZONING ISSUES

The following portion of this meeting has been transcribed verbatim upon special request.

Sherman: O.K. The Planning Division has a number of items on the agenda tonight. The first one is to ah, re-hear or discuss, ah, a request from Petro South to expand the convenience store at the intersection of SR 267 and Shiloh Road.

After the last meeting, one of my directions, as I understand it, was to try and figure out when a

neighborhood commercial use ceases to be a neighborhood commercial use.

So, I looked at our comprehensive plan and our land development code and there are some measures in our land development code and the comprehensive plan that indicate what types of uses are neighborhood commercial uses. And, it talks about convenience stores and grocery stores with gas pumps.

Ah, so those, and it has to be 2 acres or less, located at the intersection of a collector or 2 paved roads. And, ah, it meets those tests, but there is no, ah, there is nothing that indicates like a market area of what the limited geographical areas that these neighborhood commercial uses are suppose to serve.

So, what we did is, we tried to take, ah, an equation and plug in some variables and try and calculate the market area for this property. The only value which we needed, ah, from Petro South was the type of fuel and the number of gallons they expected to sell.

Watson: (pounding the gavel for order) If ya'll would. Mr. Woodham

Fletcher: The baliff needs to clear them out.

Watson: O.K. go ahead.

Sherman: The only outstanding variable we need to get from Petro South was the type of fuel and the number of gallons that they expected to sell. And we could plug that into the equation and try and calculate the market area.

Ah, Petro Fuel never returned our calls or gave us the information we requested. So, right now, we're not at a whole lot further than we were at the previous meeting.

Ah, so. You know, we've got our notes and recommendations in the agenda. So, ah, there is a way to look at it. I mean, the fuel that they are primarily going to sell is a real concern to us. If it is going to be diesel fuel, then that we believe primarily or specifically new pumps could have a possible impact on the neighborhood.

Fletcher: But Mike, doesn't this go right back to the fact that they were already a commercial facility before any of this happened?.

Sherman: Well, the County Commission, at the last meeting, decided to hear this as a special exception use and that is the premise that I was going under. That, regardless of the fact that it was there previously, the Board said they wanted to hear it.

My charge, the way I understood it was to try and calculate or figure out the market area for the neighborhood commercial use. We were not able to do that.

The qualitative measures of a neighborhood commercial use, it meets. Ah,

Dixon: But doesn't the fact that it sits on a major interstate deny it the neighborhood commercial use?

Sherman: That is what we were trying to calculate with the type of fuel. You know, if they were going to put in 2 gas pumps and they were going to sell just gasoline, then it would be easier to assume that would not be as directed to the I-10 traffic as if they were going to put in diesel fuel. If they were going to put in diesel fuel pumps, and their primary target was on I-10, and pulling trucks in off I-10, then that might be when neighborhood commercial ceases to be a neighborhood commercial use.

Dixon: Is the Shell Nugget store a neighborhood commercial use?

Sherman: The Shell Nugget Store, Mr. Dixon, is zoned commercial.

Dixon: It is not considered a neighborhood commercial use.

Sherman: Well, they don't sell diesel fuel, I don't believe.

Dixon: No, they don't. But, is it considered a neighborhood commercial use?

Sherman: That type of use, if it was located on a piece of property on that was 2 acres or less, at an intersection of a paved road,

Dixon: Is a neighborhood commercial use?

Sherman: It is zoned commercial, so, it is taxed as commercial, it is zoned commercial.

Dixon: Aren't they competing for the same clientele.

Sherman: I don't know, I wasn't able to, I would imagine so, yes, sir.

Dixon: In general.

Sherman: I would imagine they would be, yes sir.

Dixon: They are competing for the same clientele.

Sherman: I believe that is partly the Shiloh community and I believe that is partly the I-10 traffic and partly on the other side of I-10 and those communities as well. But, you know, I have not been able to quantify when that type of use ceases to be a neighborhood commercial use.

Fletcher: **MR. CHAIRMAN, I MOVE THAT WE APPROVE THIS THING AS AN ONGOING COMMERCIAL LAND USE. AND THAT HE BE ISSUED HIS BUILDING PERMITS AS REQUESTED.**

Roberson: Let me just ask something. As I said here, anything he is doing is not or has nothing to do with the disputed boundaries or the property behind him?

Sherman: No, ma'am. I have not gotten involved in that. Where the improvements which he wants to do his property are, are outside the disputed area.

Roberson: It is already where he is located and where he is doing this.

Sherman: As far as I can tell from the site plan they have given me, now, this is a conceptual site plan. The next step is they give me an engineered site plan. But, from what I can tell from the surveys provided by Mr. Skipper and the site plan provided by Lee & Bridges, all the improvements that they want to do is outside the disputed area.

Roberson: Is there any way to make the motion where

Fletcher: There is a motion on the table, Ms. Roberson.

Watson: **Yeah, we need a second to this motion or it's going to die.**

Roberson: What was your motion?

Fletcher: The motion is that the project be approved as a previous commercial land use and that he be issued his building permits.

There was a long silence.

Janard: Mr. Chairman, on the behalf of the people in Shiloh, I would like to make a response.

Richmond: Not now.

Fletcher: Not until we get a second to this motion. O.K?

Richmond: You will get your chance, maybe.

Watson: **THE MOTION DIES FOR THE LACK OF A SECOND.**

McGill: I have a question I would like to ask before we vote. If this is a neighborhood convenience store now, without the diesel pump, it is not attracting traffic off I-10, is that what you are saying?

Sherman: Mr. ah, I believe the store does sell diesel fuel right now. The Nugget Store doesn't sell diesel.

Fletcher: Petro South is trying to buy Mr. Butler's business, o.k?

Roberson: **I WILL MAKE A MOTION TO APPROVE IT AS LONG AS NONE OF THE EXTENSIONS GO ONTO THE DISPUTED LAND.**

Watson: That is just, just not our place. I mean, it is just not our place.

Roberson: Well, you know what

Richmond: **You want to make sure that there is no encroachment that is contributed to by the county action? Yeah.**

Roberson: **Yeah.**

Richmond: **Yeah, you can make that kind of motion.**

Roberson: I mean, it shouldn't interfere if everything he wants to do is up front anyway.

Sherman: I am not going to issue any permits for the disputed area. If they come in and want to do that, then

Roberson: O.K., that was my only concern. That is what I was trying to get out here.

Richmond: Was that a motion?

Watson: Do we?

McGill: If we allow additional gas pumps

Roberson: **YEAH, I MADE A MOTION.**

McGill: It might ah, attract traffic beyond the normal neighborhood convenience store traffic.

Sherman: Well, again for trip generation, we use the ITE trip generation manual. That has typical land uses, based on studies. It projects the typical type of trips used or generated by that type of development. As we talked about last time, this type of use also operates on passerby traffic so, people like whipping down I-10 will see a sign and say "oh, I need a coke or I need some gas" Ah.

Fletcher: They are already doing that Mike. It has been since 1982.

Sherman: All I am saying is that type of use exists also in passerby traffic.

Dixon: Mr. Chairman, may I?

Watson: Yes, sir.

Dixon: You know, it is unfortunate that we feel the need to ram this down those folks throat. Ah, there are houses that none of you would live next to 50 feet away from this store. There are children running and playing in the neighborhood.

Now, maybe once this was a neighborhood commercial facility, but it isn't now. And its location makes it commercial as opposed to neighborhood commercial. That facility, being next to a facility that they hope to be like, expects to draw a great number of its clients from that passerby traffic.

That throws it out of the realm of neighborhood commercial. This is not the Kelly's Jr. on the corner. As I said last meeting, it isn't. Nobody is going to

leave I-10 searching for Kellys Jr. Nobody. Kellys Jr. locates on the corner in the neighborhoods. That is neighborhood commercial.

Now, you may fool some of these people up here with that notion, but don't do it please. What you are doing is ramming this thing down those neighbors throats.

Fletcher: But Commissioner

Dixon: Let me finish please, I have the floor.

Fletcher: You do. Go ahead.

Dixon: This, in no stretch of anybody's imagination, including Mr. Sherman's, is neighborhood commercial. It is not and it hasn't been in a long time. Now, its fine that near most neighborhoods, as in the last meeting

Ah, you don't even want to put a church in some neighborhoods. You don't want a church to go in the neighborhood. But, in this neighborhood, you can subject these neighbors to every passerby, to every Tom, Dick and Harry that wants to stop and walk in their front yard, along with their children and think nothing of it because you don't have to go over there. You don't have to go over there and you don't have to live in that neighborhood.

Now, there is one thing about passing legislation but there is another thing about being consistent. Consistency says that if you don't want a church in a neighborhood, why in the heck do you want to put this gas facility in their neighborhood? It makes no sense at all. But you would burden these folks.

And you are going to do it not knowing what it is that DEP thinks about the ground water out there. You don't know. And nobody has sought to find out. You don't know what the facility's long term run is going to be. You don't know and you don't care because you don't live over there. You don't know what the proper property boundaries are out there. You don't know and you don't care. And the only reason you don't know and you don't care is because you don't know and you don't care.

Fletcher: Ed,

Dixon: Let me finish Commissioner, you don't have the floor.

The County has property out there. But has anybody from the County thought to even thought to go out and have a "look see"? You know, it is supposedly county property between ours and Mrs. Davis's, as I understand it. Are we even interested? Somebody talked about a road that was deeded to the County. Nobody checked it out. Why? Did nobody want to know?

My concern, ladies and gentlemen, is that for your neighborhoods, you are willing to protect them at all costs. If you look at the City of Quincy, there isn't a liquor store on the north side of 90. Think about it. There isn't a convenience store on the north side of 90 until you get to the black neighborhoods. Now, you are not going to allow anything that might jeopardize your family, your children or your lives in your neighborhoods. Don't subject our neighborhoods to this. This is wrong. You wouldn't allow it in yours. Don't allow it in mine. Thank you Mr. Chairman.

Fletcher: Mr. Chairman and Commissioner Dixon, this is not the issue. The issue is that this has been a commercial facility since 1982 and we do not have the authority to change that.

Dixon: Oh yes we do. It is not and - it has changed the demographics - the location has changed. But, those folks were there before that store was there.

Fletcher: This is not the kind of issue as far as Hentz Fletcher is concerned that you are making it out to be.

Dixon: Commissioner, I don't know what it is. I have to call it the way I see it. And I have sat here on a number of issues and I have seen you go to all lengths to protect your neighborhoods. Now, don't sit here and tell me that I can't see and that I don't understand. I do understand.

I understand that not a manufacturing company is located in your neighborhoods, yet I've got brick buildings up next to houses in mine. That is what I understand. I understand that when the Bingo place wants to come to Gadsden County, it doesn't go to your neighborhoods. It comes to 267 Street. That's where it comes, to my neighborhoods. And you are quick to run off and approve it. Why? It's in my neighborhoods, that's why. It's not in your neighborhoods because it wouldn't last 5 seconds in your neighborhoods.

I am tired of my neighborhoods getting the most of the worst and the least of the best. My neighborhoods get it all.

Watson: Can I remind the commissioner of something?

Dixon: What is that, Mr. Chairman?

Watson: I remember you voting for a liquor store out there and I didn't. Case closed.

Dixon: Where is that? On a major highway next to nothing.

Watson: That's alright. This is the same major highway.

Dixon: Next to nothing, Mr. Chairman.

Watson: Still, if you are going to talk consistency, lets be consistent.

Dixon: If you want to bring up something, bring up something that is germane to the point. Don't just pull something out of the sky because it sounds good.

Watson: It is quite germane.

McGill: I guess I have a concern here too. One is, it seems to me that a neighborhood commercial decision, we should be catering more to the neighborhood that the traffic population. I got the distinct impression though, that what we have here may cause a lot of traffic off I-10 that is not considered local traffic to access for meals and whatever else they can get there. It seems to me that stopped it from being neighborhood facility.

I don't think I can ever look at a Walmart and call it a neighborhood facility. I don't think I can ever look at Eckerd's and call it a neighborhood facility because it attracts customers from all over.

It seems to me that traffic is going to increase tremendously because of the location of it. It is unfortunate that is located right off I-10. But that is where it is. I foresee a lot of criminal activity that could take place in the neighborhood that does not take place now because folks who don't live there could go and take stuff and get back into their trucks and take off

down the highway. That's a major concern of mine. There will be some criminal activity as a result of this.

I fully believe that people that people should be allowed to use their property when the opportunity presents itself. I am not so sure that, if it would endanger the lives who stay there, that it is a permitable use. Ah, or something that we ought to permit.

Ah, one time I was almost in favor of saying "yes" let's look at this. But, the more I listen to it and the more I read about it, the more I see problems with it.

Now even though it was in existence since 1982, it has changed its character a lot since then. Probably back then, they had one or two gasoline pumps and they probably sold 2 loaves of bread a month. This is going to change all of that. They will probably sell that many loaves to one trucker and hundreds of gallons of gasoline.

So, you are going to attract a lot of traffic. I think that would take it out of the character of being a neighborhood commercial activity. And the kinds of traffic, I have a real problem with. Because studies show over and over again that the transient population tends to commit far more crimes than the stable population. And if folks can come in and take what they want and get back in their trucks and drive to Miami and not be detected, what will we do? How do we stop that?

I've just got some real concerns that it loses its neighborhood character when it says to me that they are planning to add another 810 feet of sales space. That is almost as big as some of the houses. There are too many unanswered questions for me to vote for it. Too many unanswered questions.

Watson: Is there another motion?

Roberson: Well let me say I thought the problem in the beginning was a disputed property line. It is a commercial business and they are only adding, somebody help me out here,

McGill: 810 square feet more.

Richmond: Including the coolers.
a Shell station that is what - a city block from it?

Richmond: Right.

Roberson: I mean, I could understand if it was a new construction or a new business, but it is something that is already there. You already have the traffic off I-10 because of the hotel and the Shell station and the Texaco Station. My concern was the disputation, the property disputation, you know. If there is nothing,

Dixon: Commissioner, I would not have a problem if Petro South and Mr. Butler were buying the houses around there. I wouldn't have a problem at all. But he is not doing that. And, it was a neighborhood commercial business, it was. I don't know any company like Petro South that walks into lose money. They are not going to lose money and they are going to do whatever is necessary to make money.

Now, my question becomes, Is proper to subject that neighborhood to those type conditions?

Roberson: I understand what you are saying, Ed. The only thing I am saying is the business already exists and he is not really adding but 810 square feet.

Dixon: I don't have a problem as long as the business does not change. But once the business changes, why do you now need bigger coolers? Why? You want to sell a bigger variety of things, you want to have more of it on hand.

Roberson: I understand that they wanted to put in a deli.

Dixon: And who is eating at the deli? The neighborhood lives there, they know where their kitchen is. They ain't eating at the deli. Who is eating at the deli? Now if that doesn't speak to the point of transient, I don't know what does.

Roberson: Well, you can look at that two ways. You don't ever go to Pizza Hut or Subway or?

Dixon: Yeah, but I don't go down to the BP Station for dinner.

Roberson: I do in Havana. They have a good hamburger. I am serious.

Dixon: But, you live in Chattahoochee.

Roberson: Right, but I visit in Havana.

Dixon: And when I am in Orlando, I drop by the BP Station and get a hot dog too. But when I am home, I don't go to the BP Station for a hot dog.

Roberson: I see what you are saying. I don't see how we can deny him having a business when he

Dixon: I don't mind him having a business.

Roberson: And if he is not messing with the property lines that are in dispute,

Dixon: Commissioner, I don't mind him having and running his business. I have a problem when he fixes it up to do something else - an increased volume of business. And the expansion of his business speaks to a "hoped for" increase in business. That changes the whole situation.

McGill: Mr. Chairman, Item No. 3 there are some notes that says that the place will seat no more than 35 people, is that right? About middle way through the paragraph. My question is if 10 cars stop and 5 trucks stop and the trucks have 5 people and all cars have 4 people, are you going to tell some that you cannot come in because our capacity is 35? (inaudible) choose to come in.

Sherman: The requirements of the rural residential land use category for neighborhood commercial say that restaurants can't seat more than 35 people.

McGill: That is in a neighborhood commercial facility? Now, again, suppose 10 cars stop with 5 people each. Are they all going to get in? Are you going to tell some of them that "you can't come" because we can only seat 35?

