

AT A WORKSHOP OF THE BOARD OF  
COUNTY COMMISSIONERS AND THE BETTER  
ROADS COMMITTEE, HELD IN AND FOR  
GADSDEN COUNTY, FLORIDA ON JANUARY  
7, 1999, THE FOLLOWING PROCEEDINGS  
WERE HAD, VIZ.

PRESENT: CAROLYN ROBERSON, CHAIR  
EDWARD J. DIXON, VICE-CHAIR  
BILL MCGILL  
STERLING WATSON  
HOWARD MCKINNON, COUNTY MANAGER  
ROBERT PRESNELL, PUBLIC WORKS DIRECTOR  
MURIEL STRAUGHN, DEPUTY CLERK

LARRY GANUS, CHAIR - BETTER ROADS COMMITTEE

ABSENT: E. H. (HENTZ) FLETCHER

CALL TO ORDER

Chair Roberson called the meeting to order and turned it over to Larry Ganus.

Representing the Better Roads Committee, Chair Larry Ganus reported that the committee had faithfully worked together since November of 1997. He commended all of the members for their commitment and dedication. He then presented the recommendation which is attached to these minutes.

A lengthy discussion followed.

Mr. Ganus urged the commissioners to end the moratorium on road paving and resurfacing and make use of the money that is in the budget to do something for the county road system.

Public Works Director Robert Presnell spoke briefly regarding a new alternative to paving called Cold Mix Asphalt. Escambia County, Orange County and Leon County have used it. He did not recommend using it extensively until it becomes known how it will hold up over a long time. However, it only costs \$.20 per square ft. and so far it looks good. It does not offer a smooth surface and could only be used in neighborhoods where there is less traffic and slower traffic.

Mr. Ganus asked for the Board's reaction to the recommendation.

Commissioner McGill stated that he is a strong advocate for better and safe roads and could support the recommendation.

Chair Roberson stated that she felt like the public should be given the opportunity to vote on any decision to increase gas taxes.

Commissioner Dixon stated that he would favor a franchise fee over a gas tax increase. He also stated that a referendum for a gas tax increase would likely fail. However, he would not be opposed to the Board implementing either the franchise fee or gas tax without going to a voter referendum. But only if the Board could come to a unanimous decision or at least by a supra-majority. Additionally, he indicated that he could not favor a bond issue which would require all the road paving resources for the length of the bond.

Commissioner Watson indicated that he was opposed to any tax increase.

Commissioner Dixon remarked that he would like to see a work-up of other recommendations and the reasons and rationale for why they were not the priority recommendation.

Discussion followed.

Mr. Ganus asked the following questions:

**What are the immediate plans or time frame in this year's budget to free up the paving funds that have been frozen?**

**What are the immediate plans for dealing with the comp plan road paving priority list?**

**What became of the money that was budgeted in last year's budget but not spent?**

Mr. McKinnon answered that Mike Sherman is preparing to address the road paving priority list during the public hearings that will be held in February for the Evaluation and Appraisal Report (EAR) of the Comprehensive Plan. After the issue of the road paving prioritization list is settled, then the funds will be unfrozen.

As to the excess funds in last years budget, Mr. Ganus was told that it was rolled over into this year's budget.

The Board directed Mr. Presnell to come up with a list of roads that still need to be resurfaced and rank them by greatest need county-wide.

The Better Roads Committee was directed to bring other options back to the Board for consideration because of the limitations that

bonding would bring about. Prepare a report that presents other options and explain what the impacts of each option will have on the functional ability of the Public Works Department.

**ADJOURNMENT**

**THERE BEING NO OTHER BUSINESS BEFORE THE BOARD, THE CHAIR  
ADJOURNED THE MEETING.**

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**Carolyn Roberson, Chair**

**ATTEST:**

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**Nicholas Thomas, Clerk**

AT A REGULAR MEETING OF THE BOARD OF  
COUNTY COMMISSIONERS HELD IN AND FOR  
GADSDEN COUNTY, FLORIDA ON JANUARY  
19, 1999, THE FOLLOWING PROCEEDINGS  
WERE HAD, VIZ.

PRESENT: CAROLYN ROBERSON, CHAIR  
EDWARD J. DIXON, VICE-CHAIR  
STERLING WATSON  
NICHOLAS THOMAS, CLERK  
HAL RICHMOND, COUNTY ATTORNEY  
HOWARD MCKINNON, COUNTY MANAGER

ABSENT: E.H. (HENTZ) FLETCHER  
BILL MCGILL

CALL TO ORDER

Chair Roberson called the meeting to order. County Attorney Hal Richmond led in pledging allegiance to the U.S. Flag and Muriel Straughn led in a prayer.

ADOPTION OF THE AGENDA (AMENDED)

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 3 - 0, TO APPROVE THE AMENDED AGENDA.

APPROVAL OF MINUTES

January 5, 1999 Regular Meeting

January 7, 1999 Workshop

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 3 - 0, BY VOICE VOTE, TO APPROVE THE ABOVE STATED MINUTES.

COUNTY ATTORNEY'S AGENDA

Rural Utility Financing

Mr. Richmond called attention to a resolution in the agenda packets which calls for the creation of a pooled loan program which could prove beneficial to local governments. He then called attention to an interlocal agreement which would create a rural utility financing commission. It provides for a cooperative effort to obtain grants and funds for development. He emphasized that there would be no expense to the County whatsoever.

Mr. Robert Olive, attorney with the Bryant, Miller and Olive

Law Firm spoke to the commissioners regarding the proposed commission. He stated that basically what is proposed is under Florida Statutes 163 whereby counties can come together and, by agreement, form an entity to issue bonds and lend money to other governments. The purpose of doing this is to give an economy of scale and take advantage of income tax laws that allows an arbitrage profit to be made. It provides financing as cheaply as possible to special districts, cities and governments who have obtained loans from Farmer's Home Administration for water and sewage projects.

Commissioner Dixon asked if the commission is being formed with a specific project in mind.

Mr. Olive replied that there was no specific project in mind. However, there are numerous projects which could utilize it. He again emphasized that there would be no expense to Gadsden County.

Commissioner Dixon then asked who would be the deciding body as to whether a loan would be made.

Mr. Olive replied that each participating county would appoint a representative to serve in a capacity that would make those decisions. The money would be made available only to local governments and special districts.

**A MOTION WAS MADE BY COMMISSIONER WATSON TO APPROVE THE RESOLUTION AND INTERLOCAL AGREEMENT AS DESCRIBED ABOVE.**

**THE MOTION WAS WITHDRAWN BY COMMISSIONER WATSON AT THE REQUEST OF COMMISSIONER DIXON TO TABLE THE MATTER UNTIL HE COULD LEARN MORE ABOUT THE PROPOSED COMMISSION.**

Commissioner Dixon asked Mr. Olive to provide him with more information.

**Proposed Ordinance -To Provide Funds to Florida Association of Counties (FAC)**

**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 3 - 0, BY VOICE VOTE, TO AUTHORIZE THE COUNTY ATTORNEY TO WRITE AND ADVERTISE AN ORDINANCE THAT WOULD ALLOW FOR FUNDING OF CERTAIN ITEMS WITH THE FLORIDA ASSOCIATION OF COUNTIES.**

**CODE ENFORCEMENT ISSUES**

Growth Management Director Mike Sherman introduced the following code enforcement matters.

**Fountain - Non Permitted Business**

Mr. Sherman reported that Mr. Larry Fountain is operating a business on U.S. 27 near the Leon County/Gadsden County line. Mr. Fountain received a home occupation permit more than a year ago. In order to obtain a home occupation permit, Mr. Fountain had to agree to comply with the guidelines for that function.

\_\_\_\_Mr. Sherman stated that the Planning and Zoning (P & Z) Department has received complaints from Mr. Fountain's neighbors that he (Mr. Fountain) was not complying with the home occupation guidelines. Upon site inspections, the staff determined that the complaints had merit. Mr. Fountain was notified of the code violations via U.S. Mail by the county staff. In addition, a meeting was held with Mr. Fountain, County Manager Howard McKinnon and P & Z staff. As a result of that meeting, Mr. Fountain requested that the county put off code enforcement action until he could petition for a comprehensive plan amendment to change the zoning of the property to "commercial." Mr. Fountain also requested that he be allowed to continue his business until such time as the comp plan amendment could go forward.

Mr. Larry Fountain was present and addressed the Board. He stated that he had resided in Leon County prior to buying the property in Gadsden County. He said that his business is mobile home service. He added that he works for a mobile home factory and does not solicit business from or sell to the public.

Mr. Fountain stated that prior to buying the property, he went to the planning department and explained the nature of his business. He asked the staff if he could operate his business from that property. He then stated that he was told by the planning staff that he could do what he has done. He said that he thought he was operating lawfully. He then asked the Board to tell him what he needed to do in order to be legal.

Mr. Sherman stated that Mr. Fountain must comply with the home occupation requirements or get the property re-zoned. He explained that there that he is in violation of two home occupation requirements at the present. They are:

- 1) The office is not a part of the house - that can be remedied by connecting it in some manner that is approved by the building inspector.
- 2) There are outside employees that come on site to do work that do not live in the house. They leave their vehicles parked on the site which is a violation.

Mrs. Kathy Grow asked the commissioners if any of them have visited the property. There was no response. She asked them to go out and take a look at the property before they make their

decision. She then stated that there is also a single-wide mobile home on the site. She then stated that Mr. Fountain has been cutting down trees and clearing the land.

Building Inspector Frank Ritter stated that the Board could modify the home occupation requirements and have Mr. Fountain install a privacy fence so the property cannot be viewed from the road. He continued by saying that Mr. Fountain could then be allowed to park the trucks on the site. He asked them to table the matter and make a personal visit to Mr. Fountain's home.

**UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 3 - 0, BY VOICE VOTE, TO TABLE ACTION ON THE FOUNTAIN CODE ENFORCEMENT ISSUE.**

#### **Watt's Doshier Service**

**UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 3 - 0, BY VOICE VOTE, TO POSTPONE A HEARING OF THE COMPLAINTS AGAINST MR. GLEN WATT UNTIL THE STAFF BRINGS THE MATTER BACK TO THE BOARD AT SOME POINT IN THE FUTURE - INDEFINITELY.**

#### **BUILDING INSPECTION - COURTHOUSE ASBESTOS ABATEMENT**

\_\_\_\_ Building Inspector Frank Ritter presented a proposal from Natkin Service for removing the asbestos from the courthouse (proposal attached.) He asked for approval explaining that the asbestos had been disturbed as a result of the recent renovations to the building. Since it has been disturbed, it must now be removed. (As long as there is containment of asbestos, it can be left alone. But, once it is disturbed, it must be abated.)

It was determined that there is \$11,000 left in the historic preservation grant. The projected cost of the abatement is \$58,611.00. See the attached budget.

Mr. Tommy McAuley from Natkin Service was present. He told the Board that the basement area of the courthouse has the highest quantity of contaminants and it must be contained ( quarantined and monitored extensively) and it will take much longer. The upper floors can be zoned and the asbestos removed over the span of week-ends.

**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 3 - 0, BY VOICE VOTE, TO APPROVE NATKIN SERVICE AS THE PROJECT MANAGER FOR THE ASBESTOS ABATEMENT OF THE COURTHOUSE.**

#### **PUBLIC REQUEST FOR DENSITY WAIVER FOR HOME FOR HABITAT FOR HUMANITY**

Mr. Jack Howe, Habitat for Humanity President, and Mr. Charleston Holt, Vice-president, was present to request a waiver of the land density of a lot in Gretna. They purchased the property without realizing that it was designated as agriculture land with a density of one house to 10 acres of land. He explained that they expect to build a "Habitat" home for a family who is in great need of safe housing. He stated that they bought the property from Mrs. Margie Johnson and would like to move forward with building the house rather than ask Mrs. Johnson to buy it back.

Discussion followed.

**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 3 - 0, BY VOICE VOTE, TO CHANGE THE LAND DESIGNATION OF THIS ONE ACRE TRACT FROM AGRICULTURE TO RESIDENTIAL, FOR THIS SPECIFIC SITE ONLY AND ONLY BECAUSE IT IS HABITAT FOR HUMANITY. IT WAS FURTHER MOTIONED THAT THIS WAIVER CANNOT BE CONSIDERED A PRECEDENT AS NO OTHER WAIVERS OF THIS NATURE WILL BE GRANTED IN ANY FORM OR FASHION.**

Dr. John Cooksey cautioned the Board about the decision. He stated that he considered the selling of this lot as a commercial venture.

#### **Sherry Vanlandingham - Economic Development Report**

Mrs. Tucker was not present.

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

County Manager Howard McKinnon reported that the County's endeavor to be designated as an "empowerment zone" was not achieved. However, it is expected that it will be designated a "champion" community. That designation will allow for opportunities to apply for funds for economic development purposes. Therefore, a non-profit 501(c)3 organization should be in place to handle such matters. Mr. McKinnon reported that the steering committee has requested that the Board authorize the county attorney to lend assistance in trying to accomplish the legal requirements of establishing the 501(c)3 organization.

Mr. Richmond stated that there are some significant tax consequences involved in establishing a non-profit organization and that he does not do that kind of work. However, he stated that he would try to find another attorney to contribute their time to assist in doing it.

**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 3 - 0, BY VOICE VOTE, TO AUTHORIZE THE**



COUNTY ATTORNEY TO SEEK HELP FROM ANOTHER LAW FIRM TO ESTABLISH THE NON-PROFIT AGENCY NEEDED TO HANDLE MATTERS RELATING TO OPPORTUNITIES THAT MAY COME ABOUT AS A RESULT OF BEING DESIGNATED A "CHAMPION" COMMUNITY.

Commissioner Dixon's Request to Travel to National Association of Counties Meeting on February 26, 1999 to March 2, 1999

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 3 - 0, BY VOICE VOTE, TO APPROVE THE TRAVEL FOR COMMISSIONER DIXON TO ATTEND THE NATIONAL ASSOCIATION OF COUNTIES. THE COST WILL BE APPROXIMATELY \$2,200.00.

CONSENT AGENDA

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTE 3 - 0, BY VOICE VOTE, TO APPROVE THE CONSENT AGENDA TO WIT:

- 1) Request to extend services for groundwater sampling and analysis for Havana and Chattahoochee landfills - Harbor Branch Oceanographic Institution, Inc.
- 2) Maintenance agreement with Sonitrol for monitoring of courthouse
- 3) Maintenance agreement for mechanical system at jail - Natkin
- 4) SLA FY99 Emergency Management Grant Agreement
- 5) EMS Write off of bad debts totaling 99,586.96 - Resolution 99-001
- 6) E-911 new road name - McMillon-Cooper Road (North off Pt. Milligan Rd. (CR 161) NE of Woodward Road
- 7) Approval of Lee & Bridges as architect for Elevator installation - Quincy Square Renovation
- 8) Draft copy of Evaluation and Appraisal Report (EAR) of the comprehensive plan - for the record - not for approval.

CLERK'S AGENDA

Budget Amendments 99-01-19-01 through 99-01-19-06

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 3 - 0, BY VOICE VOTE, TO APPROVE THE ABOVE STATED BUDGET AMENDMENTS.

Ratification of Approval of Payment of County Bills

UPON MOTION BY COMMISSIONER WATSON 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 2 REPORT**

Commissioner Watson had no report.

**DISTRICT 3 REPORT**

Chair Roberson had no report.

**DISTRICT 4 REPORT**

Commissioner Fletcher was not present.

**DISTRICT 5 REPORT**

Commissioner Dixon stated that the FAC annual conference will be June 23 - 25 in Orlando at the Peabody Hotel.

**ADJOURNMENT**

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

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Carolyn Roberson, Chair

ATTEST:

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Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE BOARD OF  
COUNTY COMMISSIONERS HELD IN AND FOR  
GADSDEN COUNTY, FLORIDA ON FEBRUARY  
2, 1999, THE FOLLOWING PROCEEDINGS  
WERE HAD, VIZ.

**PRESENT:** CAROLYN ROBERSON, CHAIR  
BILL MCGILL  
STERLING WATSON  
NICHOLAS THOMAS, CLERK  
HAL RICHMOND, COUNTY ATTORNEY  
HOWARD MCKINNON, COUNTY MANAGER

**ABSENT:** E. H. (HENTZ) FLETCHER  
EDWARD J. DIXON

**CALL TO ORDER**

Chair Roberson called the meeting to order. County Attorney Hal Richmond led in pledging allegiance to the U. S. Flag and County Manager Howard McKinnon led in prayer.

**ADOPTION OF AGENDA**

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY  
COMMISSIONER MCGILL, THE BOARD VOTED 3 - 0, BY VOICE VOTE  
TO APPROVE THE AGENDA AS WRITTEN.

**APPROVAL OF MINUTES**

**January 19, 1999**

**Correction:**

\_\_\_\_Commissioner Watson called attention to one correction that should be made to the minutes of January 19, 1999 - Page four, paragraph four dealing with the code enforcement hearing for Mr. Larry Fountain. He asked that the record be changed to reflect his response to Mrs. Grow's question. He said that he did not verbally respond to her question but he did raise his hand to affirm that he had visited Mr. Fountain's property.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY  
COMMISSIONER MCGILL, THE BOARD VOTED 3 - 0, BY VOICE  
VOTE, TO APPROVE THE MINUTES AS CORRECTED ABOVE.

**COUNTY ATTORNEY'S AGENDA**

Mr. Hal Richmond reported that in response to Commissioner Dixon's request for more information regarding the Florida Rural Utilities Financing Commission, Mr. Robert Olive prepared a memorandum to the Board. He indicated that he would place it on the agenda for the next regular meeting for discussion.

### **ANIMAL SHELTER**

County Building Official Frank Ritter reported that the most desirable site for the proposed animal shelter would be on two acres of land which the County owns. It is located adjacent to the National Guard Armory and the county jail. He asked for authority to hire an engineer to do a site plan and proceed with permitting with the City of Quincy and Florida Department of Environmental Protection (DEP). In addition, he requested permission to use county staff for its construction including assistance from the Public Works Department for the site work and culvert installation.

Commissioner McGill questioned Mr. Ritter about the land use designation of the property in question.

Mr. Ritter responded that the property is designated "government." The proposed project meets the city's zoning criteria. He stated that there is one business located across the street from this parcel. He added, however, that the proposed site will abut the City of Quincy's industrial park once it is developed.

**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 3 - 0, BY VOICE VOTE, TO APPROVE THE PROPOSAL FOR THE ANIMAL SHELTER AS PRESENTED BY MR. RITTER. (ATTACHED)**

### **PLANNING AND ZONING ISSUE - Request from Cathy Mackey**

Growth Management Director Mike Sherman told the Board that his office has received a request from Mrs. Cathy Mackey regarding a business she would like to open. She has recently leased the building in Havana previously occupied by "The Pizza Place" and "A.J. Meats." The property is zoned rural residential. That category is approved on a case by case basis by the Board. The code requires that if the designated business is out of use for more than one year, it resorts back to the rural residential category.

The Pizza Place, a take-out restaurant, has been out of business for a couple of years. A.J. Meats was the most recent tenant. They, too, went out of business very recently.

Mr. Sherman explained that Mrs. Mackey has rented the building with expectation of putting in a sit-down restaurant. She has requested that the Board expedite her project by granting a waiver of the normal notice requirements and allow her project to be heard by the planning commission at the meeting on February 3, 1999. (The land development code requires that the Board advertise

and send notices to all property owners within 1,000 ft. of the new development 18 days prior to the meeting.)

Mr. Sherman told the Board that the staff does not have the authority to grant Mrs. Mackey's request, but it could be done if the Board would direct the staff to do it. He cautioned that he would not want the Board to do anything that would compromise the County's position in any way in the event problems should arise from the expedited approval.

Commissioner Watson stated that he did not believe that County should grant a waiver of the notice requirements. He said that the Board should adhere to the rule.

Mr. Richmond clarified the following:

- 1) The Pizza Place has been out of business for a couple of years.
- 2) The Board recently approved a special exemption to A.J. Meats and they were subsequently approved to sell beer and wine for off-site consumption.
- 3) Mrs. Mackey's permit request is for a different use of the property than it was previously used - she expects to use the property as a sit-down restaurant.
- 4) It will create a financial hardship if Mrs. Mackey is required to wait another month to get on the Planning Commission meeting agenda.

Mr. Ritter reported that he had placed a "stop-work-order" on Mrs. Mackey's site. He explained that the landlord is adding square footage to the site without obtaining proper permits or getting the zoning clearance. He added that the new addition will also require storm water retention on site. He recommended that no special privilege be granted.

Mrs. Catherine Mackey addressed the Board. She explained that she rented the building with the intention of adding a deck and a screened-in area to the property. She stated that the property owner is doing the work but is currently out of town. She then stated that she had been unaware of the county's requirements. She asked the Board to waive the notice requirement and have her project placed on the Planning Commission agenda on February 3, 1999.

Further discussion ensued.

**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 3 - 0, BY VOICE VOTE, TO DENY MRS. MACKEY'S REQUEST FOR A WAIVER OF THE**

**NOTICE REQUIREMENTS AND HER REQUEST TO HAVE HER PROJECT  
PLACED ON THE PLANNING COMMISSION MEETING AGENDA ON  
FEBRUARY 3, 1999.**

**COUNTY MANAGER'S AGENDA**

**Waste Collection Services**

Mr. McKinnon told the Board that the county's contract with Waste Management will expire on September 1, 1999. He recommended that the Board continue contracting with an outside business for garbage pick-up in the county. He also asked if the Board would like to advertise an RFP immediately or try to negotiate with Waste Management for a new contract. He added that Waste Management is willing to extend the current contract month to month if the Board would like to explore negotiations.

Commissioner McGill asked if the Board could negotiate for large item pick-up as well as fees.

Mr. McKinnon replied that anything and everything could be re-negotiated.

Commissioner McGill asked if there are any other vendors in the vicinity.

Mr. McKinnon answered by saying that Waste Management is the primary collector of solid waste in the area. He added that they recently merged with a competitor.

Mr. McKinnon confirmed that Waste Management has not yet been informed in writing that the County will not automatically renew the old contract but a letter will be sent soon.

Commissioner Watson asked if the Board could advertise an RFP and try to negotiate a new contract at the same time.

Mr. Richmond answered that there is an option in the current contract for continuing with Waste Management. Negotiations could begin based on that option while at the same time it can issue a new RFP to which Waste Management will also have the ability to present a plan. He was quick to point out, however, that the County must first inform Waste Management of its intention not to automatically renew the old contract. After that is done, negotiations can continue with Waste Management while at the same time issue and RFP.

**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY  
COMMISSIONER MCGILL, THE BOARD VOTED 3 - 0, BY VOICE**

VOTE, TO AUTHORIZE THE COUNTY MANAGER TO NEGOTIATE WITH WASTE MANAGEMENT FOR SOLID WASTE COLLECTION IN GADSDEN COUNTY, THEN, IF THE NEGOTIATIONS DO NOT PROGRESS SATISFACTORILY, HE WAS AUTHORIZED TO ISSUE AN RFP FOR WASTE COLLECTION SERVICES.

#### Article V Funding

Mr. McKinnon requested that the Board give the Chair the authority to sign the proposed spending plan for the Article V Grant funds and the request for payment of those funds. The County plans to spend the \$100,000 grant-in-aid for court appointed attorneys and expert witness costs.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 3 - 0, BY VOICE VOTE, TO AUTHORIZE THE CHAIRMAN TO SIGN THE ARTICLE V SPENDING PLAN/BUDGET AND THE LETTER REQUESTING THE GRANT-IN-AID FUNDS AS DESCRIBED ABOVE.

#### CONSENT AGENDA

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

- 1) Approval of letter supporting a naval training center and use of Apalachicola River Basin
- 2) EMS Request for sole source purchase approval for cots from SMP Corporation in Pompano Beach, FL
- 3) Agreement with North Fla. Junior College - Performance of EMT clinical experience at Gadsden EMS
- 4) Settlement Agreement with Lynn W. Lutz re: Littman Borrow Pit - for the record (to purchase 26.5 acres of land at \$2300 per acre, install 1047 Red Top fencing along the west, south and east side of the property, correct erosion problems, pay the cost of surveying (\$1500), \$5,000 plaintiff attorney costs plus all of the cost of the mediation conference held on October 7, 1998
- 5) Final close-out for FEMA - 1195-DR-FL - for the record
- 6) E-911 Road name approval - Johnson Farm Road (North off Greensboro Hwy, W off I-10 Exit 25)



- 7) Co-operative Agreement - USDA, Natural Resources Conservation Service Emergency Watershed Protection to partially fund cost of repair for damages to 3 bridges by Hurricane Georges: G98-5 English BR. - Extend culverts and armor road shoulder with rip rap - \$67,5000; G98-4 - Richlander Cr./WY 65B - Remove restricting sediment; install rip rap to stabilize inlet and outlet - \$35,000; 98-8 Hurricane Br. - Fill outlet channel; loose rock rip rap - \$25,000. County In-kind contribution of \$31,875.00 Total costs - \$159,375.00
- 8) SHIP Sub-ordination Agreement for James A. and Patricia G. Andrews
- 9) Municipal Lease and Option Agreement - Financing of 3 vans for Public Works - for approval of annual payments of \$17,183.87 per year beginning December 17, 1999 and continuing until December 17, 2002

#### CLERK'S AGENDA

#### Budget Amendments 99-02-02-01 through 99-02-02-07

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 3 - 0, BY VOICE VOTE, TO APPROVE THE ABOVE STATED AMENDMENTS.

#### Ratification of the Approval to Pay County Bills

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

#### DISTRICT 1 REPORT

Commissioner McGill had no report.

#### DISTRICT 2 REPORT

Commissioner Watson had no report.

#### DISTRICT 3 REPORT

Chair Roberson reported that the State has started resurfacing of US 90 through Chattahoochee. They have also constructed a bypass through the hospital grounds.

#### DISTRICT 4 REPORT

Commissioner Fletcher was absent.

**DISTRICT 5 REPORT**

Commissioner Dixon was absent.

**ADJOURNMENT**

**THERE BEING NO OTHER BUSINESS BEFORE THE BOARD, THE CHAIR  
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  
FEBRUARY 16, 1999, THE FOLLOWING  
PROCEEDINGS WERE HAD, VIZ.

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

CALL TO ORDER

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

ADOPTION OF THE AGENDA

\_\_\_\_Commissioner Watson requested that the proposed inter-local agreement with Chattahoochee for road maintenance be removed from the consent agenda and be placed for discussion under the County Manager's Agenda.

Commissioner McGill requested that discussion of the animal shelter be moved up on the agenda to No. 5 (prior to Planning and Zoning Agenda.)

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

APPROVAL OF MINUTES

February 2, 1999 Regular Meeting

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

COUNTY ATTORNEY'S AGENDA

Ordinance 99-001 - Public Hearing

County Attorney Hal Richmond announced a public hearing for the purpose of adopting Ordinance 99-001. He stated that the

notice of intent was duly noticed. He read the following into the record:

"An ordinance of the Board of County Commissioners of Gadsden County, Florida authorizing the expenditure of general revenue funds for the Florida Association of Counties activities, providing for an effective date, and providing for severability."

Mr. Richmond called for public comments. There was no response. He then called for discussion from the Board. There was no response.

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

**Assignment of Lease from Med Tech of North Florida to Ashford Healthcare Systems, Inc.**

Mr. Richmond told the Board that Centennial (the company which is operating the Gadsden Community Hospital) had formed a new not-for-profit corporation called Ashford Healthcare Systems, Inc. They have asked that the County approve the assignment of the lease on the hospital from Med Tech of North Florida to Ashford Healthcare Systems, Inc.

**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE ASSIGNMENT OF LEASE AS DESCRIBED IN THE ATTACHED AGREEMENT.**

**Florida Rural Utility Financing Commission Memorandum**

**Resolution 99-002**

**Inter-local Agreement 99-001**

Mr. Richmond called attention to a memorandum in the agenda packet regarding the proposed Florida Rural Utility Financing Commission. The memo was written by Mr. Robert Olive in response to the Board's request for more information. He explained that is in regard to an interim financing agreement which allows rural utilities to borrow money for short periods of time until permanent financing can be put in place through Rural Development or Farmer's Home Administration. He then introduced the resolution which calls for Gadsden County's support.

Commissioner McGill questioned Mr. Richmond as to the definition of "short period of time." Mr. Richmond responded that

it is intended to be used for interim purposes until such time as the utility company can secure permanent financing.

Commissioner Dixon asked if the "public-purpose non-profit corporations" would come before this Board for approval of the financing arrangement or would they be directly financed without this Board's approval.

Mr. Richmond explained that there will be a Board comprising of representative from each of the three counties involved. They will sit as a "loan committee-type Board." They will ultimately make the decisions as to approve versus not to approve a loan request.

**UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE RESOLUTION 99-002 AND INTER-LOCAL AGREEMENT 99-001 SUPPORTING THE CREATION OF THE FLORIDA RURAL UTILITY FINANCING COMMISSION AND ACKNOWLEDGED THE STATUS OF BEING AN INITIAL PARTY TO THE AGREEMENT.**

#### **Lawsuits - Cooksey v. Gadsden County**

Mr. Richmond reported on the status of the Cooksey lawsuit. He stated that a meeting was held on July 21, 1998 with Dr. John Cooksey's attorney. A settlement agreement was reached for a proposed total amount of \$60,000. Subsequent to that agreement, the judge issued a court order for the County to immediately pay a certain amount to Dr. Cooksey's attorney. That amount was paid on July 22, 1998. With that payment, the balance remaining amounted to \$37,000.

Mr. Richmond continued by saying that there does not appear to be a misunderstanding between the attorneys. However, Dr. Cooksey is now having difficulty with the amount of the settlement. Dr. Cooksey has taken the position that because of the delay in paying the agreed upon settlement balance, he is entitled to more money.

Mr. Richmond asked for another week to try to work it out with Dr. Cooksey and his lawyer.

Commissioner Dixon stated that he had enough difficulty agreeing to the initial settlement. He was not certain that he would agree to any more.

Discussion followed. No motion was made.

#### **ANIMAL SHELTER**

Commissioner McGill requested that the Board reconsider the decision reached at the last meeting regarding the animal shelter. He stated that Commissioner Dixon had not had input into the decision even though it is proposed for placement in his district. (Commissioner Dixon was absent from the February 2, 1999 meeting when the location was approved.) In response to Commissioner Dixon's concerns, he asked that the Board revisit the matter.

Commissioner McGill reasoned that, as a matter of courtesy in the future, the Board should delay actions on controversial projects if the commissioner for an affected district is not present.

**UPON MOTION BY COMMISSIONER MCGILL AND SECONDED BY COMMISSIONER FLETCHER, THE BOARD VOTED 4 - 1, BY VOICE VOTE, TO RECONSIDER THE DECISION MADE AT THE FEBRUARY 2, 1999 MEETING REGARDING THE ANIMAL SHELTER. CHAIR ROBERSON OPPOSED THE MOTION.**

Commissioner Dixon asked Growth Management Director to demonstrate on a map where the National Guard Armory is located as well as Joe Adams Road and the proposed animal shelter.

Commissioner Dixon clarified that he is not opposed to having an animal shelter nor does he have a problem with it being located in his district. However, he did object to it being placed at the proposed location for the reasons he stated at a previous meeting. He explained that the City of Quincy recently annexed property in that same area for an industrial development.

Commissioner Dixon continued by saying that since the property is already set aside for industrial use, development will surely come in a short while primarily because of its close proximity to I-10. He then stated that in terms of future growth, the proposed site is not a good location for the animal shelter. He urged the Board to consider placing the animal shelter near another type of activity to which it will lend itself. He stated that using the proposed parcel for an animal shelter is not making good use of the land.

Chair Roberson put forward that the Leon County Shelter is located next to Tom Brown Park; in Wakulla County, it is located adjacent to the county jail; and in Blakely, Georgia, one is located only one block from their courthouse.

Commissioner Dixon contended that well-planned animal shelters are placed near airports, sports complexes, waste water treatment plants - places where no one lives.

Commissioner McGill asked that the Board bring the matter to conclusion.

Commissioner Watson pointed out that the proposed site is not in the middle of an industrial park and he felt that the proposed site is appropriate.

Commissioner Dixon closed his presentation by saying that the proposed site could be better utilized and he again urged the Board to consider another site.

Commissioner Fletcher asked Sheriff Woodham if it would make it more difficult to use inmate labor if the shelter is placed somewhere else.

Sheriff Woodham answered that it would only involve the cost of supervision and transportation to and from the jail/prison.

**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 3 - 2, BY VOICE VOTE, TO APPROVE THE PLACEMENT OF THE ANIMAL SHELTER AS PREVIOUSLY APPROVED - NEAR THE JAIL AND NATIONAL GUARD ARMORY. COMMISSIONER DIXON AND MCGILL CAST THE DISSENTING VOTES.**

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

##### **Request for 2SPS License (sale of beer and wine for off-site consumption)**

Mr. Saad Am petitioned the County for approval of a 2SPS license at his convenience store at the intersection of SR 267 and Shiloh Road. (Formerly Joe Butler's Store)

The Planning Commission recommended denial by a vote of 5 - 4. The staff had no recommendation.

The following people were sworn and gave testimony:

Mr. Saad Am - in support - filed petition of support with the clerk  
David L. Washington - in support  
Pastor Jessie Matthews - in support  
Annie Matthews - in support (employee of Mr. Saad Am)  
Harry K. Holt - opposed  
Mark (inaudible last name) - in support  
Saad Am (second testimony) - in support  
Terrence Ruffin - opposed  
Willie Hicks - in support  
Charleston Holt - opposed

Ron Baggett - in support  
Willie Green - in support  
Harry K. Holt - (second testimony) opposed

Chair Roberson closed the public comments and opened the floor for discussion by the Board.

Commissioner Dixon stated that he did not think this approval would be in the best interest of the neighborhood. He cited the close proximity of the homes to the store and the large number of children who frequent the store. He also cited the traditional lack of response from the law enforcement officials to problems arising from the sale of alcoholic beverages at such establishments. The lack of police protection alone demands preventive measures for the community. Denial of this license would be a preventive measure.

**A MOTION WAS MADE BY COMMISSIONER DIXON TO DENY THE APPLICATION FOR THE BEER AND WINE LICENSE.**

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

Commissioner Watson confronted Commissioner Dixon with two other occasions when he voted to approve a license without regard for the community's plea to deny. He referenced the V-Twelve establishment in the Scottstown area and the Old School Lounge in St. Hebron. While he supported the motion to deny, he called for Commissioner Dixon to be consistent in his votes on such matters.

Commissioner Dixon retorted that the scenarios were entirely different and could not be compared.

Chair Roberson called for order.

Commissioner McGill called for equality and consistency in all neighborhoods. He asked if buffering of the property would improve the safety of the business. He pointed out that Mr. Saad Am's request is permitted by the comp plan if buffering is put into place.

Mr. Sherman confirmed that buffer type "C" is used for separating commercial uses from residential uses. It calls for 25 feet in width (used for open space) and trees along the border and a 6 ft. fence. It would thus be opaque. This is the same buffer criteria imposed on Mr. Butler when he requested another permit.

**A MOTION WAS MADE BY COMMISSIONER MCGILL TO APPROVE THE LICENSE WITH THE SPECIAL CONDITION THAT MR. SAAD INSTALL A BUFFER AS DESCRIBED.**



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

**UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 4 - 1, BY VOICE VOTE, TO DENY THE APPLICANT'S REQUEST FOR A 2SPS LICENSE. COMMISSIONER MCGILL CAST THE LONE DISSENTING VOTE.**

**HEARING DATE FOR ADOPTION OF EVALUATION AND APPRAISAL REPORT (EAR) OF THE COMPREHENSIVE PLAN**

**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO SET A HEARING FOR THE ADOPTION OF THE EAR FOR MARCH 17, 1999 AT 5:30 P.M.**

**COUNTY MANAGER'S AGENDA**

**Cellular Phone Use**

County Manager Howard McKinnon presented a proposed Cellular Phone Use Policy for the Board's review. He stated that it is based upon the informal policy that is already being practiced by county employees. The proposed policy also provides for use by elected officials. He asked for comments.

**A MOTION WAS MADE BY COMMISSIONER FLETCHER AND SECONDED BY COMMISSIONER DIXON TO APPROVE THE POLICY AS WRITTEN.**

Discussion followed.

Commissioner Watson stated that he felt that the policy should ban any and all personal calls. In the absence of that provision, a phone log must be kept and audited by someone. He cited one phone bill which contained 320 calls in one month. He stated that he could see no reason for an employee to make personal calls on the county's cell phone. In addition he asked that any and all personal long distance calls on land lines be banned as well. He also asked that disciplinary measures be added to the policy for those who violate the policy. He suggested that appropriate sanctions should be administered for violators. He cited the wide spread abuse by public works department employees in the past.

Commissioner Watson then clarified that the rules would not effect elected officials since they personally pay their entire phone bill.

Management Services Director Arthur Lawson was instructed to add sanctions to the personnel policy for dealing with telephone

abuses. (First time offense, second time offense, third time offense, etc.)

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

**UPON MOTION BY COMMISSIONER DIXON AND SECOND BY  
COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE  
VOTE TO TABLE DISCUSSION OF THE TELEPHONE POLICY UNTIL IT  
CAN BE AMENDED AND SANCTIONS ADDED FOR VIOLATION.**

**Inter-local Agreement with City of Chattahoochee - Road Maintenance**

Mr. McKinnon referenced the proposed inter-local agreement with the City of Chattahoochee which is a replica of the agreements already in place with Gretna and Midway. He pointed out that the agreement is for 18 months.

Commissioner Watson stated that he felt that the County should charge a rate sufficient to cover the actual costs of the maintenance. Private land owners pay \$90 per hour and the municipalities pay only \$50 per hour. He then stated that the City of Chattahoochee collects \$141,000 in gas tax revenue per year and has the ability to pay the actual cost.

Chair Roberson insisted that Chattahoochee should have the same rate as the other municipalities.

Commissioner Fletcher stated that he was opposed to charging the private sector more than the \$50.00 per hour.

Commissioner Watson argued that the County is losing money at \$50.00. He stated that the citizens who live on public roads should not be subsidizing the cities. He also pointed out that for every hour that is spent on the cities' roads is a production hour that is lost on the counties roads.

Commissioner McGill reasoned that the people who pay city taxes also pay county taxes and they are entitled to some county services as well.

Commissioner Watson reminded them that no ad valorem taxes are put into the public works budget. Each municipality gets a portion of the gas taxes.

Further discussion followed.

**A MOTION WAS MADE BY COMMISSIONER DIXON TO APPROVE THE  
CONTRACT AMOUNT OF \$50.00 PER HOUR FOR THE PURPOSES OF**

THIS AGREEMENT, BUT CHANGE THE RENEWAL DATE TO DECEMBER 31, 1999. AT THAT TIME THE BOARD WILL ESTABLISH A NEW HOURLY RATE. IT WAS FURTHER MOTIONED THAT AS THE AGREEMENTS WITH THE OTHER MUNICIPALITIES EXPIRE, THE NEW RATE WILL BE IMPOSED ON THEM AS WELL. ALL SUBSEQUENT AGREEMENTS WITH ALL MUNICIPALITIES SHOULD THEN EXPIRE ON THE SAME DATE. COMMISSIONER FLETCHER SECONDED THE MOTION. THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE MOTION.

#### CONSENT AGENDA

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

1. Memorandum of Understanding Between FAMU and Gadsden County and Cooperative Extension Office
2. Proposal from Barber Equipment to upgrade 2 above ground fuel tanks at the Public Works Department. This includes installing sumps and running double wall product lines. This proposal will also be for installation of clock gauge and alarm on each tank - Cost will be \$10,416.56.
3. Request for approval to Rent Office Space - Barnett Bank Building - William Porter for \$142.10 (\$132.80 plus \$9.30 tax) per month. Month to month basis. 30 Days notice must be given to Mr. Porter if the County deems it necessary for him to vacate the space.
4. E-911 Equipment Approval - Caller ID equipment - \$6,902.00 to be paid from E-911 Funds Special Service Agreement No. WF98-4252-00
5. January 12, 1999 Jail Report - Notable violations and corrective actions included.
6. U.S. Department of Justice Local Law Enforcement Block Grant Program Acceptance (The grant is for purchase of equipment and is to be administered by the Sheriff. Amount - \$41,055; Time period - October 1, 1998 to September 30, 2000)
7. 98-CJ-8C-02-30-01-126 - Grant Adjustment # 2 Notice Grant reduced by \$770.46 and local match by \$171.79
8. Request for Approval of Bid Recommendation - Hooklift Truck - Bid # 99-002; Bid was for 1999 International 4700 Truck chassis with Galbreath model U13-HK Hooklift Hoist - awarded to Tallahassee Mack for \$45,991.45
9. FDEP Cooperative Agreement with Wakulla County for Hazardous Waste

10. Gretna Inter-local Agreement/Local Mitigation Strategy
11. SHIP Subordination Agreement - Alberta Wilder

**CLERK'S AGENDA**

**Budget Amendments 99-02-16-01 through 99-02-16-05**

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

**Ratification of the 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 reported that the County has received many letters regarding trash along the roadways in Gadsden County. He stated that he would like for the Board to implement and maintain a consistent method of dealing with the roadway litter.

Chair Roberson stated that the Public Works Director Robert Presnell has already looked into the matter and is currently working on a resolution to the problem.

**DISTRICT 2 REPORT**

Commissioner Watson had no report.

**DISTRICT 4 REPORT**

Commissioner Fletcher had no report.

**DISTRICT 5 REPORT**

Commissioner Dixon reported that things are moving forward in the Florida Association of Counties. He stated that there are many opportunities ahead in the Legislature to do some things for Gadsden County. He said that he would be bringing those matters to the Board's attention in the near future.

In closing, Commissioner Dixon stated that he had always thought that he was only the third African-American to hold the office of County Commissioner. He learned only recently that there have been many to serve. He named them as follows: William Heckles, Frederick Hill, Allen Jones, Alexander Lightburn, George Nixon and William Stewart. They date back as far as 1865 - 1890.

Commissioner McGill Roberson reminded the commissioners of the public hearing to be held with the Gadsden County Legislative Delegation on Thursday, February 18 in the board chambers.

**ADJOURNMENT**

**THERE BEING NO OTHER BUSINESS BEFORE THE BOARD, THE CHAIR  
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 MARCH 2,  
1999, THE FOLLOWING PROCEEDINGS WERE  
HAD, VIZ.

PRESENT: CAROLYN ROBERSON, CHAIR  
BILL MCGILL  
STERLING WATSON  
E. H. (HENTZ) FLETCHER  
NICHOLAS THOMAS, CLERK  
HAL RICHMOND, COUNTY ATTORNEY  
HOWARD MCKINNON, COUNTY MANAGER

ABSENT: EDWARD J. DIXON

CALL TO ORDER

\_\_\_\_\_The meeting was called to order by Chair Roberson. County Manager McKinnon led in pledging allegiance to the U.S. Flag and Commissioner McGill led in a prayer.

APPROVAL OF THE AGENDA

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

APPROVAL OF MINUTES

February 16, 1999

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 MEETING.

\_\_\_\_\_It was stated for the record that Commissioner Dixon was absent from the meeting. It was not stated that he was in attendance of the National Association of Counties Conference in Washington, D.C. but has been included here by the recording secretary as an explanation for his absence.

COUNTY ATTORNEY'S AGENDA

Mr. Richmond had no report however, when asked about the Cooksey lawsuit, he replied that he had heard nothing more from Mr. Cooksey's attorney. He also stated that the Rich Bay Road law suit is proceeding through the legal process.

### **ECONOMIC DEVELOPMENT**

Mrs. Sherry VanLandingham, executive director of the Chamber of Commerce, addressed the Board. She informed them of the latest economic developments going on in Gadsden County. She noted in particular a pipe company who is considering relocating to the Gretna Industrial Park.

Mrs. VanLandingham then called attention to the trash and debris that is strewn along the county's rights-of-way. She stated that she had suffered a great deal of embarrassment recently when she took out-of-state visitors on a tour of the County. She pledged the Chamber's efforts to begin an "adopt-a-highway" program. She then asked the Board to seriously address the problem.

Commissioner McGill agreed with the concerns stated by Mrs. VanLandingham.

Chair Roberson stated the County Manager and the Public Works Director were already looking into the problem and would be making some recommendations to the Board soon.

Commissioner Fletcher stated that he was quite impressed with the progress of the 10/90 Commerce Park. He encouraged the other board members to tour it.

Mrs. VanLandingham stated that the developers of the park have commented to her that not many of the local officials have visited. She also encouraged them to take the tour.

### **RONALD CRUM - FLORIDA CONSTITUTIONAL AMENDMENT ARTICLE X, SECTION 16, ENTITLED "LIMITED MARINE NET FISHING"**

Mr. Ronald Crum and Mr. Ray Pringle addressed the Board. They said they are attempting to bring justice to some people who really need it regarding fisheries issues. He offered each commissioner a packet of information.

Mr. Ray Pringle, president of the Florida Fisherman's Federation, appealed to the Board for help in their efforts to get a meeting with the governor regarding issues which affect the fishing industry. (Wakulla, Dixie, Gulf and Taylor Counties have passed resolutions to support the effort.)

Mr. Crum stated that they are trying to represent the consumer as well as the small fisherman. An amendment known as "Limiting Marine Net Fishing" (Article 10, Section 16) was passed by Florida voters in a recent election. The amendment reads that the "the marine resources belong to all the people of the State and should be conserved and managed for the benefit of the state, its people

and future generations. To this end, the people hereby enact limitations on marine net fishing to protect salt water finfish, shell fish and other marine animals from unnecessary killing, overfishing and waste."

Mr. Crum clarified that the fishermen are not opposing the "limited net fishing." He explained that the issue was voted on by the people and the fishermen can now support it. They (fishermen) have learned how to continue feeding the people and still make a living.

Mr. Crum reported that fishermen are being constantly arrested even though they are legally fishing under the provision of 370.093. He said that they (fishermen) have prevailed in every case that has been tried thus far, but there are still approximately 60 cases on the court dockets. He concluded that because they have been successful in court so often, it appears that someone should be looking at the "big picture." He continued by saying that the fishermen in Florida do not want another group of people to be subjected to the type of trials that are going on now in the legal system in Florida.

Mr. Crum then called attention to the Supreme Court Case No. 85,880. He explained that the fishermen initiated the case in Leon County with Circuit Judge Kevin Davey in November, 1994 based on a theory that the amendment sought to limit net fishing - not prohibit it. Judge Davey issued a declaratory judgement that ultimately was appealed to the Florida Supreme Court. There was a unanimous decision from the Supreme Court affirming the theory posed by the fishermen (that the amendment sought to limit rather than prohibit.)