Sherman: There is seating capacity and occupancy loads for different types of uses and they are designed based on the standard building code. But, it is like speed limits of 45 mph when people are going 55 mph. If somebody is not there to enforce it, and the county doesn't go to stores and enforce occupancies. I mean, they can hire a police officer or something to do that, but,

Roberson: But you do enforce how many chairs and tables they can have.

Sherman: Right, if they design a deli, and the seating areas are a part of the consideration. That's the items that are going to be shown on the building plan.

McGill: So, if it will only seat 35, then some of them will stand up?

Sherman: I guess so. Again, if the building plan shows more than 35 in a restaurant in a rural residential zoning district that has a permit to do a restaurant then it is not going to be approved. If there is seating for 35 or less, and the Board has said that a restaurant can go at that location, then that isn't going to be a problem provided they do all the improvements according to our codes.

Fletcher: Mike, when my competition expanded their business, did you bring that before us?

Sherman: No, they were in a commercial zoning category.

Fletcher: Alright. Now, in all due respect to these fine people, the same situation applies to this deal. And we are wasting our time.

Dixon: Where is your competition located?

Fletcher: Across the street and down the US 90.

Dixon: Down US 90. How many houses are next to that?

Fletcher: Oh, at least 50 of continuous houses down that hill behind that business.

Dixon: Behind it.

Fletcher: Behind it and to the side of it.

Dixon: Is there anything that separates this business from those houses?

Fletcher: A chain link fence.

Dixon: There is a chain link fence, what else?

Fletcher: They were required to put one up.

Dixon: What else?

Fletcher: It is still commercial, Commissioner, it doesn't matter.

Dixon: It is not neighborhood commercial.

Fletcher: It doesn't matter.

Dixon: Yes, it does. Mr. Sherman has clearly said it matters. It matters because this is the wrong category and I am fortunate to sit here and say, I am not going to believe anything else that Mr. Sherman tells me. Because too many times I have had to sit here and run through what it is that he has misrepresented to this body. Now, ah, and that is nothing. I am sorry, I have no trust in anything he brings to me.

Fletcher: Commissioner, we have argued about this thing for two hours at the last meeting, I can't stay here tonight and argue about it for two more hours.

Dixon: Commissioner, we all get a big salary to sit here and do just this.

Fletcher: But not the way this has done.

Dixon: My position is that this is wrong. Water from - Can I have the floor gentlemen?

Fletcher: Sure.

Dixon: My position is just this. There is water that comes off that property that he is upgrading. He still doesn't have to catch that water. Even if he had to, he don't have anywhere to catch it. You know why? He's got wells all over the place. And you are going to have to go onto someone else's property to catch the water. It floods out the people down in the bottom that we moved the pipe to fix. And it didn't fix it, it made it worse.

Fletcher: The County has an easement.

Dixon: O.K. But I don't see any recommendations in here about that. You know, we have another change over that had a 20 things or recommendations from Mr. Sherman's office on a minor change. But not here. Not here. I am sorry that we've gotten into this "if it's my buddy thing, then we can make exceptions." But not for the folks, once again, just like we just talked about in the human services budget, the folks who need representation the most from this body, don't get it. Don't get it. The folks here, who need representation the most, if you had that many people from a Havana neighborhood, you wouldn't

even consider doing this. It wouldn't even cross your mind to do it. You sit here and the first thing I hear is, "we don't want it, we can't do this." Just like with the church, the neighbors don't want it.

Roberson: But Ed, there is a difference in

Dixon: But this is not the same thing, Commissioner?

Fletcher: This is the wrong time for the neighbors to say they don't want it. They should have said it in 1982.

Dixon: In 1982 we didn't have a comp plan.

Fletcher: You can't do, you can't do, you can't do what is going on here tonight.

Dixon: You didn't have a choice in 1982, Commissioner, in 1982 they didn't have a choice.

Watson: Let's get some order here, lets try to keep this civil.

Dixon: They didn't have a choice in 1982. Even now, with today's laws that are promulgated or appealed, they still don't have a choice. What they choose, you deny. You know what is best for their neighborhoods? You don't live there and you wouldn't live there. But you know what is best for their neighborhoods and their children. And you would not subject and I guarantee you, if I pulled every file that came in here, that when Winchester wanted to put that store out on US 27, you had more buffers and more retention ponds and I ain't talking about a fence.

Roberson: Was there an existing business there?

Dixon: He had, ah no. He had more buffers, more retention ponds and he had to be "x" number of feet from this and from that and he had to leave the trees up and all this stuff.

My point is that some of us are of the presumption that this is the same business and this is not the same business that Mr. Butler ran. It will be a very different business. And I am telling you that they're differences that will affect that neighborhood. Now, when they are back before here, before us, with those problems, then we will see. But it is unfortunate that we have got to get to that point when it comes to our neighborhoods. We don't get to that point when it comes

to your neighborhoods. And that is my concern. That we will kiss this off as "just business".

Roberson: I am not kissing anything off first of all, Ed. First off, the business is already existent. And I would not ever agree to give a permit on a piece of property where there is a dispute. I want that understood. But, I also think there are, that he has a right to do certain things to improve his property. If we have to make stipulations maybe for a chain link fence and a buffer if it is going to affect the people around him.

Dixon: You going to put it on somebody else's property?

Roberson: Well, I don't know about where he's going to put it. He can't put it on somebody else's property.

Watson: Let's resolve this.

McGill: You see, I am concerned that the neighborhood commercial category goes outdoors, then you start talking about, tractor trailers coming in, I know of one case out there in Midway where a tractor trailer driver doesn't even drive his truck to his house because of the structure of Midway. He has to park down the street and his wife picks him up and brings him home. Cause tractor trailers just don't fit on the category of neighborhood activity. Tractor trailers pulls (inaudible) on the highway and the (inaudible). My point here that I want to make is it seems to me that and I have looked at this thing a thousand times. I looked at it last night til I got sick of it. And I prayed and I want my prayer to get above the ceiling. Where is the run off water going to go?

Roberson: There is no new pavement, so, the water is not going to be any different than it is now.

McGill: But if you add more pumps, you are going to generate more traffic. And it seems to me that the community is located downhill from the commercial establishment, is that correct. Downhill, so where is the water going to go.

Watson: There is going to be no more water than what is out there now.

Dixon: And they are getting flooded every time it rains. So, no, there won't be any more water.

McGill: You mean that if 25 - 30 tractor trailers come in and we go for a month and it rains, that water will not impact those people down below?

Watson: How does that ah, what are they going to do? Are they going to come in there and dump some water out of their trailer?

McGill: No. Just the fact that when a truck comes in is going to cause that pavement to soon deteriorate and it's going to run and go somewhere. That's what (inaudible) That is why we are re-surfacing roads now because they tear up.

Watson: If it tears up it's going to become pervious and the water is going to go straight down instead of running off to the back. So, in some cases, the pot holes are going to help the situations.

Fletcher: Mr. Chairman, we are not getting anywhere.

Watson: I need a motion one way or the other. It would be a big help.

Janard: Commissioners, what is it going to take to let the people of Shiloh have their voice be heard.

Watson: We are if we can get a motion, Ms. Janard. I mean, this is, ah, one way or the other.

Fletcher: You need to come up here.

Janard: I will be happy to.

Fletcher: Well, come on.

Richmond: Gentlemen, gentlemen, gentlemen. Can we just do this one way procedurally.

Dixon: Yeah.

Richmond: Let's finish up with staff and your discussion and get a motion on the floor, then I am going to make sure that Mike's comments in the previous minutes in the meeting are incorporated in this meeting to make sure we are legally correct. Ms. Janard, it will be just a moment. We are still in a position to try and determine what we have to speak to. There is no motion here.

Watson: Precisely.

Dixon: **MR. CHAIRMAN, I OFFER A MOTION THAT WE DENY.**

McGill: **SECOND.**

(Mr. Richmond is a notary public authorized by the State of Florida to administer oaths.)

Richmond: Mr. Sherman, raise your right hand. Do you solemnly swear that the testimony you have given here tonight and previously is the truth, the whole truth and nothing but the truth, so help you God.

Sherman: Yes sir.

Richmond: Are there any further comments from Mr. Sherman or questions for Mr. Sherman?

Sherman: Let me restate our position tonight because I am not sure if it is clear. At some point neighborhood commercial uses cease to be neighborhood commercial uses. We have not been able to determine that.

We have suspicions that diesel is to be sold then that would definitely have a detrimental affect on the neighborhood. Therefore, since we have not been able to determine that because Petro South has not responded to our request and they haven't responded to Ms. Janard's request.

There is a recommendation. The recommendation is to either table it until we find out and the other one is whatever ya'll want to do.

Richmond: Why didn't you say that in the first place?

Sherman: We have not been able to do what we were charged to do at the last meeting because we were not able to obtain the information.

Richmond: Well, let me ask you one question, when this first came up, I want to make sure the record is clear tonight, this was subject only to a type I approval and didn't even need to come before the Board, is that correct?

Dixon: NO.

Richmond: That's not

Dixon: Oh, you didn't ask me.

Richmond: That was the way it was initially presented by staff and I am trying to clarify the record here.

Sherman: When we originally presented it as a special exception use because we looked at it as an expansion.

Richmond: But legally it was, you testified last time, if I am wrong, I want to know it.

Sherman: I believe it could, I believe our code would allow it to be done either way. The code allows the Board to hear controversial items whether they are type I or type II.

Fletcher: But Mike, you allowed Stones to put on several thousand feet on a lumber tree and increase their business ten fold and didn't bring it before this Board.

Sherman: That is correct. The land development code requires that in commercial land use categories, which Stones was, they are not required to come to the Board for location approval. They are required to provide site plan requirements, including the storm water management plan.

In rural residential land use categories, when you expand a business, when you add additional uses to a commercial, then you should, and that is why we initially had it for a public hearing.

O.K. And then we looked at the code and we determined, based on our code, it could also be looked at. The way the standard building codes the way it is, and our land development code, it could also be done administratively.

The Board determined at the last meeting that it should come through as a special exception use. That is not incorrect to do it that way.

Richmond: That's fine, I just want to make sure that it is clear on the record what the staff's position on this matter.

Sherman: Yes, sir, I do as well.

Roberson: You have already (inaudible)

Sherman: Correct. And we believe that if the, and again, we haven't been able to determine this, if the intent is to sell more diesel, then the primary traffic probably was going to be from I-10 and not from the Shiloh community and that could definitely have a negative effect on the

neighborhood. That might be the point where the neighborhood commercial use ends. I do not believe that Mr. Dixon and I are at odds tonight on this.

Watson: O.K. Ms. Janard.

Janard: I would just like to

Richmond: Would you please raise your right hand?

Janard: I am sorry, yes.

Richmond: Do you solemnly swear the testimony you are about to give shall be the truth, the whole truth and nothing but the truth so help you God?

Janard: I do.

Richmond: Please state your name for the record.

Janard: Valarie Janard and I have been asked by the citizens of the Shiloh community to be their spokesperson this evening again as I was last, last time. I believe it was on October 6th.

I would like to confirm that I did write, after the last meeting on October 6th, to a Mr. Charles Busbin whose name I believe was given to Mr. Sherman as the contact for Petro South. I said to Mr. Busbin in my letter that I wanted to find out how many additional gasoline pumps Petro South plans on putting on the property if the proposed expansion is approved. And specifically, how many diesel pumps would be added. I confirmed that my observation of the site as it presently stands is that there was one pump at the station now which dispenses diesel fuel and I would appreciate receiving this information from you at your earliest convenience. And I wrote to Mr. Busbin and Petro South at their Albany, Ga. address which was apparently furnished either by Petro South or Mr. Butler to your director of growth management. Mr. Busbin did not respond to me either.

Mr. Sherman and I had a conference in which he said that he had done further research to try to shed some light on your inquiries and concerns and the position of this property. And he stated to me as he stated to you tonight that the plans for the expansion - if they were to include a significant additional dispersement of

diesel fuel could change the neighborhood commercial use characterization of this facility.

Ladies and gentlemen, I would just like to say that, as a lawyer, I am appalled that you would tonight vote to accept this proposed expansion in the face of what appears to be complete indifference by the people with whom the neighborhood, the community of Shiloh will have to do business if you put this business whatever it is going to consist of in their front yard.

Petro South apparently does not think that the citizens of Shiloh or perhaps even this Board or Mr. Sherman are important enough to make any type of response. Either that or they're hiding something. Or Both.

But on behalf on these citizens, I urge you not to make this decision without having a full deck of facts because you don't have them. For whatever reason, Petro South has decided apparently not to shed light on these very real questions which go to quantification measurements that your own director has sought to distinguish the characterization of this proposed expansion.

How can you do this to the citizens of Shiloh? When an outsider, which has never been a part of this community does not even respond to our inquiries.

What is more important to you - this community and the citizens who live here or a stranger who will not communicate? We certainly ask you to follow your own growth management director's recommendation to either table it or deny it. But, I see no basis here for a sufficient development of information for you to pass this motion tonight. I respectfully urge you to deny it.

Richmond: The motion is to deny it.

Janard: Well, I certainly encourage, I'm sorry, there was so much talk in the back of that room that it has been difficult from time to time to hear what has been going on. But, if there is a motion on the table to deny it, the citizens of Shiloh fervently ask that you support that motion.

There was applause.

Watson: Is that it from the Shiloh community.

McGill: Mr. Chairman, I am not opposed to Mr. Butler selling his property to Petro South. If he can get \$5 million for it fine. I suppose that Petro will do what they want to do.

Richmond: I think there is someone else who wants to speak.

Watson: Yes, sir.

Butler: Mr. Chairman, I am Joe Butler. I own Joe's Place - been the owner for 16 1/2 years. I have been selling diesel ever since I have been there. My business brings in around \$60,000 in taxes a year, around \$50,000 local option tax for this county that is paid here in sales tax. I do not know from one month to the next how much I am going to sell of anything. I have 229 names of local people around there that say that we would like to see this happen because we need a little bigger grocery store and bigger cooler space to put in more stuff. I have a 5 door cooler and a 5 door cooler is not much. You can't put much in there because Coca-Cola has 19 different type drinks and everybody wants one of the different ones. Pepsi is the same way and Ritz and everybody else.

The land across the road from me is commercial and it is in pine trees. I don't know what the problem is that no more than I want to do. Petro South is a gas sellers and people come in there - it is on a public highway, a state highway, and I-10 is up above and everybody wants to do more business and a better business and make a better living.

I am 69 years old and I would like to retire. That is the reason I am getting out of it. I have closed it. I can keep it closed but there are people begging for the store to open back. I sell more than 1 loaf of bread, I sell probably 20 something loaves of bread every day. I sell a lots of bread and I sell a lots of milk and ah, I don't have any problem with the people of Shiloh and I don't know ah, most of these people here has traded with me and I thought they were my friends. But I have been misinformed somewhere down the line.

Coach Holt and Harry K., ah, we were raised in the tobacco patch down on that end of town. And also, my father, when his father got run over one night, my father was one of the first ones there to get him to the hospital in 1938 or 39. And, so, I don't know what the problem is with the people against me. If I had those problems, ah,ah, ah.

The neighborhood is back of me. I haven't heard any of Mrs. Davis or Mrs. Sanders either one say anything negative about the business that was bothering them or anything. If I need to put a fence, I can put up a fence.

Thank you sir.

Richmond: Mr. Butler, I forgot. Would you raise your right hand?

Do you solemnly swear that the testimony you just gave was the truth, the whole truth and nothing but the truth, so help you God.

Butler: Yes, sir.

Charleston Holt: Do I have to raise my hand?

Richmond: Yes. Do you solemnly swear that the testimony you are about to give will be the truth, the whole truth and nothing but the truth, so help you God?

Holt: I do. I would like to correct Mr. Butler on one thing.

Watson: What is your name, sir?

Holt: Charleston Holt. My father was run over by the gas company. If you check with Mr. Cox, he was the one along with Mr. Jesse Nealy and Sherman picked my father up. Joe Butler's (inaudible - gap between Tape No. 1 and Tape No. 2.)

Tape No. 2

Holt: and all that. But, one question I would like to ask Mr. Sherman. How much land did he say Petro need, Mr. Sherman?

Sherman: The expansions which are shown on the site plan are for 810 additional square feet and two new gas pumps.

Holt: (inaudible)

Sherman: Well, the property is, well, they're not buying any more property. So, it's less than two acres.

Butler: It is a little over an acre.

Holt: Which direction does that acre go?

Sherman: Based on the information provided by the applicant, it is somewhat rectangular shaped piece of property. It's ah, 45,868 square ft. which is

Holt: I don't mean to put you on the spot, does that extend behind the store or in front?

Sherman: The improvements extend out toward 267 and to the north side.

Holt: None of that property will extend behind the store based on that?

Sherman: No.

Holt: Well, my point is this. In as much as there is a dispute, and which it should be, because the land Mr. Butler owns was surveyed by Uncle Jenkin Carter and his grandson is in the audience who helped survey that land. I know of the land. At 10:15 last Wednesday, I been living down there all my life. I only spent 6 years out of Gadsden County. 4 in college and 2 in service, serving my Country. We know about that land down there. And for you to sit, please think to vote yes or no on disputed land, it is a surprising thing to me. I thank you.

Richmond: Do you want to call the question?

Fletcher: **QUESTION.**

Watson: Is the question called?

Fletcher: Yeah.

Watson: O.K. the question has been called. Motion on the table to deny the project.

Audience: I have a question.

Watson: The question has been called. All in favor of the motion say "aye".

Dixon & McGill: Aye

Watson: All opposed say "no."

Watson, Fletcher, Roberson: No.

Watson: **MOTION FAILS 3 - 2.**

Dixon: **MR. CHAIRMAN, I MOTION WE TABLE.**

McGill: **SECOND.**

Watson: We have a motion and a second to table this. All in favor of the motion say "aye".

Dixon & McGill: Aye.

Watson: All opposed say "no".

Watson, Fletcher, Roberson: No.

Watson: **MOTION FAILS 3 - 2.**

There was a long pause.

McGill: I understand that the commission has been toiling with this question for quite some time. Part of the time, I was absent. I wasn't able to be here. But, I hate to see us rush into judgment on something that can cause some consequences later on. And I just feel that sometimes we move to hastily without due consideration to important issues.

Fletcher: **I MOVE THAT WE APPROVE IT AS A PRIOR USE AND THAT HE BE ISSUED HIS BUILDING PERMITS AS APPLIED FOR.**

McGill: I have a question, Mr. Chairman.

Fletcher: Wait a minute now.

Watson: Is there a second to the motion?

(The chairman passed the gavel to Vice-chair Roberson who presided over the meeting temporarily.)

Watson: **I SECOND THE MOTION.**

Dixon: Mr. Chairman, Mr. Chairman, Mr. Chairman. No, No, you can't do that. If you're chairing the meeting, you are chairing the meeting. Chair the meeting.

Fletcher: Yeah, he can pass the gavel to the vice-chair and do it.

The vice-chair passed the gavel back to the chairman.

Watson: Is there any more discussion?

Dixon: No, no, if you want to second the motion, then move and give somebody else the chairmanship.

McGill: It seems to me that if the motion to deny failed, the motion to approve is almost automatic wasn't it?

Dixon: No, No it is not.

Watson: There is a motion and a second now to approve.

Dixon: Discussion, Mr. Chairman. First of all, I think what you did was inappropriate, once again. Now, if you want to be the chairman, be the chairman. If you don't, give it up.

Watson: It sounds like to me, you want to be the chairman.

Dixon: No, Mr. Chairman. No. No, you passed the gavel. You can't pass the gavel. Either you are the chairman, you are the elected chairman of this Board, now be the chairman.

Fletcher: Can we have a point of order, Mr. Attorney.

Richmond: He didn't like the way I called the other one, you are not going to like the way I call this. I thought it was appropriate.

Dixon: If you want to be the chairman, be the chairman.

Watson: Alright. All in favor of the motion, say

Dixon: Mr. Chairman, I have the floor if you don't mind. May I please be respected?

Watson: Please.

Dixon: If you intend to pass this on these people, one, it will remain neighborhood commercial - the zoning. Because as I understand it, none of the zoning has changed. It will remain, which means that any expansions, any other expansions that come out there. Secondly, I would request of this Board that some form of a buffer be put into place for protection of the neighborhood. And thirdly, I would request that the water that is generated by this facility be kept on the property.

McGill: Mr. Chairman, something else that I would like to add to those comments that if you're going to allow this development to go forth, maybe the zoning should be recognized as mixed use as opposed to neighborhood use.

Dixon: No.

McGill: Well, that is what is going to happen. (inaudible)

Dixon: No. If you rezone it commercial, you are going to have a warehouse out there.

Fletcher: It is already commercial, Commissioner.

Dixon: It is neighborhood commercial.

Dixon: What is the zoning on this piece of property, Mr. Sherman?

Sherman: Rural residential.

Dixon: Which means that it is neighborhood commercial.

Fletcher: What did the tax collector write in his letter?

Dixon: I don't care what the tax collector wrote, he don't make the policy. This Board makes the policy.

Sherman: The property is zoned rural residential and neighborhood commercial uses are allowed upon approval by the Board of County Commissioners.

Fletcher: Mike, you told me that it was a scrivener's error, didn't you.

Dixon: And it is considered, well who is the scrivener?

Sherman: I am not going to get into that. It is rural residential and as it is now, from what we can determine, functions as neighborhood commercial use.

Dixon: Otherwise you couldn't do this.

WATSON: ARE YOU FINISHED? ALL IN FAVOR OF THE MOTION, SAY "AYE."

FLETCHER, ROBERSON, WATSON: AYE.

WATSON: OPPOSED?

MCGILL & DIXON: NAY.

Sherman: I have some questions on clarification. If we do the buffer which was required, to separate, ah, If we do the buffer, do you want it on the disputed area? We can put it all on Mr. Butler's, I guess it will be on the southern side, but there is no way to put a buffer unless it is on the disputed area. I don't have a problem with that, I just need to get some direction.

Dixon: Put the buffer on his property. In terms of the retention, they need to keep that water.

Sherman: **O.K. Then what we will do is require them to provide stormwater management per our current code like it was a new development then.**

Watson: You don't normally do that in this type situation do you?

Sherman: No sir, the code right now allows for new impervious under a 1,000 square feet, to be exempt from our storm water requirements.

Fletcher: Why did you not require Stone's to build a retention pond?

Sherman: They have a retention pond. Yes, sir, we required them to build a new pond to catch the new storm water generated by their development.

Watson: But, under our present LDRs, this did not require storm water management, is that correct?

Sherman: That is correct.

Watson: O.K.

McGill: Well, that means that it's going to be 810 ft. - expansion wise. What the size of the existing building?

Sherman: 16,080. What is proposed is about 12,000.

McGill: Well, didn't you say that if it was a thousand feet or something like that, you do not have to have a retention pond?

Sherman: The new addition is 810 square feet so, take 16,080 plus 810

Richmond: May I asked a question? At the last meeting you indicated that if any further changes were made to this property, whatsoever, it would have to come back to the full board for consideration. Is that still your position?

Sherman: Any expansion in neighborhood commercial uses,

Dixon: Any more expansion.

Watson: But that is part of the LDRs too.

Sherman: Yes, sir. That's part of the LDRS as well. Now,

Dixon: Mr. Chairman, we've already taken the right of these people away to determine what their neighborhood should look like. The least we can do is offer them some, I mean, I am really appalled that you won't even the buffer or the retention pond. And throw the LDRs up in these people face. I mean, you have gotten what you wanted, give these people at least some semblance of safety from this new commercial enterprise.

Watson: Commissioner, you can make a motion at any time.

Dixon: **NOW, I AM MOTIONING, THANK YOU VERY MUCH, MR. CHAIRMAN. THAT WE PUT UP A BUFFER AND A FENCE AND RETENTION POND TO KEEP THAT WATER ON PROPERTY. THAT IS MY MOTION,**

Richmond: As a condition of the approval?

Dixon: As a condition of whatever it was.

McGill: **SECOND.**

Watson: A retention pond is not necessary. The impervious surface area has not changed. There is no more storm water will be there than there is now.

Dixon: Those people are already flooding out, Mr. Chairman. How much more water do they need?

Audience: (inaudible)

Dixon: Well, that is alright, it's flooding in his door, so, it don't matter. If you will carry my motion, Mr. Chairman, I will be most appreciative.

Watson: Was there a second?

Richmond: Yeah.

WATSON: THERE IS A MOTION AND SECOND. ALL IN FAVOR OF THE MOTION SAY "AYE."

DIXON, MCGILL, FLETCHER: AYE.

WATSON: OPPOSED, "NO".

WATSON AND ROBERSON: NO.

Watson: O.K., are we done with this?

RICHMOND: IT CARRIED 3 - 2.

WATSON: 3 - 2, IT CARRIES.

(inaudible)

Richmond: The original motion was to approve it.

Straughn: To approve the project as an ongoing use?

Richmond: As an on going use, right and to issue the permits, right.

Watson: Let's take 5 minutes here folks.

Commissioner Fletcher left at this juncture of the meeting and did not return for the remainder of the meeting.

Havana Wastewater Treatment Spray - Field

Mr. Sherman told the Board that the town of Havana is planning the construction of a land application facility as part of a program to upgrade the town's waster water treatment system. This is a partnership with Coastal Lumber Co. The wastewater discharge will come out of Womack Mill Creek and provide Coastal with the water they need for their trees.

The county portion of the project includes a 175 acre spray field. The spray field area consists of 14 separate zones included in Section 02, 35 and 36 of Township 3N. Range 2W which make up the total of 175 acres. The spray field site is located immediately east of the Havana town limits and is on both sides of CR 153 and is shown on the attached map.

The Planning Commission and the P & Z staff recommended approval subject to special conditions as outlined in the attached memo.

Commissioner McGill stated that he had talked with the city manager and council members and neighbors of the proposed site. He reported that he found no opposition to the proposal.

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 3 - 0, BY VOICE VOTE, TO APPROVE THE ABOVE STATED PROJECT SUBJECT TO THE CONDITIONS LISTED IN THE ATTACHED MEMO. (Commissioner Dixon was not present for this vote. Commissioner Fletcher left the meeting prior to this agenda item.)

COLLINS GROCERY

Mr. Sherman reported that Mr. Leonard Collins has petitioned the Board for consideration of a request to rebuild his grocery store across from the hospital on U.S. 90. He added that the staff has real concerns about the compatibility of the proposed facility.

Mr. Sherman reminded the Board that they denied a similar request in recent months.

The Planning Commission and the staff recommended denial of the project.

Chairman Watson called for public comments - for or against the project. There was no response.

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 3 - 0, BY VOICE VOTE, TO DENY THE REQUEST STATED ABOVE.

Commissioner Dixon returned to the meeting at this juncture.

A. J. MEATS REQUEST FOR ALCOHOLIC BEVERAGE LICENSE

Mr. Sherman reported that Mr. William Jones made a request to the Board for consideration for an alcoholic beverage license to be issued to his business located on US 27. The A.J. Meat Store was approved by the Board in June, 1998 after Mr. Jones requested

approval for the business in an existing building, formerly the Pizza Place. The business operates as a general store and provides fresh meats and convenience items. The applicant did not originally request an alcoholic beverage license.

Mr. Sherman reported that the county code requires Board approval before the staff may sign off on an application for beer and wine license.

The Planning Commission recommended approval. Staff made no recommendation.

Chairman Watson called for public comments. There was no response.

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 4-0, BY VOICE VOTE, TO APPROVE THE ABOVE STATED REQUEST.

L. B. Smith, Inc. Request for Variance

L. B. Smith, Inc. petitioned the Board for consideration of a variance request from the County's paving requirements - subsection 5606B (3) of the Gadsden County Land Development Code. Variance requests are processed as Type III reviews and shall adhere to the procedures listed in Section 7300 and subsequent subsections of the Code. Subsection 5606B (3) requires that all traffic circulation areas of the new paving surfaces my be approved by the Development Review Committee, however, only churches have been permitted to use alternative surfaces because of their operation only on Sunday and one day per week, in most cases.

The property is located in the 10/90 Commerce Park. The code requires asphalt pavement. The type of use proposed for this property would break up the asphalt and it would become a maintenance problem. The applicant has requested to use #57 rock instead. The property is approximately 5 acres and will be used for parking/display of heavy equipment.

The Planning Commission recommended approval. The staff recommended approval.

Mr. Hal Benjamin, consulting engineer for L. B. Smith, Inc. was recognized for comments in support of the variance request.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE ABOVE STATED VARIANCE REQUEST.

Cooper Ridge Residential Subdivision - Preliminary Plat

Mr. Ben Boynton petitioned the Board for consideration of the preliminary plat for the Cooper Ridge Subdivision located in the St. Hebron community, northeast of the City of Quincy. Mr. Boynton proposed 10 lots on the property which consists of 13.8 acres. This would allow for lot sizes of approximately 1.4 acres.

The property is Rural Residential. Brown Road (a dirt road) bisects the subdivision. Talquin water will be provided to the subdivision. There are no internal streets in the subdivision. The applicant will not be required to pave any streets as there are no internal streets. All the lots front the existing dirt road.

The Planning Commission and the staff recommended approval.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE ABOVE STATED PROJECT.

Dynasty Homes Showcase (The Village)

Mr. David McQuary petitioned the Board for consideration of a development permit involving the relocation of the Dynasty Homes, Inc. manufactured housing sales lot. The business is currently located at the intersection of CR 270 and U.S. 27 in Gadsden County. Mr. McQuary intends to move further north and on the opposite side of U.S. 27.

The property is zoned as commercial and deals with outdoor storage and sales. The property is located adjacent to Ochlockonee Estates (residential subdivision.)

The site plan currently shows approximately 51 mobile units to be erected on the property. There are approximately 7 acres of land. Mr. Sherman pointed out that there is no land use code for this type of trip generation. Therefore, the Board may elect to have a traffic study performed to calculate the impact of a level of service as well as safety issues.

The Planning Commission voted 8 - 1 in favor of the project.

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

Chairman Watson called for questions.

Commissioner Dixon clarified that the request is for 51 mobile homes and it is a monster development. All of the frontage along

U.S. 27 will be cleared and developed. (some of the clearing has already been done.)

Commissioner McGill recalled that he had tried to interest the Commission in adopting landscaping code ordinance months ago. He pointed out that if that had been done, Mr. McQuary would not have been able to clear-cut the property the way he did. In the absence of an ordinance, Mr. McQuary can not be required to plant new trees back onto the property.

Commissioner McGill stated that he had many reservations about the project:

- 1) He has no faith that the owner would limit the number of mobile homes on the lot as he said he would do given the experience with the former owner.
- 2) He pointed out also that he could foresee a traffic hazard associated with the project that could cause serious consequences.
- 3) He was concern about storage of used homes on the site - some that may or may not meet the county codes.
- 4) The close proximity to Ochlockonee Estates.

Mr. Sherman reported that his office had received many public complaints about the business.

It was determined that more than 6 - 8 homes are presently on the site. The project was approved for only 6 homes on November 19, 1996.

A MOTION WAS MADE BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER ROBERSON TO DENY THE PROJECT.

The chairman called for public comments.

Charles Eugene Gaskin, resident of Ochlockonee Estates, spoke in opposition to the project. He stated that there is no buffer between his home and the project since the trees have been clear-cut. He stated that the lights from the project will shine into his house. He also stated that his home is now clearly visible from U.S. 27.

Commissioner Dixon asked why the applicant was allowed to clear the trees before he obtained permission to develop the site.

Mr. Sherman answered by saying that commercial code allows for clearing as a pre-cursor to construction. Mr. McQuary did not receive written approval to clear the property prior to him clearing it. Since then, he has put up erosion control and he did not cut down any trees greater than 36 inches.

Commissioner Dixon pointed out that the comp plan could be amended to prevent this type thing from occurring in the future. Developers should be required to have at least conceptual approval of a development before they are allowed to remove trees.

Mr. David McQuary addressed the Board on his own behalf. He stated that he talked to the planning office in the beginning and told them of his plans. He was told at that time that he could clear the property. During the clearing process he was contacted by Gadsden United complaining that he was in violation of county codes. He emphasized that he was told that he could clear the land. He also denied that he had ever had as many as 22 homes on the site as Commissioner McGill had stated.

Mr. Richmond interrupted the meeting to swear an oath to Mr. Gaskin, Mike Sherman and Mr. McQuary - that everything they had testified to was the truth, the whole truth and nothing but the truth, so help me God.

Further discussion followed.

Mr. Richmond asked Mr. McQuary "In the 6 months you have been operating out there, what is the most - the largest number of homes you have had on that property site?"