Mr. Crum stated that the fisherman may still legally supply food to the consumer markets. It is a smaller market than before but the fishermen can make a living based on the limitation. He added that the Supreme Court upheld that commercial viability was an integral part of their decision.

Mr. Crum then called attention to an administrative hearing final order in which the judge said "The unrefuted evidence is that the proposed amendment will reduce the "catchability rate" of a single such seine net for many types of fish and not be commercially feasible for mullet, except possibly in "roe season," and that a seine net as currently permitted with larger mesh in the wings only is commercially feasible for mullet as well as other fish."

He explained that in 1993, the State would not let fisherman use the 2" mesh net and took them away. That decision was later



reversed. In response, Judge Charles McClure issued a declaratory judgment that stated that "Requiring a 2" mesh size throughout the entire seine net would cause commercial fisherman to gill or entangle small or juvenile fish before they have had an opportunity to spawn, and would result in increased harvesting of non-targeted bycatch, in violation of the Amendment's stated purpose to prevent the unnecessary killing, overfishing and waste of Florida's marine resources."

Mr. Crum stated that Supreme Court Justice Ben Overton concluded that when there are two constructions (of nets), one must choose the one less restrictive on the people. He then stated that there are two constructions involved in this issue. The fishermen asked for a 500 sq. ft. net of larger mesh that would protect the juvenile fish and still allow them to make a living at fishing. FL Legislature passed 370.093 in 1997 which would allow for the use of a nylon net less than 500 square feet. (It would be considered the same as a cast net.)

Mr. Crum concluded by asking the Board to pass a resolution that will support fishermen in their efforts to convene a grand jury to hear evidence of discriminations and prejudices that are practiced by state departments toward fishermen. He emphasized that he was not asking the Board for anything other than support in calling for grand jury whereby the fishermen can state their cause.

Mr. Pringle added that these issues affect the inland counties in that it impacts on the cost of the fish at the consumer market. He stated that it is only right to call for the protection of a sustainable harvest that ultimately supplies the fish markets and restaurants.

Commissioner McGill teasingly told Mr. Crum and Mr. Pringle that he was trying to justify supporting a resolution even though he does not eat fish, grits or hushpuppies. He then asked "Why would DEP tell fishermen that they don't care what the government tells them (the fishermen)?"

Mr. Crum answered by saying "I can get you an answer with a grand jury, I think. We may be a bunch of nuts, but we may not be." He then added that the Supreme Court said to the State "Your position is absurd and brings about an illogical result."

Mr. Crum then cited an incident which occurred the first time he took the net to the Marine Fisheries Commission. He said they told him "Do not bring that net to Tallahassee again." Mr. Crum then stated that it was that same net that went to the Supreme Court. The fishermen prevailed with a unanimous decision by the Supreme Court.

Mr. Pringle added that "All we are asking for is that the truth to be found out by a grand jury."

**A MOTION WAS MADE BY COMMISSIONER MCGILL AND SECONDED BY COMMISSIONER WATSON TO HAVE THE ATTORNEY PREPARE A RESOLUTION IN SUPPORT OF THE FISHERMEN'S EFFORTS IN CALLING FOR A GRAND JURY INVESTIGATION INTO THE STATE DEPARTMENTS PRACTICES OF ARRESTING FISHERMEN IN SPITE OF THE FACT THAT THE CASES CONTINUE TO BE DECIDED IN FAVOR OF THE FISHERMEN.**

Chair Roberson called for public input.

Mike Dorian questioned the Board as to the content of the resolution. He was told that the motion was to authorize the preparation of a resolution to be brought back to the Board for consideration. He stated that he would like to examine the resolution prior to its adoption.

**THE BOARD VOTED 4 - 0, BY VOICE VOTE, IN FAVOR OF THE MOTION.**

Mr. Dorian argued that he has been told that DEP is saying that they are having more and more restrictions placed on them by the governor and the Legislature and that their hands are tied.

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

##### **Road Name Change Requests**

Mr. McKinnon told the Board that he had received several petitions from residents to have their road names changed. They were as follows: Locket Lane changed to Andrews Family Lane; Shellie Drive to Moody Lane; Jim's Boulevard to Paradise Road; Ivey Davis Road to David Clemons Road.

Chair Roberson called for public input. 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 STATED ROAD NAME CHANGES.**

Mr. McKinnon told the Board that a Road Name Change Policy has been developed and will be forth-coming very soon.

#### **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) Resolution 99-003 - Re: financing of 3 vans with Municipal Services Group Inc.
- 2) Bid #99-001 for Horizontal Baler System to Marathon Equipment for \$98,322.00 (Recycling Budget)
- 3) Inter-local Agreements between Gadsden County and Jefferson, Madison, Taylor and Wakulla County for the purpose of and use of Innovative Grant Funds to expand and regionalize recycling programs. Interlocal agreements Nos. IN 99-002 through IN 99-005
- 4) E-911 Road Names (new) Reeves Drive (S. off MLK Blvd. E. of Peters Rd. in Midway; Bugger Hill Road 9 E. off Cane Creek Road - CR 274 S. of Ben Bostick Road; Wilson Lane - N. off Wilson St. in Robertsville
- 5) Acceptance of allocation of unspent 1997-98 EMPA Grant Fund
- 6) 98CJ-8C-02-30-01-126 Grant Close Out (Sheriff's Narcotic Grant-Drug Abuse)
- 7) Modification # 3 to Local Mitigation Strategy Agreement # 98-LM-4H-0230-01-020
- 8) Contracts with Wood Construction Company and Jerry Brunner Drywall for building renovation project

**CLERK'S AGENDA**

**Request from Dorothy McCray to Purchase County Property**

Clerk Thomas stated that the Board acquired .06 acre of land from Louise McCray for failure to pay taxes during the 1980's. He then said that the small portion of land in Midway was once part of a two-acre tract still owned by the McCray family. Dorothy McCray, daughter of the previous owner, has requested to purchase the property from the County. This request meets the provisions of a direct sale as provided by Florida Statute 125.35(2). The Property Appraiser has the land valued at \$100.

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO AUTHORIZE THE CLERK TO PROCEED WITH MAKING A DIRECT SALE TO MS. DOROTHY MCCRAY.

**Budget Amendments 99-03-02-01 through 99-03-02-06**

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER MCGILL, 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 reported that he attended a meeting of the Apalachee Regional Planning Council. He stated that the Council is working closely with Dr. Henry Grant to have Gadsden County designated as a "Champion Community." With that designation, the County could be eligible to bring in additional revenue.

Commissioner McGill then reported that several key issues on the legislative agenda were also discussed at the council meeting. He stated that he would prepare a written analysis of those issues which could benefit Gadsden County.

Commissioner McGill stated again that he would like for the Board to consider some way of encouraging all communities to get involved in a clean-up campaign.

**DISTRICT 2 REPORT**

Commissioner Watson had no report.

**DISTRICT 4 REPORT**

Commissioner Fletcher had no report.

**DISTRICT 3 REPORT**

Chair Roberson had no report.

**ADJOURNMENT**

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

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Carolyn Roberson, Chair

ATTEST:

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Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE BOARD OF  
COUNTY COMMISSIONERS IN AND FOR  
GADSDEN COUNTY, FLORIDA ON MARCH 16,  
1999, THE FOLLOWING PROCEEDINGS WERE  
HAD, VIZ.

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

#### CALL TO ORDER

Chair Roberson called the meeting to order. Hal Richmond led in pledging the allegiance to the U.S. Flag and Howard McKinnon led in a prayer.

#### ADOPTION OF THE AGENDA

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

#### APPROVAL OF MINUTES

##### March 2, 1999 - Regular Meeting

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

#### PUBLIC HEARING

Mr. Richmond told the Board that Gadsden County is considering applying to the State of Florida, Department of Community Affairs (DCA) for a Small Cities Community Development Block Grant (CDBG) for up to \$750,000. He stated that a public hearing was advertised via the local newspapers and otherwise duly noticed for this meeting. He then opened the public hearing and turned the meeting over to Mr. Ed Butler, interim community development director.

Mr. Butler addressed the Board. He introduced his secretary/bookkeeper Laurie Johnson who was taking the minutes of the public hearing.

Mr. Butler turned to the audience and asked if anyone was present to speak to the issue of the CDBG funds. There was no

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response. He then went on to say that the County is considering applying for the CDBG funds up to the maximum of \$750,000.

Mr. Butler stated the following:

"The funds must be used for low to moderate income persons to aid in the prevention of and the elimination of slums or blight or to meet other community development needs of origins having a particular urgency because of existing conditions that pose a serious and immediate threat to the health and welfare of the community and where other financial resources are not available to meet such needs. The categories for which we may apply are housing, neighborhood revitalization and economic development. We just had one case of economic development.

To give you some ideas on the areas there, the housing, for instance, is for the rehabilitation of houses which are publicly owned or acquired properties. It can be for the demolition of dilapidated houses in your area, weatherization, energy efficiency improvements, code enforcement for housing and installation of wells and septic tanks where water or sewer service is not available.

The other thing is like neighborhood revitalization and that is for the improvement of deteriorating infrastructure. Provisions or basic services such as water and sewer facilities where an applicant can demonstrate sufficient plant capacity and operation to serve such facilities. It can be used for the construction of or rehabilitation of neighborhood facilities that provide community services etc.

This is a competitive grant. We are competing. The total number of cities and counties is 330. On this round, uh, I am not sure how many we are competing with. Probably one hundred or so. But it is a competitive grant and you try basically to achieve the most points feasible in your grant in order to get funded. So, I need to let you know that.

As I said before, the categories are housing, commercial revitalization, economic development. Now commercial revitalization - to give you an idea on that one because some of you may not be familiar with this - Commercial revitalization is to deal with your local downtown businesses. That money must be used to hire low to moderate income people to work during the time of the grant as well as to improve the business structure. A lot of times, it is a loan.

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Economic development is primarily a loan to businesses. It can be new businesses or existing businesses. That is a loan. It can be used to purchase machinery or anything except labor.

With those two categories I just named, usually the employer or the person who receives the loan, must hire so many people based on the amount of money you get. It used to be that for each 12,000 received, one low to moderate income person has to be hired.

We will (or someone will) be developing this application after the meeting in May for submission to DCA. At the same time we must minimize the displacement of persons whether it is in economic development, commercial revitalization or the neighborhood revitalization area or the housing area. The County currently has a displacement policy. We will look at it again to see if it needs updating but it is already on record.

No one called me to ask for any information concerning this grant and it was duly advertised. No one called me about accessibility if they needed hearing devices etc. I am assuming that everybody here is of the hearing and seeing kind and can determine that the place is accessible.

Madam Chairman, that is the nuts and bolts of it. We do intend to apply hopefully, if it is the pleasure of the Board. I have been asked to make those kinds of inquiries to see what would be available. So, that is it. If anyone has any questions, I would like to answer them at this time."

Chair Roberson announced to the people present that the public hearing was in progress. She then asked if anyone was present for the purpose of the CDBG hearing. There was no response.

Mr. Butler stated once again, that the public hearing was concerning the community development block grant program.

Commissioner McGill asked what the total amount of the program was for the State.

Mr. Butler responded that it was roughly \$20 million. He added that the housing element of the program will be discontinued over the next couple of years.

Commissioner McGill asked if there would be an opportunity to cover more than one area. For instance, could the county do housing and community revitalization at the same time.



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Mr. Butler answered that there were a couple that could be accomplished at the same time - housing and community revitalization but you cannot do housing and neighborhood revitalization at the same time.

Commissioner McGill stated that the Concord area is looking at the possibility of a central water system. He asked if the CDBG funds could be used for that purpose.

Mr. Butler responded affirmatively. He stated that the area was surveyed approximately 6 years ago and Talquin Electric was approached about putting a water system out there. It did not materialize at that time but it would be possible even now. He added that it is quite a wide area but it could be done.

Once again, Chair Roberson called for questions and comments from the public. There was no response.

**UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO GIVE MR. BUTLER THE AUTHORITY TO PROCEED WITH THE APPLICATION FOR UP TO \$750,000 IN CDBG FUNDS FOR GADSDEN COUNTY.**

**MARSHALL DAVIS AND CARL GILYARD - REQUEST TO PLACE MOBILE HOME**

Mr. Carl Gilyard and Ms. Marshall Davis addressed the Board. Mr. Gilyard told the Board he had experienced problems with getting the electricity turned on to his mobile home which is placed on Holt Lane.

Commissioner Dixon explained the situation. In the place where Mr. Gilyard has his latest mobile home is the same spot where there was a former mobile home. The last one was removed and subsequently another mobile home has been put in its place. The septic tank is already in place. He stated that he had been to the site in question and there appears to be ample space for the home. He questioned why the permit was denied.

Growth Management Director Bruce Ballister told the Board that the application was taken by the former director - Mike Sherman. He explained that the property is located in a rural residential one category. It is serviced by a central water system and it is on a paved road. The total acreage of the parcel is 1.08 acre. It is encumbered by an easement which leaves only .84 acre as habitable. The rural residential one land use designation would allow 2 units per acre on a paved road and central water supply. However, this home is the third home on the parcel. He continued by saying that based on the facts of the case, the request cannot

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be administratively granted by the staff - it must come to the Board for approval.

It was determined that the power was turned off at the location in September of 1996. The latest mobile home was put into place in January 1997 but electricity was not restored at that time because repairs were being made to the newer mobile home. It was further determined that this unit would be the third unit on the property in question.

Mr. Richmond clarified the issue. Ms. Davis and Mr. Gilyard applied for a permit to have their electricity turned on and were denied by the staff based on the density criteria of the location. They appealed that denial to the Board which brought them to this meeting.

Discussion followed.

**UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 3 - 2, BY VOICE VOTE, TO GRANT A DENSITY WAIVER SO THAT THE MOBILE CAN BE PLACED ON THE SITE PROVIDED THAT ALL OTHER PROPER PERMITTING IS DONE. COMMISSIONERS DIXON, FLETCHER AND MCGILL VOTED IN FAVOR OF THE MOTION. COMMISSIONER WATSON AND CHAIR ROBERSON OPPOSED.**

**PLANNING AND ZONING ISSUES**

**Kweene's Cotton - Request for Special Exemption Permit**

Interim Planning and Zoning Director Bruce Ballister reported that Ms. Cathy Mackey petitioned the Planning Commission for a special exception permit to open a sit-down restaurant in Havana. The site is in a rural residential land use area. The property is located at the intersection of US 27 and CR 159. It has been a business with a store front looking structure. It has been several different type businesses but most recently was known as A.J. Meats and Pizza Place. Ms. Mackay intends to serve beer and wine on the premises.

It was determined that proper public notice was given for this issue.

**A MOTION WAS MADE BY COMMISSIONER WATSON AND SECONDED BY COMMISSIONER MCGILL TO APPROVE THE SPECIAL EXCEPTION PERMIT AS REQUESTED BY MS. MACKAY.**

Chair Roberson called for public comments and questions. There was no response.

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

**Old Jerusalem Missionary Baptist Church - Request for setback Variance**

Mr. Ballister explained that Old Jerusalem Missionary Baptist Church has requested that the County grant them a set-back variance so they may construct an eight foot addition to their existing church which will allow for a vestibule and rest rooms. The property is located in the Havana planning district, adjacent to Carver Avenue. The property is located on Lots 32- 37, Blk I of the Hampton Heights subdivision. The parcel contains .51 acres more or less.

**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE ABOVE STATED REQUEST.**

**Sunshine to Flowers Adult Day Care**

Mr. Ballister reported that Ms. Tommisenia W. Hollowman petitioned the County to allow her to open and operate an adult day care facility. The property is located just south of the intersection of Hines Road and CR 379A. The property contains approximately 5.22 acres. The parcel is designated as agriculture one land use. The proposed use would be neighborhood residential. The actual space cleared for use is less than 2 acres.

Even though the proposed property is a desirable use for the land use category, it did not meet the locational test. Therefore the staff recommended denial because it did not meet the technical requirements of the ordinance.

It was noted that the Planning Commission recommended approval and there has been no opposition filed with Planning and Zoning Department.

Mr. Richmond asked if there were any concerns about the two acre size of the parcel which would prevent future expansion.

**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5- 0, BY VOICE VOTE, TO APPROVE THE SPECIAL EXCEPTION PERMIT FOR THE 5 ACRE PARCEL TO BE USED AS AN ADULT DAY CARE FACILITY AS STATED ABOVE.**

**Willie and Willie Mae Williams - Request for Minor Subdivision**

Mr. Ballister told the Board that Mr. and Mrs. Williams have had conceptual approval for a minor subdivision since 1980.

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Because they live in Tallahassee they were not aware of the adoption of the comprehensive plan or the limitations placed on the property which was assigned a density of 1 dwelling unit to 40 acres.

During the mid 1990's, the Williams began building a spec home on the property with expectation of selling it upon completion. When the house was completed, he tried to subdivide the lot out of the parent track but was told that the comp plan would not allow him to do so.

At the recommendation of the planning staff, the Williams petitioned the Board and received a land use amendment in October of 1998 to have the property rezoned to rural residential land use. It was thus transmitted to DCA for their approval. Now, the DCA approval is being held up until the Evaluation and Appraisal Report (EAR) and the planning sufficiency are completed.

Mr. Ballister explained that the delays by DCA have placed the Williams in an extreme financial hardship situation in that they cannot sell the house. They have now petitioned the Board to cut out just a 4 acre parcel with the house but retain the rights to continue their pursuit of the subdivision on the remaining 25 acres. That would allow them to at least recover the money they have invested in the home and relieve some of the hardship.

Commissioner Watson pointed out that if they are allowed to do that, there would no longer be a correct subdivision plat on record.

Mr. Ballister stated that he could work with the Williams to dissect the parcel in such a way as to do the least damage to the rest of the property. He also stated that the proposal will be well within the density requirements once the land use amendment goes through.

It was determined that the property had been drawn, platted and approved in 1988 but was never recorded.

**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO ALLOW THE WILLIAMS TO CUT OUT THE HOUSE AND FOUR ACRES FROM THE PLATTED SUBDIVISION TO ENABLE THEM TO SELL THE HOME BUT THEY WOULD RETAIN THEIR RIGHTS TO DEVELOP THE REMAINDER OF THE SUBDIVISION.**

**BILL KOHNKE - ROADSIDE LITTER**

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Mr. Kohnke addressed the Board regarding the perpetual problem of roadside litter along SR 65-B (Old Federal Road) between SR 268 and SR 267. He complained that the road is constantly littered with paper, glass, cans and even appliances. He asked that the County assign work crews to pick up the litter on a regular basis. He admitted that he did not have a proposal but looked to the County for direction and leadership.

Commissioner McGill told Mr. Kohnke that the issue was addressed as recently as the last board meeting and assured him that the County is moving toward some degree of resolution to the problem.

**COUNTY MANAGER'S AGENDA**

**Priority Listing of Resurfacing Projects**

\_\_\_\_\_Public Works Director Robert Presnell addressed the Board concerning road projects. He explained that the current method being used for new construction of paved roads (using in-house crew to build the road bed) requires so much time that the department will not be able to accomplish any more new paving during the current fiscal year. It appears that \$490,000 earmarked for new paving in the current year's budget will not be used.

Mr. Presnell then introduced a new list of county roadways which are in dire need of resurfacing. He said the roads are listed in the order of their priority. (list attached) He told the commissioners that most of the list could be completed during this budget year if the money can be made available. He added that many of the roads on the list are in such bad shape that they are in danger of loosing the road beds. If that should happen, it would cost even more to get them back into good shape.

In view of the facts stated above, Mr. Presnell recommended that all the money left in this year's budget for resurfacing (\$351,000 remaining in the current year funds plus \$358,936.00 brought forward from last year's budget) be combined with all the money earmarked for new paving (\$490,000) remaining in this year's budget and move forward with resurfacing as many roads as possible. All funds together totaled \$1.2 million.

Mr. Presnell estimated that it would take \$1.5 million to accomplish all the roads on the list.

Discussion followed.

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**A MOTION WAS MADE BY COMMISSIONER DIXON AND SECONDED BY COMMISSIONER MCGILL TO APPROVE MR. PRESNELL'S PROPOSAL AND COMBINE ALL THE REMAINING MONEY WHICH WAS BUDGETED FOR RESURFACING AND NEW PAVING - FOR A TOTAL OF \$1.2 MILLION AND MOVE FORWARD WITH RESURFACING AS MANY OF THE ROADS ON THE ATTACHED PRIORITY LIST AS POSSIBLE.**

There was a consensus of the Board to closely look at the needs in District 5 once the resurfacing of the priority roads have been accomplished.

Mike Dorian was recognized for questions and comments. He contended that in reaching such a decision as this one, the Board should hold a public hearing and give sufficient opportunity for the public to have input to it. He said there should have been a public hearing and notice should have been given the public. He opposed the Board making this decision at this meeting.

Mr. McKinnon explained once again that the county crews cannot accomplish another new road paving project during this budget year. It will be well into the next budget year before they will be in a position to begin a new project. The proposal before the Board is to move the new paving money into resurfacing to alleviate the resurfacing problems which can be accomplished within the current budget year.

Mr. Dorian then asked how this decision will affect Wayside Farms road paving.

Mr. McKinnon answered that Wayside Farms is included in the budget for paving.

Mr. Dorian then asked how it would affect Bell Road.

He was told that Bell Road would not be paved during this year. It was also stated that there would not be sufficient time for the crews to have Bell Road prepared for paving this year.

Mr. Dorian stated that he had observed that the Board has a lot of concern about resurfacing roads but no concern for new paving of roads. He added that it appears that the folks who are on the new paving list have once again had to take a back seat.

Mr. Dorian argued that according to the comprehensive plan, the Board should be allocating a certain amount of money every year for new paving. He said that it appears that the county is behind 2 - 3 years with the new paving. He argued also that the Board's decision constitutes a change to the comprehensive plan and there should have been public hearings about it.

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Commissioner McGill assured Mr. Dorian that even though the new paving project has been delayed, the County was not abandoning the new road paving program.

Mr. Dorian insisted that according to the comprehensive plan, new road paving is behind schedule and is taking a back seat in the capital improvement area.

Commissioner Dixon argued that the comp plan is not an "etched in stone" document. There are other things that the Board must accomplish along with new paving - such as the maintenance of roads. Presently, roads and bridges are in great need of stabilization. The need for resurfacing is a greater need than for new paving at this juncture.

Mr. Dorian contended that the new paving road list is a part of the comprehensive plan. If and when the list, thus the comp plan is changed, there should be public hearings. He concluded his comments by saying that this matter should have been advertised in the newspaper so that the people who live on the roads affected by this decision could have given input.

Commissioner McGill asked the Board if perhaps the decision could be delayed by two weeks.

Commissioner Watson was opposed to a delay insisting that the work crews cannot get around to paving any other new roads during this budget year. New paving will resume in the new year.

Commissioner Dixon added that the new paving road list has not been changed.

**THE QUESTION WAS CALLED BY COMMISSIONER DIXON. THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE MOTION STATED ABOVE.**

**Issuance and Use of Cellular Telephones**

Mr. McKinnon presented the proposed policy dealing with telephones. He pointed out changes which were made per his directions from the Board at a previous meeting. He asked for board action. (policy attached)

**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE ISSUANCE AND USE OF CELLULAR TELEPHONES POLICY. (ATTACHED) IT WAS FURTHER MOTIONED THAT THE POLICY WAS TO BE EFFECTIVE AS OF THIS DATE. (MARCH 16, 1999)**

**Proposed Street Naming Policy**

Mr. McKinnon called attention to a proposed policy dealing with changing the names of previously named county roads.

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER DIXON THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE STREET NAMING POLICY ATTACHED. IT WAS FURTHER MOVED TO GIVE THE COUNTY MANAGER THE AUTHORITY TO USE HIS DISCRETION IN DEALING WITH ROAD NAMING REQUESTS WHICH ARE QUESTIONABLE AT THE PRESENT TIME OR ROADS WHICH ARE IN TRANSITION AT THIS TIME.

**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) Appointment of Clarence Bryant, Sr. as Gadsden County Representative to the Land Management Review Team for Lake Talquin State Forest, Lake Talquin State Recreation Area and Joe Bud Wildlife Management Area
- 2) Approval of the Selection Committee's decision to enter negotiations with Lee & Bridges Architectural Consultants Inc. of Quincy for the services needed for planning, designing and other associated activities necessary for the Agricultural/Multipurpose facility renovations and new construction.
- 3) LSTA Application for the Born to Read grant for \$7,075 targeting teen mothers-to-be and new mothers in cooperation with the Health Department and the County Extension Service for an electronic homework assistance grant for \$60,298 in cooperation with the Gadsden County School Board. - for the record
- 4) Equipment purchase from TDS Telecom and installation of a pipeline for Internet access and networking capabilities between the main library and the branches. State Library to pay \$23,000; County to pay \$14,000 - already in the current budget. (There is a possibility that the state will pay an additional \$10,000 which could lower the county's responsibility to only \$4,000.)



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- 5) **USDA Commodity Food Contract Amendment - raising the contract amount by \$566 to \$12,964.50. Program No. 94014 Contract No. 4626 - for approval**
- 6) **E-911 Road Name changes: New road name - Wesley Walker Lane E. off Bainbridge Hwy (SR 267) across from Tyler Sanders Road; Name Change - Paradise Road changed to Paradise Lane (North of Merritt Lane)**
- 7) **Letter from "Help Save the Apalachicola River Group" for the record**

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

#### **Budget Amendments 99-30-16-01 through 99-03-16-03**

**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 the Approval to Pay County Bills**

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

#### **DISTRICT 1 REPORT**

Commissioner McGill called attention to a memo he had written to the Board concerning state legislative matters which could impact Gadsden County. He pointed out the one dealing with money for roads in rural counties. He asked each commissioner to make their views known to the legislative delegation.

#### **DISTRICT 2 REPORT**

#### **Violations to Special Exceptions and Conditions on P & Z Projects**

Commissioner Watson asked if the staff is tracking compliance to special conditions when special exception permits are granted on a specific project.

Mr. Ballister could not answer the question.

Commissioner Watson then stated that a mechanism should be put into place to ascertain whether individuals are complying with all special conditions imposed on their projects. Additionally, he suggested that penalties should be assessed when compliance is not met.

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Mr. Ballister stated that he has only received one complaint to which he must make an investigation.

Mr. Richmond stated that the code enforcement officials should follow up on these matters and issue cease and desist orders when there is non-compliance.

Commissioner Dixon said that he talked with Mr. Sherman before he left about a property on which the citizen clear-cut the property. The developer was told to bring the project back to the Board before making any improvements to the land. As it turned out, the developer clear-cut the property. Mr. Sherman was told to place a stop work order on the project. He reported that it has not been done.

Mr. Ballister stated that a representative of the applicant came into the planning office and indicated that the engineer is preparing plans. They are not doing any more clearing but should also be penalized for violating the special conditions of the approval.

Mr. Richmond stated that the problem is that there is no method in force for a county employee to report or follow up on these matters after the Board has approved them with specific restrictions. The question is in developing enough information to know that the applicant is not following up in the prescribed manner. The County can impose cease and desist orders as well as injunctions. The problem is that the right person is not getting the information on a regular basis. When there is a flagrant violation, there are things in place to deal with them.

Commissioner Watson asked if it would be proper for the Board to deny a project until certain things have been done rather than approval contingent on certain things taking place.

Mr. Ballister stated that the County has no specific prohibition that he could find on clear cutting a lot. There is no clearing permit required. The Board can revoke their approval.

Commissioner McGill suggested that fines be assessed on those who violate the conditions.

Mr. Ballister was instructed to find out what other counties are doing with respect to this problem.

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**Larry Fountain Code Violation**

Mr. Richmond stated that the violation with Mr. Fountain is being investigated. It was referred back to P & Z for legal pursuit. He stated that the item did not appear on the advertised agenda and should not be discussed at a public meeting without Mr. Fountain.

Commissioner Watson stated that he would like for Mr. Fountain to be given notice to appear before the Board again.

Chair Roberson declined to allow further discussion on the matter.

**DISTRICT 4 REPORT**

Commissioner Fletcher had no report.

**DISTRICT 5 REPORT**

Commissioner Dixon spoke to the rural roads legislation that is on the agenda for the current state legislative session. He said the bill amounts to \$25 million and is set aside for counties with populations of less than 75,000. He reported that it seems to be doing good so far. There are stipulations attached to it. Gadsden County would have to apply for it along with the other counties. Steve Sibert who is a former county commissioner from Pinellas County is now working with DCA and is considered to be friendly toward counties. That could prove beneficial to Gadsden County.

**DISTRICT 3 REPORT**

Chair Roberson reported that she will be holding a public meeting with her constituents on March 30, 1999 at the Chattahoochee City Hall.

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**ADJOURNMENT**

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

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Carolyn Roberson, Chair

ATTEST:

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Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE BOARD OF  
COUNTY COMMISSIONERS, HELD IN AND  
FOR GADSDEN COUNTY, FLORIDA ON APRIL  
6, 1999, THE FOLLOWING PROCEEDINGS  
WERE HAD, VIZ.

**PRESENT:** CAROLYN ROBERSON, CHAIR  
EDWARD DIXON, VICE-CHAIR  
BILL MCGILL  
E.H. (HENTZ) FLETCHER (arrived late)  
STERLING WATSON  
NICHOLAS THOMAS, CLERK  
HAL RICHMOND, COUNTY ATTORNEY  
HOWARD MCKINNON, COUNTY MANAGER

**CALLED TO ORDER**

Chair Roberson called the meeting to order. She then led in pledging allegiance to the U.S. Flag and County Manager Howard McKinnon led in a prayer.

**APPROVAL OF AGENDA**

The consent agenda was amended to include the architectural contract with Lee and Bridges Architect Consultants, Inc. for the design for the Agricultural Multipurpose Facility. (The contract was included with the agenda packets but was left off the agenda in error.)

Additionally the consent agenda was amended to pull the health department contract for discussion. It was added to the County Manager's Agenda.

The County Attorney's agenda was amended to include the appointment of an alternate representative (in the event that the Chair cannot attend) of the Board to attend the Florida Rural Residential Utilities Finance Commission meeting to be held on April 7, 1999.

**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE AGENDA AS AMENDED. (Commissioner Fletcher was not present for this vote.)**

**APPROVAL OF MINUTES**

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

**COUNTY ATTORNEY'S AGENDA**

**Resolution - 99-005 - Limiting Marine Net Fishing**

Mr. Richmond recalled that the Board instructed him to prepare a resolution in support of limited net fishing at a previous board meeting. He presented it for their consideration.

**A MOTION WAS MADE BY COMMISSIONER MCGILL AND SECONDED BY COMMISSIONER WATSON TO APPROVE THE RESOLUTION AS PRESENTED.**

Discussion followed.

Mr. Mike Dorian was recognized for comments. He opposed the resolution and discouraged the Board from passing the said resolution. He asked if any of the commissioners had contacted the Department of Environmental Protection (DEP) or the Marine Patrol for their point of view.

Commissioner McGill stated that he had not. There was no other response.

Mr. Dorian stated that he had contacted Marine Fisheries Attorney - Charles Sheppard, DEP Attorney Dennis Valente, Coastal Conservation Association and the governor's office. He asked that the County not go forward with the resolution and table it until they had ample opportunity to speak with the agencies he mentioned. He closed his comments by asking the Board to table any action at this meeting pending a further investigation.

Mr. Richmond explained that the resolution basically requests that the governor meet with local governments and that a special grand jury be convened to investigate the conduct of the Marine Patrol. The resolution does not state a position of the net ban.

Commissioner McGill asked if there was any opposition to doing as Mr. Dorian requested.

Commissioner Dixon stated that the impetus of the net ban was to preserve fishing for sports fishermen. It was not advertised to

the public as such but it was the emphasis of it. It was designed specifically for south Florida where most of the sports fishing occurs. The side impact has been that in small coastal counties, it has put large sections of the population out of work. It was not designed to do that. It was a side affect that no one foresaw. Gulf and Wakulla County were hard hit very hard.

Commissioner Dixon explained that the intent of the net ban was never to put people out of work. The resolution presented by Mr. Richmond simply calls for "finding a way not to arrest fishermen for taking care of their families. Let us find a way to keep these people working and keep their communities prosperous in the meantime."

Mr. Richmond reported that there was an appeal court decision last week that overturned a local court decision with regard to the net ban. Up until that point in time, the law, as interpreted by the local courts, allowed for the use of that particular kind of net.

Additionally, Mr. Richmond pointed out that this issue is still in the court system. Even after the local courts determined that it was o.k. for the fishermen to fish with this type net, the Marine Patrol has continued to arrest fishermen. Those arrests are what brought about this resolution.

The matter is still in the court system and will proceed all the way to the Supreme Court. Local governmental people have asked for support in their efforts to bring about a remedy to what is happening in their locality. The effect of the resolution is that it lends support to those rural counties along the coast that have already passed the resolution.

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

#### **Florida Rural Utilities Financing Commission**

Mr. Richmond informed the Board that Chair Roberson may not be able to attend the first meeting of the Florida Rural Utilities Financing Commission on April 7. He requested that the Board appoint an alternate to attend in the event the Chair cannot arrange to be there.

**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPOINT THE COUNTY MANAGER TO BE THE ALTERNATE APPOINTEE TO THE FLORIDA RURAL UTILITIES FINANCING COMMISSION MEETING ON APRIL 7, 1999.**

**AUDIT REPORT FOR FY ENDING SEPTEMBER 30, 1998**

Mr. Terry Kite, CPA with Purvis, Gray and Company, addressed the Board. He highlighted parts of the report as follows:

Combined Balance Sheet (Page 3 & 4) - The total assets went from \$37,600,000 in 1997 to \$45,513,000 in 1998.

The fund balance went from \$30,161,000 in 1997 to \$38,292,000 in 1998 - an increase of about \$8,000,000.

The undesignated and unreserved fund balance went from \$4,600,000 to \$5,200,000 - increase of \$600,000.

Total revenues for 1998 were \$18,352,000. The total expenditures for the year were \$12,684,000. Net financing uses were \$4,900,000. There was a net increase in revenues over expenses of \$697,000 for the year. Added to the beginning fund balance of \$6,500,000 left an ending fund balance of \$7,233,000.

Mr. Kite then summarized the report by saying that overall, the finances were in good shape. The County is in strong financial position as of the year ending September 30, 1998.

He then called attention to some of the footnotes to the report. General long term debt - Page 22 - 25. The County added \$400,000 in long term debt during the year, paid off \$848,000 in long term debt during the year. The year ended with a little more than \$2,000,000 in general long term debt.

The enterprise fund debt - the County paid off \$620,000 ending the year with a balance owed of \$2,700,000.

Management Letter Comments - Mr. Kite stated that they did not find any compliance violations and he was satisfied with staff responses to the management letters.

Mr. Kite concluded his remarks by saying that it was a very good audit and the County is in very strong financial position. He added that the County is keeping its records in good shape. He commended the Clerk and all constitutional officers for keeping good accounting records.

**UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO ACCEPT THE COUNTY AUDIT REPORT FOR FY ENDING SEPTEMBER 30, 1998.**

(Commissioner Fletcher arrived at this juncture.)



## **US 90 CORRIDOR STUDY - QUINCY"**

### **ROSEMARY WOODS, PBS&J ENGINEERING & PLANNING**

Ms. Blair Golden, project development engineer for the Florida Department of Transportation (DOT) addressed the Board.

Ms. Rosemary Woods, engineer for PBS & J and project manager for the project development and environmental study (referred to as PD&E) for the Gadsden County corridor addressed the Board. She introduced also Van Beatty and Ken Beris, planners.

Ms. Woods reported that the general objective of the study in Gadsden County will be to provide the documented information necessary for DOT to reach a decision on the type of design and the location of an alignment that will connect State Road 12 with US 90. She said that DOT gave them three options on the east side of Quincy to study. The first one begins with GF & A Drive and ending near the airport. The second one begins north of Strong Road and ends near the airport. The third begins north of the hospital and ends near Ball Farm Road.

Ms. Woods stated that with the help of a citizens advisory committee, the study will conclude with a recommendation for the alignment of the corridor. She then asked the Board to appoint two people to the advisory committee. She asked also that those names be provided by April 13, 1999.

### **ECONOMIC DEVELOPMENT**

Mrs. Sherry VanLandingham, executive director for the Chamber of Commerce addressed the Board. She highlighted some of the projects to which the Chamber is presently involved. They were as follows:

**Education Steering Committee** - The committee is addressing the challenge that faces the Gadsden County School system. They are working with Dr. Henderson, school superintendent, and the School Board. Together they have designated the following areas that cause concerns relative to education of the Gadsden County youth: crime, economic development resources, student/ teacher/parent issues.

Mrs. VanLandingham said that she is working with the economic development subcommittee. She reported that they are presently working to develop a plan which will identify infrastructure and training resources. Some components of the plan can be put into effect right away with local resources. Other issues will require

help. She stated that they will be going to the legislature for help on those issues.

**Chattahoochee Challenge** - Mrs. VanLandingham told the Board that the Chamber is assisting Chattahoochee with their first annual Chattahoochee Challenge. However, she clarified that their help has been limited to non-monetary endeavors - no financial support has been given to them.

**Cardinal Services** - the Chamber offered its facility to Cardinal Services for one day for the purpose of placing people into the job force. She stated that 24 people came seeking employment and were ultimately placed. It was a successful endeavor and she said they would likely continue to do it periodically.

**Roadside Litter-** Mrs. VanLandingham reported that she had received a lot of community interest in working on the roadside litter abatement. She was encouraged that something very positive would develop.

Commissioner McGill questioned the wisdom of approaching the Legislature so late in the session. He said that he doubted that they had any chance of being successful in asking for appropriations. He asked Mrs. VanLandingham why they would bother at such a late date.

Mrs. VanLandingham stated that Dr. Henderson desires to continue moving forward regardless of the time issue. If nothing comes of it this year, there will always be the next opportunity.

Commissioner McGill then asked how the Cardinal Services had impacted on the Jobs Services Office.

Mrs. VanLandingham replied that they actually work with Jobs Services.

Commissioner Dixon asked if the Economic Development Committee approached the State about naming Gadsden County as an empowerment community.

Mrs. VanLandingham could not answer but she said she would look into it.

Commissioner Dixon explained that if the County could get the State to recognize Gadsden County as an "empowerment community" then by the designation itself, the County could force state departments and other agencies to put money that is already in their budgets into Gadsden County.

## **PLANNING AND ZONING ISSUES**

Mr. Bruce Ballister, acting director of Planning and Zoning Department, addressed the Board. He recalled at a previous meeting, there was agreement among the Board regarding immediate family exemptions versus the various land uses. However, he said that he still was not certain as to what zones the Board intends to apply the once unit per acre zoning. He explained that there are four zones which the County which allows for residential uses. He asked for clarification.

He went on to say that there is a governing Statute on immediate family exemptions to density. He directed their attention to 163.3179 which is called the family homestead exemption. It states that a local government may include in the comprehensive plan a provision allowing for exemptions to density. The homesteading of a property may be issued one time to an individual. It specifically states that "homesteading" requires the transfer of a deed. He explain that Gadsden County has been using the family exemption for placing additional units on a given property which has not been technically accurate.

Mr. Ballister stated that the matter can be addressed in the EAR by saying that the County will clarify the codes and the operating policies of immediate family exemptions in the upcoming amendment.

Commissioner Watson stated that it was his understanding that the Board would do away with family exemptions entirely and the one unit per acre would apply in those areas where it was once one unit per two acres.

Commissioner Dixon asked Mr. Ballister to identify (in a report) all those technical areas and the impacts that eliminating the family exemptions will have.

Mr. Ballister then concluded that the Board desires to have a minimum of one unit per one acre in all rural residential categories and everything else remains the same with no family exemptions anywhere.

Mr. Ballister then reported the following:

- 1) P & Z Department processed 60 housing concurrency applications last month where the norm is 30 - 40.
- 2) Final site plan was approved for Metropolitan Church.
- 3) Preliminary review was approved for Holy Light Church
- 4) Kweene's Cotton site review was sent back to the applicant for more engineering work
- 5) Final site approval for E.P. Smith Equipment Company

- 6) Preliminary contacts were made with a developer who wants to put another major travelers facility at intersection of SR 12 and I-10 (Race-Way).
- 7) The landscaping ordinance is ongoing - good progress.
- 8) Site planning for the Mt. Pleasant Fire Station ready to begin. (to be performed by staff)
- 8) Conversation with DCA are ongoing about the light-industrial land use category - this is a contentious issue with them. There is a possibility that this piece of property may be annexed into the City of Midway and will thus no longer be a problem for the County.

### **BUILDING OFFICIAL'S AGENDA**

#### **Code Enforcement - Larry Fountain**

Building Official Frank Ritter reported that he had been assigned the code enforcement case dealing with Mr. Larry Fountain. He stated that he had written Mr. Fountain a letter informing him of the Board's intent and what was expected of him at his home location. The letter instructed him to remove the electrical service from any structure that had not been permitted or inspected by the Gadsden County Building Inspection Department. (portable office and storage mobile homes) Remove any business vehicles or signage relating to the operation of his business.

The code violations are listed in the attached report by Mr. Ritter along with staff recommendations.

Mr. Ritter stated for the record that Mr. Fountain has been properly advised as to the nature of the violations. There were three certified letters (12/24/98, 01/08/99 and 03/20/99) mailed to him for which he signed. Additionally, there was a meeting with Mr. Fountain at which the county manager attended.

Mr. Larry Fountain addressed the Board.

Mr. Richmond advised Mr. Fountain that the matter has now been referred to the State Attorney for prosecution under the county's ordinance. He told him that he had a right to say anything he chooses but he also had the right to say nothing.

Mr. Fountain stated that he understood his rights. He then stated that he agreed with everything the building official had stated. However, he said that Mr. Ritter's office authorized him to do everything he has done on the property prior to him purchasing the property. He said he was told that he could do anything with the property that he wanted to do short of having to pull a permit for a septic tank or a power pole. He said that he informed the county staff of the exact nature of his business,

that he would need storage sheds and that he would have a portable building. The staff told him that it did not matter what he does on the property as long as he didn't need to pull a permit for septic tank and power pole.

Mr. Fountain stated that all the buildings and vehicles have been on the property for more than a year. He said it was not until he cut the trees down that a complaint was made. He said that when he got the notice from the P & Z office, he went directly to the office to explain that he had been told he could do what he had done. He said he had done what he was told he could do. He added that if the County wants him to move it, they will have to pay for him to move it.

Mr. Fountain then stated that he has moved his office into the house but the portable building does have 110 power running to it -just as many others throughout the County.

Mr. Fountain stated that he had also talked with Commissioner McGill about his use of the property.

Commissioner McGill asked what is a home based business.

Mr. Ritter stated that Mr. Fountain does not meet the criteria of a home based business in that he has placed a portable building on the property as well as storage buildings. In a home-based business, all business has to be conducted off the site.

Mr. Fountain contended that he does not conduct business at the site. He admitted that he parks two trucks there, but the buildings are for storage. He stated that he only works for mobile home lots now and all he does at home is park his trucks there.

Commissioner Watson asked if he had anything in writing to substantiate his claim that he was authorized to do what he has done.

He answered that he had nothing in writing.

Commissioner Dixon asked Mr. Ritter to respond to the accusations of Mr. Fountain.

Mr. Ritter stated that the first time he knew of a storage building on the property was when he received a complaint which started an investigation. He added that if Mr. Fountain had received clearance from anyone, it had to have been in some other department because he had not given him clearance. He explained that he well remembers the initial conversation between Mr. Fountain and Mr. Dustin Smith (former planning employee) about putting a business on the property. (Mr. Smith related the

conversation to him.) When asked, Mr. Smith told him that he could not put a business there because it was zoned agriculture. Mr. Fountain also asked Mr. Smith if he could build a buddhist temple on the property.

Mr. Ritter continued by saying that he was not aware of storage buildings or a portable building being on the property until he received a complaint. He said that he did suggest to Mr. Fountain at one time that he build a privacy fence and that he incorporate his office into his home (as required by guidelines for a home occupation office.) That meant that he would have to abandon the office located in the portable building. Mr. Ritter acknowledged that it is possible that Mr. Fountain's office has been moved into the home but it was not on the day that he visited the site.

Mr. Ritter explained that he would like to obtain a court order that would allow him on the property for the purposes of inspection.

It was determined that there is no one in present employment to repudiate Mr. Fountain's accusations. (County staff authorized him, either by omission or commission, to do what he has done.)

Mr. Bruce Ballister told the Board that every application for a home occupation license has a specific checklist that is initialed by every applicant. It reads "I understand that these are the limitations on the use of this property as a home occupation license." He reported that Mr. Fountain signed that application.

Mr. Fountain argued that when he first moved there, he worked for a factory in Waycross, Ga - not himself. He went on to say that he now works for mobile home dealerships - not himself. He has moved the office equipment into his home. He contended that the all the buildings on the premises are storage buildings only.

Commissioner Watson asked if the storage building was a mobile home.

Mr. Fountain answered that it was a mobile home which has been converted into open storage space.

**UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO AUTHORIZE THE COUNTY ATTORNEY, IF POSSIBLE, TO WORK THIS MATTER OUT BETWEEN MR. FOUNTAIN AND THE COUNTY AND, IF NOT POSSIBLE, AUTHORIZE HIM TO TAKE WHAT ACTIONS ARE APPROPRIATE AND TO**

**ASSIST THE BUILDING OFFICIAL IN PROCEEDING TO THE COURT SYSTEM  
TO OBTAIN RELIEF.**

**State Changes to Mobile Home Permitting & Setup Requirements**

Mr. Ritter referred to a letter he had written to the Board outlining some significant changes that have occurred to the mobile home industry and the permitting requirements. A mobile home permit now requires a soil bearing capacity test and a foundation plan for each mobile home. These changes will increase the purchase cost of mobile homes by up to \$2,000.

Mr. Ritter stated that the Building Officials Association, Florida Association of Counties (FAC) nor the League of Cities knew anything about this legislation until it had already passed.

Commissioner Dixon asked if this is something that can be addressed during the legislative session.

Mr. Ritter stated that his department ordinarily issues 48 to 50 mobile home permits a month. Since this rule went into effect on March 29, the County has issued none.

Commissioner Fletcher asked what would happen if the County decided not to enforce it.

Mr. Ritter responded that his license would be removed. He added that the County cannot afford not to enforce it because of the liability.

Commissioner Dixon asked what data was given that supports the new changes in the law.

Mr. McKinnon stated that it is an agency rule by Department of Motor Vehicles (DMV).

Commissioner Dixon contended that if it is a rule, the FAC can move on it quickly. He suggested that they be contacted and told of the urgency of this matter.

(Commissioner Watson left the meeting at this juncture.)

**COUNTY MANAGER'S AGENDA**

**Road Closings/Detour Routes**

Mr. McKinnon told the Board that DOT is currently doing the engineering studies for the replacement of two Gadsden County bridges. One on CR 65B and the other on CR 269B. It will be

necessary to re-route the traffic during the construction phase which should take place in 2002. The roads will also have to be closed temporarily - 60 days. A detour route has been proposed by DOT. (See attached maps.) He asked for approval of the routes and temporary road closings.

Commissioner Fletcher stated that both bridges are in his district and he had no objection to the road closings.

Commissioner McGill asked about temporary bridges being installed. Mr. Robert Presnell answered that temporary bridges could be placed there, but it would double the cost of the projects. He went on to say that he didn't believe that either location would inconvenience anyone terribly since they will be projects of short duration.

Commissioner Fletcher stated that it would not affect a lot of people.

**UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE ROAD CLOSINGS AS DESCRIBED IN THE ATTACHED LETTER AND MAPS.**

#### **Health Department FY 1998-99 Contract**

Commissioner McGill pointed out that Attachment VI has the wrong address for Havana High School that should be corrected.

**UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE HEALTH DEPARTMENT CONTRACT CONTINGENT ON THE DESCRIBED AMENDMENT.**

#### **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 AS AMENDED TO WIT:**

- 1) Certification of Participation for FY 2000 Federal Drug Control & System Improvement Program
- 2) Application for grant funds for a speed limit enforcement program. Grant is 100% funded, there is no local match required. \$21,190.00.
- 3) Resolution 99-004 - EMS Write-off of Bad Debts totaling \$98,560.08.
- 4) U.S. Department of Agriculture; Natural Resources Conservation Service - Emergency Watershed Protection Assurances Agreement (Damages caused by Hurricane Georges



- on Richlander Creek on CR 65B; English Bridge on CR 483; Hurricane Bridge on CR 268; Agreement No. 68-4209-9-221. Total costs \$127,500.00
- 5) Municipal Services Group - financing agreement for one International dump truck, one Chevrolet crew cab truck and 3 flex wing rotary cutters - totaling \$83,649.00. 4 annual installments of \$23,771 beginning March 5, 2000.
  - 6) Bid Award 99-003 for Integrated Automation System for the Library to TLC for \$68,612.00
  - 7) Bid Award 99-012 for asbestos removal from the courthouse to Asbestos Abatement Contractors, Inc. of Tallahassee, FL in the amount of \$22,050.
  - 8) Bid Award - 99-008 for flex wing rotary cutters to Clark Monroe Tractor of Quincy, FL for \$23,034.00
  - 9) Bid Award - 99-007 for Helical corrugated steel pipe - plain with rerolled ends pipes and the asphalt coated with rerolled ends pipes be awarded to Gulf Atlantic Culvert Company of Tallahassee. Pipes with aluminized steel and the polymer coated be awarded to Contech Construction Products of Tallahassee
  - 10) Contract for services with Lee and Bridges Architectural Consultant to develop plans, specifications and bid documents for renovation and construction at the County Extension Complex
  - 11) Appointment of Ivory McMillon (747 Rice Road, Chattahoochee, FL) to Affordable Housing Partnership Committee
  - 12) Satisfaction of Housing Rehabilitation Agreement for Martha Dean Hicks

#### CLERK'S AGENDA

#### Cash Report

Clerk Thomas called attention to the attached cash report which shows \$9.3 million as of March 31, 1999. He pointed out that the report shows also that the County has almost 50 grants at this time. He added that the task of monitoring those grants has become quite cumbersome and requires a great deal of time for the finance department. He said that he will come back at a later time to discuss it in more detail.

Commissioner Dixon stated that there is an awful lot of money still to be had by the County if it should choose to pursue it. He proposed that the County employ a dedicated grants person to seek and go after grants.

He stated that he would come back to the Board with a formal proposal to hire a person for that purpose.

### **Abandoned Clay Pit**

Clerk Thomas reminded the Board that in September of 1997, he brought to their attention an old abandoned clay pit south of Greensboro that the County owns. Since that time the Public Works department has determined that it has no value to the County. He reported that a couple of brothers had originally inquired about purchasing the pit, but they are not adjacent property owners. Now their sister, who is an adjacent property owner, has expressed a desire to purchase the property. He asked for directions.

**UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO AUTHORIZE THE CLERK TO BEGIN THE PROCESS TO EFFECT A DIRECT SALE OF THE ABANDONED SAND/CLAY PIT TO WANDA PAYNE.**

The county attorney looked at the property and the request and determined there should be no problem with a direct sale to Ms. Payne.

### **Budget Amendments**

#### **99-04-06-01 through 99-04-06-07**

Commissioner McGill called attention to 98-04-06-07. He asked if it should have brackets around the figure in the first line, fourth column. The amendment was corrected to reflect the change.

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

### **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.**

### **PUBLIC COMMENT**

Dr. John Cooksey asked to speak. Commissioner McGill yielded his time to Dr. Cooksey.

Dr. Cooksey said that he (Mr. Richmond) had made a statement in a previous meeting about his (Dr. Cooksey's) position on the lawsuit he has against the County. He showed the Board a copy of an agreement that was given to him by his lawyer on the last week of September. It said "Release and grant of easement for \$60,000." He said that it contains some language that is rather restrictive

of his rights. He said that he asked his lawyer to take it back to the County and amend the language. He continued by saying that the agreement which Mr. Richmond referred to on January 5 was not the proposal that was voted on in July of 1998.

Dr. Cooksey then stated that if the Court issued an order sanctioning payment of an agreement that had not been consummated, he wanted to see it. He asked if the Board was aware of what was going on with the suit.

Mr. Richmond stated that the approval that was voted on July 21, 1998 was as presented through Mr. Cooksey's lawyer. He said that he could not talk to Mr. Cooksey. He reminded them that the matter is in litigation and Dr. Cooksey is represented by counsel. The offer that was presented to the lawyer was for a total of \$60,000 which included the \$23,000 previously paid. Once again, he stated that the total was for \$60,000. The documents were signed. There is now a dispute. A letter was transmitted to Dr. Cooksey's counsel and no answer has been received.

Dr. Cooksey stated that the Board did not vote on the proposal that was made on September 21 at Mr. Richmond's office. He said that it was not his proposal - it is a separate proposal from the one the County voted on.

#### **DISTRICT 5 REPORT**

Commissioner Dixon stated that things are "heating up" in the Legislature. He said that there are a couple of things that could impact on Gadsden County and he would continue to watch them closely.

He concluded his report by saying that he hopes that the entire Board has made plans to attend the FAC Conference in June.

#### **DISTRICT 3 REPORT**

Chair Roberson stated that she has appointed Mr. Ivory McMillon to the Affordable Housing Partnership Committee. (See the consent agenda.)

**ADJOURNMENT**

**UPON MOTION BY COMMISSIONER FLETCHER, CHAIR ROBERSON DECLARED  
THE MEETING ADJOURNED.**

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**Carolyn Roberson, Chair**

**ATTEST:**

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**Nicholas Thomas, Clerk**

AT A REGULAR MEETING OF THE  
BOARD OF COUNTY COMMISSIONERS  
HELD IN AND FOR GADSDEN COUNTY,  
FLORIDA ON APRIL 20, 1999, THE  
FOLLOWING PROCEEDINGS WERE HAD,  
VIZ.

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

#### CALL TO ORDER

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

#### ADOPTION OF THE AGENDA

The agenda was amended to include the County Attorney's request for a attorney/client session with the Board. It was further amended by removing Gerald Thompson's application for a gun club development - Twin Peaks Sports Club.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE AGENDA AS AMENDED. (COMMISSIONER FLETCHER WAS NOT PRESENT FOR THIS VOTE.)

#### APPROVAL OF MINUTES

April 6, 1999

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

#### COUNTY ATTORNEY' AGENDA

Mr. Richmond told the Board that he had received a request from Tallahassee Regional Memorial Medical Center (TMH) for mediation on a lawsuit against the County resulting from an unpaid bill for a Gadsden County prisoner. The patient/prisoner was alleged to have killed his wife and then attempted suicide. He explained that because of the special facts of the case, there were substantial medical expenses involved. Mr. Richmond then requested

a special confidential attorney/client session with the Board on May 4, 1999 at 5:30 p.m. to discuss possible settlement of the case.

**UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO HOLD A CONFIDENTIAL ATTORNEY/CLIENT SESSION ON MAY 4, 1999 AT 5:30 P.M. AND FURTHER MOTIONED TO GIVE THE ATTORNEY THE AUTHORITY TO ADVERTISE THE MEETING AS APPROPRIATE.**

### **ECONOMIC DEVELOPMENT**

#### **Chamber of Commerce Report**

#### **Website for World Wide Web**

Chamber of Commerce Executive Director Sherry VanLandingham addressed the Board. She reported to the Board that the Chamber has been working toward establishing a web site on the World Wide Web for Gadsden County. The domain name will be gadsdencc.com. She encouraged the Board to submit information to the website. She noted that it will be updated regularly by TDS.

#### **Gadsden County Education Crisis**

\_\_\_\_Mrs. VanLandingham stated that the Chamber's Education Committee will soon have completed their reports to School Superintendent Harold Henderson who in turn will submit them to Governor Jeb Bush. She also stated that it is doubtful that any benefit will be derived from it this year.

Mrs. Tucker VanLandingham reported that FAMU and FSU have been very helpful in identifying some important issues and recommending possible solutions relative to the education crisis.

#### **Project 2000**

Mrs. VanLandingham explained that the Project 2000 is a subcommittee of the Chamber which is privately funded. She reported that they have planned a business event where there will be several seminars for businesses and private individuals. The seminars will be open to the public.

#### **Magnolia House**

Mrs. VanLandingham told the Board that Magnolia House, an assisted living facility, is ready for occupancy. She reported that the open house was held several weeks ago. She encouraged the commissioners to visit it.

## **World Trade**

Mrs. VanLandingham reported that world trade is fast becoming a big issue to Florida. She said that Gadsden County is one of five rural counties that partner with The Florida Capital Regional Partnership (FCRP) whose focus is on the world trade market. FCRP recently held a seminar on how the local manufacturers can benefit from this partnership and world trade. She told the board members that she had informational materials that she could provide to them if they were interested.

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

Planning and Zoning Interim Director Bruce Ballister presented the following issues for the Board's review.

### **Setback Variance Request - Bill Peacock**

Mr. Ballister told the Board that Mr. Bill Peacock recently purchased a fish camp type cabin on a 40' x 50' lot at Idlewild Landing on Lake Talquin. He desires to enlarge the structure but will need a setback variance to do so. The issue first became known to the staff when a complaint was lodged by one of the neighbors that footings were being cut only 4 ft. from the fence line. A stop work order was placed on the project. Subsequently, Mr. Peacock has submitted the appropriate application for a variance. The site is in a rural residential land use category. The prior and proposed uses are residential. The lot measures 40' x 50'. Other pertinent facts are listed in the attached report.

Staff recommendation was as follows:

Allow the variance for the width but allow no more than the original depth because it will encroach onto the rear neighbor. That encroachment will have a high likelihood of damaging a significant oak tree that is near the property line.

The Planning Commission recommendation was as follows:

Approval of the staff recommendation to vary the side setback for a width of 28 ft. and to maintain no more than the original structure's depth.

Mr. Peacock was present and addressed the Board. He stated that he did not wish to harm any neighbors but needed the variance to make the house larger and more usable.

Chair Roberson called for comments from anyone who opposed the variance request.

Mr. Robert Cooley, an adjacent property owner, voiced his opposition to the variance. He stated that all the land slopes toward his property. (He lives on the water.) He said that if Mr. Peacock is allowed to do as he requested, there would be only 30" from his batter boards to where his wall line will be. Mr. Cooley also said if Mr. Peacock puts an overhang onto the building, he will be 18" from the fence. Also, the water that will come off that enlarged structure will come directly onto his property. He added that there already exists a problem with water. He also stated that the structure will block the view and the wind.

As to the tree, Mr. Cooley said that the oak tree measures 12 1/2 ft. around and its roots probably measure 40 ft. long. The tree's water supply will be hampered by any more structure and thus will be endangered. He pointed out that Mr. Peacock knew the size of the lot and of the house when he bought it. He asked for the Board's consideration to be fair.

Mr. Ballister stated his recommendation again. To allow for the width requested by Mr. Peacock (28 ft.) but allow only the depth to the old line of the bath house that was attached to the building. Leave the rear set back at 8.8 ft.

Commissioner Dixon stated that he had been to the site in question. He said that he had met with Mr. Cooley while he was there. It was his impression from Mr. Cooley that he was not opposed to Mr. Peacock expanding the house, but he was opposed to him building on the lot line. He then asked Mr. Ballister and Mr. Peacock if they could relocate the addition of the building to the front rather than to the back. He also stated that he would oppose any variance that would yield a zero lot line at the rear.

Discussion followed.

Mr. Ken Collier was recognized for comments. He clarified that Mr. Peacock wanted to go 26 ft. deep from the front wall that is in place now and 28 ft. wide. Commissioner Dixon suggested that he come forward rather than go backward.

Mr. Cooley stated that as long as Mr. Peacock leaves at least 7 ft. between the roof line of the rear of his house and the fence line, he would have no objections to whatever he does.

**UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE**



**VARIANCE REQUEST TO ALLOW FOR A WIDTH OF 28 FT. AND A REAR VARIANCE ONLY TO THE EXTENT THAT THERE WOULD REMAIN AT LEAST 7 FT. BETWEEN THE ROOF LINE OF THE REAR OF THE HOUSE AND THE FENCE LINE.**

**Variance to Sign Height - Howard Johnson Express**

Trishul, Inc. submitted an application for a variance of the sign ordinance and allow them to erect a sign at the I-10/US 90 interchange. The Land Development Regulations stipulate a maximum height of 30 ft. and maximum sign face of 150 ft. Trushul, Inc. is requesting a height of 60 ft. and face of 185 ft. The variance was requested so that travelers along I-10 will be able to see the sign above the tree line as they approach the interchange.

**A MOTION WAS MADE BY COMMISSIONER WATSON AND SECONDED BY COMMISSIONER MCGILL TO APPROVE THE VARIANCE REQUEST.**

**Discussion followed.**

Commissioner Dixon stated that there could become some concern about a proliferation of signs at the intersection. He asked what was already in place to stop it if it should become a problem.

Mr. Ballister stated that the current ordinance allows for only a 30 ft. sign. Such a sign is one that can be seen on a typical street corner in a neighborhood. That is adequate for the market of the neighborhood. The market along an interstate highway is different and the visibility would need to be greater.

Commissioner Dixon then asked if another ordinance should be put into place that relates specifically to the interstate.

Mr. Ballister answered that if the Board becomes burdened with such matters and desired not to hear the sign variance requests, a new ordinance dealing specifically with the interstate markets could be done. Height requirements would vary from site to site, depending on the vegetation of the location. Each sign application might be a matter of geometry as well as site specific.

Chair Roberson called for public comments or opposition to the sign variance. There was no response.

**QUESTION WAS CALLED BY COMMISSIONER DIXON. THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE VARIANCE REQUEST.**

**Twin Oaks Sports Club Conceptual Site Plan**

This item was withdrawn from the agenda at the beginning of the meeting.

**Mr. Saad Am, Appeal of BCC Decision to Deny Beer & Wine License**

Mr. Saad Am requested a second opportunity to appear before the Board to appeal the decision of January 14, 1999.

Mr. David Theriaque, attorney for the applicant, appeared before the Board.

Mr. Richmond asked to clarify the posture of the matter at hand.

Because the letter of appeal had not been date stamped by the county staff, it was questionable as to whether it was timely filed. In the absence of testimony or evidence to the contrary, it was determined that an appeal was filed by Mr. Am within the 14 days of the previous decision.

**Commissioner Fletcher arrived at this juncture of the meeting.**

It was determined that proper notice had been given to interested parties who might oppose a decision made on this matter. It was further determined that the Board had an obligation to hear the appeal. The chair then called for Mr. Theriaque to present his case.

It was stated for the record that the Board had previously heard sworn testimony and that what is being presented at this hearing is to be in addition to the evidence and testimony previously considered.

Mr. Theriaque called Mr. Bruce Ballister to make certain clarifications.

Mr. Ballister was sworn an oath by Mr. Hal Richmond, a notary public licensed by the State of FL.

The following facts were discerned by the questions asked of Mr. Ballister by Mr. Theriaque:

- 1) The Future Land Use Map designation for the property in question is rural residential.
- 2) The use under the zoning code is neighborhood commercial.
- 3) There is an existing convenience store in operation at the location.

Mr. Theriaque asked that the staff's file on Mr. Am be incorporated by reference into the record as well as the Land Development Code and the Comprehensive Plan.

Mr. Richmond stated that it is automatic to submit the entire file for consideration.

Mr. Robert Mearns, 4506 John Ave., Destin, FL, was sworn an oath by Mr. Richmond, a notary public, licensed by the State of FL. His resume was entered as exhibit "A" as evidence in this case. He summarized his professional experience as follows: "I graduated from Florida Atlantic University with a masters degree in public administration, specializing in growth management. I currently am self employed as a land use and as an administrative procedures consultant. My background includes service as a planner in Broward County, director of planning in the town of Davey for several years, assistant or deputy town administrator and city manager in at least three cities in the State of Florida."

The following facts were discerned by the questioning of Mr. Mearns by Mr. Theriaque:

He conducted a windshield survey of the subject parcel and the surrounding area.

He reviewed the applicable provisions of the county's Land Development Code as it relates to beer and wine licenses. In his review of the land development code, he found that a beer and wine license is permittable in neighborhood commercial businesses. The sale of beer and wine would not require a change in use for the convenience store - it is merely the addition of another product for sale.

He was of the opinion that sale of beer or wine at the convenience store would not adversely affect the neighborhood because 1/4 mile east of the store there is a store that sells beer and wine and it is also in the middle of the residential area. Also, there is a service station/convenience store immediately north 1/4 mile which also sells beer and wine.

He reviewed the county ordinances and found that the sale of beer and wine at this store would not be in violation to any county ordinances. The applicant has meet the requirements of the Land Use Plan, Land Development Plan as well as what is required under the ordinance. A decision of whether to approve an applicant for beer and wine license is ministerial in nature.

The location of the store is on the edge of the neighborhood not in the middle.

The following facts were discerned by questioning of Mr. Mearns by the Board:

He could not guarantee that there would be no adverse affects resulting from the sale of beer and wine from the convenience store.

He did not interview any of the residents surrounding the store. He only drove around in the community - he did not speak to anyone.

He was acting in the capacity of a paid consultant.

Mr. Mearns declined to answer any questions about legalities about equal protection and equal access. He stated that he could only respond to questions about what the code states. He further stated that if the Board feels that the code is not adequate they have the right to amend it.

Mr. Theriaque introduced as Exhibit "B" a photo copy of a 5 page petition which bore the names of people who supported his application for the beer and wine license. Mr. Am testified that many of the names are people who live in the Shiloh community.

Mr. Am testified that he filed his letter of appeal with Mr. Mike Sherman within 14 days of the hearing of January 14, 1999. (Mr. Sherman was the former Growth Management Department Director.)

Mr. Saad Am was sworn as to his testimony stated above by Mr. Richmond who is a notary public licensed by the State of FL.

Mr. Richmond recalled Mr. Ballister. He asked him to state the position of the Planning and Zoning Department on the matter before the Board. He stated that every neighborhood commercial use requires a special exemption permit from the Board. This use is not a use by right. Even though the Zoning Official is suppose to sign beer and wine licenses, the staff traditionally has not done that for stores that are neighborhood commercial uses without Board approval.

Upon being questioned by Mr. Theriaque, the following facts were ascertained from Mr. Ballister's testimony:

In the Land Development Code, as for a convenience store, there is no a difference between one that sells beer and wine

and one that does not. The code just says convenience store and does not stipulate inventory.

There is nothing in the Land Development Code or the Comprehensive Plan that specifically identifies the sale of beer and wine as a change in use. However, it has been a matter of practice. The application for that decision has always come before the Board because of the functional changes in the store.

It is very typical for a small grocery store and convenience store to sell beer or wine.

Under the Land Development Code and Comprehensive Plan, even a tavern is allowed in rural residential neighborhoods and it would also come to the Board for approval.

The intent of the rural residential is to serve the need of the neighborhood.

The purchase of beer and wine is considered a service to a neighborhood community even though there are sometimes objections to it.

Mr. Harry K. Holt was recognized for comments and was sworn by Mr. Richmond, a notary public licensed by the State of FL. He voiced opposition to the acceptance of the letter of appeal without a date stamp. He reasoned that the prior owner did not sell beer and wine. Also, the area is not zoned commercial. There are other stores in nearby commercial areas where beer and wine can be purchased. It would create a neighborhood problem. He asked the Board to deny the application. He also stated that some of the names on the petition were actually residents inside the city limits and not in the rural area.

Mr. Theriaque questioned Mr. Holt. He ascertained that Mr. Holt was not a regional planner. He further ascertained that Mr. Holt was familiar with the other nearby businesses that did sell beer and wine.

Mr. Charleston Holt was recognized for comments and was sworn by Mr. Richmond, a notary public licensed by the State of FL. He too, voiced opposition to the sale of beer and wine at the store. He called attention to the articles which appeared in the Tallahassee Democrat for the last few days about the crisis of the local school system. He argued that the sale of wine and beer at yet another store would only compound the problems.

Mr. Theriaque asked Mr. Holt if he was an urban regional planner. He answered that he was not.

When questioned by Mr. Richmond, Mr. Charleston Holt testified that he stood by all his testimony made at the prior hearing.

Mr. Charleston Holt then stated for the record that he had no contact with any member of the Board regarding this matter.

Mr. Richmond then stated that the County would rely on the prior sworn testimony at the previous hearing. The records previously submitted will include everything concerning this transaction.

Mr. Theriaque was recognized for closing comments. He reminded the Board that their job required them to follow the Land Development Code and the Comprehensive Plan and look for criteria when they make decisions. He said that there must be competent and substantial evidence to support a denial. He then submitted that even when there are philosophical problems with beer and wine, there is no requirement in the Land Development Code that the applicant has not met. Beer and wine is already being sold in the neighborhood. The location of the store is not next to a school or church. The problems raised at the hearing by the opposition are no different than any community. The fact that this property owner is trying to be on the same level playing field as his competitors is not going to undermine morality. It is the ability of the consumer to purchase a legal product for their personal consumption. He closed by asking the Board to reconsider and approve the application for Mr. Am's beer and wine license.

**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 4 - 1, BY INDIVIDUAL VOICE VOTE, TO DENY THE APPEAL AND UPHOLD THE PRIOR POSITION OF THE BOARD. COMMISSIONER MCGILL CAST THE LONE DISSENTING VOTE.**

Commissioner McGill clarified the reason he opposed the motion. He stated he voted against the motion because almost every time a business has been before the Board for a beer and wine license, the Board has approved it. He felt that the Board should be consistent.

Commissioner Dixon responded by saying that the question had become how many stores selling beer and wine does this neighborhood need. He said that he was disappointed that Mr. Am had not consulted his neighbors about how to resolve this matter.

**Evaluation and Appraisal Report (EAR)**

Mr. Ballister reported that the public hearing for adoption of the EAR will be held on May 4, 1999.

### **Family Exemption Policy**

UPON MOTION (AND AMENDMENT) BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER MCGILL THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO REVOKE THE EXISTING POLICY ALLOWING CO-LOCATION OF FAMILY MEMBERS WITHOUT TRANSFER OF TITLE EFFECTIVE JUNE 1, 1999. IT WAS FURTHER MOTIONED THAT THE REVOCATION SHOULD BE ADVERTISED IN THE LOCAL NEWSPAPER EACH WEEK UNTIL THEN IN AN EFFORT TO EDUCATE THE PUBLIC. THE REVOCATION WILL TAKE PLACE AUTOMATICALLY ON JUNE 1, 1999.

### **HOSPITAL**

Mr. Don Bradford addressed the Board to request that the County purchase a new X-Ray machine for the hospital. He explained that there exists an emergency situation in that the hospital cannot deliver adequate services to the citizens of the County without it. He said that the health, safety and welfare of the citizens are at risk until the equipment can be purchased. They have had to send patients to other hospitals because they could not render many X-Rays services to patients.

Mr. Bradford then stated that the staff had solicited bids from several vendors and analyzed the bids. (copies of the bids are attached) It was the recommendation of the hospital staff to purchase the Shimadzu equipment from CMS for \$155,875.00. He stated that the equipment would remain the property of the County.

Mr. Bradford reported that because of the urgency of the situation, he had placed an order for the equipment without prior approval from the Board.

Discussion followed.

After consultation with Clerk Thomas, it was determined that the machine could be purchased from the dividends of the hospital trust fund.

Further discussion resulted in a determination that because it would be paid for with the trust fund dividends (and not tax dollars) and the emergency status, normal requirements for purchasing equipment would not necessarily apply.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER MCGILL THE BOARD FOUND THAT THERE EXISTS AN EMERGENCY SITUATION AT THE HOSPITAL WHERE THE HEALTH AND SAFETY OF THE CITIZENS ARE AT RISK. IT WAS FURTHER MOTIONED THAT THE BOARD PURCHASE THE X-RAY EQUIPMENT AS RECOMMENDED BY MR. BRADFORD FROM CMS FOR \$155,875.00 AND THAT THE DIVIDENDS FROM THE HOSPITAL TRUST FUND BE USED TO PAY FOR IT. IT WILL THUS REMAIN THE INVENTORY OF THE COUNTY WITH A COUNTY INVENTORY STICKER. THE BOARD VOTED 5 - 0, BY VOICE VOTE IN FAVOR OF THE MOTION.

#### **HOSPITAL - CHILLER REPLACEMENT**

Mr. Frank Ritter told the Board that hospital chiller system is 18 years old and requires constant upkeep. It is currently running at only 25% capacity. He added that there is no longer a back up system for it. Present repairs to it would were estimated at \$ 75,724. Replacement with a new and more efficient system will cost approximately \$150,000.00. Replacement of the system was planned for in Phase II of the overall retrofit of the hospital facility.

McGinniss & Fleming Engineering, Inc. was the firm that the county's engineers sub-contracted with to do the work on the boiler system that was part of Phase I and was successfully completed.

Mr. Ritter recommended that McGinniss & Fleming be hired to do the Chiller System as well. He asked the Board to authorize them to make an assessment of the situation and make a recommendation for the chiller replacement system as outlined in the attached scope of services.

It was determined that the cost for the consulting firm could be paid from the endowment trust fund dividends also.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE HIRING OF MCGINNIS & FLEMING ENGINEERING, INC. AS THE CONSULTANTS TO ASSESS THE CURRENT CHILLER SYSTEM AND DETERMINE THE MOST ECONOMICAL METHOD OF REPLACEMENT FOR THAT SYSTEM AND OTHER SERVICES AS OUTLINED IN THE ATTACHED SCOPE OF WORK.

#### **PUBLIC WORKS**

##### **Purchase of 2 Additional Dump Trucks**

Public Works Director Robert Presnell reported that jobs in his department are often stalled due to trucks in disrepair and the



distance from the pit to the work location. He said that they need two additional dump trucks to transport materials.

Mr. Presnell then told the Board that the County could piggy-back on a Wakulla County bid and get two Mack dump trucks at \$81,999 each. Truck payments can be made in arrears and financing can be arranged. It would be on the 5 year lease buy-back program. He then asked for permission to purchase them.

**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 4 - 1, BY VOICE VOTE, TO APPROVE THE PURCHASE OF THE TWO MACK DUMP TRUCKS AS DESCRIBED BY MR. PRESNELL. COMMISSIONER FLETCHER CAST THE LONE DISSENTING VOTE.**

#### **COMMUNITY DEVELOPMENT**

Mr. Ed Butler appeared before the Board requesting approval of the SHIP Three Year Local Housing Assistance Plan.

**UPON MOTION BY COMMISSIONER WATSON SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE SHIP LOCAL HOUSING ASSISTANCE PLAN.**

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

Mr. McKinnon reminded the Board of the Walk America Walk on Saturday morning. He encouraged everyone that wished to walk with the county's team to be there at 8:15 a.m.

#### **CONSENT AGENDA**

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

- 1) Award of Bid # 99-11, for analytical services for the groundwater sampling of the landfills to Ackurit Labs, Inc. for \$17,870.00
- 2) 15 month lease for 5.06 acres at the State Farmer's Market for the Recycling Department @\$1,089.00 per acre = \$6,888.00.
- 3) Appointment of Russell Stephens and Robert Presnell to the DOT Advisory Committee for the proposed hospital access route. Alternate is George Burnett
- 4) Reappointment of Larry Sirmons to the Airport Authority

## **CLERK'S AGENDA**

### **State Revenue Sharing Application**

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE TO APPROVE THE STATE REVENUE SHARING APPLICATION.

### **Fund Summary Report**

Clerk Thomas called attention to the attached fund summary report for information purposes only.

### **Budget Amendments 99-04-20-01 through 99-04-20-10**

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

### **Ratification of the 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 had no report.

### **DISTRICT 2 REPORT**

Commissioner Watson had no report.

### **DISTRICT 4 REPORT**

Commissioner Fletcher had no report.

### **DISTRICT 5 REPORT**

Commissioner Dixon told the Board that the Legislature has sent forth over a billion dollar tax cut. They also rolled back the intangible tax which means that revenue sharing will be a lot less than it has been in the past. He estimated that Gadsden County will lose around \$277,000. He said that small counties are taking a hit in that regard. He also said that he understood

that it was "pay back" for the counties push to pass Revision 7 and Article V.

Commissioner Dixon stated that he did not believe that the County is taking full advantage of its uniqueness in that there is a very high poverty rate and very high substandard housing rate. He said that those are the things that are significant to getting grants. He also said that there is money to be had but the County must apply for them. He proposed that the County hire an experienced grant writer to help the County bring in large grant monies.

Further discussion followed but no decision was reached.

### **DISTRICT 3 REPORT**

Chair Roberson had no report.

### **ADJOURNMENT**

**THERE BEING NO OTHER BUSINESS BEFORE THE BOARD, THE CHAIR  
ADJOURNED THE MEETING.**

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**Carolyn Roberson, Chair**

**ATTEST:**

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**Nicholas Thomas, Clerk**

IN A REGULAR MEETING OF THE BOARD OF  
COUNTY COMMISSIONERS HELD IN AND FOR  
GADSDEN COUNTY, FLORIDA ON MAY 4,  
1999, THE FOLLOWING PROCEEDINGS WERE  
HAD, VIZ.

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

CALL TO ORDER

Chair Roberson called the meeting to order. After the salute and pledge to the U.S. Flag, Commissioner Dixon led in a prayer.

ADOPTION OF THE AGENDA

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO ADOPT THE AGENDA AS PRESENTED. (ATTACHED)

APPROVAL OF MINUTES

May 4, 1999 Regular Meeting

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

COUNTY ATTORNEY'S AGENDA

Mr. Hal Richmond was present but had no matters to bring to the Board's attention.

PUBLIC HEARING - EVALUATION AND APPRAISAL REPORT (EAR) OF THE COMPREHENSIVE PLAN

Interim Growth Management Director Bruce Ballister presented the EAR for the Board's approval. The meeting was then opened for public comments.

Mr. Larry Ganus opposed the proposed changes to be made to the capital improvement section of the comp plan - a revision of policy 8.1.7. He stated that the change would alter the capital improvement plan to reflect that selected road paving projects would be equally chosen from county commission districts. He

presented a letter which outlined his objections. He contended that the current system is a fair method and should not be changed.

Mr. Ganus then asked that the Board address the issue of providing additional funding for road improvements in the EAR. He also cited drainage problems throughout the County which need to be addressed in an effort to prevent future damages. Additionally, he asked the commission to address the unpaved private roads in the EAR - roads which receive very little maintenance from the County. He pointed out that some roads are so bad that emergency vehicles would have difficulty in responding to a call on those roads. He said that issues relating to mail and newspaper delivery and school bus service could be extended if the roads were in good repair - another aspect that should be included in the EAR.

Discussion ensued regarding private roads and the irresponsibility of the developer to adequately maintain roads within a given subdivision. No consensus resulted.

Commissioner Fletcher stated that the subdivisions which are of great concern are those with dirt roads which were approved by the County even though the County said they would no longer maintain private roads (1975) until the adoption of the comp plan that required paved streets as a part of the development approval (1990). He said that citizens bought lots thinking that someone would be maintaining the roads.

Commissioner McGill supported the proposal that the County should take responsibility for private roads that are in such disrepair that the health and safety of its citizens are at risk.

Commissioner Dixon stated that he thought that the county's current mechanism for providing maintenance of those roads for a fee (\$90 per hour) is adequate. However, people are not availing themselves to that process.

He then asked that the Board not allow developers to get away with lying to people. He also said that those developers should be penalized in some appropriate fashion for taking advantage of people. He then said that he had no problem with maintaining private roads as long as there is some vehicle in place for penalizing the developer for not maintaining their end of the agreement. He suggested that stop orders could be placed on those developers which would restrict them from working in Gadsden County.

Commissioner Fletcher then turned to Public Works Director Robert Presnell and asked once again for him to make an inventory of the roads and subdivisions that were affected by the scenario described above. He also asked for an inventory of the roads on which no one lives but which the county maintains. He then asked

him to contact Caterpillar to determine the real cost of operating the equipment per hour including the operator that will be used to maintain those dirt roads.

Commissioner Watson also asked that the lost opportunity costs to be factored into the cost of the machinery operation.

Commissioner Watson argued that when the County undertakes this responsibility, it will not be limited to just those subdivisions in that window of time. Eventually, it will include all the private roads within the County. He urged the Board not to enter into such an arrangement. He reminded them that the gas tax revenues must be spent on the public right-of-ways.

Commissioner Dixon ask Mr. Presnell to find out who those people are who developed those subdivisions.

Further discussion followed but nothing was resolved.

**Mr. Mike Sherman**, representing Big Bend Technologies, addressed the Board on the behalf of Delacy Peavy. He said that Mr. Peavy has requested a land use change. He went on to say that in the Gadsden County Comprehensive Plan, the "agriculture land use category" allows for open outdoor recreation. However, the Land Development Code restricts certain types of outdoor uses. One activity that is restricted is a race track.

Mr. Sherman explained that Mr. Peavy would like to effect a change in policy of the comprehensive plan that would allow race tracks in "agriculture categories," provided that the Board requires a special exception permit to be issued prior to the development of a race track.

Mr. Ballister called for other comments to the EAR. There was no response. He then said that the EAR is a talking paper and the public comments can be added to the proposed report. The resulting comp plan revisions must be far more detailed. He explained however, that all comments must be provided in writing in order to be included.

**A MOTION WAS MADE BY COMMISSIONER FLETCHER AND SECONDED BY COMMISSIONER MCGILL TO APPROVE THE EAR WITH THE FINAL COMPILATION TO INCLUDE THE PUBLIC COMMENTS MADE AT THIS MEETING AND THEN TRANSMIT IT TO ALL APPROPRIATE AGENCIES AND THE DEPARTMENT OF COMMUNITY AFFAIRS.**

Discussion continued.

Chair Roberson called for public comments.

Mike Dorian addressed the Board. He had concerns about proper notification. He was told that the EAR public hearing was advertised in all three local newspapers. He then raised other issues relating to adequate notification in general. He asked that posted road signs be placed in a community when the Board is considering changes that might affect them.

**COMMISSIONER FLETCHER CALLED THE QUESTION.**

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

Mr. Ballister pointed out changes he has made to the proposed amended Land Development Code which included (in the Land Use Section) the addition of a light-industrial category and the one-acre rule and the removal of family exemptions. He said it would be discussed in greater detail at the next regular meeting.

**WE CARE NETWORK'S OUTREACH PROJECT - Robin McDougal**

Ms. Robin McDougal was present and gave an overview of the "We Care Network Outreach Project". (Attached.)

**COUNTY MANAGER'S AGENDA**

**Travel to Florida Association of Counties**

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE TRAVEL EXPENSES FOR ALL OF THE COMMISSIONERS, THE COUNTY MANAGER, COUNTY ATTORNEY AND JIM RICHMOND TO THE FAC CONFERENCE ON JUNE 23-25, 1999.

**CONSENT AGENDA**

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

- 1) Teen Pregnancy Prevention Month Proclamation
- 2) Video Monitoring for County Jail - Bid No. 99-004 awarded to Premier System Solutions, Inc. of Clearwater, FL for \$36,532.00
- 3) DOT Approval of Speed Limit Enforcement Program Project # FS-99-27-15-01, Contract #AH045

**CLERK'S AGENDA**

**Advertised Budget Change - Public Hearing**

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE ADVERTISED BUDGET CHANGE WHICH IS NECESSARY TO ACCOMMODATE THE LUTZ SETTLEMENT AND PROPERLY ACCOUNT FOR THE FINANCING OF THE TWO NEW DUMP TRUCKS. COMMISSIONER FLETCHER ABSTAINED FROM VOTING BECAUSE HE SERVES ON THE BOARD OF DIRECTORS AT QUINCY STATE BANK WHERE THE TRUCKS ARE FINANCED. (CONFLICT FORM ATTACHED)

#### Cash Report & Financial Statements

Clerk Thomas provided the above for information purposes only.  
Budget Amendments 99-05-04-01 through 99-05-04-05

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 Approval of the Payment of the County Bills

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

#### DISTRICT 1 REPORT

Commissioner McGill re-appointed Morris Thomas to the Industrial Development Authority.

He then told the Board that he would be prepared at the next meeting to discuss applications for grants that could create employment for young people.

#### DISTRICT 2 REPORT

Commissioner Watson had no report.

#### DISTRICT 4 REPORT

Commissioner Fletcher re-appointed George Johnson to the Industrial Development Authority.

#### DISTRICT 5 REPORT

Commissioner Dixon reported that the Legislature provided for a \$25 million trust through the Department of Transportation for rural counties. He stated that only 22 counties would be eligible for the funds. He urged the County to request part of that money as it will be available in the new fiscal year.



He then pointed out that there a number of grants to which the County should avail itself. Keeping that in mind he proposed that the County should hire a professional grants person whose primary job would be to seek grants for the County.

Commissioner Watson contended that the staff in place at the present could be seeking grants. He did not agree that an additional staff person is necessary to go after grant money.

Commissioner Dixon argued that the Board cannot continually add to the work load of the department directors. He stated that their jobs are to direct their departments. He said that they cannot do this job because they do not have the time or the opportunity.

**ADJOURNMENT**

**UPON MOTION BY COMMISSIONER FLETCHER, THE CHAIR ADJOURNED THE MEETING.**

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Carolyn Roberson, Chair

ATTEST:

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Nicholas Thomas, Clerk

AT THE REGULAR MEETING OF THE BOARD  
OF COUNTY COMMISSIONERS, HELD IN AND  
FOR GADSDEN COUNTY, FLORIDA ON MAY  
18, 1999, THE FOLLOWING PROCEEDINGS  
WERE HAD, VIZ.

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

CALL TO ORDER

Chair Roberson called the meeting to order. Commissioner Watson led in pledging allegiance to the U.S. Flag and Muriel Straughn led in a prayer.

ADOPTION OF THE AGENDA

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE AGENDA AS PRESENTED. (COMMISSIONER FLETCHER WAS NOT PRESENT FOR THIS VOTE.)

APPROVAL OF MINUTES

May 4, 1999

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 MEETING. (COMMISSIONER FLETCHER WAS NOT PRESENT FOR THIS VOTE.)

COUNTY ATTORNEY'S AGENDA

Resolution 99-008 - Honoring the Late William Paul Nicholson

Mr. Richmond presented a resolution expressing condolences and appreciation to the family of William Paul Nicholson who served as a county commissioner from November 16, 1982 to November 20, 1990. Mr. Nicholson died May 7, 1999 in a traffic accident while on a hunting trip in Argentina.

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

**Larry Fountain - Code Enforcement Issue - Non Permitted Business**

Mr. Richmond recalled that he had been authorized to work with Mr. Larry Fountain to try to resolve the code violations involved with a home occupation license. (See the minutes of January 19 and April 6, 1999.) He reported that Mr. McKinnon, Mr. Ritter and he had visited Mr. Fountain's home on Highway 27. He stated that it was his considered opinion that a business is being operated at that location and there is a violation of the county code. He recommended that the Board should proceed to obtain the necessary injunctions and take appropriate steps to insure that the area is cleaned up. He asked for directions.

Commissioner Dixon asked if the staff attempted to work out something with Mr. Fountain.

Mr. Richmond answered that steps had been taken to work with Mr. Fountain but something else needed to be done now.

**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO AUTHORIZE THE COUNTY ATTORNEY TO PROCEED WITH APPROPRIATE ACTIONS REGARDING THE CODE VIOLATIONS.**

**Crowder Vs. Gadsden County - Rich Bay Road Court Case**

Mr. Richmond reported that a civil trial was held in the Crowder contract dispute on Rich Bay Road. The judge instructed the attorneys to prepare written arguments outlining their prospective positions by June 1. A decision should be reached by June 10, 1999.

**PLANNING AND ZONING ISSUES**

**Millstone Farms Bed and Breakfast - Neighborhood Commercial Application**

Ron and Pam Barnett of Millstone Farm requested to operate a Bed and Breakfast establishment in their home. The proposed site is located on CR 274 between CR 65 and CR 65-A. The subject property is approximately 77 acres overall. They propose a series of nature interpretive and hiking trails on the wooded 50 acre portion.

Mr. Bruce Ballister stated that the property is zoned rural residential. The existing use is residential. The applicant proposes to convert an existing single family residence into a bed and breakfast inn.

Mr. Ballister stated that "bed and breakfast inns" are not specifically included in the comp plan's allowable neighborhood commercial uses, but, it does allow for "other commercial land use activities approved by the BCC."

Staff Recommendation: Approval

Planning Commission Recommendation: Approval

Chair Roberson called for public comments. There was no response.

**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE NEIGHBORHOOD COMMERCIAL USE FOR MILLSTONE FARMS BED AND BREAKFAST INN.**

### **Deer Ridge Estates - Mobile Home Subdivision**

Mr. Ballister reported that Guy Moore had submitted a conceptual plat for Deer Ridge Subdivision. The project is located along the western right of way of US 27 just north of the intersection of CR 270. The applicant proposes to create 25 one-half acre lots and is proposing to provide significant buffering along the US 27 corridor. The site will utilize Talquin water supply. He also stated that current zoning would allow for the 1/2 acre lots with central water and paved roads. The project proposes an on-site storm water treatment facility.

Mr. Ballister told the commissioners that there are considerable wetlands on the property. The applicant proposes to include them in lots and dedicate them as conservation easements.

Commissioner Dixon asked what would prevent a landowner from using the environmentally sensitive lands if they own them.

Mr. Ballister answered that there is no guarantee that a property owner would abide by the conversation standards. He stated that he had no problem with the land being owned by the county in order to insure its proper conservation.

Chair Roberson called for public comments.

Mr. Mel Wiley who lives within 600 ft. of the proposed subdivision addressed the Board. He stated that he had concerns regarding 25 septic tanks on the parcel. He feared that so many septic tanks would endanger the water supply. Mr. Wiley also said that he would like to see a fence erected to prevent trespassing onto his property.

Mr. Sid Grey also addressed the Board with similar concerns as expressed by Mr. Wiley. In addition, he was concerned about the effect that a mobile home subdivision would have on the aesthetic appearance of the community.

Mr. Guy Moore, property owner, addressed the Board. He pointed out that the property was 22 acres. He stated that he would give the 4 - 5 acres of wetlands on the front of the property to whomever would like to have it. He said that the only thing a passerby would see from US 27 would be a sign and a road. No houses will be seen. He pointed out also that if the percolation tests do not work, septic tanks cannot be installed.

Commissioner Dixon stated that the conceptual plan did not appeal to him and he would like to see some other design.

**UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO TABLE ANY ACTION OF THE ABOVE DESCRIBED PROJECT PENDING TECHNICAL TESTING. MR. BALLISTER WAS INSTRUCTED TO WORK WITH MR. MOORE ON A DIFFERENT LAYOUT DESIGN.**

**Motorsport Travel Center - Small Scale Map Amendment- Public Hearing**

Mr. Mike Sherman, planning consultant with Big Bend Technologies, Inc. submitted a request for a land use amendment for Motor Sports Travel Centers, Inc. They requested a change on 10 acres located at the northwest interchange of I-10 and SR 12. The parcel is currently classified as Agriculture 2. The proposed use is for commercial.

Mr. Ballister pointed out that the proposed site is the only corner at the intersection that is not commercial at the present time. Across from the site is a camp ground, a service station and a fast food restaurant.

Mr. Richmond administered a sworn oath to Mr. Sherman as to the testimony he would offer. Mr. Richmond is a notary public licensed by the State of Florida to administer oaths.

**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER MCGILL THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE ABOVE DESCRIBED SMALL SCALE MAP AMENDMENT.**

### **Twin Springs Hunting Club - Special Exception Permit**

Mr. Ballister told the Board that Mr. Gerald Thompson wishes to construct a sporting clay gun club on his 750 acre tract off of 65-C. McCook road passes through the property. The land is designated Agriculture 3 category. The proposed use will be recreational.

Mr. Ballister stated that recreational use is an allowable use in all agricultural zones. There are no set-backs or other design criteria in the land use code for gun clubs, firing ranges or the like. The 750 acres should provide sufficient buffers to protect the neighbors.

Mr. Ballister reported that in response to complaints made by area residents at the Planning Commission's meeting, he held a public meeting on Saturday morning for the purpose of testing the noise level. It was attended by Commissioners McGill and Roberson. A firing test was administered. The applicant shot 50 rounds of ammunition alternating between a 12-gauge and 20 gauge shotgun.

Mr. Ballister stated that he situated himself .8 mile east of the club. He said that he did not hear anything that sounded like gunshots. Chair Roberson and Commissioner McGill were situated at the south end of McCook Road. They reported hearing 4 shots of the 50 rounds.

Chair Roberson stated that while the test was being conducted, an airplane flew overhead and she could hear nothing over the airplane. She quickly added that she also heard someone doing yard work as well as a barking dog. When she moved closer to the firing range, she heard a clap from 2 shots but it was not an annoying sound.

Mr. Thompson was present but was represented by his attorney, Zeb Blanton. He called attention to the area site plan and aerial photos of the proposed range. He pointed out that there is a second road that comes in toward the center of the property from SR 65-C. Mr. Thompson agreed to use that road exclusively to enter and exit the proposed skeet range and sporting clay area. He also noted that the closest property line from the proposed range is 2400 feet and the next closest is 2600 feet. The closest neighbors are .8 of a mile from the proposed range.