Mr. McQuary answered that he had not had more than 20 homes on the site at one time.

Mr. Richmond asked him if he understood that the Board recalls having approved the development for only 6 - 8 homes even though he (Mr. McQuary) understood that he could have 13 - 15 homes.

Mr. McQuary answered that he understood. He then stated that when the count was high, they were only passing through. They were not all set up for sales.

Mr. Richmond asked "Did the previous owner have the approval to put more homes out there on a temporary basis?"

Mr. Sherman answered "The deal was that the Board did not say a specific number in the minutes, the minutes will reflect that of how many mobile homes he could have out there. We went based on discussions in the planning commission and said they were told at

that time there could be 13 - 18 mobile homes out there. There are some that are in transition. I believe we said no more than 13 - 15 transition included. I mean, I spoke with Mr. McQuary about these things and I spoke with Mr. Gibson. Mr. McQuary, since he has taken over the lot, from what I can tell has worked at following what we have asked him to do. The previous owner did not. There are some in transition and it is very difficult to enforce and I believe that is one reason why Mr. McQuary has asked for 51 units on the other one."

A MOTION WAS MADE BY COMMISSIONER MCGILL TO DENY THE PROJECT DESCRIBED ABOVE. IT WAS SECONDED BY COMMISSIONER DIXON.

Further discussion followed.

Mike Dorian was sworn an oath by Mr. Richmond. He then asked Mr. McQuary if Dustin Smith had asked him to work with the County and leave some of the trees.

Mr. McQuary replied that Mr. Smith asked him to leave the pine trees in the front of the property and he had not cut the pine trees.

Mr. Dorian stated that there were hardwood trees up front. Dustin testified in the planning commission that he asked Mr. McQuary to work with him and leave some of the hardwoods up front. He also admitted that he told Mr. McQuary that the comp plan only calls for saving trees more than 36".

Further discussion followed but nothing was resolved.

Commissioner Dixon asked to table the matter. He added that he would like to give Mr. McQuary an opportunity to work some things out that might put the neighborhood in a better position. It would also give some time for Planning and Zoning staff to give Mr. McQuary an idea of what he can expect.

Chairman Watson proposed that the Board approve the project for up to 35 mobile homes. If Mr. McQuary proves himself not to be like the previous owner, then he could come back and request more units.

A MOTION WAS MADE BY COMMISSIONER DIXON AND SECONDED BY COMMISSIONER ROBERSON TO TABLE THE DISCUSSION AND CONTINUE THE HEARING UNTIL THE NEXT MEETING. THE BOARD VOTED 3 - 1 ON THE MOTION TO TABLE. COMMISSIONER MCGILL CAST THE LONE DISSENTING VOTE.

Woodlawn Acres II - Proposed Lot Residential Subdivision

Mr. and Mrs. John Herndon petitioned the Board for consideration of a conceptual plat of a proposed twenty-one lot residential subdivision. The subject property consists of approximately 74 acres creating an average lot size of approximately 3 acres. It is located on Strom Road. The County's subdivision ordinance requires the developer to pave all interior roads within the subdivision. It intersects with a county dirt road but the developer will not be required to pave the county road.

The Planning Commission recommended approval subject to the special conditions listed in the attached memo plus one additional special condition - to have soil boring tests done on 100% of the lots prior to preliminary plat approval. In addition to have drawn on the plat, the building envelope where the development may be. There are certain areas on that parcel that would require mounded septic tanks. Since the code does not allow for mounded systems in subdivisions, special conditions are warranted to ensure placement of the septic tanks on the best portion of the 3 acres.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE ABOVE STATED PROJECT SUBJECT TO ALL SPECIAL CONDITIONS IN THE ATTACHED MEMO AS WELL AS THE ADDED CONDITION TO REQUIRE SOIL BORINGS OF 100% OF THE LOTS AND HAVE THE PLACEMENT OF THE SEPTIC TANKS DESIGNATED ON THE SITE PLAN PRIOR TO PRELIMINARY PLAT APPROVAL.

Ochlockonee River Kennel Club of Florida

The Ochlockonee River Kennel Club of Florida has petitioned the Board for consideration of granting a special exception permit so the Club may establish its headquarters in Gadsden County. The proposed site is located adjacent to Merritt Lane in Commission District 2. The property is designated as Agriculture 2 on the Future Land Use Map.

The kennel club activities will be conducted indoors in what was once an old church. There will be no activities or shows outdoors. They will hold monthly meetings in the building.

Mr. Sherman reported that he had received some phone calls but there was no opposition to the project.

Ms. Beth Chandler addressed the Board on behalf of the kennel club. She clarified that the club is a not for profit organization and they do various community service work such as classes to the

public regarding responsible dog ownership and pet population. They donate money to the area animal shelters and other organizations. The dogs are never allowed off a leash while on site.

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE ABOVE STATED PROJECT.

Highland Lakes Subdivision - Preliminary Approval Extension

Mr. Sherman told the Board that Mr. Steve Skipper and Mr. Charles Harvey were given preliminary plat approval for the above stated project in May of 1997. They have requested an 18 month extension of the preliminary plat approval. The applicant indicated that he needed additional time to get the engineering completed and get all permits from the State.

Discussion followed.

The chairman called for public input.

Mr. Brian Kerwin told the Board that some serious errors have occurred with this subdivision development. The developer clear cut more than 100 acres of the area without any permitting. No penalties have been applied. They requested 149 lots on the parcel which was inappropriate and inconsistent. The Board finally approved the project with a reduced number of lots. Mr. Kerwin concluded by asking that the Board deny the extension.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO GRANT AN EXTENSION OF 12 MONTHS.

Willie Williams - Petition for Land Use Plan Amendment

Mr. Sherman reported that he has received a request from Mr. Willie Williams for the Board to hear his petition for a land use plan amendment at the first meeting in November.

The request was on the agenda for the planning commission but the applicant nor his representative was present at the meeting. In their absence the planning commission did not review the request. However, Mr. Williams and his engineer requested that it be reviewed by the Board even though it was not heard by the commission.

Upon discussion with Department of Community Affairs (DCA), it was determined that if the Board transmitted it to DCA, they would

consider the petition even though it did not go through the local planning agency.

He asked for permission to include Mr. Williams petition with the other regular amendments for the Board's review on November 3.

The chairman called for public comment. There was no response.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO INCLUDE MR. WILLIE WILLIAMS PETITION FOR A LAND USE CHANGE ALONG WITH THE OTHERS ON NOVEMBER 3, 1998.

CONSENT AGENDA

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

- 1) Notice from DCA - Update of the Federal Empowerment Zone Application
- 2) Gadsden County's Two Top Priority Roadway Sections for Resurfacing by DOT (CR269 from the intersection of CR 270A northward to US 90 and CR12 from the Leon County Line westward to US 27 in Havana)
- 3) E-911 New Road Names: Red Bird Road (east of Lake Laurie Rd, N. of Glory Road, Magnolia Glen Road (South off Glory Rd (CR 379A) W. of Lake Laurie Road), and J R Johnson Road (East of Cane Creek Rod. (CR 274))
- 4) Extension of contract with Reynolds, Smith & Hill as County's engineers.
- 5) Lease with North Florida Medical Centers, Inc. for the Gadsden Medical Center facility (effective July 1, 1998 - annual payment of \$26,493.96 due in monthly installments of \$2,207.00)
- 6) Waiver of Permit fee for New Hope Baptist Church
- 7) Contractor's Application for Payment #3 - C.W. Roberts Contracting, Inc. \$95,542.47 - road resurfacing.

- 8) Contractor's application for payment #5 to Sandco, Inc. (\$83,236.40 - Gadsden Station Track B Phase I - 1090 Commerce Park paving)
- 9) FY 98/99 Annual Certified Budget for Arthropod Control total \$51,495.00.
- 10) Public Official bond for Sterling Watson
- 11) Request to FEMA for public assistance - Hurricane Georges
- 12) Notice of Grant Award - Sheriff's Narcotic Unit
Contract no. 99-CJ-9M-02-30-01-097

CLERK'S AGENDA

Tax Collector's Year-end Report

Clerk Thomas presented for the record the tax collector's year end report along with a check for \$40,962 which he collected in excess fees.

Cash Report

Clerk Thomas reported that as of 10/15/98, the County had \$8.4 million in cash.

Budget Amendments

Old Year Amendments (98-10-10-01 through 98-10-20-24)

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER MCGILL THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE ABOVE STATED AMENDMENTS.

New Year Amendments (98-10-20-25 through 98-10-20-26)

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE ABOVE STATED AMENDMENTS.

Ratification of Approval to Pay County Bills

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

DISTRICT 1 REPORT

Commissioner McGill had no report.

DISTRICT 3 REPORT

Commissioner Roberson reminded the Board that she had requested funds to go toward the Riverfest Celebration in Chattahoochee.

DISTRICT 4 REPORT

Commissioner Fletcher was no present at this juncture.

DISTRICT 5 REPORT

Commissioner Dixon recognized Ms.Aleta King to speak. She asked how she could have an item placed on the agenda for the next meeting. She stated that she wished to address the comprehensive plan and road paving. She was referred to the County Manager.

DISTRICT 2 REPORT

There was no report.

ADJOURNMENT

**THERE BEING NO OTHER BUSINESS BEFORE THE BOARD THE MEETING WAS
ADJOURNED BY THE CHAIRMAN.**

Sterling L. Watson, Chairman

ATTEST:

Nicholas Thomas, Clerk

AT A SPECIAL MEETING OF THE BOARD
OF COUNTY COMMISSIONERS, HELD IN AND
FOR GADSDEN COUNTY, FLORIDA ON
OCTOBER 22, 1998, THE FOLLOWING
PROCEEDINGS WERE HAD, VIZ.

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

ABSENT: E.H. (HENTZ) FLETCHER

CALL TO ORDER

Chairman Watson called the meeting to order and stated the purpose of the meeting was to review the draft of the Evaluation and Appraisal Report (EAR) of the Comprehensive Plan. He turned the meeting over to Growth Management Director Mike Sherman.

Discussion followed but no motions were made. It was agreed to hold other work sessions after the Board had more time to study the report.

Copies of the report were made available to the public in attendance.

There being no other business before the Board, the meeting was 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
NOVEMBER 2, 1998, THE FOLLOWING
PROCEEDINGS WERE HAD, VIZ.

PRESENT: STERLING L. WATSON, CHAIRMAN
CAROLYN ROBERSON, VICE CHAIRMAN (ARRIVED LATE)
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. County Attorney Hal Richmond led in pledging allegiance to the U.S. Flag and Commissioner McGill led with a prayer.

ADOPTION OF AGENDA

The agenda was amended to include the Sheriff's year-end report under the Clerk's agenda.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 0, BY VOICE VOTE TO ADOPT THE AGENDA AS AMENDED. (COMMISSIONER ROBERSON WAS NOT PRESENT FOR THIS VOTE.)

APPROVAL OF MINUTES

October 20, 1998 Regular Meeting

October 22, 1998 Special Meeting

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE ABOVE STATED MINUTES. (COMMISSIONER ROBERSON WAS NOT PRESENT FOR THIS VOTE.)

COUNTY ATTORNEY

Mr. Richmond had no report.

ROADS

Mr. John Hunt, Sr. partner in the Gadsden 10/90 Commerce Office Park, addressed the Board. He stated that his partnership

wished to deed a service road to the County. It is the road that runs from the entrance of the park to Pegasus Studio. The street name is Commerce Blvd. The road is about 10 years old and is in good shape. It is a full 24 ft. road.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 0, TO ACCEPT THE ROAD AS DESCRIBED ABOVE. (COMMISSIONER ROBERSON WAS NOT PRESENT FOR THIS VOTE.)

PLANNING AND ZONING ISSUES (P&Z)

Growth Management Director Mike Sherman presented the following items for the Board's consideration.

Request from Midway Park, Inc./ Land Use Amendment

Mr. Sherman recalled that the Board passed Ordinance 98-005 adopting comprehensive plan land use amendment 98-001 changing 21 acres from the Agriculture 3 land use category to the industrial land use category. The parcel is located directly south of the Gadsden DRI Tract A which is south of Brickyard Road (CR268A).

This project was first brought to the Board on October 21, 1997 when the Board voted to transmit the application to the Department of Community Affairs (DCA.)

Mr. Sherman stated that at the time the application was submitted, the staff had some concerns regarding the allocation of industrial lands. This concern was also raised by DCA and they issued a notice of intent to find the amendment not in compliance.

DCA recommended that the County consider establishing a light industrial land use category which would limit the development of that portion of the property. It would exclude heavy industrial uses or any significant off-site impacts such as a tank farm.

Upon receiving the notice of intent to find the amendment not in compliance with the comprehensive plan, the P & Z staff initially thought it would be best to rescind ordinance 98-005.

Upon notification of the notice of intent, Midway Park, Inc. then petitioned the County for a small scale map amendment for only 10 acres for which DCA approval would not be necessary. However, the Planning Commission and staff remained supportive of DCA's recommendation to restrict the proposed development area to "light industrial" uses.

Midway Park, Inc. has now requested that the County proceed with the 21 acre land use amendment as a light industrial land use.

In order to do that the Board must authorize the staff to negotiate with DCA for the map amendment as "light industrial" land use.

A MOTION WAS MADE BY COMMISSIONER FLETCHER AND SECONDED BY COMMISSIONER MCGILL TO NOT RESCIND THE ORDINANCE 98-005 AT THIS TIME BUT TO PROCEED WITH AMENDING THE COMP PLAN BY ESTABLISHING A "LIGHT INDUSTRIAL" LAND USE CATEGORY WHILE CONCURRENTLY NEGOTIATING WITH DCA ON FOR A 21-ACRE MAP AMENDMENT AS "LIGHT INDUSTRIAL" AS OPPOSED TO INDUSTRIAL USE.

Discussion followed. It was the consensus of the Board that the "light industrial" land use should be established as a matter of policy prior to and independently of any map amendment. Once DCA has accepted the comp plan amendment, the Board could then proceed with the 21-acre land use map amendment.

Chairman Watson called for public comment.

Mr. John Yerkes, Lake Yvette Home Owners Association President, voiced opposition to the industrial land use category. He stated that they would applaud the use of light industrial.

Mike Dorian asked if the public would be given additional notices if the industrial land use issue should resurface at a later time. He was assured that there would be advertisement in the local newspapers if the matter came before the Board again.

COMMISSIONER FLETCHER WITHDREW HIS MOTION AND COMMISSIONER MCGILL WITHDREW HIS SECOND.

The Board gave Mr. Sherman instructions to begin the process of amending the comprehensive plan to establish a light industrial land use category. They also told him not to rescind the ordinance at this time but to notify DCA of the Board's intentions to negotiate with them regarding the 21 acres as light industrial.

There was a consensus of the Board to deal with any resulting issues with DCA as they arise. (Such as compliance issues arising from the Board's decision not to rescind the ordinance at this time.)

Mr. Richmond asked Mr. Sherman to put together a proposal and it bring it back to the Board. He added that the proposal would be advertised so that residents could become informed of it and give input to it.

Bill Roberts Proposed Land Use Amendment from Agriculture 3 to Agriculture 2

Mr. Bill Roberts petitioned the Board of County Commissioners for consideration of a land use amendment on a property located near the intersection of CR 159 with Dupont Road in Gadsden County.

The property consists of approximately 35 acres of which Mr. Roberts apparently has 1/2 interest. The applicant intends to change the land use from AG 3 which requires 40 acre minimum lot sizes for new lots, to AG 2 which would allow as small as 10 acre minimum lot sizes for new lots. This would then allow the applicant to subdivide a lot as small as 10 acres in order to receive a building permit for a single family home, assuming all other land development regulations and building codes are met. The subject property lies entirely with section 33, township 2N, range 2 W.

Mr. Sherman stated that this area is experiencing a great deal of growth pressures. The level of service standard on the infrastructure will not be impacted negatively by this amendment. There is central water available.

The P & Z Commission recommended approval as did the P & Z staff.

Mr. Roberts was present but did not address the Board.

Chairman Watson called for public input. 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 ABOVE STATED LAND USE AMENDMENT AND TRANSMIT IT TO DCA FOR THEIR REVIEW.