Mr. Blanton then told the Board that Mr. Thompson began leasing the property in the early 1970's. He has owned it for the last 10 years. During the entire time, it has been used as hunting property. He closed his presentation by asking the Board for their favorable consideration for a special exception permit.

Chair Roberson called for public comments.

The following people were recognized by the Board for their comments. They were all sworn an oath by Mr. Richmond as to their testimony.

Randolf Greene - opposed  
Opal Holley - opposed  
Fred Strauss - opposed  
Deanna Strauss - opposed  
Sherry Sandel - opposed  
Linda Adams - opposed

Mr. Blanton then rebutted some of the remarks made by those whose spoke in opposition.

Mr. Gerald Thompson (the applicant) addressed the Board. Mr. Richmond administered a sworn oath to him as to the testimony he was about to give. After a few brief remarks he asked the Board to approve the special exception permit.

Commissioner McGill stated that he did not believe that noise would be a major concern.

Chair Roberson asked the audience if anyone heard the shots on Saturday morning. There was no response.

Commissioner Watson asked why the area residents were not notified of the test in advance.

Mr. Ballister replied that there was a notice in the newspaper.

Chair Roberson stated for the record that she had attended the firing range noise test at the request of Antioch Church - not as Chair of the Board.

Commissioner McGill stated that when he was notified of the test, he assumed that all other commissioners had been notified.

Commissioner Fletcher stated that he had been notified on Friday afternoon.

Commissioner Dixon suggested that the test be rescheduled at a time when the residents can be present as well as those board members who wish to attend.

Commissioner Watson stated that he would like to know the total impact of what Mr. Thompson wants to do.

Commissioner Dixon concurred. He stated that he did not want to turn down a project just because he does not know enough about it. But he admitted that he did not understand the concept or what potential impacts there might be. He asked "How many shooters will there be at any one time?"

Chair Roberson requested that if the test is repeated that sound measuring equipment be used to ascertain pertinent facts regarding the impact of the noise.

Commissioner Fletcher stated that he had enough personal experience with the firing range at the police academy to know that the proposed firing range will disrupt the community which surrounds it.

**COMMISSIONER DIXON MADE A MOTION TO TABLE ACTION ON THE SPECIAL EXCEPTION PERMIT UNTIL ANOTHER DEMONSTRATION CAN BE SCHEDULED AND UNTIL SUCH TIME THAT ADEQUATE FACTS CAN BE DETERMINED FOR THE BOARD TO MAKE AN INFORMED DECISION.**

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

**A MOTION WAS MADE BY COMMISSIONER WATSON AND SECONDED BY COMMISSIONER FLETCHER TO DENY THE SPECIAL EXCEPTION PERMIT.**

**DISCUSSION FOLLOWED.**

**THE BOARD VOTED 2 - 3 WITH COMMISSIONERS WATSON AND FLETCHER VOTING IN FAVOR OF THE MOTION TO DENY, COMMISSIONER MCGILL, DIXON AND ROBERSON OPPOSING. THE MOTION TO DENY FAILED.**

**UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 1 TO TABLE ACTION ON THE PROJECT UNTIL ANOTHER DEMONSTRATION CAN BE SCHEDULED AND PERTINENT FACTS CAN BE DETERMINED TO FACILITATE AN INFORMED DECISION. COMMISSIONERS DIXON, FLETCHER, MCGILL AND ROBERSON VOTED IN FAVOR OF THE MOTION TO TABLE. COMMISSIONER WATSON VOTED NO. THE STAFF WAS INSTRUCTED TO INFORM ALL NEIGHBORS WHEN THE DATE OF THE NEXT DEMONSTRATION IS DETERMINED.**

Mr. Richmond told the audience members who are interested in receiving notice of the next demonstration to call Mr. Ballister's office and give him their name and addresses.

#### **Smith - Hardship Variance to Minimum Lot Size**

Mr. Mitch Smith is a quadriplegic who owns a 24-acre site that is zoned agriculture 2 and allows 10 acre lot minimums. He is confined to a wheel chair and requires the services of a care-taker



who resides in close proximity. He has requested that the County allow him to separate out 4 acres to sell to his care-taker.

Chair Roberson called for public comments. There was no response.

**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE HARDSHIP VARIANCE AND ALLOW MR. SMITH TO SEPARATE OUT THE 4 ACRE PARCEL AS DESCRIBED IN THE ATTACHED DOCUMENTATION.**

#### **Annie Green - Variance to Minimum Lot Size**

Mr. Ballister told the Board that Mrs. Annie Green has 1.9 acre lot in Spring Meadows Subdivision. It is located within the rural residential zone. She originally submitted a permit for a replacement unit on her lot and it was approved based on it being a replacement. She now desires to leave the original home in place as rental property and place her new home on the same parcel. The front of the lot faces a dirt road and it is served by a Talquin water supply. The comp plan would allow 1 unit per acre. Ms. Green lacks only .1 acre for approval to place 2 units. She asked for a variance of the minimum lot size.

**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE MINIMUM LOT SIZE VARIANCE DESCRIBED ABOVE.**

#### **Schedule for Comprehensive Plan Revision**

Mr. Ballister called attention to the attached schedule which outlines the deadline dates for having the Comprehensive Plan revisions ready. It was offered as information. No action was required.

#### **ECONOMIC DEVELOPMENTS**

Mrs. Sherry VanLandingham reported on the economic activities as outlined in the attached report. No action was necessary.

#### **COMMUNITY DEVELOPMENT**

Community Development Director Edward Butler appeared before the Board to ask them to appoint one person from each district to serve on the Citizens Advisory Task Force for purposes of a Community Development Block Grant Program. The application for the grant is due June 30, 1999.

Mr. Butler told the Board that the work would require their attendance at meetings approximately three times per year. He asked them to phone him with their appointees.

#### **MANAGEMENT SERVICES - DEBT CONSOLIDATION**

Management Services Director Arthur Lawson told the Board that the county has approximately 21 loans for equipment purchased over the last few years. He proposed that all the loans be consolidated. He stated that the county could save some money if a good interest rate could be found. He asked for permission to get an RFP to see if a consolidation loan would be feasible.

#### **A MOTION WAS MADE BY COMMISSIONER FLETCHER AND SECONDED BY COMMISSIONER MCGILL TO APPROVE THE RFP.**

Clerk Thomas stated that the finance director and he would readily approve of the Board seeking financing from local sources. However, he pointed out that no analysis was attached to the proposal that demonstrated a savings to the county. He stated that many of the pieces of equipment are already paid for and nine others are due to be paid off during the next fiscal year. He went on to say that seven of the nine pieces are financed at 4.97% and two others at 5.85%. He said it would not make sense to include those in another long term debt since most of the interest has already been paid on those pieces.

Mr. Thomas continued by saying that in the following fiscal year, there are another 10 pieces which includes 5 motor graders that are on a buy-back program. He encouraged them to certainly look at local financing agencies in the future, but he was not certain that it would be in the best interest of the County to change financing at this time. He also suggested that the County could possibly look at paying for some pieces out right instead of financing them.

Commissioner Fletcher concurred with the Clerk but emphasized that all Mr. Lawson was requesting was to do an RFP to see what kind of proposal might result.

Mr. Lawson stated that he and County Manager Howard McKinnon had already considered those pieces which will be paid off within the next year or so. He also stated that they would be taking those into consideration in the proposal process. He said that the loan consolidation would not affect the buy back at all.

Commissioner Dixon stated for the record that the Clerks comments are duly noted.

**QUESTION WAS CALLED BY COMMISSIONER FLETCHER. THE BOARD  
VOTED 5 - 0 TO AUTHORIZE THE RFP AS DESCRIBED ABOVE.**

**PUBLIC WORKS DIRECTOR**

Public Works Director Robert Presnell directed attention to the road re-surfacing list which identifies the county roads that are in need of re-surfacing at the present time. He told them that since the current contract with C.W. Roberts has not yet been completed, it could be amended with a change order to include most of the roads on the list. He asked for approval of the contract amendment and change order.

Commissioner Dixon asked what the time frame would be to accomplish all the work. He also asked if the paving would go out for competitive bid.

Mr. Presnell explained that there is still an existing incomplete contract with Roberts Contracting. The proposed work could become a change order to the existing contract. He added that Roberts had subcontracted with another paving contractor for some of the original work. He stated that part of the work would likely be subcontracted again.

Commissioner Dixon was in favor of going out for bid on a new contract as opposed to doing a change order.

Commissioner Fletcher pointed out that the original bid was an extremely competitive bid when it was done a year ago. He noted that the difference in the bids was only \$20,000. He said that the County got a super job from Roberts and that he was in favor of amending the contract to include the additional work.

Discussion followed.

**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER FLETCHER THE BOARD VOTED 4 - 1, BY VOICE VOTE, TO APPROVE THE ADDITIONAL WORK AS A CHANGE ORDER OF \$1,199,191.00 TO THE EXISTING CONTRACT WITH C.W. ROBERTS. COMMISSIONER DIXON CAST THE LONE DISSENTING VOTE.**

**COUNTY MANAGER'S AGENDA**

Mr. McKinnon had nothing to report.

### CONSENT AGENDA

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE CONSENT AGENDA ITEMS 1 - 3 AND 5 - 12, AND THEY VOTED 4 - 0 ON ITEM # 4. COMMISSIONER FLETCHER ABSTAINED FROM VOTING ON ITEM NO. 4 - SEE CONFLICT FORM ATTACHED.

- 1) EMS Write-off of Bad Debts Resolution # 99-007 for \$99,819.24.
- 2) Maintenance Agreements - Department of Transportation 3 projects: Bridge replacement on CR 65-D over Telogia Creek; bridge replacement - CR 269-B over Yon Creek and the resurfacing of CR 269 from Morgan Ave. to U. S. 90.
- 3) Additional inmate crew - Interagency agreement for 05/10/99 to 06/30/99
- 4) Financing proposal for 2 Dump Trucks with Quincy State Bank - Corporate Resolution \$38,113.60 @ 5% interest
- 5) Request to Accept Medicare Determination as payment if full on EMS Account - Patient # 21-991084
- 6) Approval of Purchase Order 99-0399-PUR; Replace transmission on 863 Tractor at Ford New Holland of Tallahassee for \$12,852.25
- 7) Contract for back-up Medical Director services with Gloria Ramos in the event the current medical director's inability to function.
- 8) E-911 Road Names new: Carlisle Drive - North off Selman Road, North off Blue Star Highway (U.S. 90)  
Suber Road - W. off Juniper Creek Road to Telogia Creek Road
- 9) Contract with Mowery Elevator Company for elevator in Governmental Complex
- 10) Assignment of Municipal Lease and Option Agreement No. 1422 - Public Works Equipment - to Marquette National Bank, 8020 South Harlem Ave. Bridgeview, Ill 60455
- 11) Review and Clearance of FFY Audit on 95DB-65-02-30-01-H22 and 97DB-1E-02-30-01-Y04
- 12) Financial Statements and Auditors Reports for Quincy-Gadsden Airport Authority

### CLERK'S AGENDA

#### County Deed to Wanda Payne

Clerk Thomas reminded the Board that they had authorized him to proceed with a direct sale of the old abandoned sand/clay pit in Greensboro to Ms. Wanda Payne. He reported that he had notified the adjacent property owner received no response. He then asked the Board to execute the deed to Ms. Payne for \$2, 610.

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO AUTHORIZE THE CHAIR TO EXECUTE THE DEED TO MS. WANDA PAYNE.

**Public Hearing - Advertised Budget Change**

Clerk Thomas opened a public hearing for the purposes of making changes to the FY98-99 Budget. He pointed out that the change included the purchase of new equipment for the hospital, the financing for public works equipment and the Lutz lawsuit settlement.

Public comments were called for by the Chair. There was no response.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY WATSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE ADVERTISED BUDGET CHANGE.

**Ratification of Approval to Pay County Bills**

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

**Budget Amendments 99-05-18-01 through 99-05-18-07**

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.

**DISTRICT 1 REPORT**

Commissioner McGill reminded the Board that Commissioner Dixon would soon take office as the President of the Florida Association of Counties. He said he had inquired as to what other presidents have done in the way of support staff while serving as president. He said that he had learned that the volume of work will be extensive. He said that the County may find it necessary to hire additional administrative support.

Commissioner Dixon stated that he was going to try not to hire additional staff.

**DISTRICT 2 REPORT**

Commissioner Watson had no report.

#### **DISTRICT 4 REPORT**

Commissioner Fletcher had no report.

#### **DISTRICT 5 REPORT**

Commissioner Dixon called attention once again to the number of grants that are available from the State of Florida as a part of the Rural Economic Development Initiative. Those are grants for counties that are under 75,000 in population.

He proposed that the County hire a staff person with the sole purpose to seek and write grants specific to Gadsden County.

**A MOTION WAS MADE BY COMMISSIONER DIXON TO ADD A GRANT WRITERS POSITION TO THE COUNTY STAFF.**

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

Discussion followed.

Chair Roberson pointed out that the grant writer would have to bring in at least \$380,000 in grants to offset the cost of the position. She asked the staff to ascertain what it would cost in a retainer fee to have some outside agency to do this for the County as opposed to hiring a staff person.

**UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 2 - 3, TO ADD A GRANT WRITER'S POSITION TO THE COUNTY STAFF. THE MOTION FAILED. COMMISSIONERS DIXON AND MCGILL VOTED "AYE". COMMISSIONERS WATSON, FLETCHER AND ROBERSON VOTED "NO."**

**ADJOURNMENT**

\_\_\_\_ UPON MOTION BY COMMISSIONER DIXON, THE CHAIR DECLARED THE  
MEETING ADJOURNED.

\_\_\_\_\_  
Carolyn Roberson, Chair

**ATTEST:**

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

AT A REGULAR MEETING OF THE COUNTY  
COMMISSIONERS, HELD IN AND FOR  
GADSDEN COUNTY, FLORIDA, ON June 1,  
1999, THE FOLLOWING PROCEEDINGS WERE  
HAD, VIZ.

PRESENT: CAROLYN ROBERSON, CHAIR  
BILL MCGILL  
STERLING L. WATSON  
E.H. (HENTZ) FLETCHER  
NICHOLAS THOMAS, CLERK  
HAL RICHMOND, COUNTY ATTORNEY  
HOWARD MCKINNON, COUNTY MANAGER

ABSENT: EDWARD J. DIXON, VICE CHAIRMAN

CALL TO ORDER

Chair Roberson called the meeting to order. Commissioner Fletcher led in pledging allegiance to the U.S. Flag and Commissioner Watson led in a prayer.

ADOPTION OF THE AGENDA

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

APPROVAL OF MINUTES

May 18, 19999 Regular Meeting

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

COUNTY ATTORNEY'S AGENDA

County Attorney Hal Richmond was present but had nothing to report.

PLANNING AND ZONING ISSUES

Wagner Density Variance Request

Director of Planning Bruce Ballister told the Board that Mr. Robert Wagner had purchased a four acre tract in 1997 with the anticipation of constructing a home on the site. It is large enough by rural residential standards for a home site but is located in an Agricultural 2 Zone which has a 10 acre minimum lot size. The former owners did not apprise the Wagners of the lot



size requirement, thus they were not aware of it when they purchased the land.

The lot was created by metes and bounds recording at the Clerk's office and was given a parcel ID no. at the Property Appraiser's office but it is not in conformance with the Land Development Code and Comprehensive Plan.

Mr. Ballister told the Board that the staff found the Wagners harmless in purchasing the lot and recommended that the Board approve Mr. Wagner's request for a variance from the 10 acre minimum lot size.

Mr. Ballister told the Board that there appears to be a loop hole in the P & Z process that allows the creation of illegal lots that may need to be plugged by operational procedures or by new ordinance.

**COMMISSIONER FLETCHER MADE A MOTION TO APPROVE THE VARIANCE REQUEST AND COMMISSIONER MCGILL SECONDED THE MOTION.**

**DISCUSSION FOLLOWED.**

**THE CHAIR ASKED IF THERE WAS ANYONE PRESENT WHO OPPOSED THE GRANTING OF THE VARIANCE. THERE WAS NO RESPONSE.**

**THE BOARD VOTED 4 - 0, BY VOICE VOTE, IN FAVOR OF THE MOTION.**

**FRANK CLORE - HAVANA FLEA MARKET**

Mr. Ballister told the Board that Mr. Clore's request for the Havana Flea Market was first before the Board on December 16, 1997. It was returned to the applicant pending traffic studies and other unresolved issues with the Department of Environmental Protection (DEP). The proposed plan is now acceptable to DEP but is subject to continuous monitoring at this point.

Mr. Ballister referred to the comments in the attached memo regarding the proposed flea market.

Commissioner Watson asked what kind of public notice is required in this matter.

Mr. Ballister answered that everyone within 1,000 ft. should be noticed via U.S. Mail.

Commissioner McGill asked how many days of advanced notice must be given to the public.

Mr. Ballister answered that he was not certain.

Commissioner Watson stated that he had received complaints from the public that they had only received notice a day or two before this meeting.

It was determined that the letters of notice were dated May 27, 1999.

Mr. Richard Thompson from the audience was recognized for comments. He presented his written complaint regarding the lack of proper notice.

It was determined that the application was a level two application and subject to rules for public hearings as defined in FS 166.041 and 163.314 which requires 10 working days notice.

**UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO TABLE DISCUSSION OF THE HAVANA FLEA MARKET UNTIL JULY 7, 1999.**

#### **Minor Subdivision Rules - Gaps in Policy**

\_\_\_\_Mr. Ballister told the Board of an issue which has arisen and to which he has received many complaints. He called attention to the attached memo which lists all the definitions for subdivisions listed in the Land Development Code and the Comp Plan. He added that there is nothing in the code that deals with rights of re-subdivision.

Mr. Ballister stated that there seems to have been an understanding or policy that was handed down from one planning director to the next that there is a one-year holding period between one action and another on a given piece of property unless the owners changed. However, that policy is not substantiated in writing anywhere in the statutes, county ordinance or policy.

Mr. Ballister stated that it is technically legal in Gadsden County for someone to approach the planning department with an application to perform a minor subdivision on a parcel of land leaving out a significant piece of the minor subdivision. Then a week or month later, that party or another party could approach the planning department again performing another minor subdivision on the remainder of the parcel that was left out of the first minor subdivision.

Mr. Ballister then stated that the result has been that (using purely legal methods) a person can create much more than 5 lots by

following the procedures for a minor subdivision and spend a lot less time and effort than performing a major subdivision.

There were many people in the audience in response to an action that was submitted for a few properties located at the intersection of Merritt Lane and Hollow Creek Lane. There are five parcels there that were recently sold in mass. They have been held by one property owner since the beginning of the subdivision.

The subdivision has been called the Altchul Subdivision and Fred Shelfer Subdivision. There is no plat or recording of the subdivision. There are no deed restrictions or covenants recorded. However, having been created for a couple of decades, that subdivision (an assemblage of 5 and 6-acre lots) has created a neighborhood with a neighborhood character.

Mr. Ballister then told the Board that he has received an application for a minor subdivision within that neighborhood which is technically legal but it violates the intent of the Comprehensive Plan. He stated that the County needs to plug the gap in the subdivision ordinance that allows for the scenario described.

Mr. Ballister asked the Board for directions.

Mr. Richmond stated that it is possible to place a moratorium on developments until the Board can publish and rework the subdivision ordinance.

Mr. Ballister stated that such a measure would cure future applications. However, he asked if it could also apply to the pending applications.

**UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO DIRECT THE PLANNING DEPARTMENT NOT TO ACCEPT ANY MORE APPLICATIONS FOR SUBDIVISIONS UNTIL SUCH TIME AS A NEW SUBDIVISION ORDINANCE CAN BE NOTICED AND ADOPTED. IT WAS FURTHER MOTIONED TO AUTHORIZE THE COUNTY ATTORNEY TO PROCEED WITH PUBLISHING A NOTICE OF INTENT TO AMEND THE SUBDIVISION ORDINANCE AND TO HOLD A PUBLIC HEARING ON JULY 7, 1999.**

Discussion followed regarding the application and concurrency requests that are already in the planning department. Mr. Richmond stated that he felt the current application could be denied based upon the existing ordinance and such action could be defended legally. He said he would look into the matter further to see how the pending applications should be handled.

Richard Baxley was recognized for comments. He asked why the public was not advised of what is happening.

He was told that there is no legal requirement currently in place that would make it necessary for the matter to come through the planning department or require public notice.

#### **SUBORDINATION AGREEMENT**

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE SUBORDINATION AGREEMENT FOR MARY L. MCCARTHY.

#### **DISPLACEMENT/RELOCATION GRIEVANCE PROCEDURES**

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 4 - 0, BY VOICE VOTE TO APPROVE THE ATTACHED DISPLACEMENT/RELOCATION GRIEVANCE PROCEDURES.

#### **APPOINTMENTS TO THE CDBG CITIZENS ADVISORY COMMITTEE TASK FORCE (CATF)**

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 4 - 0, BY VOICE VOTE TO APPOINT THE FOLLOWING PEOPLE TO THE CATF: Helen Carroll, Louise Wynn, George L. Burnett, Carlotta Price, Charleston Holt, Idella Barnes, Josephus Eggelton

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

##### **Animal Shelter**

County Manager Howard McKinnon reported that discussions have been held with the City of Quincy regarding their donation of two acres of land near Byrd Landfill for the placement of a county animal shelter. Details for an interlocal agreement between the City and the County have also been discussed. The conceptual proposal is attached.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO WITHDRAW THE APPLICATION FOR ZONING WITH THE CITY OF QUINCY FOR THE SR 267 SITE FOR THE ANIMAL SHELTER AND APPROVED THE CONCEPTUAL APPROVAL AS OUTLINED IN THE ATTACHED PROPOSAL.

**CONSENT AGENDA**

UPON MOTION BY COMMISSIONER WATSON AND SECOND 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 to the C.W. Roberts Contracting, Inc. contract for resurfacing county roads - Change order of \$1,199,191.00 bringing the total contract amount to \$2,432,759.19.
- 2) Lease extension (July 1, 1999 to June 30, 2000) of the State Farmer's Market space: Unit # 1 Annex and Warehouse (6,125 sq. ft. @ .80 per ft. = \$4,900)  
Unit 1 - Stalls 11 -24 (17,166 sq. ft. @ \$.26 per ft. = \$4,463.16)  
Offices (1,104 sq. ft. @ \$1.68 per sq. ft. = \$1,854.72)  
Restrooms ( 110 sq. ft. @ \$.167 per sq. ft. = \$183.70)  
Loft ( (7,280 sq. ft. @ .22 per sq. ft. = \$1,601.60)  
Total = \$13,003.18
- 3) DEP Grant Applications for 1999-2000: Solid Waste Recycling and Education; Small County Solid Waste; Solid Waste Tire; Litter Control and Prevention.
- 4) Approval of Change order to the Fuel System Upgrade at Sheriff's Garage; Change order of \$830.00 to extend the vent lines conduit for telephone line and removal of solid concrete island.
- 5) Bid # 99-010 for Petroleum Products awarded to Petroleum Traders of Ft. Wayne, Indiana for Premium unleaded gasoline .0269 and +0128 for # 2 low sulfur diesel fuel over the OPIS/Bainbridge/Average.
- 6) Gates Library Initiative Grant application
- 7) Technology Plan for Library
- 8) Agreement between Gadsden County Citizens for Heathy Babies, Inc. and County Extension Office
- 9) Sonitrol Agreement for security at Public Works
- 10) Employee Assistance Program Agreement with Apalachee Center for Human Services, Inc. - \$3,515.00 per year.

- 11) Agreement with Municipal Services to pay Clark Munroe Tractor Co. for 3 15' bush hog flex wing 2615 rotary cutters @ \$7,412 each
- 12) Annual Financial Report filed with FL Banking and Finance by Purvis Gray and Company
- 13) FY2000 Drug Control and System Improvement Formula Grant Application

**CLERK'S AGENDA**

**Cash Report**

**Financial Statements**

Clerk Thomas called attention to the financial statements and cash report in the agenda packets. It was provided for information purposes only.

**Budget Amendments 99-06-01-01 through 99-06-01-04**

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 appointed Jean Peacock to the Library Commission.

**DISTRICT 3 REPORT**

Chair Roberson had no report.

**DISTRICT 4 REPORT**

Commissioner Fletcher had no report.

**ADJOURNMENT**

**THERE BEING NO FURTHER BUSINESS BEFORE THE BOARD, THE CHAIR  
DECLARED THE MEETING ADJOURNED.**

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**Carolyn Roberson, Chair**

**ATTEST:**

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**Nicholas Thomas, Clerk**

Ballister: The last issue before us is an issue that has arisen and we have received many phone calls at the planning office and at the county manager's office. The county manager and I both met with Hal Richmond last week to go over how we might handle the process.

Our minor subdivision, ah, I have listed in the comment section all the definitions we have to cover subdivisions whether they are subdivisions, re-subdivisions, majors, minors or exempt. Ah, there is not much more substantial back in the subdivision section itself that deals with ah, the rights of re-subdivision.

Ah, there have been ah, an understanding or policy that seems to have been handed down as a ? knowledge from one planning director to another that there is a one year holding period between one action and another on a given piece of property unless it changed hands. That isn't substantiated in writing anywhere in the statute, ordinance or policy that I can find.

Ah, which brings us to the case in point. It is technically legal for someone to approach the planning department with an application to perform a minor subdivision on a big parcel or a few parcels of land, leaving out a significant piece of that minor subdivision application and then either that party or another party approaching the same department within a month or two or a week for that matter, and re-performing a minor subdivision on a minor, on the remainder, excuse me.

The result is that by using purely legal methods, a person can create much more than five lots by following the procedures and have spent a lot less time and effort than going through the major subdivision process.

Ah, I believe a great number of the people who are here tonight are here in response to a submitted action for a few properties located at the intersection of Merritt Lane and Hollow Creek Lane. There are five parcels there that were recently sold in mass. They have been held by one property



owner since probably the beginning of the subdivision.

Ah, to give you some background here, the subdivision has been variously called the Altchul Subdivision, ah, and the Fred Shelfer Subdivision. There is in fact no metes and bounds for the subdivision, excuse me, no plats for the subdivision, no recording. As far as I can find, there are no deed restrictions or covenants recorded. Each parcel ah, I researched the five parcels that were ah, subject to action tonight. Ah, formerly owned by Mr. Dillon and could find nothing in those legals except a reference to a property corner and then those parcels were cut out. So it is a metes and bounds subdivision.

Ah, however, having been created and occupied for some several years now, decades, that subdivision or assemblage of five and six acre lots has created a neighborhood and it's created a neighborhood sense. When you drive down that road, you have an idea of what's there and the people who've lived there and have seen the tax map and the plats, have an idea that they live in a five acre subdivision whether it has been duly recorded or not. That neighborhood character has developed.

Ah, it is a stated goal of the comp plan. Our first goal, Goal # 1 - To assure that the character, magnitude and location of all land uses provides a system for orderly growth and development that achieves a balanced natural, physical and economic environment, and enhances the quality of life of all residents.

Ah, there are several other listed goals and objectives that indicate that existing neighborhood characteristics should be preserved. That is one of the things that we've labored with when we have a new subdivision coming in adjacent to an existing large parcel area. We try to buffer those things. The Board has input and the Board has the ability to provide guidance to these processes.

The major subdivision process allows the County to achieve storm water controls, provide roadway

infrastructure for those lot frontages and basically to insure that land management is applied to the subdivision process.

So, we have an application now that is technically accurate and legal which violates the intent of the comprehensive plan. And, ah, I guess I am looking for the board's guidance here. We have the opportunity to decide, you know, do we need to plug this gap in the policy.

Ah, other jurisdictions have a simple amendment to their policy. All we would have to do is to say that any land that has gone through the subdivision process is out of the subdivision process unless you go through a full board review.

Ah, that you can't do a minor on a minor. If you went through the minor once and you wanted to re-subdivide or re-characterize the subdivision, you would have to go before the Board of County Commissioners. That is a very simple fix.

Yes, sir?

Fletcher: What is, what is the staff recommendation?

Ballister: Ah, I don't have a staff recommendation here, sir. This is not an application that would have come before the Board, it's a more something, ah, that is a planning issue.

Hal Richmond and I have discussed it and we decided it would be on my ticket instead of his since it is a planning and zoning decision.

Richmond: Yeah. Let me ask him one or two questions if I can. Bruce, to preface this thing - right now, your feeling is that there is a gap in the subdivision ordinance where somebody, if they wanted to, could subdivide and swap it back and forth between family members or others and totally avoid the subdivision ordinance.

**In other words, are you asking the Board to declare a moratorium on developments until we can publish and redo the ordinance to cure this gap.**

Ballister: **That's one possible outcome, sir. Yes.** Ah, some jurisdictions have gotten to this point where they realize that "We've got a problem that we haven't fixed by ordinance." A previous ordinance which had been working fine has been subverted or gotten around and ah. **If we pass a moratorium, ah, I don't know how that action applies to the pending proceeding or pending application. Can you advise me on that?**

Watson: I don't see how we can prevent the one that has been started, but we can prevent anything else.

Richmond: What concerns me is that the guide that has been prepared for you tonight is a pretty good guide on how to circumvent the subdivision ordinance if you accept the logic there. I mean - I have some arguments (legal arguments) that the intent of the subdivision ordinance is to prevent this minor subdivision from being developed. But, I think it could be clearer in the ordinance that we've got. And I think that Bruce has the language to clear it up.

Watson: There would be nothing wrong with us establishing a moratorium would there?

Richmond: **Well, I guess what I need is a Notice of Intent to amend the appropriate ordinance, let me publish it, ah, and bring it back on the seventh of July.**

Watson: Can we prevent any others from beginning until then?

Richmond: **You can vote and direct the planning and zoning director to accept no applications until after the seventh.**

McGill: Well, wouldn't that exactly be a moratorium until such time?

Richmond: That is basically the same thing. You're right.

Watson: You just don't like that word, huh?

Fletcher: **I move that we declare the moratorium.**

McGill: **Second.**

Roberson: **O.K. We have a motion and second to declare the moratorium. All in favor say "aye".**

**Watson, McGill, Fletcher, Roberson: Aye.**

Roberson: All opposed?

Richmond: **Now, did that include the directions to prepare an advertisement of a Notice of Intent to amend the ordinance and set a public hearing to be on the seventh of July?**

Fletcher: **Absolutely.**

Ballister: I would not be able to get advertisements out 10 working days prior. Oh! July 7th, yes, I can do that.

Richmond: July 7th, yeah, we got to do it that way. But at that point in time I know there is a lot of people here, I'm sorry, public input would be appropriate at that time one way or the other.

Fletcher: I call the question.

Richmond: We've already voted on it.

Fletcher: Excuse me.

Peppers: My name is Elva Peppers and I live in that subdivision, well, I call it a subdivision anyway, everybody does. Ah, does this include the piece of property that we are talking about now, since it is already being sold? The lots are in the process of being sold.

Watson: He's only started one minor as I understand it, is that correct?

Ballister: One minor has been presented and four concurrency applications at this time.

- Watson: So, this is a dead issue as far as Merritt Lane goes then, if - My point is to prevent the four applications from going forward. That is what my intent is.
- Ballister: I already have on my desk an application for a minor and probably Isabelle Byrd has the four applications for the four smaller lots. They have been received. I was going to present the Board with a sketch of (inaudible)
- Watson: How can this effect those additional?
- Richmond: It can create a law suit. I don't know and I'm not saying that the purpose behind this is anything unfair, so don't, I am just saying that when you are subdividing a bunch of lots, it appears that the subdivision ordinance would appear to cover this. It is my legal opinion that it would. But, if they attempt to go through with this, we could possibly wind up in a law suit, if ya'll direct me to.
- Ballister: By way of explanation, the five large lots (number 69 - 73) are the five lots that were recently purchased.
- Richmond: Are there any legal restrictions on those deeds?
- Ballister: There are no deed restrictions, no.
- Richmond: No deed restrictions regarding the lot size or anything else.
- Ballister: I couldn't find anything in either covenants or deed restrictions over at the Courthouse.
- Richmond: Well, that is going to create problems for the owners out there I suspect.
- Ballister: In the areas, the two lots marked 73 and 72, actually 72 has been re-adjusted and split between 73 and 71. That has been accomplished at the courthouse. So the area that is 73 and most of 72 is being proposed for the five small lots numbers 1 - 5.

Richmond: Yeah, and in your opinion that doesn't need to come before the Board?

Ballister: It wouldn't. Under the any of the criteria that anybody could come in and say this is a minor subdivision application.

Watson: Just because only staff sees this doesn't mean that it doesn't get a review does it? I mean, certainly you would consider what's going on here.

Ballister: I have no technical basis for denial, sir.

Richmond: Right.

Ballister: If I treat all applicants fairly, I look at this and say "Well." I don't like it. I don't like what is happening to the surrounding area. I know that they all bought into what they thought was a five acre subdivision. As far as I know, except for a very few family subdivisions, it has remained as it was originally platted.

Watson: Are all these lots included?

Richmond: Just the five numbered lots.

Ballister: Lots 69 - 73 were purchased by one owner recently. 72 and 73 are up for action right now. Ah, 1 & 2 are both two-acre lots and I have every reason to believe that they would both end up at the courthouse as a two for one minor and out of my jurisdiction within the next week after the minor was approved. I have no control over that.

Watson: And you've got something already on 69 & 70?

Ballister: No, sir. I just know that it's out there and it's pending. That would be applicable to two-acre lots because it is a dirt road.

McGill: Didn't you say that you have four for concurrency?

Ballister: I have four concurrency applications in for some of the lots up in the 70 - 73 area. Along in there.

Watson: How many lots do we have applications for right now?

Ballister: I believe it is four - that were presented to Isabelle.

Watson: That's it?

Ballister: Right. I know that there is an intent here as there have been other applications discussed to me at my office about other places that are going to be similarly cut.

Watson: So this is not going to have that big of an impact out there?

Ballister: This would put ah, seven one-acre lots.

Watson: I'm talking about that we have in the office right now.

Ballister: Right now, but, what's in the office right now would be this minor subdivision. The lots numbered 1 and 2 will be cut at the courthouse as two additional lots. So, we will have seven one-acre lots on Merritt Lane.

Watson: But what we did tonight is going to prevent anything beyond those seven lots is what I am saying.

Ballister: Yes.

McGill: Why would you cut 1 & 2?

Ballister: Sir?

McGill: Why would you cut 1 & 2?

Ballister: Why would they cut it?

McGill: Yes.

Richmond: What is the density out there?

Ballister: It's rural residential density. The established neighborhood is pretty much all 4.5 to 7-acre lots. Ah, but the overlay zone is rural residential. So, I can have one-acre lots of Merritt Lane and two-acre lots on Hollow Creek Road.

McGill: What have we done to allow him to go back and subdivide lots 1 & 2 into smaller lots?

Ballister: There is no restriction that says that anybody has to come to planning and zoning department to cut one lot into two lots. So, if lot 1 is

Watson: But they are in a subdivision, Bruce.

Ballister: But they never come to my office.

There is no restriction at this point. There is no place in my code that says if somebody wants to cut one lot into two pieces, that they have to come through me. A minor subdivision as I understand it is 3 - 5 lots.

Richmond: If it meets density.

Ballister: Density or not. It can be done. They don't go through me. There is no point in our code that says they have to have my blessing.

Richmond: If they want to build out there they do.

Ballister: Right.

Richmond: I mean, when they go for building permits, they got to come to you.

Ballister: I think that is a backwards enforcement.

Richmond: That may be, but I mean it is enforcement.

Ballister: Right.

Richmond: It sounds to me like somebody is trying to avoid the subdivision ordinance and if they are trying to do that, why should we co-operate and give them certificates of occupancy or provide them with anything when they haven't complied with the ordinance that is there? If you are trying to divide into six pieces, you ought to do it the right way.

Applause.

Richmond: I'm sorry.



Fletcher: Well, you are just telling the truth, Hal.

McGill: That certainly will affect the density.

Richmond: Yeah.

Watson: Cause, I mean, you're, we're going to wind up with seven lots.

Ballister: As I see it, yes sir.

Watson: That is a violation of the, ah, we should be able to stop this. I would think.

Richmond: I mean that there is nothing to keep them from taking deeds to the courthouse, Bruce is right on that. You can deed anything you want. It is a question of later. It's like the people with the four-acre tract. They came in here, I mean, it's a question of variances at that point. You know, what Bruce is saying, you can have a one-acre lot out there, yeah. But, you are also building subdivisions. You are building seven lots and that is not a minor subdivision. But

McGill: The moratorium that we just took, would that not stop that idea.

Richmond: We are going to cure it. That is the question I need to look at. I don't know the answer to that. Those applications are in Bruce's office and technically are under the wire. What I am doing here tonight is trying to prevent anything else from going on out there. To see what we can do to straighten the whole thing up. I don't know the answer to that.

McGill: Do you have a lawyer that went through and found the loop-hole in the subdivision ordinance and said o.k. I can violate this, I can break this?

Ballister: I don't know. I think it doesn't take an especially creative person to look at it and go and like "Gee, there's no reason for me to not do this."

Richmond: It's a question let's say of one person deeding it to his neighbor, and then the neighbor deeding two lots back to him, and in effect, subdividing the property down to one-acre lots when it is clear that the intent of the subdivision ordinance is to prevent people from doing that. They have got to comply with the concurrency, they've got to comply with all the underlying support mechanisms that Bruce is there to make sure they enforce. But, Bruce is saying that there is nothing to make them come to him, they are just going out and doing it.

McGill: But it is all designed to get around and violate the ordinance. It's dead wrong.

Richmond: We can all draw our own conclusions.

Ballister: At the point that the one-acre lot came in for a concurrency that was a part of the subdivision of this minor, I can say that I deny this because the original subdivision violated the spirit of the comp plan. That is kinda fuzzy language for somebody who just spent \$7,000 on a lot and \$70,000 on a home - when he didn't know this was a problem.

Roberson: We need to keep order please.

McGill: Can we have something published in the office so that when people come in they can read it and say "O.K. I cannot do that for these reasons."

Ballister: Excuse me sir?

McGill: If we had something on the bulletin board or some other display - conspicuous place where people could see it when they come in - I cannot do these things for these reasons.

Ballister: Very often the mobile home industry pulls the permits for the individual and the mobile home dealerships don't often know under what condition the land was subdivided. There is some cooperation between people who provide land and people who provide homes, but they don't always know what everybody is doing. The person who knows the least,

- McGill: I don't care if the mobile home dealer does pull the permit, it seems to me that all, whether it is one individual or it's a company, we should provide all with the information.
- Ballister: Right, we should. I guess that my problem with, ah, is that the person who knows the least about the process, is the person who just paid out the big check and is the least able to afford a lawyer for representation. And, so, I just need to, I'd like some clear guidance so that we can say I get to re-draft an ordinance that says I have some control over the two for ones.
- Watson: How many minor subdivisions do you see?
- Ballister: Oh, maybe a handful a year.
- Watson: Well, what would be wrong with any subdivision, we (the board) see for a while.
- Ballister: I have no problem with that. Ah, it's a matter of, you know, where they usually happen is out in the boonies - where you find a large acre lot with frontage - the reason they are done is because they have a unique characteristic that they have frontage already and that conforming lots can be constructed, otherwise they don't get done.
- Watson: You mean, if you can't figure out a way to stop it at the staff level, then we should hear it. Then, I don't want to get into all that, but again, you're not talking about all that many.
- Ballister: We can simply stop it, this re-subdivision, from happening by saying that we can't re-do it ever. Once you have created a subdivision, once a piece of property is subjected to the minor subdivision, the process stops unless the Board sees it.
- Richmond: Yeah, they've got to go through a full application, I think that is the intent of the ordinance.
- Ballister: The applicants provided a mechanism here called a flag lot. My predecessor didn't like a flag lot. I particularly don't have a problem with them because they provide often larger hunks of property

in more rectangular forms than lots that might be conforming that have a hundred foot of frontage but would be a quarter mile long. Ah, or some, you know, strange shape. I guess I go on record as a planner that a flag lot is a good option on some parcels. I don't have a problem with that. Ah, they can create spaces in land, ah, to me that is beside the point for tonight's discussion.

Watson: At what point did you say they were going to go for two for one?

Ballister: Probably lots 1 & lot 2.

McGill: And that would have an effect on ah,

Ballister: And to have that work, they would both be flagged off of Merritt. I think I have indicated with dotted lines where that is most likely to happen. I haven't seen that yet and I probably wouldn't. One of the easiest ways to let everybody know that needs to know is to let all the surveyors in the region know. Because they are the people who actually have to cut the parcels up before it goes anywhere official. A lot of people are not going to know it just because I put a legal notice in the newspaper.

Watson: Hal, your point was that we can stop this at the building permit level. This specific case.

Richmond: Ah, there is a possibility. I don't know, I don't have enough facts, commissioner on this specific application which processed. What the concern that Mr. Ballister has is that these people going to courthouse are doing it over there by deeds and he never sees them. What we can do is put on public notice something to the effect, Mr. Ballister, correct me if I am wrong, this is your suggestion which I agree with, is language to the effect that once a property is subdivided, it can't be subdivided again without Board action. Formal petition and action and they have to go through planning and zoning to do it. I mean, at least that gives us a chance to say "Yea" or "Nay" and it forces them to come over there. It puts the public on notice of this so they can't complain that they

thought they could just pass the property back and forth until they got it down to one-acre lots and all of a sudden you've got 100 lots out there with 50 transactions that the Board, Mr. Ballister has never seen. That is not the intent of the subdivision ordinance.

Ballister: I want to ah, lay undue burden on Mr. Thomas. He is performing his legislative appointed acts, he does what he is supposed to do.

Richmond: He's got to record the deeds.

Ballister: He's got to record the deeds. I don't have a problem with him performing his job.

Thomas: If it comes in the form of a deed, there is only certain things by statute that we are to make sure that it is on the deed and if those things are on there, then we are required to record the deed. We get a lot of people complaining sometimes, that they think someone fraudulently sold their property or something. Well, that's not something that is our job - to be able to tell if something is a fraud or not. You come back after the process to do that. If the deed has signatures, it is notarized, if names printed up under there, ah, it has on there who prepared the instrument - those basic things, then we are required to record a deed. If it comes in the form of a deed. It is a separate process in the recording of plats and all, but, if it comes in the form of a deed, then if those few things that are required by statutes are on there, then we record the deed. Just because we record it does not mean that it is totally proper or that everything is right.

Richmond: Yeah, we've got to get word out somehow to the public when they buy in a situation like this. The people who for instance who are buying 4 - 5 lots out there, I am sure they haven't been told anything except they got four one-acre lots or whatever or seven. It's like they're going to be coming up here to ya'll but we need to make very specific, I don't know, it doesn't do any good to put a notice in the Clerk's office because the land transfer agents, land closing agents, they, ah,

nobody goes to the courthouse and records their deeds, it is all done by professionals usually these days. So, I don't know how we get the word out, but that will be the biggest difficulty. Unless you just want haphazard subdivisions occurring all over the county, it sounds like we are going to have to close this gap.

Ballister: Other counties do have procedures where a two-lot subdivision, two for one it is called, is regulated. Now, I'll have to look into some of those mechanisms and put that into the ordinance revisions.

Watson: My question is preventing what we are looking at here tonight. That's my concern. What can be done to prevent that?

Richmond: That, I don't have an answer for as to whether there is a way to prevent it or not. You know, I'll be honest with you, it's a question other than statutes, of the ordinances. I'm going to have to look at it. I thought this way covered. I did not realize that this could go on. But, there is enough concern from Mr. Ballister to convince me that we need to change it as quickly as we can and then sort out where we are at. Ah, I'll sure see what we can do about stopping this thing.

Audience member: Mr. Ballister, excuse me, are these people going to be able to get permits - the ones who bought the property?

Ballister: I believe that is one of the questions that Hal will be looking at. But the four concurrency applications that are in, ah, I guess I can hold those until we hear from you.

Richmond: They may be under the wire. I need to look at that to see if there is a way to stop it. But, if you asked for my opinion tonight, I'd say that probably they're in. But, I will look at it and see if there is a way to prevent it. Not what you wanted to hear, but that's the best I can do.

Audience member: Why wasn't there anything published in the

Roberson: Excuse me sir, you can't just speak out in the audience, you have to be recognized first.

Audience member: I've got one question.

Roberson: State your name, please.

Baxley: Richard Baxley. I live out on Merritt Lane and I've been living out there twenty years. Everything out there ever since I've been out there has been five-acre parcels. O.K. Ah, there is a section in the Gadsden County Paper for planning and zoning. Where was there never anything publicized about what was going on out there? We just kinda found out this thing through the grapevine after it was already being done.

Richmond: Because the whole problem with this is there is no requirement that it come through planning and zoning, no requirement for public input. That is the problem that they are claiming exists and they want to correct. I'm going to have to look a little bit deeper to see if this is a problem. It has always been my understanding and belief that our ordinance covered this situation. Ah, to avoid this, where there was an intent to supersede or avoid the development regulations and ordinances on subdivisions that they wouldn't apply unless they are totally innocent buyers, third party or whatever. And I am not sure what the situation is on this. The reason you didn't get notice is because nobody notified Mr. Ballister. We are just finding this out. What I am saying is I want to look at - o.k. these people now have recorded their deeds over here and they are coming in and they want electricity and they want building permits and they want this and they want that, is there a way to stop them at the back door. I don't know the answer to that yet. That is what I am going to look up.

Baxley: I heard something a minute ago, too, about well, these people. Would you go out and buy a piece of property before you researched the issue? If they were foolish enough to go throw their money out there like that, I mean, it's just too bad. I mean, I would research real hard before I went and stuck

my neck out on a limb for a piece of property and couldn't do nothing with it. And, and, I think this was just kinda slid in and I don't know how to put it into words but, it's kinda disheartening, because we already have enough traffic out there on that road as it is.

Richmond: Thank you Mr. Baxley. Ladies and gentlemen, this is not a quote public hearing tonight. The comments we take in - this is a matter that could very likely wind up in litigation. There will be public input permitted at the ordinance recitation on the seventh of July. I think the Board has asked me to say that we would appreciate you coming back and letting us have your input at that time. Because what we say tonight is without notice to certain specific individuals that may not be here - the owners. So, we can't take any further action than what we've done. Thank you.



AT A REGULAR MEETING OF THE COUNTY  
COMMISSIONERS, HELD IN AND FOR  
GADSDEN COUNTY, FLORIDA, ON JUNE 15,  
1999, THE FOLLOWING PROCEEDINGS WERE  
HAD, VIZ.