Petrandis Mortgage and Investments Proposed Land Use Amendment from Ag 2 to Rural Residential

Mr. Johnny Petrandis of Petrandis Mortgage and Investments petitioned the Board for consideration of a small scale map amendment on property located on McNair Road, an unpaved county maintained road located northeast of Havana. The subject property consists of 10 acres and the applicant intends to change the land use from AG 2 to Rural Residential which would possibly allow up to 2 dwelling units per acre. The applicant intends to develop a subdivision which probably will result in 8 lots on the 10 acres.

The P & Z Commission recommended approval.

Mr. Sherman stated that he does not believe the development

will degrade the level of service standard on the roadways or impact the water system to below the acceptable level.

The chairman called for public comments. There was no response.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE ABOVE STATED LAND USE AMENDMENT.

An unidentified lady in the audience asked questions regarding the Board's actions. Mr. Sherman explained to her what the Board had just approved. Her husband appeared moments later. He was questioned to see if he objected to the development of up to 8 possible new homes. He and his wife indicated that they had no objections.

Willie Williams Proposed Land Use Amendment from Agriculture 3 to Rural Residential

Mr. Willie Williams has petitioned the County for consideration of a land use amendment on a property located at the intersection of CR 65C and Bear Creek Road in the Lake Talquin area. The applicant intends to change the land use on the property from AG 3 (which allows 1 house to 40 acres) to Rural Residential category (which allows 2 units per acre.) The property consists of 19.5 acres. The staff advised that the applicants intend to develop a 21 lot subdivision if the amendment is granted.

Based on the study provided by the applicant's consultant, the impact on the level of service on the infrastructure would be minimal.

The P & Z Commission recommended approval. The staff concurred.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE LAND USE AMENDMENT AND TRANSMIT IT TO DCA FOR THEIR APPROVAL.

Will Suber - Land Use Amendment from Industrial to Urban Service Area

Mr. Will Suber petitioned the Board for consideration of a change in the land use category on a parcel of land from the industrial land use category to the urban service area land use category. The parcel of land is approximately 10 acres and is

located on the southeast side of Strong Road. Mr. Suber's intent is to develop a residential subdivision in accordance with the subdivision rules included in the comp plan land development code. Residential development with a density not to exceed 5 to 1 is permitted in the USA category.

Mr. Sherman stated that he had received some calls from area businesses requesting placement of proper buffering if the amendment is permitted.

The P & Z Commissioner recommended approval. P & Z staff recommended approval.

A MOTION WAS MADE BY COMMISSIONER FLETCHER AND SECONDED BY COMMISSIONER DIXON TO APPROVE THE ABOVE STATED LAND USE AMENDMENT.

DISCUSSION FOLLOWED.

Mr. Suber addressed the Board. He stated that he intends to subdivide the 10 acres into a medium density subdivision. It will have between 2 - 3 lots per acre. The subdivision will have site built homes. There will be no septic tanks.

The chairman called for public questions and comments.

Ms. Rutha Black questioned what impact the subdivision will have on Strong Road. She was told that it would not negatively impact the service level of the road.

THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE LAND USE CHANGE.

Professional Health Care Associates Land Use amendment from Ag 2 to Commercial

Professional Health Care Associates petitioned the Board for consideration of a land use amendment on a property located on Sunday Road in northwest Gadsden County. The applicant intends to change the land use from AG 2 (one dwelling unit to 10 acres) to commercial, which would allow development of a commercial nature. The applicant has indicated an interest in establishing a 36 bed assisted living facility on the site. Sunday Road is a county maintained graded unpaved road located off of U.S. 90 east of Chattahoochee. The general area of the subject property is very rural with agricultural land uses being predominant. The property is located entirely within section 33, township 4N, range 5W.

The P & Z Commission recommended denial as did the staff. The objections are stated in the attached memo.

Discussion followed.

Commissioner Dixon stated he did not believe that an assisted living facility should be classified as a commercial use.

A MOTION WAS MADE BY COMMISSIONER ROBERSON AND SECONDED BY COMMISSIONER FLETCHER TO FOLLOW THE RECOMMENDATION OF THE P & Z COMMISSION AND STAFF AND DENY THE PROJECT AS PRESENTED.

Ms. Rowena Colston, President of Professional Health Care, Inc. addressed the Board. She asked if it would be appropriate to amend their petition to request zoning as rural residential rather than commercial land use.

Commissioner Dixon stated that the Board could table any action and remand the petition back to the planning commission where she could amend the land use request.

Mr. Sherman stated that rural residential category would allow for day care facility for up to 8 clients, provided that the Board grant them a special exception permit. That would require notification to all residents within 1,000 ft. of the facility.

A MOTION WAS MADE BY COMMISSIONER MCGILL AND SECONDED BY COMMISSIONER DIXON TO TABLE THE DISCUSSION OF THIS REQUEST UNTIL FURTHER NOTICE. THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO TABLE BOARD ACTION ON THE SMALL SCALE MAP AMENDMENT.

There were people in the audience who asked to speak in opposition to the facility. The chairman stated that the matter was tabled and it could not be discussed. He told them that the area residents would be noticed when it comes back for approval.

Midway Park, Inc. Land Use Amendment from Agriculture 3 to Industrial

This item was removed from the agenda at the request of the applicant.

EVALUATION AND APPRAISAL REPORT (EAR) WORKSHOP

A workshop was scheduled for Thursday, November 19 at 5:00 P.M. to work on the County Comprehensive Plan EAR.

DYNASTY HOMES MOBILE HOME SALES LOT - CONTINUATION OF THE PRIOR HEARING

Mr. David McQuary petitioned the Board for consideration of a development permit involving the relocation of the Dynasty Homes, Inc. manufactured housing sales lot. The business is currently located at the intersection of CR 270 and U.S. 27 in Gadsden County. Mr. McQuary intends to move further north and on the opposite side of U.S. 27.

The property is zoned as commercial and deals with outdoor storage and sales. The property is located adjacent to Ochlocknee Estates, a residential subdivision.

The site plan currently shows approximately 43 mobile units to be erected on the property. There are approximately 7 acres of land.

The Planning Commission voted 8 - 1 in favor of the project. The Staff recommended approval subject to special conditions listed in the attached memo.

Mr. Richmond announced that this is actually a continuation of the public hearing which began on October 20. He reminded Mr. McQuary that he was still under oath.

Mr. McQuary stated that he had reduced the number of units that he would have on display at any one time to 43.

Commissioner McGill asked if he would put in a buffer between his lot and Ochlocknee Estates. His reply was that there is already a 100 ft. power line easement between his property and the subdivision. He also stated that the only lighting on the lot would be directed at the office.

Commissioner Dixon asked Mr. McQuary if he had made contact with the residents of Ochlocknee Estates. He answered that no one asked to speak with him.

Commissioner Dixon stated that he thought the purpose of tabling the item at the last meeting was to give the folks an opportunity to work things out with Mr. McQuary. He then asked Mike Dorian why they had not met with him. Mr. Dorian answered that he was never told to meet with him.

Mr. Sherman stated that he and Mr. McQuary had met and discussed matters and had come to some conclusions. One thing being that he should be specific in stating what he would like to have. In addition, he placed landscaping in his plan to present to

the Board along with a conceptual site plan for this meeting. He then stated that Mr. McQuary has done what was asked of him.

Mr. Sherman stated that Mr. McQuary's plan is a definite improvement over the former plan. He said that he was comfortable with the new plan. He added that the Board could require some additional buffering but he reminded them that the property is already zoned commercial.

All of the following people who addressed the Board were administered an oath by Mr. Richmond, a notary public authorized by the State of Florida to administer oaths.

The following people were recognized for comments:

Joe Johnson
Sara Fitzgerald
Ray Cliett
Ralph Kinlaw
Kathy Grow

There was a proposal that Mr. McQuary will use only the access on U.S. 27. It was also proposed that Mr. McQuary should approach DOT to get a median cut directly across from his entrance.

A MOTION WAS MADE BY COMMISSIONER FLETCHER AND SECONDED BY COMMISSIONER DIXON TO APPROVE THE SPECIAL EXCEPTION PERMIT BUT REQUIRE THAT THE ENTRANCE INTO CHOCTOW DRIVE BE ELIMINATED AS AN ACCESS FOR TRAILERS.

Discussion followed. The following people were sworn an oath by Mr. Richmond. They opposed the special exception permit approval.

Mike Dorian
Virginia Dome

Chairman called for a point of order from people in the audience. He instructed the baliff to escort anyone who continued to disrupt the proceedings out of the building.

Mr. Sherman assured the Commission and the audience that the land development code will require Mr. McQuary to place a 25 ft. buffer between his lot and the adjoining property.

Rebecca Hollingsworth (sworn and oath by Mr. Richmond) had questions relating to how hearings such as this one are noticed.

Mr. Sherman told her that all residents within 1,000 ft. from the borders of a proposed development are noticed via U.S. Mail of the hearing.

Ms. Hollingsworth had questions regarding the types of trailers and conditions of trailers that will be on the lot.

Joy Jackson (sworn an oath by Mr. Richmond) voiced concerns regarding the kinds of development that are developing along U.S. 27.

Charles Gaskins (sworn an oath by Mr. Richmond) opposed the development.

**QUESTION WAS CALLED BY COMMISSIONER FLETCHER.
THE BOARD VOTED 3 - 2 IN FAVOR OF THE MOTION. COMMISSIONERS
FLETCHER, DIXON AND MCGILL VOTED "AYE" AND COMMISSIONER
ROBERSON AND CHAIRMAN WATSON VOTED "NO".**

**JOE BUTLER - REQUEST FOR THE BOARD TO RESCIND THE MOTION MADE AT
OCTOBER 20, 1998 MEETING REQUIRING BUFFER, FENCE AND HOLDING POND**

**A MOTION WAS MADE BY COMMISSIONER FLETCHER AND SECONDED BY
COMMISSIONER ROBERSON TO RESCIND THE REQUIREMENT FOR A BUFFER,
FENCE AND HOLDING POND ON THE PROPERTY WHICH HE OWNS AT THE
INTERSECTION OF 267 AND SHILOH ROAD.**

Commissioner Fletcher explained that he had been advised by his attorney that the Board has no right to put those burdens on Mr. Butler's property was already zoned commercial.

Chairman Watson called for discussion.

Commissioner Dixon asked Mr. Richmond for advice.

Mr. Richmond stated the following:

"Gentlemen, here is the thing. It is a question of interpretation solely. Yeah, I know. In 1982, this thing was permitted. It was presented when it originally came up as something that could be handled by a type I administrative action which did not require board review. But, the Board has interpreted it now to give a full review to the process. The Board has reviewed it. The Board, by motion, specifically directed Mr. Sherman to add storm water maintenance on the entire property. Under our rules, the increase size does not require a storm water amendment, does it? But, it can be made a special condition and ya'll made it a special condition. Now, there is a motion to

rescind that and that is fine. But, as it stands now, it was approved subject to stormwater maintenance, fencing and a buffer."

Discussion followed.

Commissioner Dixon stated that the Board has demonstrated total disregard for the neighborhood around Mr. Butler's store. He pointed out a number of burdens placed on the area residents. He then defended the position of the Shiloh community in their opposition to the expansion of the store.

Commissioner McGill stated that there are a number of concerns relating to the safety of the neighborhood - one being the transient traffic which would frequent the expanded business. He was also opposed to the expansion and opposed to rescinding the motion for the buffer, fence and stormwater management.

Commissioner Dixon continued his remarks in opposition to the motion.

Chairman Watson called for comments from the public.

Ms. Annie Battles

Mr. Charleston Holt (previously sworn at previous hearing)

Ms. Mildred McNeil (sworn as to her testimony by Mr. Richmond)

Mr. Joe Butler was recognized for comments. He argued that his business was not responsible for the water that is flooding the neighbors. He stated that he did not have a problem with putting up a fence or a reasonable buffer but he did with a retention pond.

Commissioner Dixon asked Mr. Butler what was his problem with putting in a retention pond.

Mr. Butler stated "I don't have a problem with it, but I do have a problem with people dictating to me that something is not legal."

Commissioner Dixon argued that the attorney advised that the Board has the authority to impose special conditions.

Mr. Butler asked why the Board would penalize him when the code does not require it.

Commissioner Dixon answered "We just required it, Mr. Butler, We just required it."

Mr. Butler suggested that perhaps the County should determine how much of the storm water he is responsible for.

Ms. Valarie Janard affirmed Commissioner Dixon's comments. She added that she had obtained a copy of the lease contract between Mr. Butler and Petro South. She said that Petro South signed a contract on April 19 and obtained a right of first refusal to purchase Mr. Butler's property within the next 30 years. She pointed out that the lease provides that Mr. and Mrs. Butler will receive the \$2,000 per month from the lessor beginning in April of this year. She maintained that the Butlers could afford to meet the Board's special conditions.

Ms. Janard questioned whether the affected parties were given proper notice that this item would be on the agenda for this meeting.

Richmond: Is there was any evidence or any person that you feel that would substantiate your position or better represent your position to this Board that you would like the opportunity to call.

Janard: I beg your pardon, Mr. Richmond?

Richmond: I am asking you if you have been prejudiced by not having adequate notice.

Janard: I can only say, Mr. Richmond, I did get notice, although informal notice, and I think the people have expressed their position. And I think that Commissioner Dixon has most eloquently said anything that anybody in the room could say. But, I do want the people to know my views on the legal matters here and my feelings about the lack of interest of Petro South and certainly the apparentability of Mr. Butler to meet your conditions. Thank-you.

Charleston Holt: No one received notice of the meeting. It seemed to me as though the Board wanted to bypass the people of Shiloh.

Richmond: It could have been an item of concern. But they did get notice and they were heard. Is there was anyone who could have added anything to the position that would have been different than their position.

Holt: Probably so.

Richmond: In what regard, sir?

Holt: Well, I do not see any of the Bosticks here. They have a grave concern with those wells being dug.

Richmond: Did they previously testify?

Holt: I beg your pardon?

Dixon: They were here at the last meeting.

Holt: They are not here because I didn't notify them. Because I didn't have the time.

Dixon: Don't table this.

Richmond: No, I'm not. I was just trying to get on the record one way or the other that if there has been any prejudice because I had a question about the notice provision when I saw it on the agenda. And I don't think there is at this point. I think

Holt: There was no written notice. I just asked them.

Watson: Is there anything else?

Fletcher: Mr. Butler, what are you willing to do?

Butler: I don't have any problem with a fence and I don't have a problem with the buffer zone that is reasonable. But not a 25 ft. one. It takes up too much land that is useable land.

Fletcher: What about stopping the water?

Butler: I can do some blockage on water, not a holding pond, I can put hay and I can put some stuff to slow it down. That is no problem. But my water is not doing that much of the problem. That ah,

Holt: Hay will not stop the water.

Fletcher: Let's work this out.

Holt: What was done here by the County - you moved a sewage pipe from up near Mr. Butler's store and you moved it on Mrs. Davis's land. It throws all the water there. It cannot be prevented. If it can be prevented, you go out there and let me know.

Fletcher: Mr. Holt, I know the pipe that you're talking about. That is not coming off of Mr. Butler's property. That pipe is coming ah, comes across the ah,

Holt: I beg to differ with you because hey, the water is coming from up towards ah, ah, Spooner Road and 267A, here. And that pipe is angled this way. It does not come from that way, it comes from this way. And apparently, apparently, what was supposed, and I anticipate this, that ah, right-of-way was cut. If we hadn't halted it, they were going to put the water ah, a bumper where it would come directly there. Now, the man that got killed a few days ago. We buried him Sunday. He and Mr. Butler has had it about that water. Am I right Mr. Butler?

Butler: No, we have never talked about water.

Dixon: If you haven't talked about it, he certainly told me that you talked about it.

Holt: Wait a minute, excuse me, Mrs. Battles, will you please stand. This is his first cousin.

Dixon: He talked to me two days before he was killed about the water in the ditch. I called Mr. McKinnon.

Holt: I know it was done because when I cleaned the graveyard up there, he got at me talking about him throwing the water on him.

Fletcher: What can the County do

Dixon: That ain't no county problem.

Fletcher: Yes, it certainly is.

Dixon: No, the problem is

Holt: May I say something here? The 267 ditch has been built up in from Mr. Butler's store. To me, pipes should have been run all the way from up to Shiloh I mean, Spooner Road, 267A, bypass Mr. Butler's Store. I would have thrown that water going down. But instead, it is blocked. It can't get by now.