**PRESENT:** EDWARD J. DIXON, VICE CHAIR (ARRIVED LATE)  
BILL MCGILL  
STERLING L. WATSON  
E.H. (HENTZ) FLETCHER  
HAL RICHMOND, COUNTY ATTORNEY  
HOWARD MCKINNON, COUNTY MANAGER  
HELENE MICHAELS, DEPUTY CLERK

**ABSENT:** CAROLYN ROBERSON, CHAIR  
NICHOLAS THOMAS, CLERK

**CALL TO ORDER**

The meeting was called to order by Commissioner Sterling Watson in the absence of the Chair and Vice-chair. Commissioner Fletcher led in pledging allegiance to the U.S. Flag and County Manager Howard McKinnon led in a prayer.

Commissioner Watson presided over the meeting at this point.

**ADOPTION OF THE AGENDA**

**Amendment to the Agenda**

Commissioner McGill requested that the E-911 New Road Names be removed from the Consent Agenda and placed for discussion under the County Manager's Agenda.

**UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 3 - 0, BY VOICE VOTE, TO ADOPT THE AGENDA AS AMENDED. (Vice-chair Dixon was not present for this vote.)**

**APPROVAL OF MINUTES**

**June 1, 19999 Regular Meeting**

**UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 3 - 0, BY VOICE VOTE, TO APPROVE THE MINUTES OF THE ABOVE STATED MEETING. (Commissioner Dixon was not present for this vote.)**

## **COUNTY ATTORNEY**

### **Midway Voluntary Annexation**

County Attorney Hal Richmond reported that the City of Midway has passed a city ordinance (99-008) which proposes to annex a piece of property that may or may not be contiguous to the City of Midway. He asked for authority to incur expenses to have a title search performed on the property in question.

**UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 3 - 0, BY VOICE VOTE, TO AUTHORIZE THE COUNTY ATTORNEY TO PERFORM RESEARCH AND INCUR EXPENSES RELATING TO A TITLE SEARCH, ETC. TO DETERMINE LEGAL OWNERSHIP OF THE LANDS RECENTLY ANNEXED BY THE CITY OF MIDWAY IN CITY ORDINANCE 99-008.**

Commissioner McGill stated that he would bring a report on things happening between Leon County and the City of Midway during the District 1 Report portion of this meeting.

### **Update on the Proposed Minor Subdivision on Merritt Lane**

Mr. Richmond recalled that he was directed at the June 1, 1999 meeting to draft proposed changes to the Land Development Code. He reported that those changes have been drafted and the Notice of Intent to adopt those changes by county ordinance has been properly advertised for the July 6, 1999 hearing.

Mr. Richmond recalled also that he was requested to research the Code as it pertains to certain applications already on file with the P & Z Department. He reported that based on his interpretation of the Code, every development that proposes to subdivide must be approved by either the P & Z Department Director or the Board of County Commissioners. However, he also stated that his interpretation differs from that of the P & Z Director. The matter will be subject to discussion at the July 6, 1999 Public Hearing.

**Vice-chair Edward J. Dixon arrived at this juncture and began presiding over the meeting.**

## **COMMUNITY DEVELOPMENT**

### **Allocation of State Housing Initiative Partnership (SHIP) Funds to Community Development Block Grant (CDBG) Program**

Community Development Director Edward Butler requested that \$150,000 of the SHIP funds be allocated to the CDBG Program if the County receives the grant.

**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO ALLOCATE \$150,000 OF SHIP FUNDS TO THE CDBG PROGRAM AND AUTHORIZE THE VICE-CHAIR TO SIGN THE ATTACHED MEMORANDUM OF AGREEMENT AUTHORIZING THE ALLOCATION.**

**Submission of CDBG Application**

**UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE APPLICATION FOR CDBG FUNDS AND AUTHORIZE THE VICE-CHAIR'S SIGNATURE ON THE APPLICATION.**

**Resolution 99-010 - Authorizing the Application for CDBG Funds**

**UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 4 - 0, TO APPROVE THE ABOVE STATED RESOLUTION.**

Mr. Butler then explained to the Board that it had been his intention to conduct a public hearing at this meeting relative the CDBG funds. However, he stated that the notice of the public hearing had not been properly advertised. He noted that it would be advertised and held at the next available date.

**COUNTY MANAGER**

**Florida Department of Transportation (FDOT) Small County Road Assistance Program**

Mr. McKinnon called attention to the Small County Road Assistance program which was passed during the 1999 Legislative Session. He explained that Gadsden County fits the criteria for the program and is eligible for paving of up to three roads this year. FDOT asked each eligible county to identify three roads they desire to be resurfaced through the program. All roads submitted by all counties will be visually inspected by FDOT and they will ultimately make the decision as to which roads will be paved/reconstructed.

After having reviewed Gadsden County's road paving needs, Public Works Director Robert Presnell proposed the following roads for submission to FDOT (in order of priority) for the program:

- 1) CR 157 - from CR 12 south to CR 153

- 2) CR 268 - from Crawford St. south to Joe Adams Road
- 3) CR 268 - from US 90 to Atwater Road

Mr. McKinnon asked the Board to approve the list to be submitted by July 1, 1999.

Discussion followed.

**UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE ATTACHED LIST OF GADSDEN COUNTY ROADS FOR THE SMALL COUNTY ROAD ASSISTANCE PROGRAM AS DESCRIBED ABOVE.**

**E-911 - NEW ROAD NAMES**

Commissioner McGill called attention to the petition to name an unnamed road "Flood Alley." He asked if there were any other names submitted. He was told that no other names were presented for consideration and that the three signatures represent all the residents on the road.

Commissioner McGill then asked if Boutwell Road is a private road or county road.

Mr. McKinnon explained that the described road was always thought to be a continuation of **Sadberry Road** - a public road. However, Mr. Charles Boutwell recently discovered that Sadberry Road actually dead-ends at the point of the big curve (see drawing attached) and that he actually owns the easement. Mr. McKinnon pointed out that the road has been used by the public for many years and also has been maintained by the County for many years.

Commissioner McGill then asked if and why the County would continue to maintain the road.

It was determined that because the County has maintained it for more than four years it has been considered a public easement and thus the county now has a responsibility to continue its maintenance.

**UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4- 0, BY VOICE VOTE, TO APPROVE THE ATTACHED LIST OF NEW ROAD NAMES TO WIT:**

- 1) **Flood Alley - New - North off of South Atlanta St. , East of Frank Jackson Road**
- 2) **Boutwell Road - New - North off Sadberry Road**

### **CONSENT AGENDA**

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

- 1) Resolution 99 - 009 in support of the work of the U.S. Army Corps of Engineers in Franklin County and opposition to any move to stay the activities of the Corps on the Apalachicola River, remove the 9 foot channel requirements or remove funding for the continuation of those activities.
- 2) Satisfaction of Housing Rehabilitation Agreement for Irene Strong as recorded in OR Book 354 at page 374 of the public records of Gadsden County.
- 3) Chamber of Commerce Activities Report for May, 1999

### **CLERK'S AGENDA**

#### **Budget Amendments 99-06-15-01 through 99-06-15-08** **Ratification of Approval to Pay County Bills**

Assistant Finance Director and Deputy Clerk Helene Michaels was present in the absence of Clerk Nicholas Thomas. (Clerk Thomas was out of town at the Florida Association of Court Clerks Summer Conference.) She asked for the Board to approve the attached budget amendments and approve the payment of the county bills.

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

### **DISTRICT 1 REPORT**

#### **Small County Road Assistance Program**

Commissioner McGill called attention to the Small County Road Assistance Program. He reported that it has been rumored that the Governor may veto the funding of that program in the next Legislative Session. He encouraged the Board to make every effort to see that the appropriation is not eliminated.

#### **Possible Citing of Leon County Transfer Station in Gadsden County**

\_\_\_\_Commissioner McGill reported that Leon County is considering locating a waste transfer station east of Midway just inside

Gadsden County. He stated that he understood that the placement has been reviewed favorably by the Midway City Council. He then made an impassioned plea for the Board to send to the Leon County Commission the message "We don't want Leon County's trash over here." He suggested that Vice-chair Dixon be authorized to send a letter to the Leon County Commission and to the City of Midway voicing this board's profound disapproval of such action.

## **DISTRICT 2 REPORT**

Commissioner Watson stated that he supported sending a letter to the Leon County Commission Chairman. He said "I think we should send a letter from our chairman (or vice-chairman if Ms. Roberson is not going to be here) in the next few days, letting them know that this board will strongly oppose and do everything we can to prevent them from citing a transfer station in Gadsden County."

**UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO AUTHORIZE THE VICE-CHAIR TO SEND A LETTER TO THE CHAIR OF THE LEON COUNTY COMMISSION AND TO THE MIDWAY CITY COUNCIL ADVISING THEM OF THIS BOARD'S DISTASTE FOR THE CITING OF THEIR LAND TRANSFER STATION IN GADSDEN COUNTY. IT WAS FURTHER PROPOSED THAT THE BOARD SEND A REPRESENTATIVE TO THEIR BOARD MEETINGS TO DEFEND GADSDEN COUNTY'S POSITION.**

It was determined that the parcel being considered for the transfer station is part of the annexation proposed by Jim Stiles, but it has not yet occurred. The Comprehensive Land Use Amendment proposed by Mr. Stiles was submitted to DCA but was found not in compliance. The Board authorized the P & Z Director to begin negotiations with DCA to resolve their objections. (For further details see minutes of October 21, 1997, February 3, 1998, April 21, 1998, July 7, 1998 and July 28, 1998.)

## **PUBLIC INPUT**

\_\_\_\_Mr. John Yerkes asked if it would be in order for the Board to ask the Department of Environmental Protection (DEP) to do a study of the properties which are in the watershed of the proposed transfer station.

He was told that the County can make such a request. However, no firm proposal has been made to the County and such a request would not be appropriate at this juncture. He was assured that all DEP standards would have to be met before it could be permitted.

#### **DISTRICT 4 REPORT**

Commissioner Fletcher had no report.

#### **DISTRICT 5 REPORT**

Vice-chair Dixon stated that he has taken note of the proliferation of mobile homes coming into Gadsden County. He added that while he is a proponent of any kind of affordable housing, he has a growing concern about the effect mobile homes have on the ad valorem tax base. He stated that "It is being eaten away because we don't have a vehicle that allows folks to pay into the kitty, if you will, for the services rendered."

Commissioner Dixon went on to explain that people buy mobile homes because they can't get financing for site built homes. He suggested that the County begin looking at the local banks and work toward finding a way and a vehicle to help people get into some type of housing that will help support the tax base.

He then reported that there is some discussion going on at the state level about how to get credit to citizens who cannot get a loan from the local bank.

Commissioner Watson suggested that the County increase the size of a lot onto which one can place a mobile home but decrease the size of the lot required for a site built home. He explained that it could serve as an incentive for the developer to go to site built homes. He added also that a larger lot would increase the overall ad valorem value.

Vice-chair Dixon concluded his remarks by saying that he had no suggestions to offer at this point but reiterated that he desires to see the Board begin thinking about possible solutions.

#### **DISTRICT 3 REPORT**

Chair Roberson was not present.

#### **FLORIDA ASSOCIATION OF COUNTIES (FAC) CONFERENCE**

Vice-chair Dixon told the Board that the FAC Conference begins on June 23, 1999. He stated that it promises to be very different than those in the past. He explained that the presenters, speakers and programs will be very interesting and informative. He encouraged all members to attend.

Commissioner Watson explained for the record that Vice-chair Dixon will be installed as the next president of the FAC. He added

that he felt it is a great honor for Gadsden County to have one of its own to become president of FAC. He also stated that he is very proud of the work that Commissioner Dixon has accomplished and will accomplish through his work with FAC.

There was applause from the audience.

**ADJOURNMENT**

**THERE BEING NO OTHER BUSINESS BEFORE THE BOARD, VICE-CHAIR DIXON ADJOURNED THE MEETING.**

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**EDWARD J. DIXON, VICE-CHAIRMAN**

**ATTEST:**

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**NICHOLAS THOMAS, CLERK**



AT A REGULAR MEETING OF THE BOARD OF  
COUNTY COMMISSIONERS HELD IN AND FOR  
GADSDEN COUNTY, FLORIDA ON JULY 6,  
1999, THE FOLLOWING PROCEEDINGS WERE  
HAD, VIZ.

PRESENT: CAROLYN ROBERSON, CHAIR  
EDWARD J. DIXON, VICE-CHAIR  
BILL MCGILL  
STERLING L. 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. Commissioner Watson led in pledging allegiance to the U.S. Flag and Commissioner McGill led in a prayer.

ADOPTION OF THE AGENDA

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

APPROVAL OF MINUTES

June 15, 1999 Regular Meeting

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

COUNTY ATTORNEY'S AGENDA

Midway Annexation Update- Lawsuits 99-822-CAA; 99-894-CAA

Mr. Richmond reported that he had filed lawsuits on behalf of Gadsden County as they relate to recent annexations of property by the City of Midway. He stated that the land which was annexed is not contiguous to the City. Additionally, the City did not comply with the voluntary annexation requirements of the Florida Statutes 177.44. He declined to make further remarks because of the pending litigation. He invited the commissioners to call him later with any questions they might have concerning the lawsuits.

### **Merritt Lane Update**

Mr. Richmond then reported that the issues surrounding subdividing of lots on Merritt Lane will likely end in litigation. He declined to make further comments because Commissioner Fletcher had requested that the matter not be discussed until he could be present. He added however, that there is no pending litigation at this point and there is no activity going on in the planning department that would require board action at this meeting. He asked that the matter be revisited at the first meeting in August.

### **Gadsden Community Hospital**

Mr. Richmond reminded the Board that between the years 1982 - 1986, Gadsden County participated in the physicians compensation fund which was a litigation fund whereby the participating counties were assessed based upon potential liability in those matters relating to the operation of the hospital. He then stated that to his knowledge, all associated lawsuits have been resolved. However, there is still some technical liability for that time period which should only be directed to the County.

Mr. Richmond then explained that Centennial Health Care has now formed a not-for-profit corporation and has complied with everything so that the new corporation can have the permit to operate the hospital. He went on to say that in order to be licensed by the State of Florida, they would need a statement asserting the county's responsibility for any liability relating to the time period that the County operated the hospital. He asked for authority to write a letter to Centennial Health Care Inc. to that effect.

**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO AUTHORIZE THE COUNTY ATTORNEY TO WRITE A LETTER TO CENTENNIAL AS DESCRIBED ABOVE.**

### **MARY JANE JOHNSON - REQUEST RESOLUTION TO RE-ZONE**

Ms. Mary Jane Johnson who lives on Merritt Lane addressed the Board requesting that the Board consider re-zoning all of the lots on Merritt Lane from "Rural Residential" to "Agriculture 1". She submitted the attached petitions supporting the request. She explained that some of the lots are zoned "Rural Residential" and others are already zoned "Agriculture 1."

Ms. Johnson stated that historically, the neighborhood consists of plots that are from 3 acres to 5 acres in size.

Mr. Richmond asked Mr. Ballister how the Board should proceed in this matter.

Mr. Ballister replied that Ms. Johnson has requested that the Board voice some agreement to her request and accept it as a formal application to be considered during the county-wide re-zoning process in the fall. The matter can then be considered along with all other re-zoning requests at a public hearing in the fall.

**UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO ACCEPT MS. JOHNSON'S REQUEST AS A FORMAL APPLICATION FOR CONSIDERATION DURING THE COUNTY-WIDE RE-ZONING PROCESS IN THE FALL.**

### **PLANNING AND ZONING ISSUES**

#### **Frank Clore - Havana Flea Market**

\_\_\_\_\_The above named project was originally submitted to the Planning and Zoning Commission in December of 1997 and was reviewed for planning and zoning issues by Mr. Mike Sherman. Mr. Clore petitioned the Board of County Commissioners for the consideration of a conceptual site plan for a flea market and mini-storage facility to be located just north of the intersection of US 27 and CR 12B. Mr. Clore's proposal includes approximately 40,320 sq. ft. of sales area associated with the flea market under a metal canopy; 20,400 sq. ft. of mini-storage consisting of 136 10' x 15' storage units in a metal building and a 14' x 78' office installed as a mobile home style office unit. This conceptual plan does not indicate clearly where the proposed rest room facilities are located.

\_\_\_\_\_Mr. Ballister pointed out that the original conceptual plan did not indicate a wetlands line. He has since received a copy of it as it was submitted to DEP. DEP has confirmed that it is a fair representation of the line. The county has a requirement for a 50 ft. set back from that line. The development will have to be shifted so that it is at least 50 ft. from that wetlands line. The storm water pond and some of the facilities will have to be relocated.

Conceptual approval will give Mr. Clore a maximum envelop but does not guarantee that he will get the exact number of stalls or parking units. He will have to work within the guidelines of the land development code site planning to make his development work with a relocated storm water facility. According to DEP he will not be able to do any treatment of run off within the jurisdictional wetlands. The final site plan will have to be

subject to staff scrutiny as he goes through the various processes.

One of the largest items on the check list for approval was the number of units that would be allowed with or without storm doors. Mr. Ballister stated that Mr. Sherman had indicated that he would only be allowed a certain number of open-air units. The interpretation which Mr. Sherman had from previous approvals was that the majority of the units should have roll-down doors and should have lock-up facilities.

Mr. Clore has requested a variance from the requirement to have enclosed units and be allowed to have open air units.

Discussion followed. (For details of this discussion, see the attached verbatim minutes.)

**UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO CONTINUE THE PUBLIC HEARING ON THE FLEA MARKET UNTIL AUGUST 3, 1999.**

**Minor Subdivision Rules - Ordinance - Public Hearing**

For discussion on this matter see the attached verbatim record.

**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO CONTINUE THE PUBLIC HEARING ON THE ABOVE REFERENCED ORDINANCE UNTIL AUGUST 3, 1999.**

**SALARY SURVEY - BOD POWELL - JAMES MOORE & COMPANY**

Mr. Bob Powell, CPA, reported to the Board the findings of the recent salary survey performed by James Moore and Company. He explained that they sent twelve requests for salary information out to various entities. They were Leon County, Northwest Florida Water Management District, Wakulla County, City of Quincy, Town of Havana, Jackson County, City of Sopchoppy, City of Carrabelle, one private industry and three other governments that did not respond to the questionnaire. He explained that 75% response rate was successful rate in matters such as this.

Mr. Powell then introduced the attached report which demonstrates the results of the questionnaire. He summarized his report by saying that overall, Gadsden County is approximately 21% below the salaries of other counties, cities and towns, and private companies. He recommended that the County follow the three-year plan proposed in the report to bring salaries in line.

Mr. McKinnon stated that he will prepare a salary adjustment recommendation for each position during the budget process.

**COMMUNITY DEVELOPMENT - ED BUTLER**

**Citizen's Advisory Task Force By-laws**

Commissioner McGill raised questions regarding Article 3 on page one dealing with absences and "just cause." He suggested that it be more specific as to what constitutes "just cause."

He then called attention to page 2 - Article 5 section 3 "Quorum". He suggested that the language be changed to read "simple majority" or "one more than 50% of the members."

**UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE ABOVE STATED DOCUMENT.**

**COUNTY MANAGER'S AGENDA**

**Proposed Lease of Tallahassee Community College (TCC) Building**

Mr. McKinnon reported that TCC has approached the Board offering to lease their Quincy center (old hospital on East Jefferson St.) to the County for \$1.00 per year. He called attention to the office space needs of the County. He told them if they should decide to accept the proposal, he would make recommendations as to how it should be occupied at a later date.

Mr. McKinnon pointed out several general terms of the lease as follows:

- 1) Allow TCC the use of one office and one classroom rent free;
- 2) Allow the Juvenile Justice Program to remain in the building for 6 months to a year until TCC can relocate them; they currently are paying \$42,870 per year which the County would receive;
- 3) Transfer maintenance and operating costs to the County;
- 4) Allow TCC to keep their sign on the premises

Ms. Liz Maryanski, Vice President for Administrative Services for TCC answered questions from the Board. She reported the following:

- 1) The maintenance costs are about \$150,000 per year utilities, telephone, insurance, maintenance, 2 staff members.

- 2) The gross square footage is 40,000 - that includes all rest rooms and mechanical rooms the net is 26,000 to 28,000.
- 3) The County is currently paying \$12,000 to the college for the library lease - this would demonstrate a savings to the County.
- 4) The building floor plan is not conducive to the WAGES training program - TCC will locate it at another location.

Commissioner Dixon stated that he was not certain how the County would make use of the space. He referenced a memo from Clerk Thomas saying that he would oppose the County relocating the felony and juvenile courts to that building.

Mr. McKinnon stated that the Sheriff has made it known that he needs additional office space and would be able to utilize space at TCC.

When asked, Clerk Thomas stated that he had seen the space at the college and he would rather not move the felony and juvenile courts to that building. He added that Sheriff had said that he could use as much as 1 1/2 to 2 floors of the space. He explained that the Sheriff, his deputies, investigators, and the emergency management department is housed in two mobile units next to the jail. The Sheriff's civil staff is located in the jail itself and should be relocated.

Commissioner Dixon stated that he is interested in getting the building but he would like to know what the fall-out will be for the County. He pointed out that there are issues to be worked out with the constitutional officers.

**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO ACCEPT THE PROPOSAL BY TCC FOR THE QUINCY CENTER, AND APPROVE THE LEASE.**

Ms. Maryanski stated that the college will turn the building over to the County by August 31, 1999.

**City of Quincy Request to Renew Office Space Agreement for Arbitration & Truancy Programs**

Mr. McKinnon told the Board that he had received a request from the City of Quincy to renew the interlocal agreement concerning office space for the Arbitration & Truancy Program located at 22 South Madison St.

Mr. McKinnon pointed out that since the inception of the

original interlocal agreement, part of the program has been transferred to the Sheriff. The new agreement will clarify that difference.

Mr. McKinnon stated that he found out on the day of this meeting that the arbitration program has moved into another building. However, he has not received formal notification. He recommended that the County leave the option to continue the program under the same terms as the last interlocal agreement.

**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, TO APPROVE THE RENEWAL OF THE INTERLOCAL AGREEMENT FOR OFFICE SPACE AT 22 SOUTH MADISON ST. WITH THE CITY OF QUINCY FOR THE ARBITRATION AND TRUANCY PROGRAMS.**

**Gadsden 10/90 Economic Development Grant Pre-application**

Mr. McKinnon stated that Gadsden 10/90 has requested that the County apply for an economic development grant. The purpose of the grant would be to finish the road and drainage, and install water and sewer lines on Commerce Blvd. The entire section will be utilized by Florida State University (FSU). It is a grant from the United States Department of Agriculture, Office of Economic Development. It requires a 50% match which the developer will pay.

Commissioner McGill asked how this would affect Midway's ability to move toward Leon County on the east side of I-10 with water and sewer lines.

Mr. Richmond stated that it would be subject to litigation. He said that there are some issues involved with deeds in 10/90. He explained that the deeds in 10/90 call for them to tie into Talquin Electric and their sewage treatment plants if one is developed. There is no such requirement if Midway has the same service available. He was reluctant to discuss the matter further in public.

Mr. John Hunt, Sr., partner to Armer White, 10/90 Developer addressed the Board. He explained that 10/90 is installing water lines and sewer lines out to the street. He said whoever gets the sewer lines in first will get their business. He assured the Board that no property purchase in the development had required a business to tie into any particular sewer line. He noted that septic systems are presently being used.

For the record, Mr. McKinnon stated that the County's Employer Identification number should be added to the application.

**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER**

DIXON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO AUTHORIZE THE CHAIR TO SIGN THE ABOVE STATED GRANT APPLICATION.

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) Resolution 99-011 - Census 2000 Complete Count Committee Partnership with U.S. Census Bureau - for approval
- 2) Courthouse Asbestos Abatement Report - for the record
- 3) Invoice for \$46,419.06 to Natkin Services for asbestos abatement of the courthouse - for approval
- 4) Resolution 99-012 EMS Write-off of Bad Debts totaling \$97,253.37
- 5) Ambulance Agreement with City of Chattahoochee - conceptual approval
- 6) County Sexual Harassment Policy - for approval
- 7) Mosquito Control Detailed Work Plan and Operational Work Plan for 1999-2000
- 8) Lien Satisfactions - Housing Rehab Program - Mary L. Jackson; and Germonia and Mae J. Paden - for approval
- 9) SHIP Subordination Agreement: Keith and Misty Vanbenthuyzen - for approval
- 10) CDBG Housing Rehabilitation Policies and Procedures Plan - Ratification of Approval of Plan
- 11) Access Easement for Louise Wynn to her property located behind Shiloh Park (Approved at BCC Meeting on September 15, 1998)
- 12) Amendment to U.S. Department of Agriculture, Natural Resources Conservation Service Emergency Watershed Protection Program # 68-4209-221
- 13) Bid Committee Recommendation to award Watershed Protection Project # 68-4209-9-221 Bid # 99-017 to Roberts Sand co. of Tallahassee, FL in the amount of \$165,842.00. G98-5 English Br. - Extend culverts and armor road shoulders with riprap; G98-4 Richlander CR/HWY 65B - Remove restricting sediment; install riprap to stabilize inlet and outlet; 98-8 Hurricane Br. - Fill outlet channel; loose rock riprap
- 14) Gadsden Medical Center lease to North Florida Medical Center, Inc. for \$26,493.96 per year to be paid in monthly installments of \$2,207.83 in advance of the 1st of each month beginning July 1, 1999.
- 15) Surplus Inventory found to have no value to Gadsden County - Authority to dispose of it by auction or otherwise discard it.



## **CLERK'S AGENDA**

### **Cash Report**

### **Financial Statements**

\_\_\_\_Clerk Thomas presented the County's Cash Report for the record as well as the Financial Statements.

### **Budget Amendments 99-07-06-01 through 99-07-06-07**

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.

### **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 RATIFY THE APPROVAL TO PAY THE COUNTY BILLS.

## **DISTRICT 1 REPORT**

Commissioner McGill recalled the following actions of the Board:

- 1) approved changes in the density requirements in the county
- 2) approved the removal of all family exemptions to the density requirements;
- 3) approved an Affordable Housing Program to be sent to Department of Community Affairs for their consideration.

He went on to say that during that same time period, Building Official Frank Ritter reported that the State is now requiring a foundation plan and soil bearing capacity test for each new mobile home. The new requirements could increase the cost of a mobile home by as much as \$2,000.

In view of the new state mandates for mobile homes, he questioned whether low income people will ever be able to realize the dream of home ownership. He then asked the Board to reconsider its past decisions and move toward a solution to getting people into site built homes.

Commissioner McGill then recalled conversation about how the proliferation of mobile homes impact the ad valorem tax roll. He implored the Board to come up with some creative way to make homes affordable for the lower income people.

Commissioner Watson pointed out that the Board's action was to decrease the density requirement from one house per two acres to one house per one acre. In essence, the change made it more affordable.

Mr. Ballister confirmed that what the change accomplished was that it made one house per one acre in all rural residential areas period.

Commissioner Dixon asked Mr. Ballister to prepare a practical comparison of the new policy to the old policy - what will come out of that change in density versus what it was.

### **Leon County Waste Transfer Station**

Commissioner McGill then reported that he attended the Leon County Commission where they discussed placement of their future waste transfer station. One proposal that they are considering is near Midway. He then reported that there is also some discussion going on with the City of Quincy about using Byrd Landfill as the site. He said that it is obvious to him that some of the Leon Commissioners are going to try to move forward with the Gadsden County site regardless of how opposed the Gadsden County Commission is to it.

Commissioner McGill then stated that he approached one of the Leon County commissioners after their meeting and the issue of the charter government came up. He asked that the county attorney prepare some legal and concise definitions for charter county and non-charter county and the advantages of each. He suggested that the county consider becoming a charter government.

Commissioner McGill pointed out that Midway came into existence to defend itself against undesirable businesses locating in their midst. However, since they have experienced such financial plight, they are now considering allowing those same businesses to locate there. He offered some alternatives which might advantage Midway more than these businesses such as water, sewer and utilities.

### **Request for Additional Staff**

Commissioner McGill told the Board that he will be proposing at a future meeting that the County hire another staff person to assist Commissioner Dixon during his tenure as the Florida Association of Counties (FAC) President.

## **DISTRICT 2 REPORT**

Commissioner Watson reported that he had enjoyed the FAC Conference that was held in Orlando. He said that the installation of Commissioner Dixon as the new FAC President was impressive.

## **DISTRICT 5 REPORT**

Commissioner Dixon thanked the Board for being in attendance of the FAC Summer Conference and being so supportive of him.

He then spoke to the relationship between the County and the City of Midway. He said that the Board has been very quick to tell Midway what they cannot do but has done nothing to help them survive. He went on to say that Midway is presently considering installation of a sewer system that will come from Tallahassee. He suggested that if the County does not intend to do anything to help them, at the very least it should leave them alone. He implored the commission to do what it can to assist them.

He pointed out that growth is going on all around Midway but is of no benefit to Midway. He then suggested that the County could help them get the sewer line run from Tallahassee and serve the city residents as well as the corporate residents outside the city.

Commissioner Dixon then turned his remarks toward the separate societies that exist in Gadsden County. He asked the Board to begin recognizing and acknowledging that the differences do exist. He said that after recognizing that there are challenges to overcome, it is incumbent of the County to make decisions that will address the needs of each distinct community and foster the spirit of a single community.

## **DISTRICT 3 REPORT**

Chair Roberson called attention to the information in the agenda packet regarding Victory Bridge in Chattahoochee. The City of Chattahoochee is interested in either the City or the County to obtain ownership of the bridge - purely for scenic purposes. Before the city makes a decision, they would like to know if the County has any interest in ownership of the bridge. She pointed out the inspection reports dealing with the bridge. She then asked the commissioners to read over it and make their responses known to her at a later date.

**ADJOURNMENT**

**THERE BEING NO OTHER BUSINESS BEFORE THE BOARD, CHAIR ROBERSON  
DECLARED THE MEETING ADJOURNED.**

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**Carolyn Roberson, Chair**

**ATTEST:**

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Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE BOARD OF  
COUNTY COMMISSIONERS HELD IN AND FOR  
GADSDEN COUNTY, FLORIDA ON JULY 20,  
1999, THE FOLLOWING PROCEEDINGS WERE  
HAD, VIZ.

PRESENT: CAROLYN ROBERSON, CHAIR  
BILL MCGILL  
E.H. (HENTZ) FLETCHER  
NICHOLAS THOMAS, CLERK  
HAL RICHMOND, COUNTY ATTORNEY  
HOWARD MCKINNON, COUNTY MANAGER

ABSENT: EDWARD J. DIXON, VICE-CHAIR  
STERLING WATSON

CALL TO ORDER

The meeting was called to order by Chair Roberson. County Attorney Hal Richmond led in pledging allegiance to the U.S. Flag and County Manager Howard McKinnon led in a prayer.

ADOPTION OF AGENDA

Clerk Thomas requested that the Clerk's Agenda be amended to include authorization for him to begin the process of making a direct sale on a piece of property inside the city limits of Quincy. He explained that the information was included in the agenda packets but it was left off the agenda itself.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 3 - 0, BY VOICE VOTE, TO APPROVE THE AGENDA AS AMENDED.

APPROVAL OF MINUTES

July 6, 1999 Regular Meeting

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 3 - 0, BY VOICE VOTE, TO APPROVE THE MINUTES OF THE ABOVE STATED MEETING.

COUNTY ATTORNEY'S AGENDA

Mr. Richmond had no report but stated he was available for any questions the Board might have of him.

## PLANNING AND ZONING ISSUES

### 84 HOMES

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 3 - 0, BY VOICE VOTE, TO APPROVE 84 HOMES WITH THE SPECIAL CONDITIONS AS STATED BY THE PLANNING AND ZONING DEPARTMENT AND IN THE ATTACHED MEMO. THE MOTION ALSO INCLUDED ADDITIONAL SPECIAL CONDITIONS AS FOLLOWS: NO MORE MOBILE HOMES ARE TO BE PLACED ON THE LOT THAN ARE SHOWN ON THE SITE PLAN AND THE OWNER MUST DO AWAY WITH THE TOMATO FREE-MARKET ON THE REST OF THAT PROPERTY.

(A verbatim transcription of the discussion relating to the above matter is attached to these minutes.)

### Le Chirque Beauty Salon

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 3 - 0, BY VOICE VOTE, TO PASS THE DECISION REGARDING LE CHIRQUE BEAUTY SALON FOR TWO WEEKS TO ASCERTAIN MORE INFORMATION.

(A verbatim transcription of the discussion relating to the above matter is attached to these minutes.)

### Light Industrial Ordinance - Public Hearing

THE PUBLIC HEARING FOR THE LIGHT INDUSTRIAL LAND USE CATEGORY ORDINANCE WAS CONTINUED UNTIL AUGUST 3, 1999.

(A verbatim transcription of the discussion relating to the above matter is attached to these minutes.)

## COUNTY MANAGER'S AGENDA

### TENTATIVE MILLAGE

#### General Operating Fund Millage - 10 Mills

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 3 - 0, BY VOICE VOTE TO SET THE TENTATIVE GENERAL OPERATING FUND MILLAGE AT 10 MILLS AND TO HOLD THE TENTATIVE BUDGET HEARING ON SEPTEMBER 13, 1999 AT 6:00 P.M.

#### Tentative Millage for Hospital Bond (1 Mill)

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 3 - 0, BY VOICE VOTE, TO SET THE MILLAGE FOR THE HOSPITAL BOND AT 1 MILL AND TO HOLD THE TENTATIVE BUDGET HEARING ON SEPTEMBER 13, 1999 AT 6:00 P.M.

**FY 99-00 BUDGET CALENDAR**

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 3 - 0, BY VOICE VOTE, TO APPROVE THE FY 99-00 BUDGET CALENDAR AS PRESENTED. (ATTACHED)

**Census 2000 Awareness Campaign**

Mr. McKinnon told the Board that the kick-off campaign for the Census 2000 will be held on Monday, July 26, 1999 on the courthouse grounds. He invited all of them to attend.

**CONSENT AGENDA**

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

- 1) UPDATED EMERGENCY MEDICAL SERVICES (EMS) POLICY

**CLERK'S AGENDA**

**Request to Purchase County Property**

Clerk Thomas told the Board that he had received an inquiry from Mr. Gary Clary about purchasing a piece of property on Kent St. in Quincy from the County. He explained that the County acquired it in 1994 as a result of the owner failing to pay the taxes. He added that it was on the list of lands available for taxes for seven years prior to the County's acquisition.

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 3 - 0, BY VOICE VOTE, TO AUTHORIZE THE CLERK TO BEGIN THE PROCESS OF MAKING A DIRECT SALE OF A PIECE OF PROPERTY LOCATED INSIDE THE QUINCY CITY LIMITS. SEE ATTACHMENTS FOR DETAILS.

**Budget Amendment 99-07-20-01 through 99-07-20-09**

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

**DISTRICT 1 REPORT**

**Florida Education Foundation**

Commissioner McGill told the Board that the Florida Education Foundation is accepting donations to help pay the expenses of repainting Shanks High School. Any money collected over and above the costs will be used for other educational purposes. He asked the Board to contribute \$300 toward that cause. He also asked that the Board forward that donation by Friday as the work is to begin on Monday.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 3 - 0, BY VOICE VOTE, TO APPROVE PAYING \$300 TO THE FLORIDA EDUCATION FOUNDATION AND FURTHER MOVED THAT IT SHOULD BE TAKEN FROM THE GENERAL FUND CONTINGENCY.

**Leon County Transfer Station**

Commissioner McGill reported that the City of Quincy is considering bringing the Leon County garbage to the transfer station located at the Byrd Landfill. He urged the commissioners to make all deliberate efforts to prevent the Leon garbage from coming into the county regardless of the city's position.

**DISTRICT 4 REPORT**

Commissioner Fletcher had no report.

**DISTRICT 3 REPORT**

Chair Roberson had no report.



**ADJOURNMENT**

**THERE BEING NO OTHER BUSINESS BEFORE THE BOARD, THE CHAIR  
DECLARED THE MEETING ADJOURNED.**

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**Carolyn Roberson, Chair**

**ATTEST:**

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**Nicholas Thomas, Clerk**

## **84 HOMES**

Ballister:

Bruce Ballister, director of planning and zoning. Ah, Commissioners on your packet front page, we show Le Chique Beauty Salon first and 84 Homes as second. However in the package, 84 is first. Let's discuss that one in front.

Ah, the applicant has provided some drawings that are a little more easy to read. The applicant is in the audience tonight. Ah, Johnny Blue Craig is representing 84 Homes. Ah, their application is for a mobile home sales lot on a leased portion of a commercial lot of record on US 90 West, on Bostick Road. That's at the southwest corner of that intersection.

Ah, the site plan has 15 models displayed with a sales office and parking for passenger cars. The proposed entry access for the mobile home units would be off Bostick Road. This road accesses the 2.76 remainder of that commercial site. Ah, in this application there are no defined plans for the remainder of that site because that is subject to a different lease and a different occupant.

Ah, it's in a commercial land use category. The code does not specifically exclude include or exclude mobile homes sales in either Class I or Class II. Due to the inventory or the size of the inventoried stock, i.e. mobile home units, it's a, ah, it becomes a Class II because of it's impacts.

The site plan shown and the concept shows that storm water controls will be provided ah, the property, as it exists right now is nearly barren. There is exposed earth and some grass, a few very small trees along the frontage, nothing along the back.

Ah, the site plan indicates passenger car access off US 90 and a second access off Bostick Road. Ah, we recommend that for the, to minimize accidents, that the US 90 driveway not be used for mobile homes.

Set backs should be observed. Ah, I believe the new plan that they presented shows that the set backs were observed. Yes. Ah, this is a much improved site plan over the one that was originally presented to the department when it wrote the response. Ah, it shows set

backs being adhered to and the units displayed for ah, access. There is plenty of area in the front yard areas for landscaping and open space requirements.

Ah, the Planning Commission met two weeks and failed to achieve a quorum so it's being forwarded without comment from the Planning Commission.

Staff recommendation is for approval with conditions. The set backs have already been revised. Ah, dissimilar use buffers are not required. Ah, we would hope that the plan would be set up so that the units would be removed and accessed, all movements onto and off the property would be on Bostick Road to keep from backing or hauling these large items onto US 90 and having to do an U-turn at the intersection if they were to head west.

Ah, pre-development conditions for storm water should consider that there is something on there besides barren soils. That will be an engineering process. The, ah, staff recommendation is for approval of this site. Ah, are there further questions?

Roberson: Is there anybody in the audience that is opposed to this?

No response.

McGill: Madam Chair, I have a couple of questions for Mr. Ballister.

Ballister:  
Yes, sir?

McGill: I, I wonder why the Planning Commission sent it or forwarded it up without taking any kind of action on it. What was their reason?

Ballister:  
They didn't have a quorum, so they couldn't act. They automatically go to the Board.

McGill: Now historically, on several occasions, I started to say historically but I could not guarantee that so I thought I'd better change that. On several occasions, we have authorized mobile homes sales lots to be established and they have not been very good at doing what they say they are going to do. They've already exceeded the number that we thought we approved to have on the site at one time. Also, they have not been too observant of trees

and other vegetation that should be maintained on the site and they have not cared too much about the run off and stuff like that. Do we have any kind of thing in here to guarantee that this particular 84 Homes is going to observe these things we have in here?

Ballister:

We can stipulate that the number of units shown are the maximum number that will be there. I would want to know on the final site plan, which area was going to be used for temporary storage of units. Ah, the ah, problems we have had with other facilities of this type gives us a learning curve, at least some place to start asking for more performance based criteria in our conditions for approval.

Ah, I believe he's got, let me check real quick, there are 15 shown here. That is what was shown previously. Ah, a condition of approval is that you have 15 units on your lot, period. That's whether they are set up or they're waiting to be delivered. Ah, I think I had asked and the applicant can lend some light on it, where would they stock pile units that were delivered from a factory and weren't yet ready to be delivered to a site. Ah, is there somebody here from 84?

Roberson:

Mr. Blue? You need to come to the podium and ah, state your name please.

Jones: Bo Jones with 84 Homes and Jones Mobile Homes in Bainbridge. Our main operations are out of Bainbridge. That's where all of our set-up crews are. Ah, the houses will be taken to the main location there in Bainbridge. And as they are ready to be delivered, then set-up crews will take them there from Bainbridge into Gadsden County as we do now and ah deliver them. So, we wouldn't really have a need for storage at this location.

Ballister:

I guess all 15 of those would be sales units?

Jones: Yes, sir.

McGill: But sometimes we have watched 15 go to 20 and 25.

Jones: Well, that area is pretty full with 15. It would be hard to go much past that.

McGill: That's good. So, nature set your boundaries for you.  
O.K.

Ballister: Just so the Board will know, will these be set up in a user atmosphere like some of the mobile home lots are where there is some landscaping and/or pathways or anything or are these going to be sitting there with no skirting?

Jones: We will probably skirt the ones across the front for aesthetic reasons. Ah, then the remainder would not have skirting. Ah, we would have some landscaping there across the front.

Ballister:  
O.K.

McGill: What about tree cutting?

Jones: Sir?

McGill: Tree cutting.

Jones: I don't think there are many trees there now.

McGill: So, you're saying you won't cut the trees?

Roberson: No, there are no trees there.

Ballister: Sir, the existing lot has a very few volunteers growing along the front property line. But, I can go out there and see if there is anything there might be saved, ah, because they already they've already got a start on nature. But there is not much on that site. It's mostly grass and dirt. There may be, like I said, a very few along the front line that can be incorporated into a landscaping plan. So, there is no reason to, in fact, (to Mr. Jones) Now that you're in the development process, no clearing should happen until you have a development order. O,K?

Fletcher: I have a question for Mr. Craig if he is here?

Roberson: State your name please.

Craig: Ah, Johnny Blue Craig. Seventy twenty-six.

Fletcher: You know what I'm going to ask you.

Craig: I am afraid I do. I think so.

Fletcher: I want to know what you are going to do with that other mess you got out there.

Craig: Well, the good news is, is that this, we have been trying to do something since the early 80's - for 15 or 16 years. During that time, we had one I think, mobile home sales company for about a year. And, since that time, the only interest we have had has been the flea market. So, you know, this is the first opportunity in many, many years to do something nice on the corner. And ah, so the opportunity is to get it off the corner and then shift it to the west. So, it won't be on the corner any longer. Which will be ah, which will be nice to do that.

Fletcher: You would make a lot of people happy if you would do away with it.

Craig: I know. My mother would be happy too.

Fletcher: I am sure.

McGill: So, do that for your mother.

Fletcher: So, are we going to get that done?

Craig: Right. It will be shifted over to the 2.76 acre tract.

Fletcher: I want to get rid of them Johnny Blue.

Craig: Well, we, the next process is to get rid of that 2.76 acre tract. So, if we get something nice on the corner, it will be easier to find something else hopefully adjacent to it. We are working in that direction, Commissioner Fletcher.

Fletcher: Alright. That's all I wanted to know.

Craig: Thank you.

Roberson: Do you want to make a motion?

Fletcher: I ah, I move that this approved under the conditions that planning and zoning has put on it along with the condition that there no more mobile homes on there than it shows on this site plan and that the owner ah, ah,

does away with the tomato free-market on the rest of that property.

McGill: Second.

Roberson: We have a motion and a second. All in favor, aye.

Fletcher, McGill, Roberson: Aye.

### **Le Chirque Beauty Salon**

Ballister:

The next item tonight is the Le Chirque Beauty Salon. It is in the ah, Union Chapel neighborhood. It is ah, actually has access on Union Chapel Road. The ah, Land Development Code lists a beauty shop as an allowable use in ah, definition sections for neighborhood commercials. Ah, location criteria as we discussed before, indicates ah, being less than 2 acres and being less within 500 ft. of an intersection of a paved arterial or collector and another paved arterial collector.

In this case, it's within 500 feet of an intersection of two paved roads, ah, both of which are minor roads. Ah, and it is less than 2 acres.

Ah, the site has an access to the paved road, however, the property is an interior lot to the block that is within. Access would be down a flag lot extension to the main highway. For this reason, staff recommends denial. The area might be suitable for a neighborhood beauty salon but the site is not appropriate as there is no true frontage other than this access-way. All customers would be required to pass between two residential units to access the property. A flag lot, I don't believe, as a director, is an appropriate location for neighborhood commercial uses.

As I understand it, this facility would be developed in a converted mobile home in a lot that is shared with another residence.

Ah, the applicant is in the audience tonight, if they would care to answer any questions.

McGill: You say that access would be, the cars would actually be driving between two, two residential units?

Ballister:

If you look on the portion of the plat map, it shows a roughly 200 ft. long by 30 ft. flag area that is the access to the site this property is on. Ah, so, it will be, I believe, a leased site in the middle of a lot. There is another structure already on it. Ah, the site plan immediately before that shows an existing mobile home and then the hair salon.

McGill: Let me go back. You are saying that if customers that want to access the salon, they'll actually have to drive between two residential units already existing out there?

Ballister:

Ah, yes. The access right now is through a road that runs around the outside of that easement and doesn't run down the 30 ft. There's ah, a blue sign indicating that it's a private roadway. That's not the actual legal access to this lot. There is no real roadway there.

McGill: Is there another way to access the house other than this particular?

Ballister:

No, sir. It's in the middle of a block. There are houses along Union Chapel Road that have frontage and if we, you know, forgave the requirement that it be on a major collectors, ah, I think a property like this in a neighborhood like this, or this kind of application in this neighborhood, ought to be on the main road itself and not back in the housing.

McGill: I understand what you are saying what you think it should be, but what is the policy or what does the policy say about that?

Ballister:

There isn't one. I mean, it wasn't anticipated that somebody would put a neighborhood commercial use back in the interior of a block. I think as a, as a citing situation, it's not a good idea just to be driving back between houses to find a business. It should have a presence.

McGill: But are there other business like this that are similarly situated?

Ballister:

Not that I can think of.



McGill: Not necessarily in this area, but any where in the County?

Ballister: Not that I can think of. Most of the neighborhood commercials that I can think of are located out on a major road.

McGill: I see a list of names, I guess these are adjacent property owners?

Ballister: Yes, sir.

McGill: Like Elaine Ford and so forth. Have we talked to those people to see if they like that or don't like that?

Ballister: I haven't called them, no, sir.

Roberson: Is there anybody in the audience that is opposed to this? O.K. If one of you at the time. Please state your name.

Barber: Melvin Barber. I own property in the area. And as I read your letter that you sent to me, it said that the property would be located, let me check this, on Oak Street and also you said that it would be in an existing building. No one told me that they were going to pull a used mobile home in on this property to be used. When you say existing, you're telling me that the building is already there. This is not the case. It is right across the street from my sister-in-law's home. And the lot is extremely small. I don't, and the access that you're talking about is just a little road that slides in between some other buildings. And, ah, this letter is erroneous when it describes the location as an existing building. It's not actually that. It's not located or this map is not, is way off.

McGill: Mr. Barber, are you saying that the salon itself is not where we say it is.

Barber: No.