Fletcher: And who did this?

Holt: I guess the County or State one. And besides, look, I, ah, doesn't the State and the County pay you when they take some of your land? I believe they do. And a portion of Mr. Butler's land has been taken by the State. Go out there and check. Get a survey and see.

- Dixon: What makes you think he would get paid?
- Holt: I don't know who paid, but he should have been. If he didn't, somebody was cheated.
- Dixon: What makes you think that he did get paid?
- Holt: Because I don't know.
- Dixon: That's right.
- Holt: Yes, sir. I mean, these are pure facts. If you want to walk the place, I was born and raised out there 70 years ago. We can walk it and I can show you. I know every inch of the land out there. Not only me, but we got a lot of people in the audience who knows every inch of that land out there. My brother who is buried over there, my father who is buried in the grave yard and I got 3 sisters and 2 brothers buried in that grave yard over there and a grandmother. And I know. My brother used to plow the place before it was up. I was so small that I sat on the plow stock. It used to be our recreation area. And I know. You don't have to take my word, you can ask the older people out there.
- Watson: Anybody else want to speak to this?
- McGill: I just want to say in closing, Mr. Chairman, I wish that the motion to rescind would not go forth. As I said earlier in my remarks on this issue, it is not going to come from Mr. Butler, I don't believe. I think that if Petro South is made aware of the concerns of the people of Shiloh, I think that Petro may pay the 3 or 4 thousand dollars that it would take to do that. I do believe that with all respect to the residents of Shiloh, the least we can do is keep them from having to look at that development.
- Fletcher: I want Mr. Butler to put that fence up and a buffer. He is willing to do that. Mr. Chairman I want to **AMEND MY MOTION AND THE FENCE AND THE BUFFER ZONE BE LEFT IN AS A REQUIREMENT.**
- Watson: Is there a second to the motion. He has amended the motion. **WILL YOU SECOND HIS AMENDMENT?**
- ROBERSON: YES.**
- Watson: Yes, sir Mr. Butler.

Butler: Are you talking about a 25 ft. buffer they are talking about? Why would we have to use this much land, why come we can't put a buffer that is reasonable and I don't have enough land on the south side where my tanks are buried at to put a buffer. Maybe some small trees, but ah, I'll have enough to put a fence.

Dixon: He don't even want to do that. So, is this what this is all about? He don't want to buy some property so he can put the buffer and retention pond in?

Butler: Sir, the land is not for sale. Sir, the land is not for sale.

Dixon: Because he knows he is across the line already. That line he claims he wasn't on.

Butler: As I stated, the land is not for sale.

Dixon: This is getting worse as it goes.

Fletcher: Mr. Chairman, I call the question.

Watson: Any other comment. The motion is to require a fence and buffer.

Richmond: No, **THE MOTION IS TO RESCIND ONLY THE STORM WATER PART OF THE ACTION PASSED LAST MEETING. IT LEAVES THE BUFFER AND THE FENCE IN. THE MOTION IS NOW TO RESCIND THE SPECIAL REQUIREMENT OF A STORM WATER TREATMENT UNDER THE CODE. THAT WOULD LEAVE IN EFFECT THE BUFFER AND THE FENCE.**

Dixon: So, you will still get flooded, you just won't see it coming.

Watson: All in favor say "aye".

Fletcher, Roberson and Watson: Aye

Watson: Opposed?

Dixon: No, Hell no.

McGill: NO.

Watson: O.K. 3 - 2

Holt: Just one question, one more important thing. The buffer will not go on the disputed land.

Richmond: You can't put it on the disputed land.

Janard: What have we done here?

Richmond: **THE VOTE IS 3 - 2 TO RESCIND THE STORM WATER PORTION OF THE SPECIAL CONDITION.**

ROAD PAVING LIST BY DISTRICT

Mr. Sherman stated that his department was trying to get a handle on some of the roads in the County and expand the road paving prioritization list. He called attention to the proposed policy changes in the agenda packets. He asked for comments and questions.

Ms. Aleta King addressed the Board concerning her road - A & L Drive. She asked that the County give her road some special attention. She made other remarks relating to road paving throughout the County.

Mr. Larry Ganus asked for clarification of the issue before the Board.

Mr. Sherman replied that he had been told that someone would appear on the agenda to speak to road paving. He offered the attached memo just to inform the Board of the progress his department had made in changing the criteria for ranking roads for the prioritization list.

Mr. Larry Ganus (speaking as a private citizen) reminded the Board that whatever they do with the paving list, it constitutes an amendment to the comp plan and there must be at least two public hearings before any revisions can be made. He added that during the EAR process would be a good time to incorporate it into the EAR and submit it to DCA. He suggested that an outside consultant be employed to establish a professional criteria and the data collection. But he asked that the Board adhere to the present prioritization list until such time that a new 5 year plan can be implemented.

Mike Dorian was recognized for remarks relating to capital improvement element as it relates to road paving of the county's comp plan. He argued that the Board was in violation of its own plan by freezing the money that was set aside in the budget for paving roads. He agreed however that the criteria needed to be reviewed to insure fairness. He supported Mr. Ganus's suggestion that an outside consultant be hired.

Chairman Watson called for other comments.

Commissioner McGill stated that the comp plan was first violated by paving Deerwood Road out of sequence. Then Shiloh Road and Holt Lane were paved out of sequence.

Ms. King spoke again and requested a copy of the information provided by Mr. Sherman to the Board regarding the road paving policy changes.

Chairman Watson pointed out that the Board voted to use the same criteria as specified in the comp plan but apply it district by district rather than county-wide.

Commissioner Dixon contended that the criteria must also change.

Mr. Dorian called for a workshop.

Mr. McKinnon suggested that it could be addressed during the EAR process or a workshop. He requested direction from the Board.

Ms. King argued that race was a factor in the former process. She stated that every 50 ft. road north of US 90 is paved, but in order to get a 50 ft. road on the south side of US 90 paved, the criteria applied must fit the need before it will be considered. She stated that there appears to be some racial disparity.

Commissioner Dixon stated that one must be wary of criteria and consider historical facts in the development of a new criteria. He explained that historically, African-American neighborhoods were not plotted nor were they subdivided with streets constructed that met any particular specifications. He pointed out that those are things which are not being considered but should be as part of the applied criteria in the prioritization process.

Commissioner Dixon continued by saying that the Board adopted a policy of only paving roads that have the sufficient dedicated right-of-way to build a curved gutter and the set-back requirements. Roads in communities which were built before the 1980's will not meet any of those requirements and they are continually passed over when setting out a paving plan. He also stated that some houses sit so near to roadways that the standard right-of-way would literally come to the front door of some homes.

Mike Dorian countered that if discrimination was going to become an issue in the road paving criteria, he could claim discrimination because he is a "new-comer". He pointed out the Dan Winchester took the County to court because the people on Rich Bay

Road were new-comers. He contended that the Board has been prejudiced against new-comers also.

Chairman Watson again called for order.

Commissioner Dixon argued that Mr. Dorian had a right to say what he did simply because he did not know any better. He re-stated that "historically" these things had occurred. He said that he did not have to argue with the record because it speaks for itself.

Once again, Chairman Watson called for order. A baliff escorted Mr. Dorian from the lectern. Chairman Watson discontinued discussion and moved to the next agenda item.

BRENDA HOLT - REQUEST FOR FULL FUNDING FOR ALL HUMAN SERVICE PROJECTS

Mrs. Brenda Holt addressed the Board. She stated that she had circulated petitions throughout the County requesting that the Board fund the human services request made during the budget process. While she agreed that something should be done about the stray animals, she contended that the human services were far more important. She called for 75% funding for the new human service projects to every 25% the Board spent for animal projects.

Ms. Holt stated that she had worked in medicine throughout the County and knew first hand the kinds of human services that are so badly needed. She acknowledged that the County has many problems but declared that Gadsden County can take care of them without being told to do it. She implored the Board to consider the petitions and the request on them.

COUNTY MANGER'S AGENDA

98/99 Budget

Mr. McKinnon asked for directions regarding budget discussions.

A MOTION WAS MADE BY COMMISSIONER FLETCHER TO BUDGET THE NON-PROFIT ORGANIZATIONS AT THE SAME AMOUNT THAT IT WAS PROPOSED AT THE TENTATIVE BUDGET HEARING PLUS ADD \$5,000 FOR THE FLORIDA ASSOCIATION OF COUNTIES (FAC) AND REDUCE THE ANIMAL SHELTER BUDGET FROM \$150,000 TO \$75,000. COMMISSIONER ROBERSON SECONDED THE MOTION

Discussion followed.

Commissioner McGill reported that he had talked with the cities regarding their willingness to help fund the animal shelter. He stated that he had considered their contributions when he made the proposal for the budget amendment to fund the non-profits. (memo attached) He asked the Board to seriously consider his proposal which would bring the total human services budget up to \$165,000.

Commissioner Dixon requested Commissioner Fletcher to remove the \$5,000 request for the FAC because he could not accept the use of those funds knowing that there are 100 people waiting for services that could be provided by the Senior Citizens center for that amount of money. He then asked that an amount equal to the reduction in the animal shelter budget be added to enhance some of the human service programs.

Ms. Holt implored the Board to be open to funding programs that will benefit the needy senior citizens.

Commissioner Fletcher stated that the Board had funded the Senior Citizen Center at exactly the amount they requested.

Commissioner Dixon contended that there is an unwritten and unspoken board policy regarding human service agencies - they are lucky to receive anything at all, therefore they don't ask for too much. He contrasted that attitude to that of organizations such as the Chamber of Commerce and the Airport Authority which seem to be able to get whatever they request.

Discussion continued.

Ms. Holt addressed the Board again requesting that the County fund programs that will help the local people solve its own unique problems. She emphasized that the problems are not going to go away until they are dealt with. She concluded her remarks asking the Board to put people first.

Sherry Taylor directed her remarks to Commissioner Fletcher. She asked him to amend his motion to put the \$75,000 reduction in the animal control budget back into human services budgets.

THE QUESTION WAS CALLED BY COMMISSIONER FLETCHER. THE BOARD VOTED 3 - 2 IN FAVOR OF THE MOTION. COMMISSIONERS FLETCHER, ROBERSON AND WATSON VOTED "AYE". COMMISSIONERS DIXON AND MCGILL VOTED "NO."

ESCAMBIA COUNTY HOUSING FINANCE AUTHORITY

Mr. McKinnon called attention to a memo from Mr. Gordon Jernigan who had advertised a public hearing for Tuesday, November 3, 1998 - the date the Board would have normally met. The meeting was rescheduled to Monday, November 2 because of the general elections. Therefore, Mr. Jernigan requested that the Board pass the attached resolution and approve the interlocal agreement contingent upon no opposition at the advertised public hearing.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE RESOLUTION AND INTERLOCAL AGREEMENT FOR THE ESCAMBIA COUNTY HOUSING FINANCE AUTHORITY TO OPERATE IN GADSDEN COUNTY REGARDING THE 1999 BOND ISSUE.

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) Authority to obtain up to 5 workers from Tandem @ \$8.75 per hour.
- 2) Cite License and software maintenance agreement with City of Jacksonville for Veterans Administrative Tracking System
- 3) Disaster Relief Funding Agreement - FEMA-1249-DR-FL and FEMA-3131-EM-FL
- 4) Resolution 98-025 - EMS Write-off of Bad Debts totaling \$99,901.19
- 5) Notification of the approval of the amendment revisions to the Gadsden County Local Housing Plan for fiscal years 1996-97 through 1998-99
- 6) Affordable Housing Partnership Committee Meeting Minutes for July 28, 1998 and September 22, 1998.
- 7) Approval of up to \$7,200 to Lee & Bridges for work relating to the lay-out space for State Attorney and Property Appraiser on the Quincy Square Project
- 8) Notification of TRIM compliance from DOR

CLERK'S AGENDA

Hospital Endowment Trust Loan to Centennial

Clerk Thomas called attention to the attached memo regarding the dispersement of the \$450,000 loan to Centennial Healthcare, Inc. He stated that \$325,294.28 was paid to IRS for withholding taxes owed by MedTech of North Florida. The distribution of the remainder of the loan was determined by Alex Hicks at Gadsden Community Hospital.

Resolution 98-023 - Child Support Depository

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER FLETCHER THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE ABOVE STATED RESOLUTION.

Sheriff's Year End Financial Report

Clerk's Year End Financial Report

Clerk Thomas presented the year-end financial reports for the Sheriff and the Clerk's office.

Board's Cash Report

Clerk Thomas told the Board that it has \$7.4 million dollars in the bank.

Budget Amendments - 98-11-02-01 through 98-11-02-12

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER ROBERSON, 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.

DISTRICT 1 REPORT

Commissioner McGill had no report.

DISTRICT 3 REPORT

Commissioner Roberson asked the Board to donate \$500 - \$1,000 to the City of Chattahoochee Riverfest.

UPON MOTION BY COMMISSIONER ROBERSON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 4 - 1, BY VOICE VOTE, TO DONATE \$500 TO THE CITY OF CHATTAHOOCHEE FOR THE RIVERFEST.

DISTRICT 4 REPORT

Commissioner Fletcher appointed Katherine Clark to the Library Commission to replace Mrs. Jo Macon who recently died.

DISTRICT 5 REPORT

Commissioner Dixon had no report.

DISTRICT 2 REPORT

Chairman Watson had no report.

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
NOVEMBER 17, 1998, 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
NICHOLAS THOMAS, CLERK
HAL RICHMOND, COUNTY ATTORNEY
HOWARD MCKINNON, COUNTY MANAGER

CALL TO ORDER

Chairman Watson called the meeting to order then led in pledging allegiance to the U.S. Flag. County Manager Howard McKinnon led in a prayer.

OATH OF OFFICE

Clerk Nicholas Thomas administered the oath of office to newly re-elected Commissioners Fletcher and Watson.

ADOPTION OF AGENDA

Commissioner McGill asked to amend the agenda to include some discussion regarding the Thanksgiving holiday schedule during the County Manager's agenda.

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

PRESENTATION OF PLAQUE TO GADSDEN MEN OF ACTION

Chairman Watson called attention to the Gadsden Men of Action which began as an organization of 12 men and has grown to 54. All of the original charter members remain in the organization except for 3 who have died. During the years since its inception, they have donated over \$90,000 in scholarships and help to county residents. They have been instrumental in the naming of the Gadsden Senior Citizens building as Simon Scott Center. They also initiated the naming of a street near the hospital as Lafalle Drive after Dr. Lafalle. They implemented a mentoring program in the middle and elementary schools and sponsored drug awareness programs with the law enforcement agencies within the County. The group

has sponsored little league baseball teams and voter registration drives as well as provided political forums during local campaigns. Recently they were named the "1998 Volunteer Organization of the Year" by the Tallahassee Democrat.

Chairman Watson congratulated the men for the work they have accomplished. He then presented them with a plaque of appreciation and recognition.

Representing the Gadsden Men of Action, Mr. Bruce James received the plaque and voiced their appreciation to the Board.

ELECTION OF NEW CHAIR AND VICE-CHAIR

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO ELECT COMMISSIONER CAROLYN ROBERSON AS THE NEW CHAIR.

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO ELECT COMMISSIONER ED DIXON AS THE VICE-CHAIR.

Commissioner Watson then passed the gavel to Chair Roberson who presided for the remainder of the meeting.

Commissioner Dixon thanked the past chair for his tenure as the chairman. He stated that even when issues became "hot", he maintained the decorum between the commissioners. He closed his remarks by again thanking Commissioner Watson for his past leadership.

APPROVAL OF MINUTES

November 2, 1998 Regular Meeting

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE MINUTES OF THE ABOVE STATED MEETING.

CLERK'S AGENDA

Public Hearing - Advertised Budget Change FY 98/99

Clerk Nicholas Thomas announced the opening of a public hearing to discuss the advertised budget change. The change allows for the appropriation of \$151,455 of fund balance of the general fund to be spent for general government, human services and public safety. In addition, the Board appropriated an additional \$84,505 from the fire fund to be used for public safety. The details of

the changes are described in budget amendments 2 and 3. He then called for public input. There was no response.

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

FY 97/98 Budget Amendment 98-11-17-01

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

FY 98/99 Budget Amendments 98-11-17-02 through 98-11-17-07

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

Ratification of the Approval to Pay County Bills

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

****Clerk Thomas and Commissioner Fletcher left the meeting at this juncture.**

ECONOMIC DEVELOPMENT

Chamber of Commerce Executive Director Sherry Tucker spoke to the Board regarding a number of economic development activities which she worked with during the month of October and November. She stated that the major development at this time is WAMCO. She reported that she has been trying to secure grant money so that they can get located in Gadsden County.

Ms. Tucker explained that WAMCO manufactures air filters and diabetes equipment. She continued by saying that they will initially employ 50 people then add an additional 20 - 40 people each month thereafter until they reach 150 employees. They will employ people who have no education and limited skills. She stated that WAMCO is working with the WAGES Coalition Board to do a lot of the training. They were initially interested in locating to Greensboro but have recently decided on the Havana area.

Ms. Tucker told the Board that she has been aggressively trying to convince the Printing House to remain in Gadsden County. She said that they have already closed their facility in Tallahassee but will remain in Gadsden County for at least 1 year. She reported that they have issues confronting them at the present time which may lead to them relocating to Thomasville, Ga. She added that they are not happy with their present location and feel that they need to relocate to a more industrial area as opposed to the medical surroundings they are in now.

Ms. Tucker related that the Printing House needs a more technically skilled labor pool than seems to be available in Gadsden County. She noted also that they lost a lot of local employees during the implementation of their "drug-free workplace" policy.

Ms. Tucker stated that she had given The Printing House a proposal for space at the 10/90 Commerce Park but they have not made a decision. She added that she is trying to assist them with resolving the labor availability problems.

Ms. Tucker then reported the following:

The City of Chattahoochee is preparing for a downtown clean-up program.

10/90 Commerce Park Update:

Howard Johnson's Motel is under construction.

The following business are operational:

Osceola Supply Inc.

Datamax

FOX 49 T V Station

MAC Papers

L.B. Smith, Inc.

Telephone Systems

Ajax Construction - currently expanding

E & B Heating and Air

Lex Thompson

Coastal Lumber

FSU Motion Picture School

Jimmy Hatcher

Anderson Construction Inc.

Marty Ard Landscaping has purchased land in the park but construction will not begin until their Quincy property is sold. Target date for their relocation is early 1999.

Negotiations with Talquin Electric and St. Joe are on-going for construction of a sewer plant at the park.

Commissioner Dixon asked Ms. Tucker if the Chamber has a Five Year Proposal that states the Chamber's philosophy and mission.

Ms. Tucker answered that the Chamber is currently working on a long range plan which could be approved by the chamber's board of directors as early as December. She told Commissioner Dixon that she would provide him a copy after it has been approved.

When asked by Commissioner Dixon, Ms. Tucker confirmed that the County Government acts as a single member of the Chamber of Commerce.

JACK JOHNSON, IXC COMMUNICATIONS SERVICES

Mr. Johnson told the Board that his company is installing a fiber optic telecommunication system from Atlanta, Ga. to Miami, FL. The cable will be buried from the GA/FL border to Miami. The proposed route will start at US 27 at the border of Gadsden County.

IXC would like to bury cable along the west side of CR 157 and the west side of CR 153 to the Leon County border. The system will consist of four 1.90 cables placed in their individual heavy duty polyethylene conduits and will be plowed a minimum of 42 inches under the natural grade of the right-of-way. All roads and drive ways will be bored 48 inches below the natural grade and all culvert and creeks will be bored 72 inches under their flow lines. They will also bore under any trees that might exist in the lines.

Construction plans were submitted to Mr. Bo Brown at the Gadsden County Public Works Department six weeks prior to this meeting. He added that he has not heard from Mr. Brown and assumes that the plans are acceptable to the public works department.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE INSTALLATION OF THE IXC FIBER OPTIC CABLE AS DESCRIBED ABOVE.

CODE ENFORCEMENT

William Goodrich - Potter Road

Growth Management Director Mike Sherman reported that a complaint has been filed with the County regarding the condition of the property owned by Mr. William Goodrich. The staff made two attempts to discuss the property with Mr. Goodrich, but he has made no attempt to get back in touch with the County. The property

appears to collect water and the residents in the area have complained about the abundance of mosquitos.

Additionally, Mr. Sherman reported that he had received numerous complaints regarding the Doshier Truck Service being operated from a parcel in the Colonial Estates subdivision. The residents complained about the traffic associated with the business as well as the operation of the commercial establishment in a residential subdivision.

Mr. Sherman told the Board that numerous violations exist, both at the county and state level. The staff made several efforts to get in touch with Mr. Doshier to no avail. Mr. Glen Watt is the truck service owner.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER WATSON THE BOARD VOTED TO CONDUCT A CODE ENFORCEMENT HEARING ON DECEMBER 15, 1998 ON ISSUES DEALING WITH WILLIAM GOODRICH AND DOSHER TRUCK SERVICE.(MEMO ATTACHED)

County Attorney Hal Richmond disclosed that he has represented Mr. Glen Watt in a minor civil suit in the past.

Mr. Sherman was told to proceed with giving notice by certified letters to both parties.

COUNTY MANAGER'S AGENDA

Request from Judge Hood for \$2,500 for Computer Purchase

County Manager Howard McKinnon conveyed a request from Judge Hood to the Board for a computer for his assistant. He recently had his computer upgraded and it is now necessary to upgrade his assistant's computer as well. (Request attached)

Commissioner Dixon called attention to the fact that if the County had a LANS system in place, all of the county's computers could be upgraded systematically without the necessity to make single purchases. Expenses such as this one could be reduced considerably if compatible computers are purchased in bulk. He stated that the County should have a plan in effect to upgrade the hardware regularly. Without a plan, the County is continually behind.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE UP TO \$2,500 FOR THE PURCHASE OF A COMPUTER FOR JUDGE HOOD'S ASSISTANT.

HOLIDAY SCHEDULE

Commissioner McGill stated that he had made a survey of 6 - 8 county staff over the last several days. He said that it seems that the county staff is concerned because many of the other county offices will be closed on Wednesday before Thanksgiving but the County Commission offices will not close. He proposed that the County Commission offices close for an additional half day on Wednesday. He stated that if the Clerk is going to close, he felt the Board should also close.

Mrs. Straughn informed the Board that the Clerk's office would not be closed on Wednesday and that they have never closed for more than the two days for Thanksgiving.

A MOTION WAS MADE BY COMMISSIONER MCGILL TO CLOSE THE COUNTY COMMISSION OFFICES AT NOON ON WEDNESDAY BEFORE THANKSGIVING.

THE MOTION DIED FOR LACK OF A SECOND.

Commissioner Dixon stated that the County should agree to adopt a uniform holiday schedule and calendar to prevent these issues from continually arising.

CONSENT AGENDA

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

- 1) Contract transmittal and request for initial funding - Appropriation Item 1130L - Ag Center Renovations - Authorization for Chairman to sign.**
- 2) Escambia County Housing Finance Authority, November 3, 1998 Public Hearing Minutes for the record**
- 3) Fire Service Contracts - Robertsville, Havana, Gretna, Wetumpka, Midway, Chattahoochee, Mount Pleasant, Sycamore Coonbottom - for approval.**
- 4) Community Development Administration Warranty Deed - Melissa Williams - authority for Chairman to sign**
- 5) Library Plan of Service for 1998 - for approval**
- 6) Library Five Year Plan - for approval**

- 7) Compliance Schedule Modification - Gretna/Gadsden County/DEP Memorandum of Agreement regarding effluent disposal into Telogia Creek
- 8) Resolution accepting dedication of right-of-way for Gadsden 10/90 Commerce Park - for approval.

DISTRICT 1 REPORT

There was no report.

DISTRICT 2 REPORT

There was no report.

DISTRICT 3 REPORT

There was no report.

DISTRICT 4 REPORT

Commissioner Fletcher was not present at this juncture.

DISTRICT 5 REPORT

Commissioner Dixon reminded all commissioners that the legislative session for the Association of Counties will begin on Wednesday, November 18 and run through Friday, November 20. He encouraged all of them to attend at least some portion of the session.

Commissioner Watson told Commissioner Dixon how much he appreciates the time that he spends attending to such matters and keeping this board so well informed of issues that affect local government.

Commissioner McGill asked Commissioner Dixon when he would be installed as the president of the FAC. He was told it would be in June of 1999. He then suggested that plans should begin right away to plan for that installation ceremony.

ADJOURNMENT

THERE BEING NO FURTHER BUSINESS BEFORE THE BOARD, THE COUNTY ATTORNEY ANNOUNCED THE CONCLUSION OF THE REGULAR AGENDA AND ASKED THE PUBLIC TO LEAVE. THE BOARD THEN WENT INTO CLOSED DOOR MEETING FOR A PRIVATE ATTORNEY/CLIENT SESSION WHICH WAS PROPERLY ADVERTISED FOR THE PURPOSE OF DEALING WITH 3 LAWSUITS

STATED IN THE AGENDA. COURT REPORTER LYNN GATLIN WAS PRESENT TO RECORD THE PRIVATE PORTION OF THE MEETING. A TRANSCRIPT OF THAT MEETING WILL BE MADE AVAILABLE TO THE PUBLIC UPON THE CONCLUSION OF THE CASES.

Carolyn Roberson, Chair

ATTEST:

Nicholas Thomas, Clerk

AT A WORKSHOP MEETING OF THE BOARD
OF COUNTY COMMISSIONERS, HELD IN AND
FOR GADSDEN COUNTY, FLORIDA ON
NOVEMBER 18, 1998, THE FOLLOWING
PROCEEDINGS WERE HAD, VIZ.

PRESENT: CAROLYN ROBERSON, CHAIR (arrived late)
W.A. (BILL) MCGILL
STERLING WATSON
HAL RICHMOND, COUNTY ATTORNEY
HOWARD MCKINNON, COUNTY MANAGER
MURIEL STRAUGHN, DEPUTY CLERK

ABSENT: E. H. (HENTZ) FLETCHER
EDWARD J. DIXON, VICE-CHAIR

CALL TO ORDER

Commissioner Watson called the meeting to order in the absence of the Chair and Vice-chair stating that the purpose of the meeting was to discuss the Evaluation and Appraisal Report of the Comprehensive Plan. He then turned the meeting over to Growth Management Director Mike Sherman.

Mr. Sherman told the Board he was looking to them for directions regarding policy matters in the comprehensive plan that may need to be changed. For example, the comp plan encourages the use of "clustering" as an innovative planning technique, but there is no guidance in the code of how the County should go about "clustering". Therefore, the Board could decide that it would like to have a policy added to the comp plan which would restrict the use of clustering except in particular situations.

Recommendations which came out of other workshops were:

- * Set the level of service standards for other services and facilities that are provided (not necessarily by the County) that the staff could test prior to issuing development orders. Public safety level of service, school concurrency requirements, etc.
- * Need for a landscaping ordinance - Board could set a policy that would direct the county planning staff to propose a landscaping ordinance by a time certain. That would give the P & Z staff enough direction that they could include a section in the land development code with a target date.
- * Level of service standards - The Board may want to direct the planning department (by a time certain) to do a study to determine whether the County needs to drop the level of service standard from "C" to "D" on selected roads. (Two segments of SR 12 - one near the prison in Gretna and the other between 270 and Havana.) Volume versus the capacity as

well as the safety issue versus level of service. (In the new traffic model, DOT has taken into consideration safety on the roadway. That is not considered right now as a straight philosophy versus capacity.)

Should the Board decide to drop the level of service from "C" to "D", a policy should be added that will maximize the existing capacity already in place. With each new development, the County could require a developer to build a turn lane. Other types of access management policy could also be studied.

The following are areas of the report that were discussed followed by instructions to the staff as appropriate.

Introductory Page 2

Change the language to read "the local planning agency (Planning Commission) must transmit the draft EAR to the local governing body (Board of County Commissioners) which will submit it to the State of Florida Department of Community Affairs (DCA.)"

FLU 8

Solid Waste - add language to the effect that there may be other means of hauling and disposing of one's solid waste material.

Where is Table A-4 that is referred to on page 9?

FLU 10

Change language under Minor Plan Amendments and Annexations to read as follows:

"The annexed lands will become a new business park and recreational area for the City of Quincy and represent a loss of significant commercially or industrially suitable lands **to the County.**"

Add a reference into the EAR that will direct the reader to another source that will demonstrate the demographics and population of the county as to race, sex, age, and income levels.

Page 12

Second paragraph, first sentence, change to read:

"In 1995, the Building Inspection Division of the Gadsden County Growth Management Department"

First paragraph change sentence to read:

" The projection using this method yields a 2001 population of 50,700 with 54,200 and 58,550 being the projections for 2005 and 2010 respectively.

Mr. Sherman announced that Mr. Bruce Ballister who helped write this EAR will come to work for the County as a planner on December 1, 1998.

Chair Roberson arrived at this juncture.

Mid-page - check fonts and incomplete sentence and paragraph.

Page FLU 13

Should the word "transportation" be changed to Roadway System?

Page 16

No. 8 - Deterioration of Commercial and Industrial Facilities

Should the deterioration of the roadway system be included here or under "Roadway System?" How the County expects to address deterioration of the roads should be included in this report.

No. 10 Major Problems of Development and Physical Deterioration

Add a reference to the Dangerous Building Ordinance and include this in the matrix in the back of the report

No. 11 Unanticipated and Unforeseen Problems an Opportunities...

* The housing growth boom began in the late 1980's, too late for the trend to be noticed. The underestimation of land required has led to an under supply of parcels available for residential development.

The planning staff was instructed to come back to the Board with some recommendations for change in areas that would not only allow for more residential subdivisions but encourage it. The staff was also instructed to disclose the impact of the changes and how the County will accommodate it.

Add a policy statement that will allow for enough land for anticipated residential development throughout the County. Practically speaking, if a policy is adopted that is supported by the statement and the database supports the statement, more areas can then be designated for residential development. (When the EAR based amendments are prepared.)

Discussion: The data and analysis is already documented saying that the County needs for residential development designations. Staff would like to do sector planning by planning districts (same as census tracts)

Page 19

Add a header row to the table so that the column headings appear on each page of the table.

Transportation/Land Use Element

There was some discussion regarding linking the Transportation Element to the Land Use Element. It was suggested that a developer be required to donate right-of-way for access roads (that lead into the subdivision from county roads or state roads) that are approaching its traffic level of service capacity. Policy could also be changed to allow for that access as a part of the development order prior to the time the development construction begins. No specific instructions were given to the staff.

Land Use Map Change

The planning staff was instructed to come back to the Board with some recommendations for change in areas that would not only allow for more residential subdivisions but encourage it.

FLU 23

Staff was instructed to put into writing how the "needed actions" listed on this page should be addressed. Submit to Board before the next workshop.

INF 19

No. 7

Road Paving Issues

The district-wide road paving prioritization list appears to be in conflict with this opening statement. Discussion followed but there was no consensus.

The Comp plan describes a capital improvement as anything that has a value of \$25,000 or greater. All road paving generally falls into that category. If the Board would re-define capital improvement as \$100,000 or greater plus other qualitative values, then roads which would cost less than \$100,00 would not by definition be a capital improvement and would not be subject to the paving criteria.

It was reported that the Better Roads Committee is expected to come forward with some recommendations in the near future.

STAFF RECOMMENDATIONS FOR SPECIFIC CHANGES TO THE COMP PLAN

Mobile Home Sales Lots

Implement a policy that would state that mobile homes sales lots shall be only in industrial areas. That would keep them off the main corridors of the County.

US 27 Corridor

Make U.S. 27 a corridor for commercial development with a minimum lot size of 10 - 20 acres. That will preclude the smaller developments and the land development code can be written in such a way as to encourage high tech development along the corridor. Target specific uses to that area.

Neighborhood Commercial Uses in Rural Residential Areas

Eliminate the convenience store as a type of neighborhood commercial use or narrow down what is referred to as neighborhood commercial uses.

Eliminate liquor establishments as neighborhood commercial use or restrict them from neighborhoods entirely.

FUTURE WORKSHOP

The next workshop was set for December 10 at 5:15 p.m.

Mr. Sherman was instructed to get his recommendations to the Commissioners as quickly as possible, but in advance of the December 10 workshop.

PUBLIC INPUT

Ms. Marion Laslie was recognized for questions and remarks.