Ballister: Well, it's located between Union Chapel and Oak.

Barber: Yes, it's located between, it's in the middle of that block or and, and,

Fletcher: Mr. Barber.

Barber: Yes sir?

Fletcher: I've got pretty good knowledge of this property. It's not accessible although it shows that it is from Oak Street.

Barber: That's right.

Fletcher: That is a pretty swampy drain between Oak Street and

Barber: In other words, Mr. Fletcher, do you know where Ross's is located?

Fletcher: Oh, absolutely.

Barber: You go past Ross and make a right. It's right behind Ross's property.

Fletcher: I know where it is.

Barber: It's a little small lot. And the lady that stays across in front of it is here tonight.

Fletcher: Well, it's between Edwards Road and 26 ah 65-A is it not?

Barber: 265?

Fletcher: It's north of Edwards Road.

Barber: The general location is

Fletcher: Is it north of Edwards Road or south?

Barber: Edwards Road runs north and south. It's west of

Ballister: Here is a site plan and here is Edwards Road.

Barber: O.K. Let's turn it this way. This is the way that I know the road. I know the road like that.

Fletcher: It's across Edwards Road from Ross's.

Barber: O.K. This is Union Chapel Road down here. This is Edwards Road here. O.K. If you go back down to Ross's, make a right, go down one block past, just past Ross's house, you make another right and you go in there. And what has happened is someone has pulled a used mobile

home in there since this letter was sent out. It is not an existing building. And this is what we were led to believe.

Ballister:

We can check our records to find out if we've issued a residential concurrency for this same property.

Fletcher: Why don't you do that and then bring this back to us.

Ballister:

Ah, I'll do that.

Roberson: What do you want to do?

Fletcher: I want him to check that out and bring it back to us.

Richmond: Two weeks or what?

Fletcher: In two weeks.

Ballister:

Two weeks.

McGill: Madam Chair, while some of these people who are opposed to this are present tonight, they may not be able to make it back two weeks from tonight. Would you go ahead and get those comments for the record. Just those who cannot come back two weeks from now.

Roberson: O.K.

Richmond: Mr. Barber, you said there was someone else that wanted to speak in opposition.

Barber: In the back, several people.

Fletcher: Well, we're not going to take it up tonight.

Roberson: No, but they have said

Richmond: Do ya'll want to speak tonight or come back in two weeks?

Roberson: You'll have to come up and state your name please.

Richmond: I'm sorry.

Roberson: You're alright.

Clark: My name is Bernice Clark and I had gotten a letter you know, several times, about the beauty shop, but I didn't have no idea that it was going to be less than 100 ft. right in my front door, you know. It's just not appropriate, you know, because it's a ditch there. Then if they get ready to park to get their hair did, they are going to be blocking my drive-way for me to go in, you know. I just do not want that right in front of my yard. If it would have been somebody that had their own piece of property, you know, to put it on alone, but it's just sitting in back of another house there. And that's just not appropriate. I don't think so. Cause if they don't, if they can't hook it up right, then if they boot-leg it, then it could set the house afire, then ruin my house. You know my house and stuff cause it is just that close.

Richmond: If I can. Procedurally, we need to address this issue. There has been a motion made by one of the commissioners to have this matter passed for two weeks to get additional information. In two weeks, the commission will be meeting with everyone present. Comments made tonight will not necessarily be available to those other commissioners. And, what I think we need to do is if you intend to pass it for two weeks, we need to take it up in two weeks in total because these other commissioners will need the benefit of these comments as well. If that's alright.

Fletcher: That's really the fair thing to do.

McGill: Is that your motion?

Fletcher: Yes, that's my motion.

McGill: That's my second.

Roberson: O.K. We have a motion and a second. All in favor?

McGill, Fletcher, Roberson: Aye

Ballister: I apologize to the Board. When I went to the site, I saw a structure there and I was assuming that was the structure that would house the beauty salon.

Is the applicant here? Would you like to come up?

Richmond: It's been passed for two weeks. There has been a vote and it's been passed for two weeks to get the full

commission here and to get additional information for this commission to hear.

Ballister:

Alright, I'm sorry.

Roberson:

So, you need to get with her Bruce and let her know what she needs to do.

### **Light Industrial Category - Public Hearing**

Ballister:

The last item tonight is the ah, light industrial ordinance. Ah, the majority of the light industrial ordinance is an edit to Chapter 4 of the Land Use Code. And a change in the Comp Plan section that described commercial and industrial and included a new description for light industrial.

As there are only three of us, three commissioners tonight, it was officially noticed to be ah, have a public hearing on the merits of the change tonight. That was done per notice requirements - well in advance of knowing that we would a short commission tonight.

Ah, it can still be discussed again in two weeks which is the second required meeting. Ah, if you would like to go into deeper discussion of the merits of it or hold out for two weeks, we can do that,

Fletcher: It would be better if it was held because these guys are gonna have to hear it all again that aren't here. So, why should we have to hear it tonight and then hear it again.

Ballister:

I understand. That's, that's my suggestion is that where we've got it. If there is anybody here that responded to the application or the notice in the newspaper.

Roberson: Is there anybody here in response to the - you've in response to the notice? O.K.

McGill: About this particular issue, I don't know.

Roberson: Is it in response to this particular issue? Can you come back in two weeks or would you like to speak tonight? It will be when?

McKinnon: August the third.

Roberson: August the third.

Fletcher: You are still gonna have two guys that are not here and are not going to hear what she's got to say. And they are going to be voting. So, she would be better off to appeal to the whole commission than she would be to just the three of us.

Ballister:  
Alright.

McGill: While we table, I'm going to make a motion that we continue for two weeks.

Fletcher: Sure.

Ballister:  
We have a second required option and we have two public hearings required to pass an ordinance to change part of the comp plan and you can't adopt until the second one anyway. So, we can just have the public hearing session in two weeks.

McGill: So, we just continue with that.

Ballister:  
Yes.

Roberson: Ma'am, did you want to speak tonight or do you want to come back in August?

I ain't speaking to the beauty shop. I want to speak about the land.

Roberson: Ma'am?

I don't want to speak about the beauty shop, I want to speak about the land.

Roberson: The ordinance?

Yeah, the ordinance.

Roberson: That's what we are talking about that now. No, we are past the beauty shop Ma'am. Did you want to speak tonight or can you come back on August the third.

August the third?

Roberson: You are welcome to speak tonight if you want to. If you will, state your name, please.

Thomas: Gloria Thomas. I live on the Holloway Road and I want to speak about my land over there on Holloway Road. It is 4 acres and they say that I can't put but one trailer on it - the 4 point acre.

McGill: I am not sure that is germane to this issue.

Roberson: I'm not either. This ah, basically, what we are trying to do is make some changes to the comp plan and that is what we are meeting on tonight. It is not really what you can do with your land.

Fletcher: Light industrial use is what we are suppose to be ah, this public hearing is about. It doesn't have anything to do with residential.

Thomas: Residence? Like land?

Richmond: No, this is a public meeting.

Thomas: When are you going to have a meeting about that then?

Richmond: There is a meeting in two weeks where were are discussing, isn't it about elements of one unit per acre, I think that's in two weeks. I don't know if that's what - ah, rural residential, yeah.

Thomas: O.K. then. In two weeks?

Richmond: Yes, ma'am.

Roberson: Do you know what your land is zoned?

Thomas: Ah, ugh.

Richmond: What is it now? Is it one to five or ?

Thomas: It's four.

Roberson: No, what are you zoned? Are you, do you have an agriculture zoning or are you rural residential or?

Thomas: I think it's rural.

McKinnon: Bruce, are you familiar with where her property is by any chance?

Ballister:  
No.

Roberson: Maybe you can help her, Bruce.

Ballister:  
Do you want to come into my office and I can help you with that?

Thomas: Yes.

McGill: Why don't you set a time so she can -like 8:30 or 9:00; 9:30, 10:00 o'clock.

Ballister:  
I will be there all day.

Thomas: O.K. Alright, I'll bring the thing to you.

Roberson: Alright, thank you for coming in.

Ballister:  
As a point of comment, I would invite all the commissioners to read that section in chapter 4 carefully because there are other minor edits to chapter 4 that are appropriate to do at this point. It's not just a sight, ah, light industrial change. There are some other things that will be fixed in chapter 4 that you would need to look at because they will be up for discussion.

Ah, that's the conclusion of my agenda for tonight.



AT A REGULAR MEETING OF THE BOARD OF  
COUNTY COMMISSIONERS HELD IN AND FOR  
GADSDEN COUNTY, FLORIDA ON AUGUST 3,  
1999, THE FOLLOWING PROCEEDINGS WERE  
HAD, VIZ.

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

CALL TO ORDER

The meeting was called to order by Chair Roberson. County Attorney Hal Richmond led in pledging allegiance to the U.S. Flag and Commissioner Watson led in a prayer.

ADOPTION OF THE AGENDA

Clerk Nicholas Thomas requested to amend the Consent Agenda to include the Tax Collector's list of Errors, Insolvencies and Double Assessments to the 1998 Tax Roll.

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

APPROVAL OF MINUTES

July 20, 1999 Regular Meeting

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

COUNTY ATTORNEY'S AGENDA

County Attorney Hal Richmond stated that the ordinances referred to on the agenda are matters that were continued from the July 7, 1999 meeting. He explained that they are matters primarily relating to Planning and Zoning Department Issues and should be held at that juncture of this meeting.

Mr. Richmond pointed out that the Board would not be able to have discussion relating to Merritt Lane. He explained that a law suit has been served on Planning and Zoning (P & Z) Director Bruce Ballister and on the County. He then stated that the County has 30 days to respond to the filing of the law suit. The matter is now

in litigation and the Board will be unable to discuss it further at this time.

### **CITY OF MIDWAY**

Midway Mayor Ron Colston was unable to be present and Commissioner McGill spoke on behalf of the City of Midway. He referred to a letter written by Mayor Colston on July 20, 1999 to Commissioner Ed Dixon. Mayor Colston's letter dealt with the City's desire to implement an exclusive franchise right that will include a five mile radius around the City of Midway. The purpose of the designation would be to protect their economic development activities.

Commissioner McGill asked each of the Board members to make their feelings about the franchise rights known to him and he would relate them to Mayor Colston.

### **WASTE MANAGEMENT CONTRACT PROPOSAL**

Mr. Ralph Mills, district manager of Waste Management, Inc. addressed the Board. He reported that new contract negotiations have been ongoing with the county manager regarding the garbage collection in the unincorporated areas of Gadsden County. The present contract will end on August 31, 1999.

Mr. Mills proposed a new five (5) year contract extension with Gadsden County that would be effective September 1, 1999 - August 31, 2004. The proposal is described in the attached letter.

Commissioner McGill asked if they would consider not taking a CPI increase for the entire life of the contract.

Mr. Mills said they would consider it.

Commissioner McGill asked if they would consider a reduction to the elderly who live alone and do not generate a large amount of garbage.

Mr. Mills answered they could look at the possibility depending upon the number of households that would be affected.

Commissioner Dixon asked the county manager if he had done an internal analysis of the contract such as the following:

- 1) How long Waste Management has had the contract?
- 2) Were any surveys done and if so what were the results?
- 3) Are there any delivery of service issues to be resolved?

- 4) Was there any research into the waste management market with which to compare this contract?

The following facts were discerned:

- 1) Waste Management has held the contract since 1987 - 12 years.
- 2) No surveys were conducted.
- 3) Other counties in the area were contacted as to their garbage programs and this proposal compares to them.
- 4) The service is one pick-up per week - limited to 3 cans - customer provides the containers.
- 5) The current contract ends at the end of August, 1999. However, there is an understanding in place with Waste Management that they will continue the service on a month to month basis and allow the county to look at alternatives as it deems necessary.

Commissioner Dixon stated that he would like to see a more in depth analysis.

**UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 1, BY VOICE VOTE, TO DELAY A DECISION ON THE CONTRACT UNTIL A BETTER ANALYSIS CAN BE MADE. COMMISSIONER WATSON CAST THE LONE DISSENTING VOTE.**

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

##### **Havana Flea Market - Frank Clore**

The above named project was originally submitted to the Planning and Zoning Commission in December of 1997 and was reviewed for planning and zoning issues by Mr. Mike Sherman, the former director of the Growth Management Department.

Mr. Clore petitioned the Board of County Commissioners for the consideration of a conceptual site plan for a flea market and mini-storage facility to be located just north of the intersection of US 27 and CR 12B. Mr. Clore's proposal includes approximately 40,320 sq. ft. of sales area associated with the flea market under a metal canopy, 20,400 sq. ft. of mini-storage consisting of 136 10'x15' storage units in a metal building and a 14'x78' office installed as a mobile home style office unit. This concept plan does not clearly indicate where the proposed rest room facilities are located.

For further details of this project, see the attached report.

The P & Z Commission recommended denial.

The P & Z staff recommended approval subject to the special conditions outlined in the attached report.

Attorney Ed Blanton addressed the Board on behalf of Mr. Clore. His comments are not made a part of these summary minutes but have been transcribed verbatim and are on file in the Clerk's office and the Planning Department.

The people listed below appeared before the Board in opposition to the flea market. Their comments are not a part of these summary minutes but have also been transcribed verbatim and are on file in the Clerk's office and the Planning Department.

Bruce Linton  
Richard Thompson  
Nicholas Weller  
Tim Whipple

There was a lengthy discussion of the project.

**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 3 - 2, BY VOICE VOTE TO DENY THE CONCEPTUAL PLAT APPROVAL. COMMISSIONERS WATSON, FLETCHER AND ROBERSON VOTED "AYE", COMMISSIONERS DIXON AND MCGILL VOTED "NAY".**

Bill Geyer was recognized for questions regarding the vote.

#### **Minor Subdivision Rules Ordinance - Public Hearing**

P & Z Director Bruce Ballister told the Board that the Department had prepared minor changes to sections of the Land Development Code that will provide additional protections for existing neighborhoods and additional oversight for the process of subdividing lands that have been previously subdivided. He went on to say that the proposed changes will create a new definition for "two-for-one subdivisions" and modify existing definitions for "immediate family; subdivisions; subdivisions, minor;" and delete the definition for "subdivisions, exempt" The ordinance will revise the standards in Subsection 5104 Residential Infill Development placing regulation of "two-for-one" subdivisions under the Growth Management Department and regulating re-subdivision. The proposed ordinance also requires less than major subdivisions to obtain health department approval prior to growth management approval. A copy of the proposed changes is attached to these minutes.

Mr. Ballister read the title of the ordinance into the record.

There was lengthy discussion among the board members. A verbatim transcript of this discussion is on file in the Clerk's office and the Planning Department but has not been made a part of these summary minutes.

The people listed below were recognized for comments and questions:

Elijah Knight  
Jamie Thompson  
Eloise Frost  
Brenda Holt  
Angeline Isaac  
Dot Prescott

**UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO CONTINUE THE PUBLIC HEARING ON THE ORDINANCE UNTIL AUGUST 17, 1999.**

#### **Le Chirque Beauty Salon - Neighborhood Commercial Application**

Mr. Ballister told the Board of a proposal to construct a beauty salon on a site that is a little less than two acres in the Union Chapel area. The site will have access off of Union Chapel which is paved. The access point is a few hundred feet north of the intersection of Edwards Road which is also paved.

The Land Development Code lists a beauty shop as an allowable use. For further details of the project, see the attached report.

This application was on the agenda for the last meeting but was continued until this meeting because of objections raised by residents in the area. However, since the last meeting, those people have rescinded their objections.

Staff recommendation: Denial - the access roads are not major collector road. If approved the staff recommended that the access to the shop be through the 30' flag access which is on their property. It will require the construction of a graveled driveway on their own property.

P & Z Commission Recommendation: forward to BCC with no action.

Chair Roberson called for public comment. There was none.

**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, IN VOICE VOTE, TO APPROVE THE PROJECT SUBJECT TO THE SPECIAL CONDITIONS LISTED BY THE P & Z STAFF.**

**CHAIR ROBERSON DECLARED A FIVE MINUTE RECESS.**

**Light Industrial Amendment**

**UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO CONTINUE THE PUBLIC HEARING ON THE LIGHT INDUSTRIAL AMENDMENT ORDINANCE UNTIL SEPTEMBER 7, 1999.**

**DANGEROUS BUILDING NUISANCE COMPLAINT**

Building Official Frank Ritter reported that he had received a complaint about a dangerous building located off Highway 268 in Gadsden County. (see the attached report for details)

The property is heir property and no one person can make the decision to have the building removed. However, several of the heirs had requested that the county tear the building down.

Mr. Ritter stated that he had investigated and found the complaint to be valid and issued an abatement order. He added that he must have board approval before he can proceed.

Mr. Richmond asked if this is the house known as "the little house on the prairie." Mr. Ritter answered affirmatively.

**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO LET THE ABATEMENT ORDER STAND.**

**COURTHOUSE CLOCK**

Commissioner Watson asked if the courthouse clock would be repaired in time to be operational for the ringing of the new millennium. Mr. Ritter answered affirmatively.

**GADSDEN COUNTY VS. FORD NEW HOLLAND OF TALLAHASSEE, INC. 98-1009-CA**

Public Works Director Robert Presnell stated that he had negotiated a settlement with Ford New Holland of Tallahassee as it relates to the lawsuit stated above dealing with a defective boom mower.

Ford New Holland has agreed to provide the County with a 1999 factory mounted industrial machete mower and tractor for \$45,000; allow \$7,000 in trade-in allowance on the Alamo mower; and forgive the \$3,222.27 debt owed to them by the County. In exchange, the County must drop the law suit.

Mr. Presnell stated that the department has \$34,564.00 in the current budget for the purchase of a new mower already. The difference between the budgeted amount and the cost of the new mower could be paid from the public works budget.

**UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 4 - 1, BY VOICE VOTE, TO APPROVE THE SETTLEMENT DESCRIBED ABOVE. COMMISSIONER FLETCHER CAST THE LONE DISSENTING VOTE.**

**Offer from Anderson Columbia Co., Inc. to Pave portion of Brickyard Road**

Mr. Presnell told the Board that Anderson Columbia Company has offered to re-surface the portion of Brickyard Road from the railroad track to US 90. They will widen the road by four feet, lay a leveling course and put 1 1/2" of asphalt without charge to the County - up to \$50,000. This amounts to approximately 2,700 ft.

**UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO ACCEPT THE OFFER FROM ANDERSON COLUMBIA COMPANY TO PAVE A PORTION OF BRICKYARD ROAD.**

**COUNTY MANAGER'S AGENDA**

**Road Name Change - Roney Road back to Carter Road**

County Manager Howard McKinnon told the Board that he had received a request to revert the name of Roney Road back to Carter Road. The road has always been known as Carter Road and was platted with the name Carter Road and had a street sign with the name Carter Road prior to the change.

**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO REVERT THE NAME OF THE ABOVE DESCRIBED ROAD TO CARTER ROAD.**

**Interlocal Agreement with City of Quincy for Animal Control Services**

Mr. McKinnon introduced the attached agreement between the City of Quincy and the County for animal control services.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE INTERLOCAL AGREEMENT WITH THE CITY OF QUINCY FOR ANIMAL CONTROL SERVICES.

#### FAC 2000 Legislative Issues Survey

Mr. McKinnon stated that he had completed the Legislative Issues Survey requested by the Florida Association of Counties and will submit it by August 6, 1999. He asked the commissioners to make their comments known to him.

#### CONSENT AGENDA

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

- 1) Chamber of Commerce Activity Report for month of June - for the record.
- 2) Notice of adoption of the Evaluation and Appraisal Report (EAR) for the record.
- 3) Approval of Bid Award 99- 017 to Roberts Sand Company and contract for Emergency Watershed Protection
- 4) Resolution 99-013 approving Gadsden County amendment to the local Housing Assistance Plan for fiscal year 1998-99
- 5) Local Housing Assistance Plan - for certification and approval and Resolution 99-015 (approving Local Housing Assistance Plan for FY 1999-2000; 2000-2001; and 2001-2002
- 6) Special Services Agreement with Bell South to provide ISDN line to Havana Library
- 7) Special Services Agreement with Bell South to provide current data base of E-911 to E-911 Director Devane Mason (no charge for this service)
- 8) Payment of \$7,491.60 to Big Bend Technologies for professional services rendered in connection with Rich Bay Road law suit against Crowder Excavating
- 9) Resolution 99-014 EMS Write-off of Bad Debts totaling \$65,590.59
- 10) Interagency Agreements between Gadsden County and Department of Corrections for Use of Inmate Labor - 8 crews
- 11) Tax Collectors List of Error, Insolvencies, Double Assessments, Discounts and Adjustments to Tax Roll for 1998

#### CLERK'S AGENDA

#### Cash Report



\_\_\_\_\_  
Clerk Thomas introduced the County's Cash Report showing \$10.4 million.

### **Financial Statements**

Clerk Thomas introduced the County Financial Statement covering the current fiscal year through the end of July.

### **Budget Amendments**

#### **99-08-03-01 through 99-08-03-04**

\_\_\_\_\_  
UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE BUDGET AMENDMENTS DESCRIBED ABOVE.

### **Ratification of the Payment of the 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 reported that he had visited Quail Ridge Subdivision with Public Works Director Robert Presnell. He noted several things that need to be looked into by county staff. They are listed below:

- 1) A section of the road right-of-way
- 2) water pressure problems by some of the residents
- 3) broken dry fire hydrant at the lake

### **City of Midway**

Commissioner McGill reported that he had met with the mayor of Midway and carved out a policy for economic development. He read it into the record and then filed a copy with the Clerk.

He then reported that he will be meeting with officials from the City of Midway to discuss a possibility of the City of Tallahassee providing water, sewer and electricity to Midway.

He then stated that he has volunteered to write grants for the City of Midway as possibilities become known. Mr. John Yerkes has also agreed to assist with grant writing as well.

**DISTRICT 2 REPORT**

Commissioner Watson had no report.

**DISTRICT 4 REPORT**

Commissioner Fletcher had no report.

**DISTRICT 5 REPORT**

Commissioner Dixon had no report.

**DISTRICT 3 REPORT**

Chair Roberson had no report.

**ADJOURNMENT**

**UPON MOTION BY COMMISSIONER FLETCHER, THE CHAIR DECLARED THE  
MEETING ADJOURNED.**

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**Carolyn Roberson, Clerk**

**ATTEST:**

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**Nicholas Thomas, Clerk**

AT A REGULAR MEETING OF THE BOARD OF  
COUNTY COMMISSIONERS HELD IN AND FOR  
GADSDEN COUNTY, FLORIDA ON AUGUST  
17, 1999, THE FOLLOWING PROCEEDINGS  
WERE HAD, VIZ.

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

JOINT MEETING OF CITY OF QUINCY COMMISSIONERS, GADSDEN COUNTY BOARD  
OF COUNTY COMMISSIONERS AND THE QUINCY/GADSDEN AIRPORT AUTHORITY

\_\_\_\_\_The annual joint meeting of the above stated agencies convened at 5:30 p.m. Airport Authority Members present were George (Buster) Burnett, Jerry Owens, Jeff Davis, Don Sirmons, Jimmy Ashmore, Deloris Spooner. City Commissioners present were Derrick Elias, Larry Edwards, Don Chesser. City Manager Anthony Powell was also present.

\_\_\_\_\_The meeting was called to order by Jerry Owens.

Mr. George Burnett made a brief presentation. He informed the Board that the airport is looking at purchasing more property in order to lengthen the runway so as to accomodate larger planes. He called attention to the information packet which includes the budget. (attached) At the conclusion, the Authority took questions from the Board of County Commissioners.

Commissioner Dixon asked for empirical data that would support the Authority's position that the airport needs such improvements as lengthening the runway. He offered the following as an example of the type information he would like to have:

- 1) What commerce/industry entities are being sought that will require an airport or a more improved airport?
- 2) Where are those potential businesses now?
- 3) What benefit will there be to the County for those businesses to have access to a local airport?
- 4) Why do they need an airport?
- 5) How large does the airport plan to get?
- 6) What businesses are currently benefited by the airport and how often?
- 7) Who lands planes at the airport currently?

Mr. Owens was unable to answer the questions. He was then asked to provide the data to Commissioner Dixon by the next regular meeting.

The joint meeting was adjourned.

**RECESS**

**CALL TO ORDER**

Chair Roberson called the meeting to order. She then led the pledging of allegiance to the U.S. Flag and County Manager Howard McKinnon opened with a prayer.

**ADOPTION OF THE AGENDA**

The consent agenda was amended by removing the Radio Tower Lease Agreement with Metrocall.

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

**APPROVAL OF MINUTES**

**August 3, 1999 Regular Meeting**

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

**COUNTY ATTORNEY'S AGENDA**

**McKinnon Body Shop - 97-PZ-011-207-05-11**

Note: See the minutes of August 19, 1997; December 2, 1997; April 7, 1998; June 16, 1998; and July 7, 1998 for historical details of this project.

Mr. Richmond recalled that on July 7, 1998, the Board voted to grant Mr. Derrick McKinnon 12 months to relocate his business even though he was operating in violation of the County's codes. He reported that the 12 months have expired and Mr. McKinnon has not relocated and is still operating in violation to county codes.

Mr. Richmond stated that he has prepared a lawsuit requesting an injunction against Mr. McKinnon. He asked for authority to file it.

**UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO GIVE THE COUNTY ATTORNEY THE AUTHORITY TO FILE SUIT AGAINST MR. DERRICK MCKINNON.**

**Larry Fountain - Non Permitted Business**

Note: See Minutes of January 5, 1999; January 19, 1999; February 2, 1999; April 6, 1999; and May 18, 1999 for details of this project.

Mr. Richmond reported that it had come to his attention that Mr. Fountain has continued to operate his business at his home after he had agreed to discontinue. He said that he would be filing a lawsuit against Mr. Fountain in the upcoming week.

**Mr. Saad AM - Lawsuit Filed Against Gadsden County for Refusing to Sign Petitioner's Application to State for a License to Sell Beer and Wine for Off-site Consumption**

Mr. Richmond reported that he had argued the above stated case before Circuit Judge P. Kevin Davey who is expected to render a ruling by the end of this current week. The judge denied the Writ of Mandamus but must still rule on the Petition for Writ of Certiorari. The Petition for Writ of Certiorari was filed by Mr. Am following the Board's action of April 20, 1999 when it refused to sign an application required by the Florida Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco (DBPR), so that Mr. Am could apply for a state license to sell beer and wine, for off-site consumption, at his existing convenience store. (formerly known as Joe Butler's Store)

**HOSPITAL - CHILLER REPLACEMENT**

Building Official Frank Ritter called attention to an engineering report in the agenda packets from McGinnis & Flemming concerning the hospital's chiller system. He stated that page one of the report demonstrates the cost savings that could be realized by replacing the chiller system at the hospital with a new more efficient system.

McGinnis & Flemming Engineering, Inc. recommended installation of the air-cooled chiller because it would be the more practical in terms of maintenance costs of the equipment over time. It was determined that if it is properly maintained, the chiller system should last for 30 years.

The current chiller is 19 years old but has never been properly maintained and is now in desperate need of replacement.

Commissioner Dixon asked what procedures are in place to ensure that this new one will be properly maintained.

Mr. Ritter stated that the current lessee of the hospital has a mechanical engineer on staff whose responsibility it will be to maintain the equipment.

Commissioner Dixon then asked how often the county audits their building engineer to ensure that the county's interest are protected.

Mr. Ritter stated that he is currently engaged in discussions with several engineering services about providing bi-annual maintenance inspections of the equipment who will in turn make routine reports to the County.

**UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO AUTHORIZE THE ENGINEER TO BEGIN THE DESIGN FOR THE HOSPITAL'S NEW CHILLER SYSTEM AND TO PREPARE BID SPECIFICATIONS FOR ADVERTISEMENT. IT WAS FURTHER MOTIONED THAT THE COST OF THE ENGINEERING AND BID SPECIFICATIONS SHOULD BE PAID FROM THE DIVIDENDS OF THE HOSPITAL ENDOWMENT TRUST FUND AND THE MATTER IS TO BE BROUGHT BACK TO THE BOARD FOR FURTHER APPROVAL.**

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

#### **Continuation of the Public Hearing on Ordinance for Minor Subdivisions**

Planning Director Bruce Ballister stated that he had made revisions to the proposed ordinance per the instructions of the Board at the last meeting. He presented the amended proposed ordinance for discussion. He explained that this version eliminates all references and changes to the immediate family exemptions or heir property.

Mr. Richmond announced that this meeting was a continuation of the public hearing on the advertised ordinance amending the land development regulations as they relate to minor subdivisions (two-for-one subdivisions) in the existing Land Development Code.

The proposed changes appear either as strike-throughs (deletions) or underlined markings (additions) on the document. Copy attached.

Mr. Ballister summarized the changes as follows:

- 1) The definition of the word "subdivision" was changed to include two lots as opposed to three lots.
- 2) The definition of "Subdivision, minor" was changed to be "any parcels created in a subdivision, minor subdivision, or two-for-one lot creation process, whether by plats or by metes and bounds recording, cannot be further subdivided without a full "Type II" review by the Planning and Zoning Commission and the Board of County Commissioners.
- 3) Subsection 5104 p. 68 Residential Infill - two additional items were created for the list - 1) Re-subdivision of lots created by either "plats" or "metes and bounds" shall be subject to planning and zoning approval as a Type II Review Application. 2) Two-for-one lot creations less than 10 acres shall be subject to zoning approval by the Department of Growth Management.

**A MOTION WAS MADE BY COMMISSIONER FLETCHER AND SECONDED BY COMMISSIONER MCGILL TO ADOPT THE FOLLOWING AMENDMENT TO THE PROPOSED AMENDMENT TO THE ORDINANCE AMENDING THE LAND DEVELOPMENT CODE. "THE TWO-FOR-ONE SUBDIVISION LANGUAGE SHALL ONLY APPLY TO PLATTED SUBDIVISIONS WHETHER RECORDED OR UNRECORDED."**

Discussion among the Board followed.

Chair Roberson called for public comments and questions. She recognized the following people:

1. Alfred Ellis
2. Lex Thompson
3. Fred Strauss
4. Mary Jane Johnson
5. Jamie Thompson

Further discussion of the Board followed.

Commissioner Dixon asked Commissioner Fletcher to amend the motion to include that measures would be taken during the budget process to give the Growth Management Director adequate funds to educate the public that they should check with the planning department before they purchase property. Also included was to require P & Z Department to keep a record of property owners who come into the office with zoning problems. (If in the future, if there is a need to address this again, data would be readily

available with which to make a fair evaluation.) Commissioner Fletcher agreed to the amendment.

Further discussion followed.

Question was called by Commissioner McGill.

The motion was restated as follows by Hal Richmond:

**APPROVE AN AMENDMENT TO THE ADVERTISED ORDINANCE AMENDING THE LAND DEVELOPMENT CODE THAT PROVIDES AS FOLLOWS: TWO-FOR-ONE SUBDIVISION LANGUAGE SHALL ONLY APPLY TO PLATTED SUBDIVISIONS WHETHER RECORDED OR UNRECORDED. THE BOARD VOTED 3 - 2. COMMISSIONERS FLETCHER, DIXON AND MCGILL IN FAVOR OF THE MOTION. COMMISSIONERS WATSON AND ROBERSON OPPOSING THE MOTION. THE MOTION PASSED.**

Mr. Ballister called attention to one other change that he would like to see in the ordinance amendment. He referenced page 149. He asked that a copy of the minor subdivision's final plat to be filed with the Growth Management Department. He also asked to include language that would require minor subdivisions to have at least two percolation tests performed on representative lots. (see underlined addition on p. 149)

The above stated motion was amended to include the changes described by Mr. Ballister in the above paragraph.

**UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE TO AMEND THE PREVIOUS MOTION TO INCLUDE REQUIRING THAT A COPY OF THE MINOR SUBDIVISION PLATS BE FILED WITH THE GROWTH MANAGEMENT DEPARTMENT AND REQUIRE THAT ALL MINOR SUBDIVISIONS MUST HAVE AT LEAST TWO PERCOLATION TESTS PERFORMED ON REPRESENTATIVE LOTS.**

**UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO DIRECT THE GROWTH MANAGEMENT DEPARTMENT TO ENFORCE THE INTENT OF THIS ORDINANCE UNTIL SUCH TIME AS THE ORDINANCE IS ON FILE WITH THE SECRETARY OF STATE WHEN IT BECOMES RECORD OF LAW.**

#### Subdivision Moratorium

**UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO DISSOLVE THE SUBDIVISION MORATORIUM.**



### **Southworth Advertising - Billboard Request**

Mr. Dan Southworth is proposed to construct a highway billboard along the US 27 Corridor. According to the sign ordinance contained with the LDR's, all bill board applications are considered Class II developments and require Planning Commission and Board approval.

Mr. Ballister reported that Mr. Southworth has provided the department with all the appropriate information required for a site development application and a sign permit application.

The proposed sign is to be located within a site that has been given conditional approval through the Growth Management Department and the Board of County Commissioners. That site is the Ghavamikia application for Regency Motors on the east side of US 27 just north of the intersection with CR270.

The proposed sign is a double height, double faced sign with a total height of fifty feet and a sign height of 22' starting 28' above grade. The proposed sign has a single pole riser.

P & Z staff recommended approval.

P & Z Commission recommended approval with the stipulation that the billboard be "V" shaped, that is each face is slanted slightly toward the right-of-way, that each side have only two lights, and that a minimum of \$500 worth of landscaping be installed at its base.

Discussion followed.

**COMMISSIONER MCGILL MADE A MOTION TO PLACE A MORATORIUM ON DOUBLE DECKER SIGNS UNTIL THERE IS AMPLE OPPORTUNITY TO WRITE AN ORDINANCE GOVERNING BILLBOARDS. THE MOTION DIED FOR LACK OF SECOND.**

Mr. Dan Southworth was recognized for comments.

**A MOTION WAS MADE BY COMMISSIONER FLETCHER AND SECONDED BY COMMISSIONER DIXON TO APPROVE THE SIGN AS RECOMMENDED BY THE PLANNING COMMISSION.**

Chair Roberson called for public comments.

Mrs. Kathy Grow and Mrs. Diane Sheffield spoke in opposition to the sign.

**THE BOARD VOTED 3 - 2, BY VOICE VOTE, TO APPROVE THE MOTION. COMMISSIONERS FLETCHER, DIXON AND ROBERSON VOTED TO APPROVE THE MOTION. COMMISSIONERS MCGILL AND WATSON OPPOSED THE MOTION.**

### **Capital City Bank - Variance Request**

The applicant received the property at 1600 Ashton Court on September 5, 1998 as a result of a foreclosure action. Subsequent to accepting the deed in lieu of foreclosure, the Bank received a notice from FDEP in March of this year that the property was affected by underground migration of pollutants from the Post Plant site across SR 12 to the north. This contamination affects a .5 acre area that can be severed from the parent 10.1 acre parcel. The applicant wishes to sever the .5 acre parcel so that the owner can pursue homeowner financing through the Veterans Administration on the remaining 9.6 acres.

The Bank has found a buyer for the property but is unable to find or secure appropriate financing guarantees due to the polluted portion. The buyer is willing to buy the .5 acre parcel also with the understanding that it will not be a buildable lot and that it would be rejoined with the parent parcel once the clean-up effort is finalized.

The applicant requested a variance from the 10 acre minimum lot size and permission to create two non-conforming lots.

**UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER WATSON THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE VARIANCE REQUEST DESCRIBED ABOVE.**

### **Amendment to Land Development Ordinance**

Mr. Ballister called attention to the proposed ordinance which will amend the Land Development Code. The primary change is the addition of a new category - "Light Industrial". Other minor changes are also proposed. The changes are shown in the attachment with strike-through markings and the additions are shown as underlined markings.

Mr. Richmond announced the opening of a public hearing which was continued from the duly noticed and advertised hearing on July 20, 1999. It was continued to consider the adoption of ordinance amending the Future Land Use elements of the Gadsden County Comprehensive Plan. He stated that the purpose of the hearing was to take public comments or questions concerning the proposed ordinance.

There was a consensus of the Board to move flea markets to the light industrial category. There was also a consensus to remove the changes made relative to rural residential category from this ordinance and address it at another time along with family exemptions.

Chair Roberson called for public comments.

**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO ADOPT THE PROPOSED ORDINANCE CREATING A LIGHT INDUSTRIAL CATEGORY IN THE FUTURE LAND USE MAP BUT AMENDED BY MOVING FLEA MARKETS TO LIGHT INDUSTRIAL USE. ALSO INCLUDED IN THE MOTION WAS TO REMOVE ALL PROPOSED CHANGES RELATING TO RURAL RESIDENTIAL CATEGORY.**

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

##### **Lease Agreement with Tallahassee Community College**

Mr. McKinnon called attention to the TCC lease agreement and two options for dealing with assignment of building space to county agencies.

**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE LEASE AGREEMENT FOR THE TCC BUILDING LEASE.**

Commissioner Fletcher asked Mr. McKinnon for his recommendation regarding the two options described in the attached sheet.

Mr. McKinnon recommended option # 2 which states "The County to consider and investigate purchasing the County Annex Building occupied by the Tax Collector and Property Appraiser. With the addition of the Tallahassee Community College building, this will allow enough space to be available for future growth."

Commissioner Dixon asked that the forthcoming building assignments come back to the Board complete with a design lay-out so that the Board can fully understand the proposal.

**UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE OPTION 2.**

**City of Quincy - Request for Office Space - Chamber of Commerce Building**

Mr. McKinnon stated that the Board received a request from the City of Quincy Police Department for the use of the building now occupied by the Chamber of Commerce.

**UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO ALLOW THE CITY OF QUINCY POLICE DEPARTMENT TO USE THE BUILDING NOW OCCUPIED BY THE CHAMBER OF COMMERCE.**

**State of Florida Purchasing Card**

Mr. McKinnon recommended that the County join the State Purchasing Card Program. He explained that in trying to arrange travel for Commissioner Dixon in his capacity as President of the Florida Association of Counties, the staff found that this would be helpful in making his hotel reservations and car rentals. The program can be geared to and policy can be adopted so that it can only be used for those two items. The card is structured in such a way as to have controls.

**UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 1, BY VOICE VOTE, TO JOIN THE STATE PURCHASING CARD PROGRAM, DEVELOP POLICY AS TO ITS USE, AND TO RESTRICT THE USE OF THE CARD TO ONLY HOTEL ACCOMMODATIONS AND CAR RENTALS. COMMISSIONER WATSON CAST THE LONE DISSENTING VOTE.**

**Budget Workshops**

Commissioner Watson proposed to have one budget workshop and to only hear from County Departments.

There was a consensus to hear from all constitutional officers, county departments and non-profit organizations. A workshop was set for Tuesday, August 24, 1999 at 5:15 p.m.

**CONSENT AGENDA**

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

- 1) Naming of private road off the Havana Highway Curtis Circle.**
- 2) Radio Tower Lease Agreement - Removed from agenda at request of Commissioner McGill.**

- 3) Bid award for security services for the Library to Maxwell Security of Tallahassee in the amount of \$8.75 per hour.
- 4) Letter to Leon County Commissioners re: Gadsden County's continued opposition to waste transfer station - for the record.

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

#### **Tax Deeds - for the record**

Clerk Thomas told the Board that the attached deeds have been escheated to the Board of County Commissioners. These parcels resulted from non-payment of taxes and appeared on the list of lands for sale for more than seven years.

#### **Budget Amendments 99-08-17-01 through 99-08-17-06**

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 Approval to Pay County Bills**

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

#### **CITIZENS REQUEST TO BE HEARD**

Mrs. Brenda Holt asked if she could get a copy of the total proposed new budget.

Mr. McKinnon responded by asking her to come by his office to review the budget.

#### **DISTRICT 1 REPORT**

Commissioner McGill requested the Board's approval to travel Orlando, FL to attend the FAC Conference on September 29 - 30, 1999 and to spend up to \$461.00.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE COMMISSIONER MCGILL'S TRAVEL TO ORLANDO ON SEPTEMBER 29-30 AND TO INCUR EXPENSES UP TO \$461.00.

Commissioner McGill proposed that the Board approve a new administrative position to assist Commissioner Dixon during his

tenure as FAC President. The position is to be an OPS - non permanent job. See the attached proposal.

**UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER FLETCHER THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE HIRING OF AN OPS POSITION TO ASSIST COMMISSIONER DIXON DURING HIS TENURE AS FAC PRESIDENT. THE MOTION INCLUDED ONLY THE MINIMUM BENEFITS IN ADDITION TO THE \$26,000 SALARY.**

Commissioner McGill reported that he is still working with the City of Midway in their efforts to get utilities run to the City and surrounding area.

#### **DISTRICT 2 REPORT**

Commissioner Watson had no report.

#### **DISTRICT 3 REPORT**

Chair Roberson reported that she received a telephone call from Mr. Cochran from the Department of Corrections. He informed her that within 90 days, they will close the prison located at the Florida State Hospital, CMI at River Junction. The 560 inmates will be absorbed into the surrounding prisons.

Chair Roberson stated that this will have profound impacts on the City of Chattahoochee. DOC will give the facilities to the Department of Children and Families. They will be used to house criminal sex offenders. At the present time there are 136 inmates which they intend to move into there. All correctional officers will be replaced into other institutions.

#### **DISTRICT 4 REPORT**

Commissioner Fletcher yielded his time to Lori Rigg.

Ms. Rigg asked if the County will be able to recover money from FAC for the Commissioner Dixon's assistant position. The answer was "no."

#### **DISTRICT 5 REPORT**

Commissioner Dixon reported that he met with DEP and the Health Department staff at the Joe Butler's property at SR 267 and I-10. He stated that there was at one time a gasoline spill on the property and no one in the neighborhood was ever notified of it. The local health department knew about it but never told the residents.

Commissioner Dixon went on to say that there are a number of such sites in the County. He implored the Board to find out where the others are and determine if they are affecting any citizens.

**ADJOURNMENT**

**THERE BEING NO OTHER BUSINESS BEFORE THE BOARD, THE CHAIRMAN  
ADJOURNED THE MEETING.**

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**Carolyn Roberson, Chair**

**ATTEST:**

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**Nicholas Thomas, Clerk**

McGill: Also, Madam Chairman, I have had time to look at some computers for Commissioner Dixon as he serves as the President of the Florida Association of Counties. You also have in your packet a total budget which totals about \$35,656.00 with a salary of \$26,000. (inaudible)

You have the budget before you, I move that we go ahead and approve the budget and authorize Commissioner Dixon to have the assistance that he needs to work as President of the Association. With the understanding that the position will terminate when he is no longer President of the Association.

Roberson: I was going to say, it would be an OPS position, not a permanent.

McGill: Yeah.

Watson: I just don't have enough emperical data to make this decision.

Laughter.

Watson: I've got no dates of employment, I've got no job description, what they're going to do and certainly if we need emperical data for \$10,000, we need it for \$36,000, wouldn't you say?

McGill: inaudible

Fletcher: Commissioner, don't you want to move that it be an OPS position?

McGill: Yes, then you wouldn't have to pay the health insurance, worker's comp and retirement, you see (inaudible)

McKinnon: Mr. Thomas, would you address the retirement. We are looking at a year and I am not sure about this, that is why I am asking this. Is there is, if a job is going to last more than four months, does retirement kick in. I am not sure.

Thomas: I am not sure. I think that OPS is usually six months.

McKinnon: Arthur is back there. O.K.

Lawson: You will be required to pay retirement regardless of whether you call it OPS or not.



Roberson: Excuse me just a moment. Arthur will you come forward for just a moment please.

Lawson: What if you do a position for six months and then at the end of six months, you

Dixon: Then that is intentionally avoiding the law.

Lawson: If you establish the position with the intent of it going beyond the six months, then

Roberson: Well, I am not saying that it is going beyond six months.

Lawson: If it extends beyond six months we don't have a choice.

Watson: Let's hire the person and just it falls wherever.

Roberson: Whatever the rules are - o.k.

McGill: I would want Commissioner Dixon to do the job description to make sure that there is no county commission business being done by that person who works for him.

Fletcher: Do you need a second to your motion? I second it.

Roberson: O.K. We have a motion and a second to hire an assistant for Mr. Dixon while he is President of the Association. All in favor?

All: Aye.

Roberson: All opposed.

Lawson: There is just one question. Is this person to be entitled to county benefits?

Dixon: You will have to determine that. I guess that is what we were trying to do.

Roberson: Within the letter of the law. I mean, whatever we have to do.

Lawson: I mean, you can give them, you have to give them retirement, but you determine what other benefits you give them.

Fletcher: I think it was Commissioner McGill's intent that it be a OPS position and we give them only what we have to give them. What we don't have to, we shouldn't give them.

Lawson: O.K. I just wanted to clarify that.

AT A BUDGET WORKSHOP OF THE BOARD  
OF COUNTY COMMISSIONERS HELD IN AND  
FOR GADSDEN COUNTY, FLORIDA ON  
AUGUST 24, 1999, THE FOLLOWING  
PROCEEDINGS WERE HAD, VIZ.

PRESENT: EDWARD J. DIXON, VICE-CHAIR  
W. A. (BILL) MCGILL  
STERLING L. WATSON  
HOWARD MCKINNON, COUNTY MANAGER  
MURIEL STRAUGHN, DEPUTY CLERK

ABSENT: CAROLYN ROBERSON  
E.H. (HENTZ FLETCHER)

CALL TO ORDER

The meeting was called to order by Vice-chair Dixon. He announced that the purpose of the workshop was to review budget requests made by county departments.

Commodities Budget Document - page 40

Mr. Herb Chancey told the Board he has not been informed by the State as to the exact allocation which would be received for the coming year. However, he stated that he anticipated no change.

Animal Control - page 65

\_\_\_\_\_Mr. Chancey reported that the animal shelter building was funded in the 98/99 budget but still has not been completed. The 99/2000 budget calls for four positions.

AT A BUDGET WORKSHOP OF THE BOARD OF  
COUNTY COMMISSIONERS HELD IN AND FOR  
GADSDEN COUNTY, FLORIDA ON AUGUST  
30, 1999, THE FOLLOWING PROCEEDINGS  
WERE HAD, VIZ:

PRESENT: EDWARD J. DIXON, VICE-CHAIR  
WILLIAM A. (BILL) MCGILL  
HAL RICHMOND, COUNTY ATTORNEY  
HOWARD MCKINNON, COUNTY MANAGER  
MURIEL STRAUGHN, DEPUTY CLERK

ABSENT: CAROLYN ROBERSON, CHAIR  
STERLING WATSON  
E. H. (HENTZ) FLETCHER

After a delay of more than 30 minutes, Vice-chair Dixon announced that the scheduled meeting could not be held due to lack of a quorum.