ADJOURNMENT

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

Carolyn Roberson, Chair

ATTEST:

Nicholas Thomas, Clerk

AT A CLOSED CLIENT SESSION OF THE
BOARD OF COUNTY COMMISSIONERS, HELD
IN AND FOR GADSDEN COUNTY, FLORIDA
ON DECEMBER 1, 1998 AT 5:30 P.M.,
THE FOLLOWING PROCEEDINGS WERE HAD,
VIZ.

PRESENT: CAROLYN ROBERSON, CHAIR
STERLING WATSON
BILL MCGILL
NICHOLAS THOMAS
HAL RICHMOND, COUNTY ATTORNEY
JIM RICHMOND, ASST. COUNTY ATTORNEY
HOWARD MCKINNON, COUNTY MANAGER
ROBERT PRESNELL, PUBLIC WORKS DIRECTOR
CLIFF SCHNEFT, PUBLIC WORKS
LYNN GATLIN, CERTIFIED COURT REPORTER

ABSENT: EDWARD J. DIXON
E. H. (HENTZ) FLETCHER

Call to Order

County Attorney opened the meeting for the purpose of discussion of settlement negotiations or strategy related to litigation expenditures concerning the lawsuit of Crowder V. Gadsden County, Case No. 98-52-CAA. A transcript of these proceedings will be made a part of these minutes upon conclusion of the case.

Carolyn Roberson, Chair

ATTEST:

Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE BOARD OF
COUNTY COMMISSIONERS, HELD IN AND
FOR GADSDEN COUNTY, FLORIDA ON
DECEMBER 1, 1998, THE FOLLOWING
PROCEEDINGS WERE HAD, VIZ.

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

ABSENT: EDWARD J. DIXON, VICE-CHAIR

CALL TO ORDER

Chair Roberson called the meeting to order. She announced the conclusion of the closed door session and then opened the regular meeting of the Board of County Commissioners. County Attorney Hal Richmond led in pledging allegiance to the U.S. Flag and County Manager Howard McKinnon led in prayer.

ADOPTION OF AGENDA

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 4 - 0, BY VOICE VOTE TO ADOPT THE AGENDA.

PRESENTATION OF PLAQUE TO PLANNING AND ZONING (P & Z) COMMISSIONER LESLIE COX

Chair Roberson announced that Mrs. Leslie Cox has recently resigned from the Planning Commission as she is moving to Naples, FL. Chair Roberson then presented a plaque of appreciation to Mrs. Cox.

Mrs. Cox thanked the Board for the privilege to serve on the Commission.

COUNTY ATTORNEY

Dependency Paralegal Fees

Mr. Richmond referred to a letter dated October 28, 1998 from Mary Charlotte McCall. She does a lot of legal dependency work in Gadsden County. (The County is responsible for the legal fees in dependency cases.)

Mr. Richmond told the Board that other FL counties are using

paralegals to do discovery and brief investigations in dependency cases. Paralegal charge \$35 per hour while attorneys charge \$70.00. It has been proposed that the Board adopt a resolution to allow paralegals to do some of the work in Gadsden County. It should save a substantial sum of money over a period of time.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE RESOLUTION ALLOWING PARALEGALS TO DO INVESTIGATIONS AND DISCOVERY IN DEPENDENCY CASES IN GADSDEN COUNTY.

Clausen Legal Fees

Mr. Richmond reported that he was dealing with the Clausen estate attempting to recover the amounts of public funds that were expended in Carl Clausen's defense. However, he had nothing to present at this meeting.

REQUEST FOR NEW SPEED LIMIT FOR SECTION OF CR 268

Interim Midway Police Chief Gardner appeared before the Board to request that the Board raise the speed limit of CR 268 and Martin Luther King Blvd. from 35 mph to 45mph.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO RAISE THE SPEED LIMIT TO 45 MPH ON CR 268 AND MARTIN LUTHER KING BLVD. IN MIDWAY.

HOUSE CLOSING OF RELOCATION HOMES

Mrs. Rosemary Banks appeared before the Board asking for authority for the Chairman and the Clerk to execute the closing documents for the relocation units recently constructed for the local housing programs.

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE ABOVE STATED REQUEST.

RECOGNITION OF STUDENTS IN ATTENDANCE

Ms. Roberson recognized a group of students from Robert Monroe High School who were in attendance at the board meeting.

COUNTY MANAGER'S AGENDA

Mr. McKinnon had nothing to report.

CONSENT AGENDA

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

- 1) Road name changes: Virginia Peavy Road to Peavy Farm Road; a new road off of Salley Brown Rd, W. off Cane creek Road to Charles Murray Lane; New Road north off Flat Creek Road named Ray Rentz Road.
- 2) FEMA-1195-DR-FL Project completion and certification report for the record.
- 3) Quarterly gas monitoring report: Havana and Chattahoochee Landfills - for the record.
- 4) EMS Write-off of Bad Debts totaling \$98,307.41
- 5) Request from City of Gretna for one year extension of roadway maintenance agreement
- 6) Renewal of Interlocal agreement with Wakulla County for household hazardous waste cooperative collection
- 7) Keep Florida Beautiful, Inc. Agreement - Ratification Agreement
- 8) Fire Services agreement for Greensboro
- 9) Change order No. 3 - Gadsden County Roadway Resurfacing, 1998 - approval
- 10) Application and certificate for payment - Gadsden county Roadway Resurfacing 1998 - for the record.

CLERK'S AGENDA

Bank Resolutions for FY 98/99

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO AUTHORIZE THE CHAIR'S SIGNATURE ON THE BANK RESOLUTIONS ATTACHED.

Quincy State Bank Signature Cards

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO AUTHORIZE THE CHAIR'S SIGNATURE ON THE BANK SIGNATURE CARDS.

Budget Amendments 98-12-01-01 through 98-12-01-11

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE ABOVE STATED BUDGET AMENDMENTS.

Ratification of the Approval to Pay 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.

DISTRICT 1 REPORT

Commissioner McGill had no report.

DISTRICT 2 REPORT

Commissioner Watson had no report.

DISTRICT 4 REPORT

Commissioner Fletcher had no report

DISTRICT 3 REPORT

Chair Roberson presented the committee assignments for the Board for the upcoming year. Attached.

DISTRICT 5 REPORT

Commissioner Dixon was not present.

ADJOURNMENT

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

Carolyn Roberson, Chair

ATTEST:

Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE BOARD OF
COUNTY COMMISSIONERS, HELD IN AND
FOR GADSDEN COUNTY, FLORIDA ON
DECEMBER 15, 1998, THE FOLLOWING
PROCEEDINGS WERE HAD, VIZ.

PRESENT: CAROLYN ROBERSON, CHAIR
EDWARD J. DIXON, VICE-CHAIR
BILL MCGILL
STERLING WATSON
NICHOLAS THOMAS, CLERK
HAL RICHMOND, COUNTY ATTORNEY
HOWARD MCKINNON, COUNTY MANAGER

ABSENT E. H. (HENTZ) FLETCHER

CALL TO ORDER

Chair Roberson called the meeting to order. County Manager Howard McKinnon led in pledging allegiance to the U.S. Flag and Muriel Straughn led in prayer.

ADOPTION OF AGENDA

The consent agenda was amended to include a notice that all County offices would be closed on Wednesday, December 16, 1998 for a day of mourning for the late Governor Lawton Chiles who died on December 12.

The consent agenda was also amended to include the approval of another inmate work crew at the Public Works Department.

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.

APPROVAL OF MINUTES

November 17, 1998 Regular Meeting

November 18, 1998 Workshop

December 1, 1998 Regular Meeting

December 1, 1998 Closed Client Session

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.

COUNTY ATTORNEY

NFEDC v. Gadsden County Lawsuit

Mr. Richmond reported that the County had received a court order in the lawsuit of North Florida Education Development Corporation (NFEDC) v. Gadsden County on the lease of the old Stevens School. The Court held that the building was not safe for occupancy at the time the County leased it to NFEDC and remains unsafe at this time. He continued by saying that the Court also found that NFEDC had complied with the terms of the lease. Upon receipt of their check for \$1.00, the lease was automatically extended. Mr. Richmond added that he would file a motion for a new trial.

PLANNING AND ZONING (P & Z) ISSUES

MAC Paper Company - Variance Request

Growth Management Director Mike Sherman told the Board that MAC Paper Company is in the process of relocating from Tallahassee to Gadsden County at the 10/90 Commerce Park. They have received site plan approval for their development except for fulfilling the parking requirements. They requested a parking lot variance from the required number per the land development code.

The Planning Commission recommended approval of a partial variance of 30 spaces for a total of 57 parking spaces.

The P & Z staff recommended approval of the company's request for a reduction to a total of 30 parking spaces. Mr. Sherman stated that the arguments for the reduction are valid and defensible.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE STAFF'S RECOMMENDATION TO REDUCE THE REQUIRED NUMBER OF PARKING SPACES TO A TOTAL OF 30.

Cooper Ridge Subdivision - Final Plat Approval

Mr. Ben Boynton of Ben Boynton Realty petitioned the Board for consideration of the final plat for the Cooper Ridge Subdivision located in the St. Hebron community which is northeast of the City of Quincy. Mr. Boynton proposes ten (10) lots on the property which consists of 13.8 acres. This would allow for average lot sizes of approximately 1.4 acres in the subdivision. Mr. Boynton expects to extend Talquin water facilities to the subdivision which would eliminate the need for deep wells and allow for a minimum of

one acre lots. A county maintained dirt road (Brown Road) bisects the subdivision.

The Planning Commissioner recommended approval.

The P & Z staff recommended approval with special conditions as listed in the attached memo.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE P & Z STAFF RECOMMENDATIONS.

Code Enforcement Hearing

Mr. Sherman told the Board that his office had received numerous complaints about a piece of property on Potter Road which is owned by Mr. William Goodrich. Mr. Goodrich has been notified of the complaints and was requested to clean up the nuisance. As of this meeting, there has been no compliance. He asked for directions.

It was confirmed that Mr. Goodrich was sent a certified letter telling him of this meeting. He was not present.

A MOTION WAS MADE BY COMMISSIONER WATSON TO TURN THE MATTER OVER THE COUNTY ATTORNEY FOR ENFORCEMENT PROCEEDINGS. THE MOTION FAILED FOR A LACK OF A SECOND.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER WATSON, THE P & Z DIRECTOR WAS AUTHORIZED TO NOTIFY MR. GOODRICH THAT HE HAS 30 DAYS TO CLEAN UP THE LOT AND INFORM HIM OF THE FINES WHICH CAN BE IMPOSED IF HE DOES NOT ABATE THE NUISANCE WITHIN THE 30 DAYS. IF MR. GOODRICH DOES NOT COMPLY, THE DIRECTOR SHOULD BRING THE MATTER BACK TO THE BOARD FOR FURTHER INSTRUCTIONS.

Commissioner Roberson volunteered to go with someone from the Sheriff's department to speak with Mr. Goodrich concerning the violations.

Mr. Sherman was instructed to make it his standard practice to request a Sheriff's escort when visiting the sites of any nuisance violation complaints.

Agreement between McGehee Realty of Palm Beach County and Gadsden County - storm water easement

Mr. Sherman explained that MAC Paper would like to place a storm water pond on the county's drainage easement on the site

where they are building their new facility. It would carry the water from their lot to the drainage swales. It complies with the technical requirements from engineering standards. MAC Paper sent an agreement stating that they would maintain the easement and hold the County harmless.

Mr. Sherman stated that he did not believe that private improvement should be in the county's stormwater easement. However, there is nothing in the county's code to prevent it. He recommended that the County vacate the portion of the easement where MAC Paper wishes to place their retention pond. He stated that it would not negatively affect the drainage patterns of any of the subdivisions in the area.

He explained that the options available to the County are as follows:

- 1) Sign the agreement
- 2) Do not sign the agreement and tell MAC to move the placement of their retention pond
- 3) Vacate that portion of the easement and allow them to place the pond there.

Mr. Sherman reported that the county engineer recommended that the County vacate the easement and allow MAC Paper to place the pond there.

Discussion followed.

UPON MOTION OF COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO CONTINUE THIS HEARING UNTIL JANUARY 2, 1999. IT WAS FURTHER MOTIONED TO INSTRUCT THE ENGINEER TO MAKE A WRITTEN SUMMARY TO JUSTIFY THIS EASEMENT VACATION AND CLEARLY DEFINE THE UNIQUENESS OF THIS SITUATION AND HOW THE VACATION OF THE EASEMENT WOULD BE AN ADVANTAGE TO THE COUNTY AND THE OTHER PARTIES INVOLVED. THE BOARD FURTHER INSTRUCTED THAT ANY AGREEMENT MUST PROVIDE THAT IF, AT ANY POINT, THE COUNTY DEEMS IT NECESSARY TO ASSUME THE EASEMENT AGAIN, MAC PAPER MUST AGREE TO DO SO.

EAR Public Hearings

The EAR Public Hearing was set February 2, 1999.

COUNTY MANAGER'S AGENDA

Better Roads Committee

A workshop with the Better Roads Committee was set for January 7, 1998 at 5:30 p.m.

1999 Holiday Schedule

There was discussion regarding the 1999 holiday schedule.

A MOTION WAS MADE BY COMMISSIONER MCGILL TO GIVE COUNTY EMPLOYEES AN ADDITIONAL 1/2 DAY FOR CHRISTMAS, 1998. THE MOTION DIED FOR A LACK OF A SECOND.

A MOTION WAS MADE BY COMMISSIONER DIXON AND SECONDED BY COMMISSIONER WATSON, TO APPROVE ONLY NEW YEAR'S DAY, 1999. IN THE MEANTIME, THE COUNTY MANAGER WAS INSTRUCTED TO CONSULT WITH OTHER CONSTITUTIONAL OFFICERS AND COME TO A UNIFIED CONSENSUS FOR A COUNTY-WIDE HOLIDAY SCHEDULE.

CONSENT AGENDA

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

- 1) Notice of Grant Award - EMS County Grant No. C9820 - \$16,097.01 - For the record.
- 2) Notice from DOT that CR 269 will be included in the State's tentative work plan - for the record.
- 3) Request from FAC that the County to make implementation of Revision 7 as a top priority for the 1999 legislative session.
- 4) Letter of Engagement from James Moore to conduct County's salary survey
- 5) Extension of the Interlocal Roadway Maintenance Agreement with the City of Midway
- 6) Local and state assistance program close-out report for the record - 98EM-8N-02-30-01-020
- 7) Emergency Management and Preparedness and Assistance Grant Program Close-out report - for the record 98CP-05-02-30-01-020
- 8) Closing of County Offices for December 16, 1998 - day declared as a day of mourning for the late Governor Lawton Chiles.
- 9) Addition of another inmate work crew for the public works department. Interagency agreement enclosed.

CLERK'S AGENDA

FY 97/98 Financial Statements

Clerk Thomas told the Board that 97/98 fiscal year was a good year financially. It was mainly due to keeping expenditures in check. He stated that the fund balance should go up.

FY 97/98 Interest Report

Clerk Thomas told the Board that they earned \$520,000 in interest this past year which was \$70,000 more than the previous year.

Cash Report

Clerk Thomas stated that as of 12-8-98 there was \$5.7 million in cash in the bank and invested.

Budget Amendments 98-12-15-01 - 98-12-15-03

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE ABOVE STATED AMENDMENTS.

Ratification of Approval to Pay County Bills

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

DISTRICT 1 REPORT

Commissioner McGill re-appointed Ron Colston and appointed John Yerkes to serve on the Planning and Zoning Commission.

DISTRICT 2 REPORT

Commissioner Watson reappointed Hugh Stephens and appointed Dian Sheffied to the Planning and Zoning Commission.

DISTRICT 5 REPORT

Commissioner Dixon reported that he had met with Department of Community Affairs and has since received a reminder for the County to apply for CDBG funds as the next cycle is about to begin.

Commissioner Dixon then remarked that he had spent the last six months in very close proximity to the late Governor Chiles

doing community relations around the State. He stated that the governor had been the main initiator of those efforts. He said that as far as politicians go, there was no one finer than Governor Chiles. He ended his remarks by saying that it would be a long time before the state will see another governor as great as Chiles.

There was a consensus that the Board should pass a resolution of mourning to be presented to the Chiles family.

ADJOURNMENT

**UPON MOTION BY COMMISSIONER WATSON, CHAIR ROBERSON ADJOURNED
THE MEETING.**

CAROLYN ROBERSON, CHAIR

ATTEST:

NICHOLAS THOMAS, CLERK