AT A REGULAR MEETING OF THE BOARD OF  
COUNTY COMMISSIONERS HELD IN AND FOR  
GADSDEN COUNTY, FLORIDA ON SEPTEMBER  
7, 1999, THE FOLLOWING PROCEEDINGS  
WERE HAD, VIZ.

PRESENT: CAROLYN ROBERSON, CHAIR  
STERLING WATSON  
BILL MCGILL  
E. H. (HENTZ) FLETCHER  
HAL RICHMOND, COUNTY ATTORNEY  
HOWARD MCKINNON, COUNTY MANAGER  
MURIEL STRAUGHN, DEPUTY CLERK

ABSENT: EDWARD J. DIXON  
NICHOLAS THOMAS, CLERK

CALL TO ORDER

Chair Roberson called the meeting to order. Commissioner Fletcher led in pledging allegiance to the U.S. Flag and Muriel Straughn led in a prayer.

ADOPTION OF AGENDA

The agenda was amended to include the appointments to the Value Adjustment Board.

The agenda was also amended to remove discussion of title loan interest from Commissioner Dixon's agenda. Discussion of the WAGES issues was moved to Commissioner McGill's agenda.

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

COUNTY ATTORNEY'S AGENDA

Midway Annexations

County Attorney Hal Richmond called attention to the law suits filed by the County against the City of Midway over voluntary annexation of property around Midway. He stated that there appears to be a pattern developing where county property is being voluntarily annexed to the city with the intent of changing the county's zoning requirements to meet whatever the City wants. He went on to say that there is an apparent attempt to get around the county's best interest.

Mr. Richmond said that citizens and the Board have expressed concerns to him and asked what measures could be taken to remedy the situation. He also said that there had even been some discussion about putting a ban on traffic bringing garbage into the County from another county. He acknowledged that he was unsure about what could be done to protect the County's interest, but asked for authority to pursue avenues and perhaps even draft an ordinance that would give the County some authority to take corrective measures.

**UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 4 - 0, BY VOICE VOTE TO GIVE THE COUNTY ATTORNEY THE AUTHORITY TO DEVELOP AN ORDINANCE AND ADVERTISE THE NOTICE OF INTENT FOR THE OCTOBER 5TH MEETING TO THE EFFECT THAT WHERE THE COUNTY HAS A VALID ZONING PROCEDURE AND WHERE THERE IS AN ATTEMPT BY PEOPLE TO CIRCUMVENT THAT VALID ZONING ORDINANCE THROUGH A VOLUNTARY ANNEXATION, THAT THERE BE SOME TYPE OF ILLEGALITY ATTACHED TO THAT. POSSIBLY THERE COULD BE SOME TYPE OF FINES AND AUTHORITY FOR THE COUNTY TO FILE LAWSUITS TO PROTECT ITS INTEREST.**

Commissioner Watson pointed out that the Mayor of Midway, Ron Colston, is an appointed commissioner to the County's Planning and Zoning Commission. He suggested that the County needs people on the P & Z Commission that will work to protect the County's interest - not the City of Midway. He questioned whether it is wise to continue his appointment in view of the recent annexation issues.

**Mr. Saad AM - Lawsuit Filed Against Gadsden County for Refusing to Sign Petitioner's Application to State for a License to Sell Beer and Wine for Off-site Consumption**

Mr. Richmond reported that a Petition for Writ of Certiorari was filed by Mr. Am following the Board's action of April 20, 1999 when it refused to sign an application required by the Florida Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco (DBPR), so that Mr. Am could apply for a state license to sell beer and wine for off-site consumption at his existing convenience store. (formerly known as Joe Butler's Store)

Mr. Richmond reported that Mr. Am received a judgement in his favor. The basis of the judgement was that the County Ordinance speaks to two issues with which to base a denial for a beer or wine license application. Those are 1) "within a thousand feet of a church" and 2) "within a thousand feet of a school."

The court ruled in Mr. Am's favor and the County's action was quashed.

Mr. Richmond told the Board that he did not feel that the matter would be worth pursuing an appeal. However, he recommended that the ordinance be amended to allow the the Board the authority to deny future applications in neighborhoods.

#### **EMERGENCY MEDICAL SERVICES (EMS)**

##### **Request to Advertise for EMS Billing Services**

EMS Director Tommy Baker asked the Board for authorization to advertise for a RFP for billing services for EMS. He stated that he wanted to look at it on a temporary basis until an anticipated employee vacancy can be filled. He stated his reason as being to avoid delays in the medicare and medicaid billing process.

**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO AUTHORIZE THE EMS DIRECTOR TO ADVERTISE FOR BILLING SERVICES FOR EMS DEPARTMENT.**

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

##### **Highland Lakes - Request for Extension of Preliminary Plat Approval**

P & Z Director Bruce Ballister told the Board he had received a request for an extension of the Preliminary Plat Approval for Highland Lakes. It was given it first approval on May 20, 1997 and another extension in September of 1998. He stated that the Department of Environmental Protection (DEP) permitting process had been very lengthy. He also stated that the developer has recently encountered major health problems that has restricted his ability to move forward with the project.

The staff recommended approval.

**UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE EXTENSION AS REQUESTED (12 MONTHS) BASED ON THE FACT THAT A HEALTH RELATED HARDSHIP HAD IMPEDED THE APPLICANT'S ABILITY TO MOVE FORWARD. IT WAS EMPHASIZED THAT UNDER OTHER CIRCUMSTANCES, THE REQUEST WOULD HAVE BEEN DENIED.**

##### **Comp Plan School Board Ordinance Public Hearing**

Mr. Ballister told the Board that the Florida Statutes requires that certain items be included in the Comprehensive Plan to ensure coordination with the School Board on planning for new facilities and co-location of other public use facilities in conjunction with the new facilities. It also requires that the future land use map shall allow for sufficient lands adjacent to existing residential areas for the location of new schools.

The Department of Community Affairs (DCA) comments on the Comprehensive Plan were received via telephone prior to this meeting. DCA requested that the County remove the Agriculture 3 from the current list of allowable zones for location of schools. The Comprehensive Plan currently lists all agricultural zones and rural residential areas as allowable zones for schools. DCA objected saying that was too broad a brush and recommended that schools be located within a residential area. They recommended the removal of Agriculture 3 zones from the allowable sites.

Mr. Ballister then stated that the School Board objects to the deletion of the Agriculture 3 zones. They desire flexibility in doing property acquisition siting.

Mr. Ballister explained that the staff is in a quandary with DCA objecting to the inclusion of Agriculture 3 zones and the School Board objecting to the exclusion of them. If the plan is submitted with Agriculture 3, DCA is sure to find the plan "Not in Compliance." He stated also that the matter needs to be brought to some resolution by the end of the month so that changes to the Future Land Use Map can move forward.

Mr. Ballister recommended that the Plan be submitted with the DCA recommended modifications and then meet with them along with the School Board to resolve the matter.

Mr. Richmond read the title of the Ordinance into the Record.

The Chair called for comments from the Public.

Mr. Ballister stated that the advertisement read that there would be two public hearings of which this one is the first. The second hearing will be held on September 21, 1999 for adoption.

**UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO CONTINUE THE PUBLIC HEARING ON THE ADOPTION OF THE DESCRIBED ORDINANCE UNTIL SEPTEMBER 21, 1999.**

**Land Use Map Change Ordinance**



Mr. Ballister recalled that the Planning Commission and the Board have approved several minor land use amendments in the past year they have been on hold pending the approval of the Evaluation and Appraisal Report (EAR) by DCA. With the determination in July that the EAR was sufficient, these are no longer impeded. The final act of confirming this amendment to the Future Land Use Map, FLUM is the advertisement and final vote to confirm the map change. As these have individually been approved and adopted in the past, this amounts to a formality to collectively adopt the individually approved changes to the FLUM. The effective date of the map change would be the effective date of the ordinance.

The changes are as follows:

Petrandis on McNair Road - 1.0 acres from AG 2 to RR  
Harris on US 90 West - 2.41 ac. from Commerce to Public  
Motorsports Travel Center - 10 ac. from AG2 to Commercial  
Suber on Strong Road - 10.0 ac. from Industrial to USA  
Kever on US 90 West - 1.87 ac. from AG1 to Commercial

Total of 34.28 acres.

Mr. Ballister stated that the County may change up to 80 acres at a time per FL Chapter 163.

Mr. Richmond read the Ordinance into the record by title.

Chair Roberson called for public comment.

Mr. Mike Sherman addressed the Board on behalf of Motorsports Travel Center to answer questions of the Board.

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

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

##### **Building Space Assignments**

County Manager Howard McKinnon presented a proposal for building space use and asked for its approval. See attached proposal.

**UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE BUILDING SPACE ASSIGNMENTS AS PRESENTED.**

##### **TCC Custodial Position**

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE ADDITIONAL STAFF PERSON FOR CUSTODIAL SERVICES AT THE TCC BUILDING. THE COST OF SALARIES AND BENEFITS FOR AN ADDING A CUSTODIAN WAS \$18,600.

Budget Workshop Date for Non Profit Agencies

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 4- 0, BY VOICE VOTE, TO HOLD A BUDGET WORKSHOP WITH THE PRIVATE NON-PROFIT AGENCIES FOR MONDAY, SEPTEMBER 13, 1999 AT 5:00 P.M.

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) EMS County Award Grant \$19,140.05. The application is for computers, software, internet connection and EMS Web page development, digital cameras for quality assurance use, public education and building improvements.
- 2) Authorization for the Chairman to write a letter to the local Transportation Disadvantaged Local Coordinating Board and to Apalachee Regional Planning Council requesting that they strongly consider non-emergency medical transportation services as part of the selection criteria for a Coordinator. The service is needed 24 hr. a day, 7 days a week.
- 3) Establishment of Visitor hours for non-campers at the Gadsden County Parks. Time set from 6:00 a.m. to sunset.
- 4) Gates Grant Agreement - Ratification FL-98-32351-01-A
- 5) Library Plan of Service 2000 - Approval
- 6) CHARGE Grant Agreement 99-LSTA-J-03 \$60,298
- 7) Born to Read Grant Agreement 99-LSTA-E-02 \$7,075
- 8) Modification to Agreement #98-LM-4H-0230-01-020 30 day extension to grant the American Red Cross time to complete project.
- 9) Recycling & Educational Grant Agreements SC00-09 October 1, 1999 through September 30, 2000 \$50,000;

- 10) Solid Waste Recycling and Education Grant RE00-18  
October 1, 1999 through September 30, 2000; \$89,682.
- 11) Waste Tire Solid Waste Grant WT00-20; October 1, 1999  
through September 30, 2000; \$21,322
- 12) Litter Control and Prevention Grant LC00-18; October 1,  
1999 through September 30, 2000; \$17,500.
- 13) Amendment to TEFAP Contract for Gadsden County Emergency  
Food Organization Contract No. 4626 \$14,000
- 14) Engineering Fees with Lee and Bridges for  
Agricultural/Multi-purpose Center Contract amount -  
\$80,000 Amended Amount - \$104,700.  
Due to change in the original scope of services.
- 15) Lease Agreement with James and Mary Auman for State  
Attorney's Offices - October 1, 1999 through September  
30, 2000 for \$1,055 per month.
- 16) Interlocal Agreement Pertaining to City of Quincy  
Juvenile Justice Programs for use of building at 221  
North Madison St., Quincy. Presently being occupied by  
Chamber of Commerce.
- 17) Letter to Governor Jeb Bush urging him to delay the  
reorganization plans for the River Junction Correctional  
Institution for a year.
- 18) Letter to Commissioner of Agriculture Bob Crawford  
supporting Soil and Water Conservation District's request  
for funding for an update to the County's soil survey.
- 19) Proclamation 99-016 declaring October Domestic Violence  
Awareness Month.
- 20) Contract No. 65534 and 65533 with Sonitrol for security  
services.
- 21) Elevator Maintenance Agreement with Miami Elevator for  
339 East Jefferson St. (TCC Building)
- 22) Crimestoppers Grant Application to Attorney General -  
Authorizing Tallahassee Big Bend CrimeStoppers, Inc. to  
act as Gadsden County's agent for the purpose of applying  
for and receiving moneys from the Crimestoppers Trust  
Fund.

- 23) Mosquito Control Annual Certified Budget for Total of \$54,495. Local \$28,282 and State \$26,213
- 24) Financing Proposal for Public Works Equipment. Approved in the 98/99 budget. 1999 International 4700 4 x 2 truck for \$37,693.13. To be financed with Quincy State Bank at a rate of 5.5% 5 Annual payments of \$8,828.33 to begin on October 5, 2000.

#### CLERK'S AGENDA

#### Budget Amendments 99-09-07-01 through 99-09-07-17

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

#### DISTRICT 1 REPORT

#### Big Bend Jobs & Education Council, Inc. Workforce Development

Commissioner McGill referenced three documents contained in the agenda packets. He stated that all three documents are related to each other. He explained the 1) Workforce Investment Act Plan; 2) Interlocal Agreement Affirming the Region 5 Workforce Development Consortium; and 3) Local Elected Officials Agreement. He then asked the Board to approve them.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE ABOVE REFERENCED DOCUMENTS.

#### DISTRICT 2 REPORT

Commissioner Watson had no report.

#### DISTRICT 3 REPORT

Chair Roberson had no report.

#### DISTRICT 4 REPORT

Commissioner Fletcher had no report.

**ADJOURNMENT**

**THERE BEING NO OTHER BUSINESS BEFORE THE BOARD, THE CHAIR  
DECLARED THE MEETING ADJOURNED THE MEETING.**

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**Carolyn Roberson, Chair**

**ATTEST:**

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**Nicholas Thomas, Clerk**

AT A TENTATIVE BUDGET PUBLIC HEARING  
OF THE BOARD OF COUNTY COMMISSIONERS  
HELD IN AND FOR GADSDEN COUNTY,  
FLORIDA ON SEPTEMBER 13, 1999, THE  
FOLLOWING PROCEEDINGS WERE HAD, VIZ:

PRESENT: CAROLYN ROBERSON, CHAIR  
EDWARD J. DIXON, VICE-CHAIR  
WILLIAM A. (BILL) MCGILL  
STERLING WATSON  
E. H. (HENTZ) FLETCHER  
HOWARD MCKINNON, COUNTY MANAGER  
MURIEL STRAUGHN, DEPUTY CLERK

**CALL TO ORDER**

Chair Roberson called the meeting to order. Commissioner Fletcher led in pledging allegiance to the U.S. Flag and Commissioner Watson led in a prayer.

**BUDGET**

County Manager Howard McKinnon pointed out the changes made to the budget as a result of the Board's last instruction: Assistant for Commissioner Dixon; Insurance coverage for the TCC building; Resurfacing project adjustments.

**TENTATIVE GENERAL OPERATING FUND MILLAGE**

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE GENERAL OPERATING FUND MILLAGE AT 10 MILLS.

**TENTATIVE HOSPITAL FUND MILLAGE**

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE HOSPITAL DEBT SERVICE MILLAGE AT 1 MILL.

**PUBLIC COMMENT**

Chair Roberson recognized Ms. Brenda Holt for comments.

Ms. Holt asked why the Chamber of Commerce is funded as a non-profit.

Mr. McKinnon clarified that the Chamber is categorized as industrial development in the proposed budget even though it is a non-profit.

Ms. Holt commented that she was astonished at the small amount of money that the Board funded for human services as compared to other programs. She stated that she believed that it is too limited. She compared the amount of money spent for an animal shelter to human service programs.

Commissioner Watson asked her what she perceived as the purpose of the animal shelter. He then explained that the purpose is for the public/human safety - not animal protection and care.

Commissioner Fletcher pointed out that the cost of the animal shelter is a one-time expense. It will not be re-occurring.

Ms. Holt then stated that she felt that the other programs should be funded equally and to the same extent that the animal shelter is funded.

#### **ADOPTION OF THE TENTATIVE BUDGET**

Mr. McKinnon told the Board that whatever they approve at this budget hearing will be advertised for a final hearing in two weeks. After the advertisement, if the budget is increased, there will have to be another advertisement and another public hearing in order to do so. However, if the budget is decreased, it will not require an additional advertisement or additional public hearing.

Commissioner Dixon reported that Gadsden County was approved for three road improvement projects by the State which amounts to almost a million dollars. The funding will become available on July 1, 2000.

**A MOTION WAS MADE BY COMMISSIONER MCGILL TO AMEND THE PROPOSED BUDGET BY INCREASING IT BY \$79,000 (TO BE TAKEN FROM RESERVES) TO BE ADDED TO HUMAN SERVICES, NON-PROFIT ORGANIZATIONS. THE MOTION WAS SECONDED BY COMMISSIONER FLETCHER FOR DISCUSSION PURPOSES ONLY.**

Commissioner Dixon spoke in support of a grant writer's position in the upcoming year. He added that the road money that the County will receive in 2000 is re-occurring money. He stated that the County must be on top and stay on top of the grants. It will require someone always being available to make a presence known on behalf of the County.

He also stated that he would like for the County to pull out those programs such as Legal Services, American Red Cross, Senior Citizens, Chamber of Commerce, DISK Village, Guardian Ad Litem and Big Bend Transit and fund them at a greater level because those non-profits have an integral direct affect on a great part of the Gadsden County population. All of them have clearly demonstrated

the need and the results that are brought about by their respective programs.

Additionally Commissioner Dixon suggested that the County make a lump sum grant to the United Way and then let the smaller agencies that apply to the Board for funds, apply to the United Way for those monies. The United Way already has standards in place by which the merits of their programs can be critique.

Commissioner McGill could not totally support Commissioner Dixon's suggestion. While he approved funding the six agencies at a greater level, he was opposed to making the donations for smaller agencies through the United Way for distribution.

Commissioner Watson was opposed to funding any more to private non-profit citing that many of the requests were for educational purposes. He stated that he felt that it is wrong for the Board to take County Commission money and put into educational programs when the people of the County are already paying for education. He said that he believed that it is double taxation and it is wrong. He added that it is the responsibility of the Board to provide the basic services - transportation, law enforcement, court system, etc.

Commissioner Fletcher asked to amend the motion to say "\$35,000 additional money be put in the budget for non-profits plus \$30,000 for the grant-writer position simply for the purpose of advertising the budget. Since we cannot increase this budget without advertising. Then if this Board decides that they want to decrease it, they can still do that. But, if we don't put it in there now, we can't put it in there later. And, my motion has a second."

**A MOTION WAS MADE BY COMMISSIONER FLETCHER AND SECONDED BY COMMISSIONER DIXON TO FUND AN ADDITIONAL \$35,000 FOR NON-PROFIT FUNDING AND \$30,000 FOR THE GRANT WRITER POSITION. THE BOARD VOTED 3 - 2 WITH COMMISSIONERS DIXON, FLETCHER AND MCGILL VOTING "AYE" AND COMMISSIONERS WATSON AND ROBERSON VOTING "NO."**

**COMMISSIONER MCGILL WITHDREW HIS PREVIOUS MOTION.**

**UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 3 - 2, BY VOICE VOTE, TO APPROVE THE TENTATIVE BUDGET AS AMENDED IN THE PREVIOUS MOTION. COMMISSIONERS MCGILL, DIXON AND FLETCHER VOTED "AYE" AND COMMISSIONER WATSON AND ROBERSON VOTED "NO."**

#### **ADJOURNMENT**



**THERE BEING NO OTHER BUSINESS BEFORE THE BOARD, THE CHAIR  
DECLARED THE MEETING ADJOURNED.**

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**CAROLYN ROBERSON, CHAIR**

**ATTEST:**

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**NICHOLAS THOMAS, CLERK**

AT THE REGULAR MEETING OF THE BOARD  
OF COUNTY COMMISSIONERS, HELD IN AND  
FOR GADSDEN COUNTY, FLORIDA ON  
SEPTEMBER 21, 1999, THE FOLLOWING  
PROCEEDINGS WERE HAD, VIZ.

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

CALL TO ORDER

Chair Roberson called the meeting to order. She then led in pledging allegiance to the U.S. Flag and Commissioner Dixon led in a prayer.

ADOPTION OF THE AGENDA

The consent agenda was amended by correcting the description of the tractor in the financing proposal for the public works equipment. The description should have read "7740 SLE Tractor/cab".

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

APPROVAL OF MINUTES

September 7, 1999 Regular Meeting

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

COUNTY ATTORNEY'S AGENDA

Second Judicial Circuit Conflict Attorney Committee

County Attorney Hal Richmond urged the Board to appoint a member of the Board to represent Gadsden County on the Circuit-wide Conflict Attorney Committee. He stated that counties have tried in the past to establish a right to have input into the selection of private attorneys who are appointed by the courts to represent indigent defendants when the public defender has a conflict. By appointing one of the commissioners to the committee, it gives the county a voice into issues such as how monies will be handled with

regard to payment and the selection process of attorneys on the conflict list. He emphasized that the appointment must be a commissioner.

**UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO AUTHORIZE THE CHAIRMAN TO APPOINT ONE OF THE COMMISSIONERS TO THE CONFLICT ATTORNEY COMMITTEE AS DESCRIBED BY MR. RICHMOND.**

**Gadsden County Lawsuits Arising from Midway Voluntary Annexation**

Mr. Richmond stated that certain parts of the annexed properties by City of Midway are not properly described in the legal ads and certain portions are not contiguous to the City of Midway. He requested authority to file lawsuits, if appropriate, with regard to the areas being annexed that are not contiguous as required by the Statutes and that those that are not properly described in the notices.

**A MOTION WAS MADE BY COMMISSIONER WATSON TO GIVE THE COUNTY ATTORNEY AUTHORITY TO FILE LAW SUITS AS DESCRIBED ABOVE.**

Dixon: What is our interest in suing Midway?

Richmond: The voluntary annexation implied that a land holder can petition the City of Midway to have its property included within the City of Midway. Once that is done, Midway acquires the rights to properly administer and determine planning issues and all other issues with regard to the property annexed. The Statutes are very specific and says that a voluntary annexation - by its nature and because it's voluntary - must be contiguous to the existing town limits and there also must be certain other procedural safeguards.

Dixon: What is our interest in suing Midway?

Richmond: If the County desires to maintain the County's planning and zoning rights on the property being annexed, it would need to contest the annexation. On the other hand, if there are no objections, the County can step aside and let the City of Midway annex the property without opposition. Then they can do whatever they want with the property zoning.

Dixon: Were there parcels annexed by Midway which are not contiguous?

Richmond: There are certain, on this map, certain blocks that are contiguous - in other words, they touch the City of

Midway - and I think that is within Midway and the property owners rights to go through a voluntary annexation proceeding. I think, under the Statutes, you have an interest in that, and I needed to call to your attention, there are also certain properties that they could not voluntarily annex without your just letting it happen."

Dixon: My concern is if these are voluntary annexations, while not being, you know, touching if this is the actual and true map, ah, I really don't understand your expression of what our problem is.

Fletcher: May I make a comment?

Dixon: Yes, sir.

Fletcher: The reason that these property owners want to have that property that is not contiguous to the City of Midway, the reason that they want, the reason they are voluntarily going along with this annexation is to get around the decisions that have been made by this board. That is the sole purpose in their voluntary annexation. The sole purpose of their voluntary annexation is to get around a decision that this Board has made. By becoming under the authority of the City of Midway rather than go through us. It's as plain as it can be.

Dixon: So, we're going to punish

Fletcher: We are not punishing Midway. But if you let Midway take over the governing authority of that property, then, some of the decisions that this Board has made are going to go away. Simply, just trying to get around what we have decided - nothing else.

Dixon: What are the issues, I mean, are we talking landfill, are we talking - what are we talking about?

Richmond: If I can, Commissioner, to explain what I'm looking at from a legal standpoint, that some of it is not contiguous. I call it to your attention.

Dixon: I understand that.

Richmond: The issues that, you know, have been discussed - and I don't know if you were here at the last meeting when some of this came up - was the potential use and the development. It is a question of whether the county wants to give up its zoning authority over this land when

it doesn't have to for potential development. That's not saying that improper decisions or improper things are going out there. It's a question of whether you want to maintain the control at a county level or not. All I can do is call it to your attention and then whatever.

McGill: But is there some kind of way that we can talk to the city attorney at Midway to see if he did follow all the Florida Statutes in doing this? He came in last time we met but he came in too late and I didn't recognize him.

Richmond: I met Mr. Howard. I, I had been asking to try and find out where these ordinances of city annexation were and getting them plotted so I could see if they were contiguous or not. That is the only basis under the Florida Statutes for a voluntary annexation - it must be contiguous. There is some argument that can be made that if there is a state property between the City of Midway and this property, that it may be legally contiguous.

I just wanted to call it to your attention that there are plans for some of this property. It has been speculated that the people that own the property feel that perhaps Mr. Ballister and the County would not recommend (at least that it's possibly the understanding) and therefore - they want to get it into the City of Midway where they feel the City of Midway wants to see it developed differently from the County. It is a question - if you want to allow the City of Midway to do that, you can.

Watson: My interest in it is part of what Commissioner Fletcher has said and the fact that we have something positive going on out there at that interchange. Midway, in its search for revenue, it appears is willing to entertain any kind of project anybody wants to put out there. Anything that will generate money. Projects that this Board is not in favor of. If they are successful in establishing these various projects in that area, it may well and probably will kill the growth that is going on out there, depending on what they elect to allow to go out there. That is my interest. We have something positive going on out there in Gadsden County. And Midway, in its search for revenue, could kill it. And I am opposed to that.

Dixon: Madam chair, may I?

Roberson: Yes.

Dixon: My concern, once again, as I stated earlier, is that this is - for lack of a better word, and excuse me if I offend anybody - a pissing contest with Midway and it is causing Midway harm and causing the County harm.

I was with some companies last week that have buildings out there and they were not talking about annexation issues. They were talking about "can they get central water and sewer?"

Now, if we want to help control what's happening in Midway, I think our best bet is to go get \$700,000 and run the water system to Midway and you won't have Midway doing these kinds of things that you say that we are afraid that are going to happen.

We understand what their motivation is. We also understand that we've got a good thing going out there. But even our good thing is going to come to an end if we don't get some central water and sewer out there. Now that ain't going to have nothing to do with the City of Midway.

It's going to have a lot to do with our bickering back and forth - attempting to stop Midway from doing whatever it is that she is trying to do. I mean, that's nowhere. That is absolutely zero. We're going to send somebody to court to file a lawsuit - lawsuits that we really fight hard on before we do about anything else. Because it costs so very much money.

No one has told me whether we have talked to Midway. Ah, have we tried to work something out - probably because what I am hearing is we don't want to work everything out. The deal is to get some water to Midway and you can control the growth that happens out there. Period.

Now, yeah! I can't go along with this kind of stuff for the simple reason that nobody wants to talk about running water. And that is what they need. But you want to talk about this big economic engine we have that you intentionally have been allowing to sit beside the road. I don't understand that. And the logic about that's in the interest of the County - that is not in the interest of the County. What is in the interest of the County is getting that economic engine up to full power out there.

Thank you madam chair, that's it.

McGill: Let me see if we can not act on that motion tonight and give us time to sit down and talk to the City of Midway and see what their motivations are. I've been doing some work for Midway in terms of getting some natural gas going out there. And I think I am almost there. I am still talking to people about a sewer system from Tallahassee. We know that is going to cost and I am still working on that. So, I would still like to know what is proper or improper (inaudible) but for different reasons. So, if we can hold off on that motion for two weeks to see if there is something we can work out.

Watson: We can't hold off. We can't hold off any longer.

McGill: He said he's got 30 days and the 30 days will soon be up.  
Roberson: October 2 will be the 30 days and we don't meet again until October 5th.

McGill: I will ask the city attorney to come in tonight. I asked him to come last time and he came in late and I didn't recognize him quite frankly. I thought he was somebody else. And we meet October 5th.

Roberson: October 5th and the 30 days are up on October 2nd. I think basically the motion was to give him the authority to check into it and file if

Richmond: If I can, and I apologize for lateness in this. I just got the maps and we have been working on this - the staff has.

Watson: Either way, whether you are for it or against it, if Midway is skirting the or breaking the rules, we need to call their hand on it, whether you are for them or against them.

Dixon: That also seems to be selective.

Watson: Well, still, that is the bottom line here. That is your interest, isn't it, Mr. Richmond?

Richmond: All I can do is call it to ya'll's attention. This is not, I'll do what ya'll tell me.

Watson: You know what I mean, commissioner.

Dixon: I know what you mean.

Richmond: Part of what, if I can by way of background, there is a law suit pending and I'm not sure if it includes parts of

this land or not. We still have to analyze that. On the prior ordinances where basically, they did not comply with the Statute and I discussed with their attorney then, "Look, if you go back and go through this, you know, in an appropriate fashion, if it is contiguous and what have you, the county is not trying to give ya'll a hard time. And this is what they brought back in and I have been trying to find out where it's at and we just got it this afternoon - just a few minutes ago. And it appears to be an issue that I've got to call to your attention. What ya'll tell me to do is up to ya'll.

McGill: But he said the law suit has to be filed by

Richmond: Well, we've got 30 days. It was passed the second day of September which means that basically by the second day, there may be, no 30 days in September, so by October 2nd, I've got to make a decision. I know we don't meet until after that. Ah, and without going to the other issues, you know, the issues that because you represent these people now, the people surrounding it and I just, whatever ya'll want.

Watson: I move that we give you that authority.

Dixon: There is already a motion on the floor.

Roberson: I think we already have a motion on the table.

McGill: Not very many years ago, Chattahoochee thought this commission treated it like a step child. Now Midway has the same feeling that they have been stepped on and stepped over and everything else. I had hoped we could come to a more peaceful resolution on this issue. I think the annexation needs to be legally done, but I hope

Watson: If it can be legally done, it would be done, correct Mr. Richmond?

Richmond: Yeah, there's nothing we can do about voluntary annexation. We are in the position

Roberson: Am I correct, the motion was just to give you the permission to file lawsuit and

Richmond: Yeah, when I look at them. I'm going to sit here and tell you - I don't want to mislead any of you - It appears that there is a gap between the City of Midway city limits, and the areas in red. There are two areas that are contiguous, that would not be my intent to file



on the areas that are contiguous cause I think they meet the Statutes. O.K?

But I'm talking about the block out there beyond the interchange that appears not to be contiguous. That's not saying that we can't sit down and work something out with the City and come to some interlocal agreement on the development or interlocal agreement on maintaining some rights or input in planning. I mean, I'm not saying we can't work something out with the City of Midway. If they want to work with us, or vice versa, that end of it is really ya'll negotiating that. All I am saying is this is what I've got to do if you want me to do it. I call it to your attention.

Dixon: But, what comes across to me is that that is always the last route we take - to talk and see if there is something possibly that we could agree on. You know, the first motion is to file a law suit. Correct me if I'm wrong, but you know, that sends a real "we don't want to work together message."

Richmond: I agree with you commissioner, I'm not trying to dodge that issue. The Statute imposes a 30 day limit on us and we have been working on this for the last 2 weeks, 3 weeks, trying to find out exactly what property is the subject and I just got it this afternoon. Yes, it sends a very chilling message - "We are going to sue you." Nobody likes to hear that and certainly nobody likes to ready about it - that doesn't mean that we can't try and sit down and have a joint meeting or something or trying to work something out. The question becomes, you know, if ya'll want to just let it go, that is fine too. And let the City of Midway develop that area out there. Because once that ordinance is not contested, it becomes a part of the City of Midway and we have no rights to go in and interfere.

Watson: But, is somebody is breaking the rules, they should expect to hear from us.

Roberson: We have a motion and a second on the floor on the floor. Is there any further discussion?

McGill: (inaudible) I would hope that we could sit down and work things out instead of going to court. (inaudible) if Midway is willing to work it out. That should be a last resort instead of a first resort.

**Roberson: All in favor?**

**Watson, Fletcher, Roberson: Aye**

**Roberson: All opposed?**

**Dixon, McGill: "No."**

**THE MOTION PASSED 3 - 2.**

Dixon: Madam chair, also on that issue, we do have 9 days and I would like to see what kind of discussion happens between now and then. I certainly would like to hear from the attorney before the law suit is filed as to the level and degree of that discussion.

McGill: Does that mean a special meeting?

Dixon: No.

Richmond: I will call Mr. Howard tomorrow and try and set up a meeting (inaudible) and report back.

Dixon: Also, Madam chair, if I may on that same issue?

Roberson: Yes.

Dixon: If we are so concerned about the growth and development of Midway, and I am very concerned about the growth and development of Midway, I think it is this county's potential bread and butter in terms of - not ad valorem tax or anything - but for opportunities for our citizens to find better jobs. I agree that it is this county's next life line.

What I would like to do in that vein or in the vein that if we are to really play a role in what happens in incorporated or unincorporated Midway, we need to stop sitting at the table doing nothing. So, in that vein, I understand that it is going to cost somewhere upwards of \$700,000, should the city of Tallahassee agree to run waste water and central water to that area, that we look into it. And if we are serious, ah, that we really look into it to see if we really want to be players - and I would like to flush it out - Do we really want to be players? Or are we just going to sit here and punish Midway?

Roberson: (inaudible)

Dixon: Madam Chair, if you will let me finish. All those business out there and potential businesses are saying

they need central water and sewer. Now, are you all hearing something different? They are all saying that. We have a golden opportunity. The City of Tallahassee is at least thinking about it. I propose that we take it to the table.

Watson: I bet none of them said they wanted to be annexed by Midway.

Dixon: We are not talking about annexation.

Watson: I thought that was what we were just talking about.

Dixon: No, no, I'm talking about the big picture here. Annexation is petty. Do we own a water system? If you want to help those people, then give them central water and sewer. I'm not talking about annexation. Midway doesn't have anything else to annex. If you give them central water and sewer. And that is what I am talking about, Commissioner. That's what I have been talking about.

**I OFFER A MOTION THAT WE PURSUE, THE COUNTY PURSUE, TALKS WITH THE CITY OF TALLAHASSEE ABOUT CENTRAL WATER AND SEWER FOR THE MIDWAY AREA. THAT IS MY MOTION, MADAM CHAIR.**

Watson: Don't we have plans up there that Talquin is going to do that?

Dixon: I don't care what Talquin is doing, Talquin ain't doing it. Now, if you are serious about

Watson: Why do you say that Talquin is not doing it?

Dixon: Talquin, remember now that Talquin ain't got nothing to do with annexation. If you want to control growth and development in Midway,

Watson: You said that Talquin is not going to do it, but we got plans upstairs.

Dixon: I know, we've got plans, but, have you seen any holes dug?

Watson: inaudible

Dixon: Exactly my point, exactly my point.

Watson: I haven't seen Tallahassee dig any holes either.

Dixon: That's it. They don't have a commitment of money to even talk about it. Now, I've got the motion on the table.

Watson: Well, I can't go along with the City of Tallahassee.

Dixon: I didn't think you would but the motion is on the table.

McGill: I will second that motion but let me say this. I have had one meeting with some city officials of Tallahassee and with the mayor and city manager of Midway regarding water, sewer and electricity. We ran into a legislative issue with the electricity, but water and sewer are still on the table and I have also talked to them about natural gas and (inaudible) so something is going to happen, even though it is not happening as fast as we would like them to happen. But, I will second the motion for the sake of getting it moving.

Roberson: O.k. we have a motion and a second. All in favor?

**DIXON, FLETCHER, MCGILL: "AYE"**

**ROBERSON: ALL OPPOSED?**

**WATSON & ROBERSON: NO.**

McGill: But if we are going to help Midway in some kind of way, I am not sure exactly what, but I do know and I talked to one company that they are going to use a lot of natural gas and (inaudible) Also, I am told by those who are in the market that the most profit making entity (inaudible) are users of natural gas. That is one reason I am concerned about that. I have talked to the City of Quincy, the City of Chattahoochee and I've talked to the Town of Havana and I've got some telephone numbers to call others. I even got a copy of Quincy's portfolio on natural gas. That is a profit-making entity. So we need to pursue that. I hope there is some way that we can get Midway into a position to distribute natural gas. It also means that some of the people who are using bottled gas can get rid of that and go to gas that is a lot cheaper and a lot safer. So, if we can do that, we can show Midway that we are concerned about their plight and try to help them resolve their problems out there.

But there is something that I still don't agree on. That ought not to happen, that might happen in Midway - that's why I want it on the record. I don't think that the transfer station ought to be considered in the negotiations. So, I'm glad Mr. Dixon didn't mention that

at the time. I think what we got out of the discussion was natural gas, water, electricity and sewage if that is possible.

Also now, while we are talking about that, talking about Talquin Electric, you must remember that Talquin Electric has a suit against Leon County over a franchise fee. So, my position is if a private entity is going to use public property for profit making, then Talquin can take its poles and (inaudible). They have no business taking public property and making a profit off of it. I just feel strongly about that.

Richmond: That completes my report.

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

#### **Comprehensive Plan Ordinance - Public Hearing**

P & Z Director Bruce Ballister reported that he had held discussions with the School Board representatives regarding the issues in the proposed amendment to the Comprehensive Plan as it deals with location and citing of future school facilities. The Department of Community Affairs (DCA) requested that the County remove the Agriculture 3 category from the current list of allowable zones for location of schools. The Comprehensive Plan currently lists all agricultural zones and rural residential areas as allowable zones for schools. DCA objected saying that was too broad a brush and recommended that schools be located within a residential areas only. They recommended at least the removal of Agriculture 3 zones from the allowable sites.

Mr. Ballister then stated that he again met with the School Board representatives who had originally objected to the deletion of the Agriculture 3 zones but ultimately they agreed to follow DCA's recommendation.

Mr. Ballister recommended that the Plan be submitted with the modification as requested by DCA.

Mr. Richmond read the title of the proposed ordinance amending the Comprehensive Plan into the record.

The Chair called for comments from the public. There was no response.

**UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO TRANSMIT THE COMPREHENSIVE PLAN WITH THE MODIFICATION TO DCA**

**FOR THEIR APPROVAL. THE PLAN AMENDMENT WOULD THEN BE BROUGHT BACK TO THE BOARD FOR ADOPTION BY ORDINANCE.**

**MAJOR LAND USE AMENDMENT +11.5 ACRES AGRICULTURE 2 CHANGED TO RURAL RESIDENTIAL CATEGORY - JOHN LYNN - Lake FRANCIS**

Mr. Ballister explained that Mr. John Lynn desires to change the land use category of 11.5 acres of his land to rural residential. The parcel will be subdivided into 4 lots. Lake Francis is a metes and bounds subdivision created in 1979 with deed restrictions. Mr. Lynn agreed to incorporate the current deed restrictions into the minor subdivision.

The P & Z Commission recommended approval.

The P & Z staff recommended approval.

**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE LAND USE AMENDMENT AS DESCRIBED ABOVE.**

**COUNTY MANAGER'S AGENDA**

**Interlocal Agreement with City of Quincy to Extend Byrd Landfill Agreement**

County Manager Howard McKinnon told the Board that the City of Quincy has requested a 5-year extension to the Byrd Landfill Interlocal Agreement.

Commissioner Watson referenced Item 3 F and asked if there is an accounting of the Byrd Landfill account and if the money is being used appropriately.

Mr. McKinnon stated that the City has supplied cost data to all the participants of the landfill and at this point they are close to a break-even point and no surplus of funds were reported as of 09/30/98.

Commissioner Watson stated that he was reluctant to approve a new agreement until he has some assurances that the money paid into the fund is being used as it should be used.

**THERE WAS A MOTION BY COMMISSIONER DIXON AND A SECOND BY COMMISSIONER MCGILL TO APPROVE THE LANDFILL INTERLOCAL AGREEMENT.**

Discussion followed.

Commissioner McGill referenced item 3 E and asked if language could be added so that the "landfill transfer station will not be increased in size to cover additional waste material from surrounding areas."

THERE WAS A MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER FLETCHER TO AMEND THE ABOVE MOTION TO ADD THE FOLLOWING STATEMENT AT THE END OF 3-F "AT NO TIME WILL THE SIZE OF THE LANDFILL/TRANSFER STATION BE INCREASED TO COVER ADDITIONAL WASTE MATERIAL FROM SURROUNDING AREAS. THE BOARD VOTED 4 - 1 IN FAVOR OF THE AMENDMENT. COMMISSIONER DIXON CAST THE LONE DISSENTING VOTE.

The Chair then called for a vote on the original motion plus the amendment to it.

THE BOARD VOTED 4 - 1, BY VOICE VOTE, TO APPROVE THE MOTION AND THE AMENDMENT. COMMISSIONER WATSON CAST THE LONE DISSENTING VOTE.

#### Engineering Services Contract - Reynolds, Smith and Hills

Mr. Bill Steves, Kim Wood and Rasad Stinson, engineers, were present to request that the Board renew their contract to serve as the county's engineers.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO RENEW THE CONTRACT WITH REYNOLDS, SMITH AND HILLS.

#### Escambia County Housing Finance Authority, Single Family Mortgage Revenue Bonds, Series 2000

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO SET A PUBLIC HEARING FOR OCTOBER 5, 1999 AND TO GIVE AUTHORITY TO ESCAMBIA COUNTY HOUSING FINANCE AUTHORITY TO PROVIDE SINGLE FAMILY MORTGAGE FINANCING FOR QUALIFIED, LOWER TO MODERATE INCOME FIRST TIME HOME BUYERS.

#### CONSENT AGENDA

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

- 1) Interlocal Agreement with the City of Chattahoochee to provide ambulance services for FY 1999-2000
- 2) Library State Aid Application

- 3) Fiscal Year 1999/2000 Pay Plan
- 4) Agreement for Interlibrary Delivery Services
- 5) Financing Proposal Quincy State Bank for Public Works Equipment 7741 SLE Tractor/Cab with air in the amount of \$34,564.00 @ 5.5% (to replace Boom-mower.)
- 6) Article V Grant in Aid Agreement and Request for release of funds
- 7) Jail Physician Agreement with Gloria Ramos for \$15,278.12 per year.
- 8) Emergency Food Assistance Agreement with USDA - \$12,667.44
- 9) Appointment of Commissioners Sterling Watson and E.H. (Hentz) Fletcher to Value Adjustment Board for 1999
- 10) Sonitrol Agreement for Governmental Complex Elevator Alarm System
- 11) DUI Enforcement Grant Application
- 12) Ecotourism/Heritage Grant Application
- 13) Commissioner Dixon's Travel as President of FAC
- 14) Chamber of Commerce Activity Report
- 15) Construction Industry Licensing Board Minutes of April 12, 1999; May 10, 1999 and July 12, 1999

#### CLERK'S AGENDA

##### County Deed to Gary Clary

Clerk Thomas recalled that the Board had given him authority to begin the process of making a direct sale of a county-owned lot located on Kent St. just inside the city limits of Quincy. He then told them that pursuant to FS 125.35(2) all adjacent property owners were advised of the sale and he received no objections from any of them. He then asked that the Chairman be given the authority to execute a county deed to transfer the property to Mr. Clary upon his payment of \$895 - the assessed value.

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 COUNTY DEED TO MR. GARY CLARY.

##### Budget Amendments

##### 99-09-21-01 through 99-09-21-26

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 of Payment of County Bills



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

**DISTRICT 1 REPORT**

Commissioner McGill had no report.

**DISTRICT 2 REPORT**

Commissioner Watson called attention to a memo the commissioners received from Bruce Ballister regarding appointees' attendance to the P & Z Commission meetings. He encouraged each commissioner to be cognizant of that fact when making appointments and re-appointments to that Commission.

Commissioner Watson then questioned if there were attendance guidelines that should be followed by those appointees.

Mr. Ballister answered affirmatively.

Commissioner Watson then stated that he would like to see the P & Z Commission have more authority in order to speed up the process time for having issues resolved.

Mr. Ballister was asked to put together a model of expanded authority for the commission and bring it back for the Board's consideration.

**DISTRICT 3 REPORT**

Chair Roberson had no report.

**DISTRICT 4 REPORT**

Commissioner Fletcher had no report.

**DISTRICT 5 REPORT**

**Title Loan Ordinance**

Commissioner Dixon called attention to the Florida Title Loan Act of 1995. He asked that the Board consider an ordinance that would limit the interest rates that title loan companies can impose.

**UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 1, BY VOICE VOTE, TO PUBLISH A NOTICE OF INTENT FOR THE PURPOSE OF HOLDING A PUBLIC HEARING**

TO CONSIDER THE ADOPTION OF AN ORDINANCE THAT WILL LIMIT THE INTEREST RATE THAT A TITLE LOAN COMPANY CAN IMPOSE. THE HEARING WAS SET FOR OCTOBER 19, 1999. COMMISSIONER WATSON CAST THE LONE DISSENTING VOTE.

**Garbage Contract**

Commissioner Dixon suggested that the County should consider doing an RFP for county-wide garbage pick-up services.

**ADJOURNMENT**

THERE BEING NO FURTHER BUSINESS BEFORE THE BOARD, THE CHAIRMAN DECLARED THE MEETING ADJOURNED.

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Carolyn Roberson, Chair

ATTEST:

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Nicholas Thomas, Clerk

AT A FINAL PUBLIC HEARING OF THE  
BOARD OF COUNTY COMMISSIONER HELD IN  
AND FOR GADSDEN COUNTY, FLORIDA ON  
SEPTEMBER 27, 1999, THE FOLLOWING  
PROCEEDINGS WERE HAD, VIZ:

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

CALL TO ORDER

Chair Roberson called the meeting to order. County Manager Howard McKinnon led in pledging allegiance to the U.S. Flag and Commissioner Dixon led in a prayer.

Chair Roberson then turned the meeting over to County Manager Howard McKinnon.

Mr. McKinnon reported that the roll-back rate is 9.59 mills - it is a increase of 4.59%. The new 1999/2000 Budget proposes a millage rate of 10 mills for the County General Operating Account and 1 mill for the hospital. The total budget amount as proposed previous to this meeting was \$24,612,535.00.

Mr. McKinnon recalled at the tentative budget hearing, the Board approved some monies for non-profits and a new grant writing position.

Chair Roberson called for public comments. There was no response.

ADOPTION OF GENERAL OPERATING MILLAGE

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO SET THE GENERAL OPERATING ACCOUNT AT 10 MILLS.

ADOPTION OF HOSPITAL MILLAGE RATE

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO SET THE HOSPITAL MILLAGE RATE AT 1 MILL.

**ADOPTION OF THE 1999/2000 BUDGET**

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE BUDGET AS TENTATIVELY ADOPTED WITH THE FOLLOWING CHANGES: ADD A GRANT WRITER POSITION ADDED; INCREASE AMERICAN RED CROSS BY \$3,000 ADDITIONAL; INCREASE SENIOR CITIZENS BY \$10,000 ADDITIONAL; INCREASE LEGAL SERVICES BY \$ 4,000 ADDITIONAL; INCREASE DISK VILLAGE BY \$ 5,000 ADDITIONAL; INCREASE BIG BEND TRANSIT BY \$10,044 ADDITIONAL (Total \$32,044 additional FOR NON PROFITS); PLACE ALL OTHER MONIES SET ASIDE IN THE TENTATIVE BUDGET NON PROFITS INTO THE GENERAL FUND CONTINGENCY. THE TOTAL OF THE AMENDED PROPOSED BUDGET WAS FOR \$24,612,535.00.

Commissioner McGill proposed an amendment to the above stated motion but it (the amendment) died for lack of a second.

Discussion followed among the Board.

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

**ADJOURNMENT**

THERE BEING NO OTHER BUSINESS BEFORE THE BOARD, CHAIR ROBERSON ADJOURNED THE MEETING.

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Carolyn Roberson, Chair

ATTEST:

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Nicholas Thomas, Clerk

AT THE REGULAR MEETING OF THE BOARD  
OF COUNTY COMMISSIONERS HELD IN AND  
FOR GADSDEN COUNTY, FLORIDA ON  
OCTOBER 5, 1999, THE FOLLOWING  
PROCEEDINGS WERE HAD, VIZ.

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

CALL TO ORDER

Chair Roberson called the meeting to order. County Attorney Hal Richmond led in pledging allegiance to the U.S. Flag and Commissioner McGill led in a prayer.

ADOPTION OF THE AGENDA

Commissioner Watson asked to amend the agenda by removing the Purchasing Card Policy from the consent agenda and placing it under the County Manager's agenda for discussion.

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

APPROVAL OF MINUTES

September 21, 1999 Regular Meeting

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

GORDON JERNIGAN, ESCAMBIA COUNTY HOUSING FINANCE AUTHORITY

Resolution 99-024

Interlocal Agreement

Mr. Gordon Jernigan, Executive Director of the Escambia County Housing Finance Authority, addressed the Board. He explained that his agency has issued tax exempt bonds on behalf of Gadsden County for several years. He stated that the earlier bond issues were not very successful. However, after an advertising campaign of radio and television, the last issue was very successful. Gadsden

residents utilized the entire \$1 million allocation. He then requested that the Board pass a resolution and enter into a new interlocal agreement allowing the County to participate in the new 2000 bond series.

Mr. Jernigan stated that the purpose of the program is to provide safe, affordable and decent housing to persons of moderate and lower income. He then opened the floor for questions from the Board and the audience.

**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE RESOLUTION AND INTERLOCAL AGREEMENT AS DESCRIBED ABOVE.**

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

County Attorney Hal Richmond had nothing to report.

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

##### **Deer Ridge Subdivision**

P & Z Director Bruce Ballister recalled to the Board that the Deer Ridge Subdivision was first brought to the Board in May of 1999. The Board had questions about the soil analysis and there was some concern expressed by nearby residents about the use of so many septic tanks. Mr. Ballister reported that the applicants have performed soil analysis and made some modification to the design lay-out of the proposed mobile home subdivision.

Mr. Ballister pointed out that the new lay-out proposes 24 lots on the 25 acres. He added that everything below the 100 yr. flood plain is not included in the subdivision but will be common open space. Ten percent of the shaded area on the proposed map will also be used as open space - above the wetlands line. Soil analysis of 25% of the lots (per the code) revealed that most of the lots do not reach the definition for a mounded septic tank. There was one boring on lot 2 that found a water table depth that would be border-line for a mounded septic system.

Mr. Ballister recommended that all lots be tested and approved for septic system prior to the sale of the lot.

Chair Roberson called for questions from the Board. There was no response.

Chair Roberson then called for questions from the audience.

Commissioner McGill asked how much of the land was set aside for road right-of-way.

Mr. Guy Moore, developer, addressed the Board.

Commissioner Watson asked Mr. Moore to described the difference between the plan presented at this meeting as opposed to the plan presented in May.

Mr. Moore recalled that the County would not allow incorporation of the green space into the wetlands so they expanded the line for the wetlands further back - based on the Corps of Engineers findings. He also stated that they lopped off a lot and made 10% green space. He added that previously, some of the lots were actually slightly bigger than .50 acres. The road was moved slightly. The lot sizes remained the same.

Commissioner Watson stated that his original concern with the development was that it is too dense for a mobile home subdivision.

Mr. Moore pointed out that the State requirement for septic tanks is .25 acre. The proposed subdivision exceeds that requirement.

Engineer Tom Napier stated that a .5 acre lot is a good size for any subdivision, much less a mobile home subdivision. He stated that most subdivisions are built on lots that are 1/3 acre or less.

Commissioner Watson asked the Board to consider the future tax generation ability of the development. He said that 1/2 acre lots will not help bring the value of it up and would do nothing to increase tax revenue.

Chair Roberson revealed that she had a few calls from the folks who live behind the proposed subdivision. She stated that they were concerned with the potential contamination to their water supply from so many underground septic tanks.

Mr. Napier stated that the back side of the subdivision is actually the higher side. Everything slopes toward U.S. 27.

It was determined that the development meets all county requirements of the code.

**A MOTION WAS MADE BY COMMISSIONER FLETCHER AND SECONDED BY COMMISSIONER DIXON TO APPROVE THE DEVELOPMENT AS DESCRIBED IN THE ATTACHED MEMO.**

Mr. Mel Wiley, an adjacent property owner, addressed the Board in opposition to the development. He was concerned about the effect that so many septic tanks would have on the quality of the well water in the surrounding areas.

Commissioner Dixon stated that if they have complied with all the county's requirements, he felt that the Board should approve it or else change the requirements.

Ms. Diane Sheffield, a member of the P & Z Commission, was asked to come forward and answer questions regarding their decision to approve the development. She responded by saying that the Commission had considered the fact that the location of the proposed development which is very near a cement plant. It was the consensus of the Commission that a site-built community would not likely become a reality there. It was their feeling that with this proposed development, at least the wetlands will be protected. If an industry should locate there, the wetlands would be at risk. The Commission saw this project as a lesser of evils. She did add that she would personally like to see fewer lots.

Commissioner Watson stated that historically, mobile home subdivisions with this density have not appreciated in value.

Mr. Bruce Pelham was recognized by the Chair for comments. He supported the proposed development.

Mr. Mike Dorian spoke in support of the subdivision but was in favor of larger lots.

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

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

\_\_\_\_Mr. Moore stated that he was preparing deed restrictions. He said that he really wanted to work with the County to ensure a nice neighborhood.

#### **George Coaker Family Subdivision**

Mr. Ballister stated that Mr. George Coaker owns a 5 acre lot in the Springbrook Farms Subdivision. He wishes to deed 1/2 of his lot to his son. Mr. Coaker expects to build another home on the parcel. The subdivision covenants provide for lots of no less than two acres. Mr. Coaker's request is in compliance with the covenants.



Chair Roberson called for public comments. There was no response.

**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE SUBDIVISION OF MR. GEORGE COAKER'S LOT INTO 2 LOTS.**

**Rural Residential Density/Immediate Family Exemption Ordinance**

**UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO CONDUCT A WORKSHOP ON THE ABOVE STATED ORDINANCE.**

\_\_\_\_\_Hal Richmond told the Commissioners that it would be necessary to re-advertise the proposed ordinance before bringing it back to the Board for action.

\_\_\_\_\_Trey Morgan, Chair of the P & Z Commission, spoke to the Board. He stated that the P & Z Commission has had concerns about the rural residential density for the last 4 years. He pointed out that the Board, through its action at this meeting, just added another 2 months to allowing them to continue. He urged them to move on the Rural Residential Density/Immediate Family Exemption Ordinance rather than send it back to a workshop.

**Road Paving Priority List**

Mr. Ballister pointed out that the County's Road Paving Priority List was prepared several years ago and was included in the Comprehensive Plan. Bell Road is now at the top of the list of 31 roads - ranked in the order of the previous criteria. However, it has been determined that the criteria itself should be amended and a new road priority list made. He asked the Board to conduct a workshop on the matter. Prior to that workshop he will gather new data and identify issues that will have bearing on the ranking criteria.

**UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO CONDUCT A WORKSHOP ON OCTOBER 26, 1999 AT 5:30 ON THE ABOVE STATED ISSUE AND THE RURAL RESIDENTIAL DENSITY/IMMEDIATE FAMILY EXEMPTION ORDINANCE.**

Mr. Ballister advised the Board that the County would soon be getting into the map amendment phase of the Evaluation and Appraisal Recommendations. He said that he had distributed each commissioner a copy of the zoning map for his/her district. He then stated that he had assembled a wall-map sized copy of the plat map which was taken from the Chamber of Commerce's plat book. He said he will also be getting copies of those to each commissioner

as well. He explained that those maps demonstrate which areas of the County are already dense. He asked each of them to look at specific parts of their districts and have recommendations to make about down-zoning or increase-zoning for their respective districts.

\_\_\_\_Mr. Ballister then reported that the Planning Commission will be scheduling workshops in November to make recommendations for the Comprehensive Plan Revision 2000. He said that it would speed the process considerably if the Board of County Commissioners would have joint workshops with them.

One way to speed things along would be to deal with the land use changes which have accumulated. He stated that hea has received about 25 requests for individual land-use changes since last December. If the Board will consider those map changes and confirm what the County will be submitting to DCA in that regard, it will aid in the overall Comprehensive Plan Amendment process. (The map changes will slow things down more than text changes.) He targeted the summer of 2000 as being the date to have the Comprehensive Plan 2000 Revision and the associated map completed.

Mr. Mike Dorian was recognized for questions.

### **Tree Ordinance**

Mr. Ballister asked the commissioners to review the proposed tree ordinance and make their specific objections known to their appointments to the Planning Commission.

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

#### **Waste Management Contract** (attached)

County Manager Howard McKinnon called attention to the information demonstrating comparisons of Gadsden County Waste Service charges to those in the surrounding counties.

Mr. Ralph Mills, District Manager for Waste Management of Leon County was present.

Commissioner Dixon said that the data was not what he had hoped to see.

**A MOTION WAS MADE BY COMMISSIONER WATSON AND SECONDED BY COMMISSIONER FLETCHER TO APPROVE THE PROPOSED AGREEMENT WITH WASTE MANAGEMENT OF TALLAHASSEE FOR FIVE YEARS.**

Dixon: What are we doing, what are your proposals to improve the service that you give us or do you feel that the services are at peak performance?

Mills: Commissioner, of course you know, doing the number of services that we do, you are from time to time, going to have a problem. We don't really get that many service problems. I know Commissioner McGill mentioned the other day that he had a problem with, you know, the guys throwing some garbage cans, but ah,

Dixon: That's generally because they don't know who to talk to.

Mills: Yeah. Well, I'm kinda glad you brought that up. I mean, I am new here as I think most of you know, but, I hope to be here for the long term and I want to be able to you know, to work with them. I want people to be able to call me in the office if they have a problem. Ah, but, you know, I mean, you are only as good as, you know, I think sometimes your manager who is representing you. And you know, I am committed to doing the right things to make sure that the service level is going to be there.

Dixon: Let me share with you some of the problems that I get - from the City of Quincy as well as out in the rural area. Ah, one - they don't know who to talk to. Two, when they do call someone to talk to, they don't get any response and three, if they do get a response, it's a month later.

Mills: O.K. All right.

Dixon: Ah, or, the gentlemen on the delivery truck, gentlemen or the ladies on the delivery truck, ah, they come home in the afternoon, they are liable to find their garbage cans a mile down the road - it's just depending. Forget about picking up anything that might have spilled out as they dump. How do you perceive remedying some of those situations?

Mills: Commissioner, I mean, I am open to suggestions. I mean, we can, I mean if people call, we log in calls and we had a meeting with the City of Quincy probably three or four weeks ago on some of the same issues - to make sure that we are getting the calls logged in and responding to them in a timely fashion. But, I can certainly sit down with the County Manager or I am open to anything that you think, you know, that you feel that there is that bad of service problem, I am open to anything as far as trying to improve the quality of service.

Dixon: Have you all considered cans?

Mills: Yes, sir.

Dixon: Is that financially unfeasible?

Mills: No, that is not out of the ordinary. Ah, again that would be something that we would need to talk to staff about. But, that is not out of the realm of possibility for sure. That is something that we do provide in other communities. You kinda get a mixed bag. Sometimes you have people say "I don't want the big can". I don't think you are going to have anybody 100% for it or against it. But that is something, if you would like, we can look at certainly.

Dixon: Thank you Mr. Mills.

McGill: I have one question. Item Number 4 - on their letter - they say bi-annual clean-up. Ah, that is every two years.

Mills: Oh, no, sir. That's twice a year. Twice per year.

McKinnon: It should say semi-annual.

Watson: He meant bi-annual. (laughter)

Mills: No, that's every six months.

McGill: I guess we will have to work together to decide when that is going to be and when so that people out there will know.

Mills: Yes, sir. We can work with some advertising there so that everybody is aware of it and you know, take advantage of that service.

Roberson: So, you are willing to advertise that because I think that is necessary - to put it in the paper and let the people know.

Watson: Don't ya'll have little stickers ya'll put on the cans?

Mills: Yes, sir, we sure do.

Watson: Do ya'll have your number on it?

Mills: You know, I don't know. I am not sure, I can check on that for you commissioner, but I believe it is on there.

McGill: You need to change that word from bi-annual to semi-annual. If not you are going to have one heck of a pick up.

McKinnon: Yes, sir. We won't let him forget it, I promise you.

Roberson: We have a motion on the floor and a second. All in favor?

All commissioners: Aye

Dixon: Commissioner, I would like for the County Manager to be diligent in this argument for a contract, that we try and do some of those things that look out for the consumers that we represent. Because we are going to get the calls. There is no vehicle that we may check on to insure that services are being rendered, all that kind of stuff that we look into certainly. If we want to continue of with this contract.

Mills: Thank you very much.

#### **2000 FAC Annual Conference**

Mr. McKinnon asked for authority to make reservations for the annual conference to be held at the Peabody Hotel in Orlando.

**UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0, TO AUTHORIZE THE COUNTY MANAGER TO MAKE THE RESERVATIONS FOR THE 2000 FAC CONFERENCE.**

#### **Meeting with City of Tallahassee and the City of Midway**

Mr. McKinnon reported that the City of Tallahassee is interested in extending their sewer and water lines to the Midway area. The cost is estimated at \$1.25 million. That amount of money would have to given to them up front before they would begin work on the project. He asked for directions.

Commissioner Dixon stated that would be the best investment that the County has made in the last 20 years. He said it is guaranteed. He called attention to the impact that Flying J has made already. He went on to say that the County has the ability and the opportunity to bring those type businesses on line in Gadsden County. He said that the County should not pass up the opportunity.

Commissioner McGill asked from where the \$1.25 million would come. He then added that he is trying to track down the natural

gas representatives in Orlando to see if they would be willing to put in a gate in that area.

Mr. Ballister reported that Talquin Electric has approached the P & Z office with a proposal for a treatment plant immediately west of Midway, located just south of US 90 running back toward the I-10 right-of-way. The County will be one of the major recipients of a treatment plant in that area. He said he thought it was only fair to examine all opportunities.

Commissioner Dixon then remarked that while it is important to consider all options, the Board also needs to consider the fact that at no point did Talquin Electric say they were willing to allow the citizens of Midway to hook up to their facility. He reminded the Board that the Board of County Commissioners serve a public purpose. Talquin will apply for the grant in the name of Gadsden County but still will not hook up the residents to their system. He said that he had a basic fundamental problem with Talquin because of that.

Mr. Ballister stated that he had advised Talquin to find some mechanism to make it financially palatable to both governments.

Mr. John Yerkes addressed the Board. He stated that he had attended a meeting with the City of Tallahassee along with Commissioner McGill on the subject. He stated that a number of questions were presented at the meeting. One question that he asked was "Whether the plans that would be put into place (as far as Midway is concerned - the sewer services to be provided almost to I-10) would include providing sewer services to Midway?" Tallahassee's answer to that question was "no."

Mr. Yerkes advised the Board to do a strong study of each proposal. He said that he had received a two-page document from Wendy Gray, Director of Planning for the City of Tallahassee, where she pointed out 7 or 8 serious problems that they would have to contend with in providing water and sewer service to I-10/US 90 area. What came out of one meeting was that there are numerous planning and technical issues that must be addressed and worked out. Talquin will also have similar issues to resolve. But, if both entities were asked to bring a business case to the table, there are questions and issues to which the Board needs to become knowledgeable.

#### **Champion Community Designation**

Mr. McKinnon called attention to the booklet sent to each commissioner about the "Champion Community" designation. He said the committee is close to finalizing matters relating to it. He

encouraged them to review it carefully. The packet includes a Memorandum of Agreement that goes with the designation. He asked that they make their comments known to Dr. Grant or himself. He went on to say that it will be presented for approval on October 19 and there will also be a signing ceremony with all parties involved in the Memorandum of Agreement.

Dr. Grant addressed the Board. He said the time-line will depend on when the Board can come to an agreement on the language contained in the Memorandum of Agreement with all of the cities involved.

Commissioner McGill had several questions. Mr. McKinnon stated that he would meet with him and explain the agreement in detail.

### **State of Florida Purchasing Card Policy**

Commissioner Watson stated that when the Board discussed the purchasing card on August 17, 1999, he was under the impression that it was only going to be used for hotels and travel for Commissioner Dixon during his tenure as president of the Florida Association of Counties.

General Services Director Arthur Lawson was asked to answer questions regarding the card.

Lawson: Arthur Lawson, ah, I understand that and that is the initial intent. But, if once we have reviewed the program, Commissioner, ah, the, the, the, overall use of this card can be extremely beneficial in the future for the other county departments and uses with designated restrictions.

This card, ah, and I wasn't aware of all of the implications of it until I actually started filling out the application and dealing with Bank of America. You can make it do as much or as little as you want. You can control the limits, you can even control ah, who uses the card down to a certain dollar amount. And, I think that for future purposes, this is the way that purchasing is going - the technology of purchasing.

I think it would just be counter-productive if we would delete the card after Mr. Dixon's tenure. I think the County could find much more efficient uses of this card in the future in addition to what we are doing. The card is strictly set up now just for what you asked for. There are all kinds of vendor lists that the card could be utilized for that will certainly make for - and I am

just speaking from a purchasing standpoint - doing county business extremely efficient and much more expeditious.

Watson: But before we adopt this, I would like to see exactly what all it is you are talking about explained better than what I've got here.

Lawson: All right, I can go over the, if you have the time, come by my office and I will go over the entire application process with you.

Watson: I think you can put it in writing, can't you.

Dixon: Put it in writing because you are right, in terms of Department Management Services, which my agency is attached to, ah, has gone strictly to this. You do not submit printed vouchers, they got to go through too many people, so on and so forth. And what I have is what they call, we call, a "P" card. Ah, as a manager, I have a different level of spending. I can do different things with my card. Ah, but, as supervisors, they have a smaller level of spending, a smaller level of spending per day and limited options. I cannot, they cannot take their card and walk into a mall. It will not work. Travel - there are people whose card is limited to travel only. You may access a rental car, you may purchase an airplane ticket, you may buy gas. But, it does not work for food. It does not work for anything in a hotel other than room - those kinds of things. So, if you present that to them.

Lawson: All right, I will write you up an explanation. Our main purpose for the policy was ah, normally when we get a new item, ah, we're always asked by the finance department for the policy that goes along with it. So, in order to expedite payment of any invoices when they come in, when they ask for the policy, we were going to have a policy in place to go along with that.

McKinnon: Plus another reason for it, and I want to point that out, is this does spell out what we understood your intentions were when it was passed. For everybody to see and understand.

Watson: Our intentions were not to make this county-wide. I don't where that got in here because we never talked about it becoming county-wide. So, I do not think this reflects our intention from that meeting that night. I disagree with that.



Dixon: Madam Chair, I move to table this until

Fletcher: I second the commissioner's motion to table.

McKinnon: So, we table this or that is the motion.

Roberson: So, we have a motion to table until further information is received. All in favor?

All Commissioners: Aye.

#### **CONSENT AGENDA**

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

- 1) 1999-2000 Small County Coalition Participation Resolution
- 2) Gadsden County Local Housing Assistance Plan
- 3) SHIP Subordination Agreement: Joylyn P. Salters
- 4) SHIP Annual Report & Certification
- 5) Settlement Agreement: Gadsden County vs. Ford New Holland of Tallahassee - for the record
- 6) Resolution NO. 99-21: Appointment of Commissioner McGill to the Circuit Conflict Committee - for approval
- 7) Proclamation No. 99-22: Proclaiming October 1999 to Celebrate the International Year of Older Persons - for approval
- 8) Road Name Change: May Farm Road to May Farm Lane - for approval

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

Budget Amendments 99-10-05-01 through 99-10-05-37; & 45 old year; 99-10-05-38 through 99-10-05-44

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

#### **DISTRICT 1 REPORT**

Commissioner McGill reported briefly about his efforts in trying to help the City of Midway obtain utilities including natural gas.

He then reported on things he had learned at a workshop in Orlando. They discussed possibilities for future revenue sources which included additional ad valorem taxes; surcharges and sales taxes.

Commissioner McGill then stated that he had been disturbed that the Board did not give the City of Quincy and Havana any consideration for recreation. He pointed out that those cities serve children in the County and asked them to seriously consider them in the next budget year.

#### **DISTRICT 2 REPORT**

Commissioner Watson had no report.

#### **DISTRICT 4 REPORT**

Commissioner Fletcher had no report.

#### **DISTRICT 5 REPORT**

\_\_\_\_\_Commissioner Dixon had no report.

#### **DISTRICT 3 REPORT**

Commissioner Roberson reported that she received a call from Tom Hacksby who is with the Forestry District Headquarters on Getty Road. He asked the Board to appoint someone to the Lake Talquin Management Plan Advisory Group. She announced that she appointed Commissioner Watson to represent the County Commission.

Chair Roberson then reported that Howard McKinnon had attended a meeting with Beverly Kilmore in her place. She asked him to relate to the Board what the meeting was about.

Mr. McKinnon stated that eight counties were qualified to receive funding for the Rural Economic Development Initiative (REDI). Gadsden County is one of the eight counties. Ms. Kilmore has asked to meet with the Board regarding that possible funding.

It was the consensus of the Board for the County Manager to arrange a time for the meeting.

Commissioner Dixon asked why the Board voted to close the Hopkins Landing gate at dusk when there is a park manager who lives there.

Mr. McKinnon stated that the reason for the recommendation of that policy was because there has been some vandalism. Some of the campers had raised security concerns as well. Also, the state parks close the camp grounds to incoming visitors at dusk.

Commissioner Dixon stated that he has a real problem when the Board is paying someone to be on site, and there has to be a policy about closing the gates.

Commissioner Watson asked if fishermen have to be out of there by 8:00 p.m. He was told no. He said that the curfew is intended to keep visitors from coming into the park.

Commissioner Dixon explained that the policy only refers to folks who are not staying at the camp ground.

**ADJOURNMENT**

**THERE BEING NO OTHER BUSINESS BEFORE THE BOARD, THE CHAIR  
DECLARED THE MEETING ADJOURNED.**

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**Carolyn Roberson, Chair**

**ATTEST:**

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**Nicholas Thomas, Clerk**

AT A REGULAR MEETING OF THE BOARD OF  
COUNTY COMMISSIONERS, HELD IN AND  
FOR GADSDEN COUNTY FLORIDA ON  
OCTOBER 19, 1999, THE FOLLOWING  
PROCEEDINGS WERE HAD, VIZ.

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

CALL TO ORDER

The meeting was called to order by Chair Roberson.  
Commissioner Watson led in pledging allegiance to the U.S. Flag and  
County Manager led in a prayer.

ADOPTION OF THE AGENDA

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER  
FLETCHER, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE  
AGENDA AS WRITTEN. (Commissioner Fletcher was not present for  
this vote.)

APPROVAL OF MINUTES

October 5, 1999 Regular Meeting

\_\_\_\_ UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER  
WATSON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE  
MINUTES OF THE ABOVE STATED MEETING. (Commissioner Fletcher  
was not present for this vote.)

COUNTY ATTORNEY'S AGENDA

Public Hearing - Title Loan Ordinance

County Attorney Hal Richmond stated that proper notice was  
given to hold a public hearing for the purpose to consider adopting  
a Title Loan Ordinance that would limit the interest rate that  
businesses can charge for title loans in Gadsden County.

Mr. Richmond disclosed that he had represented some of the  
people who are involved in the title loan business. He then stated  
that the proposed ordinance is an exact duplicate of the Leon  
County Ordinance and there did not appear to be a conflict of  
interest.

Mr. Richmond opened the floor for comments.

Discussion followed.

Commissioner Dixon reported that the Florida Legislature failed to address this issue in the last session making it necessary for individual counties to intervene with measures of its own. He proposed that the interest rate be limited to 2 1/2% per month or 30% per year.

Further discussion ensued.

Comments were heard from Craig Waldrop of Speedy Cash who opposed the ordinance.

Commissioner Watson spoke in opposition to the ordinance.

Commissioner McGill spoke in support of the ordinance.

**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 3 - 2, TO NOT PASS THE ORDINANCE. COMMISSIONERS WATSON, FLETCHER AND ROBERSON VOTED "AYE". COMMISSIONERS MCGILL AND DIXON VOTED "NO."**

**THE ORDINANCE DID NOT PASS.**

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

**Major Land Use Amendment Changing +61 Acres from AG3 to Rural Residential - East of Selman Road on US 90 - Armer White**

**Major Land Use Amendment Changing +369 acres from Mining to Rural Residential and 104 Acres from Ag 3 to Rural Residential North of US 90 - Ray Sheline**

P & Z Director Bruce Ballister addressed the Board. He introduced the above stated land use amendments. See attachment for details and description of the property.

Ms. Irene Ford was recognized for questions and comments.

Mr. Sheline was questioned by the Board. He stated that he would stipulate that only site built homes would be built along Selman Road. He added that it is possible that he would place manufactured homes on the back side of the property. He also stated that he expects the density ratio to be one house per two acres but some of the lots could be one acre lots with shared open space.

**UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE ABOVE STATED LAND USE AMENDMENTS.**

**Sawdust Community Grocery - Neighborhood Commercial**

Mr. Ballister told the Board that Mr. Gary Murray filed an application for a neighborhood commercial use for his property located on Ridgewood Road in the Sawdust Community. He desires to open a community grocery store there. He explained that Mr. Murray was actually permitted in 1984 and partially constructed a store. His permit expired prior to completion of the structure. He has now re-applied and is subject to the new code in place at this time.

Attorney Marva Davis addressed the Board representing Mr. Murray. She summarized her remarks by asking for approval for Mr. Murray.

**UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE NEIGHBORHOOD COMMERCIAL USE OF THE ABOVE DESCRIBED PROPERTY.**

**Gadsden Commercial Exchange - Commercial Subdivision**

Mr. Ballister stated that Mr. Gene Smith has applied to the County for conceptual approval for a commercial subdivision located at the intersection of CR159 and Merritt Lane. It wraps around the back of Ironwood Construction. It runs from Merritt Lane to the CSX railroad tracks and from CR 159 to the Kennel. It is currently zoned industrial. However, Mr. Smith anticipates using it only as "light industrial". It proposes 10 lots varying from 2.15 acres to 4.17 acres. For further details, see the attached documents.

Mr. Smith agreed to change the land use to light industrial if the Board would grant him a variance allowing 18-wheel trucks in and out of the property and also allow open storage on the site. Mr. Smith also agreed to only access the property from CR 159.

Ms. Kathleen Shirah addressed the Board representing Mr. Smith. She encouraged the Board to approve the commercial subdivision.

**A MOTION WAS MADE BY COMMISSIONER FLETCHER AND SECONDED BY COMMISSIONER DIXON TO APPROVE THE COMMERCIAL SUBDIVISION AS DESCRIBED ABOVE AS A LIGHT INDUSTRIAL SUBDIVISION AND TO GRANT THEM A VARIANCE TO ALLOW 18-WHEEL TRUCKS ON THE PROPERTY AND ALLOW FOR OPEN STORAGE ON THE PROPERTY AS WELL.**

The Chair called for public comments and questions. The following people were recognized in opposition to the project:

Clyde Bennett  
Gail Baxley  
Stormy Doyle

Mr. Smith spoke on his own behalf.

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

**COMMISSIONER MCGILL MADE A MOTION TO PLACE A MORATORIUM ON INDUSTRIAL DEVELOPMENT ON MERRITT LANE UNTIL THE BOARD CAN STUDY IT FURTHER. THE MOTION DIED FOR LACK OF A SECOND.**

#### **PURCHASING CARD POLICY**

Mr. Arthur Lawson presented a proposed policy for a purchasing card.

Commissioner Watson thanked Mr. Lawson for the information that he had provided to him regarding the possible uses for a county purchasing card. However, he pointed out that the Board's intention in approving the card initially was to limit it to use for Commissioner Dixon in making travel arrangements - hotel, airline tickets and car rentals during his tenure as President of FAC.

**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 3 - 2, TO LIMIT THE USE OF THE PURCHASING CARD AS IT WAS INITIALLY INTENDED AND NOT TO EXPAND ITS USE FOR OTHER COUNTY PURPOSES. COMMISSIONERS WATSON, FLETCHER, ROBERSON VOTED "AYE" AND COMMISSIONERS DIXON AND MCGILL VOTED "NO".**

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

##### **Champion Community Designation - Conceptual Approval of Memorandum of Agreement**

Mr. McKinnon told the Board that the County is still in the process of trying to become designated as a Champion Community. In order to get that designation, the County must have a Memorandum of Agreement (MOA) to create Gadsden County as a Champion Community in the State of Florida between USDA - Rural Development, Gadsden County and the municipalities located in the qualifying census tracts. He asked for authority for the Chair to execute the agreement on behalf of Gadsden County.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO AUTHORIZE THE CHAIR TO EXECUTE THE ABOVE DESCRIBED MOA.

#### **CONSENT AGENDA**

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

- 1) Notice-of-close-out of FEMA 3131-EM-FL Grant for the record.
- 2) Notice from DCA to find Plan Amendment in Compliance - County Ordinance 99-002 - for the record.
- 3) Division of Forestry, Fiscal Year 98-99 Annual Report - for the record.
- 4) Chamber of Commerce September Report
- 5) Resolution 99-024 - Recognition by Gadsden County Men of Action and County Commission - for the record
- 6) Resolution for Appointment of Members to State Housing Initiatives Partnership - for approval
- 7) Receipt of Service Confirmation Form - Universal Service for Schools and Libraries - for the record.

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

##### **Cash Report**

Clerk Nicholas Thomas reported that as of October 13, 1999, the Board had \$10.1 million in cash in all funds.

##### **Financial Statement**

Clerk Thomas referred to the attached financial statement. He informed them that it is not the final statement for the year, however.

##### **Tax Collector's Year-End Report**

Clerk Thomas filed the Tax Collector's year-end report with the Board along with a check for \$51,541 in excess fees.

##### **Budget Amendments**



**99-10-19-01 THROUGH 99-10-19-03**

\_\_\_\_ 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.

**Codification of the County Ordinances**

Mr. Thomas called attention to the attached proposal by Municipal Code Corporation which outlines the steps they will be taking in the process of codifying the County Ordinances.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE PROPOSAL TO HAVE THE COUNTY ORDINANCES CODIFIED.

**Ratification of Approval to Pay County Bills**

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

**DISTRICT 1 REPORT**

Commissioner McGill recalled that he had asked the Board at the last meeting to consider adopting a resolution in support of Leon County and their battle with Talquin Electric over franchise fees. He asked the Board to direct the county attorney to find out what this Board can do to join forces with Leon County in their battle with Talquin Electric.

Commissioner McGill reported that he has asked Commissioner Dixon to take a proposal for a half-cent Indigent Health Care tax to the FAC to see if they can support the proposal. Such a tax will help toward the County's indigent health care costs which just continue to rise each year.

Commissioner McGill then reported that he is still attempting to help Midway get utilities within their city. He stated that a workshop will be taking place to talk about municipal services and public/private partnerships in providing municipal services. He stated that he will be contacting Commissioner Julia Johnson on October 20 at the Public Service Commission to see if the county can still pursue sewer and electricity from Tallahassee or if that will be encroaching on Talquin's right to provide utilities in the same area. He noted that he will report on this matter at the next meeting.

He also stated that he is still pursuing getting a natural gas gate installed in the city of Midway.

**DISTRICT 2 REPORT**

Commissioner Watson had no report.

**DISTRICT 4 REPORT**

Commissioner Fletcher had no report.

**DISTRICT 5 REPORT**

Commissioner Dixon reminded the Board of the upcoming Legislative Day at the Florida Legislature.

**ADJOURNMENT**

**THERE BEING NO OTHER BUSINESS BEFORE THE BOARD, THE CHAIR  
DECLARED THE MEETING ADJOURNED.**

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**Carolyn Roberson, Chair**

**ATTEST:**

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**Nicholas Thomas, Clerk**

AT A REGULAR MEETING OF THE BOARD OF  
COUNTY COMMISSIONERS HELD IN AND FOR  
GADSDEN COUNTY, FLORIDA ON NOVEMBER  
2, 1999, THE FOLLOWING PROCEEDINGS  
WERE HAD, VIZ.

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

CALL TO ORDER

The meeting was called to order by Chair Roberson. County Manager Howard McKinnon led in pledging allegiance to the U.S. Flag and Muriel Straughn led in a prayer.

ADOPTION OF THE AGENDA

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

APPROVAL OF MINUTES - October 19, 1999

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

COUNTY ATTORNEY'S AGENDA

County Attorney Hal Richmond reported that during the last two weeks he has been approached by representatives who had applied to the City of Midway for voluntary annexation. He explained that those persons would like to meet with members of the County Commission to discuss the county's purpose in the law suit (Gadsden County v. City of Midway) regarding the voluntary annexation and to see if matters can be resolved. He then stated that Chair Roberson, County Manager Howard McKinnon and he met with those representatives and came to the conclusion that the differences can possibly be worked out through via a development order. The developers have requested that the County not do anything that will jeopardize or prolong the economic development that is going on in and around Midway.

Mr. Richmond also stated that he has tried to meet with the City of Midway but they have declined.

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

**Beaver Lake Road, Partial Right of Way Vacation - Dixie Oil Company**

Planning and Zoning Director Bruce Ballister addressed the Board. He stated that Dixie Oil Company has requested the vacation of part of the right-of-way for Beaver Lake Road. He explained that there is a building encroachment of .8 ft. on the right-of-way as it is presently surveyed. Mr. Ballister recommended approval.

Chair Roberson called for public comments. There was no response.

**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE VACATION OF THE ABOVE DESCRIBED RIGHT OF WAY.**

**Comprehensive Plan Amendments - for information only**

Mr. Ballister stated that the P & Z Department will be trying to get two more plan amendments processed before the end of the calendar year. One being the School Board Ordinance and the other being a compilation of the major land use amendments that have been passed over one and one-half years. The land use amendments will also include the rural residential re-write ordinance.

**Revision of the Land Development Codes**

Mr. Ballister called attention to the attached proposed land development code changes. He said that they have been discussed in workshops and other board meetings.

**A MOTION WAS MADE BY COMMISSIONER FLETCHER AND SECONDED BY COMMISSIONER DIXON TO ONLY CHANGE THE ORDINANCE TO RESTRICT THE RURAL RESIDENTIAL CATEGORY LOT SIZE TO ONE ACRE. (ONE ACRE DENSITY LOT SIZE) THE IMMEDIATE FAMILY EXEMPTION WILL REMAIN AS IT IS - SUBJECT TO FLORIDA STATUTES.**

**DISCUSSION FOLLOWED.**

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

**THE BOARD VOTED 3 - 2, BY VOICE VOTE, TO APPROVE THE MOTION ABOVE. COMMISSIONERS FLETCHER, DIXON AND MCGILL VOTED "AYE". COMMISSIONER WATSON AND ROBERSON VOTED "NO".**

Mr. Ballister was instructed to advertise only the proposed ordinance approved by the above stated motion.

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

#### **Road Paving Prioritization List**

A MOTION WAS MADE BY COMMISSIONER FLETCHER AND SECONDED BY COMMISSIONER WATSON TO ACCEPT THE ROAD PAVING PRIORITIZATION LIST AS PRESENTED TO THE BOARD BY THE GROWTH MANAGEMENT OFFICE.

Commissioner Dixon was opposed to the list. He stated that density should be included in the criteria for establishing the prioritization list.

QUESTION WAS CALLED BY COMMISSIONER FLETCHER. THE BOARD VOTED 4 - 1 IN FAVOR OF THE MOTION. COMMISSIONER DIXON CAST THE LONE DISSENTING VOTE.

#### **Moratorium on New Paving of County Roads**

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 4 - 1, BY VOICE VOTE, TO LIFT THE MORATORIUM ON ROAD PAVING.

#### **Better Roads Committee**

Commissioner McGill asked that the Board re-activate the Better Roads Committee and ask them to make an official recommendation as to whether to place a referendum on the ballot next year to impose additional gasoline taxes.

Commissioner Watson stated that he would be opposed to any tax increase.

### **CONSENT AGENDA**

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

- 1) Mowery Elevator Agreement - County Government Office Complex
- 2) Local Union 2152 Labor Contract
- 3) EMS Inventory Items - Declare that the EMS Inventory Items (old cots) no longer are of any value to the EMS Department and approval to sell them as surplus/salvage.
- 4) DUI Enforcement Grant - DOT \$80,855 Contract No. AH684

- 5) Road Name Change - Jacksonville Lane changed to B & M Lane. New road name of Sleepy Hollow Trail.
- 6) Sheriff's Narcotic's Unit V Grant \$100,070.
- 7) Gadsden County Emergency Management Strategic Five Year Plan
- 8) Emergency Preparedness and Assistance Base Grant Contract no. 00CP-05-02-30-01-020

#### CLERK'S AGENDA

#### Clerk's Year End Report

Clerk Thomas presented the Clerk's Year-end Report and told the Board he would be returning \$5, 859.08 to them.

#### Budget Amendments 99-11-02-01 through 99-11-02-05

UPON MOTION BY COMMISSIONER WATSON 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 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

Commissioner McGill reported that he had attended the Apalachee Regional Planning Council Meeting. He stated that there will be a number of issues coming before the Florida Legislature upon which the Counties will need to act expeditiously. He told them that he would send them a summary outlining those matters.

#### DISTRICT 2 REPORT

Commissioner Watson asked the Board to send a letter to the City of Tallahassee voicing the County's displeasure with their talks of possible placement of a transfer station in Gadsden County.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO AUTHORIZE THE CHAIR TO SEND A LETTER TO THE CITY OF TALLAHASSEE NOTIFYING THEM THAT GADSDEN COUNTY IS OPPOSED TO PLACEMENT OF A TRANSFER STATION WITHIN ITS BOUNDARIES.

#### DISTRICT 3 REPORT

Commissioner Fletcher had no further report other than his opposition to the placement of a transfer station within Gadsden County.

#### **DISTRICT 5 REPORT**

Commissioner Dixon stated that the County needs to be aware that there are changes being proposed to the FL Comprehensive Plan. He explained that part of the legislative leadership would like to overhaul the State Comp Plan in the upcoming session. However, Governor Bush and the Department of Community Affairs (DCA) would rather overhaul it as the EAR Reports come in next year. DCA Secretary is a former county commissioner and is caught in the cross-fire along with the Florida Association of Counties (FAC).

Commissioner Dixon then went on to say that FAC is not certain what counties stand to gain from the leadership - it could be what the counties want. Regardless, he urged them to stay aware of what will be going on during the next few months.

Commissioner McGill recalled that he had received a memorandum from County Manager Howard McKinnon regarding the Havana Library. He asked if the Board needed to act on it at this meeting.

Mr. McKinnon replied that the memo was merely for their information and no action is necessary at this point.

#### **DISTRICT 3 REPORT**

Chair Roberson remarked that this meeting is the last meeting at which she would preside as the chair since the Board will hold it's new organizational meeting on November 16, 1999.

AT A REGULAR MEETING OF THE  
BOARD OF COUNTY COMMISSIONERS  
HELD IN AND FOR GADSDEN COUNTY,  
FLORIDA ON NOVEMBER 16, 1999,  
THE FOLLOWING PROCEEDINGS WERE  
HAD, VIZ.

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

CALL TO ORDER

Chair Roberson called the meeting to order. Commissioner Fletcher led in pledging allegiance to the U.S. Flag and Commissioner Dixon led in a prayer.

ADOPTION OF AGENDA

The agenda was amended to include the Sheriff's Year End report for FY 98/99 and to hear a request from Cross Roads Academy.

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.

ELECTION OF NEW OFFICERS

A MOTION WAS MADE BY COMMISSIONER FLETCHER TO NOMINATE COMMISSIONER DIXON TO BE THE NEXT BOARD CHAIRMAN.

COMMISSIONER MCGILL ASKED THAT THE MOTION BE AMENDED TO INCLUDE COMMISSIONER FLETCHER AS THE VICE CHAIRMAN AS WELL. COMMISSIONER FLETCHER AGREED TO THE AMENDED MOTION.

THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE COMMISSIONER DIXON AS THE NEW CHAIR AND COMMISSIONER FLETCHER AS THE NEW VICE-CHAIR.

Commissioner Dixon presided over the meeting beginning at this juncture.



**APPROVAL OF MINUTES**

**November 2, 1999 Regular Meeting**

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

**CROSSROADS ACADEMY**

Crossroad Academy Principle Johnnie Preston addressed the Board. He requested that the Board allow his school to adopt Strong Road as a community service project. He stated that they would help the County keep the road litter free. He then asked that the County provide them with trash bags.

**UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE REQUEST BY CROSSROADS ACADEMY TO ADOPT STRONG ROAD AS THEIR COMMUNITY SERVICE PROJECT.**

Mr. McKinnon told the Board that the staff is currently working on a proposal that will include 45 roads that will be available for a "Highway Adoption Program".

**CAL DUKES & ASSOCIATES**

Mr. Cecil Strickland of Cal Dukes & Associates spoke to the Board concerning the Gadsden County Magazine. The Chamber of Commerce has just awarded the production of the magazine to Cal Dukes & Associates. He asked the Board to participate in the magazine by purchasing an add on behalf of county government.

Following discussion, the Board reached a consensus that it should not purchase an add in the Chamber's magazine since it already funds the Chamber \$40,000 per year to promote the economic opportunities of Gadsden County.

**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO NOT PARTICIPATE IN THE MAGAZINE.**

**FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) - US 90 BY-PASS ALTERNATIVE PUBLIC MEETING**

\_\_\_\_Ms. Rosemary Woods, PBS&J Project Manager for the FDOT for the above stated project, spoke to the Board. She told them of the three corridors which are being proposed by FDOT as possibilities for a by-pass linking US 90 to SR 12. A summary of her remarks is listed below:

Three corridors were brought forward as a result of a previous study - US 90 Corridor Study.

A Citizens Advisory Committee was formed through appointments of the Board of County Commissioners. They have held 3 meetings at which each of the proposed corridors was studied.

Corridor # 3 was determined by the Citizens Advisory Committee and FDOT to be the most feasible corridor to use in establishing the by-pass (beginning at Strong Road and crossing over to C & E Farm Road - see attached map.)

The critical issues to be confronted with Corridor #3 are as follows:

- 1) Wetlands
- 2) Regulatory flood ways
- 3) Topography of the area
- 4) Relocation of homes
- 5) Existing routes & re-design possibilities

Alternative 1 - begins at Strong Road and follows the parcel line and crosses Quincy Creek perpendicular to the flood way, curves back and ties into SR 12 west of C & E Farm Road. The proposal includes re-alignment of C & E Farm Road entrance to SR12.

Alternative 2a - Begins at Strong Road, follows the parcel line, crosses Quincy Creek at an angle and ties back into SR 12 West of C & E Farm Road which will be re-aligned. This alternative bridges the flood-way.

Alternative 2b - same as 2a except that it bridges the wetland area.

There will be another public meeting on December 6 at Stewart Elementary School beginning at 6:00 p.m. She invited the Board to attend.

The entire process is expected to take seven years - design, right-of-way acquisition and construction.

Discussion followed from the Board. A number of questions arose concerning re-routing traffic all the way over to CR268 via C & E Farm Road. There was a consensus of the Board that C & E Farm Road would have to be paved in order for the by-pass to be of value for re-routing truck traffic.

Ms. Woods stated that paving of C & E Farm Road was not a part of the present project. However, she said that it might be

possible as part of another phase in the future.

Commissioner Fletcher stated that perhaps Senator Thomas could assist the County in pursuing state funding for upgrading C & E Farm Road.

**GADSDEN COUNTY SHERIFF'S DEPARTMENT - ANTI-DRUG ABUSE GRANT FUNDING**

No one was present to speak on the above matter; therefore, no action was taken.

**COURTROOM RENOVATIONS - ARCHITECT SELECTION**

Mr. Arthur Lawson told the Board that his department had advertised a RFP for an architectural firm to design the renovation of the courtroom facilities. Three proposals were received. The selection committee reviewed and ranked them. The recommendation of the selection committee was to negotiate with Clemons, Rutherford & Associates.

Commissioner Fletcher disagreed with the committees ranking of the three firms. He stated that Lee & Bridges was severely penalized because they have a limited number of architects on staff. He rationalized that they are a smaller firm, but they would also have less work than larger firms and could likely be more spontaneously available. He pointed out that they are very familiar with Gadsden County's courtroom needs and the condition of the county buildings. He also pointed out that they have experience in courtroom design.

**A MOTION WAS MADE BY COMMISSIONER FLETCHER TO NOT ACCEPT THE SELECTION COMMITTEE'S RECOMMENDATION BUT TO AUTHORIZE THE PURCHASING DIRECTOR TO NEGOTIATE WITH LEE & BRIDGES ARCHITECTURAL FIRM TO DESIGN THE NEW COURTROOM FACILITY. THE MOTION WAS SECONDED BY COMMISSIONER WATSON.**

Chairman Dixon stated that new companies will never have the opportunity of doing business in Gadsden County if the Board continues to award contracts based on a firm's proximity. He suggested that Tallahassee could also be considered as "local" since 40% of the people in Gadsden County work in Tallahassee. He stated that it is bad for competition for the Board to "meddle" in what is set up to be an objective process.

Commissioner Watson stated that the local factor is important to him. He also stated that as long as the local businesses are doing a good job, it is hard for him to not support them.

**COMMISSIONER FLETCHER CALLED THE QUESTION. THE BOARD VOTED 3 - 2 IN FAVOR OF THE MOTION. COMMISSIONERS WATSON, FLETCHER**

**AND ROBERSON VOTED "AYE" AND COMMISSIONERS MCGILL AND DIXON VOTED "NO."**

**PLANNING AND ZONING ISSUES**

**Sportsman's Resort Club - Variance to Zoning an Subdivision Code**

Planning Director Bruce Ballister told the Board that Talquin Resorts Subdivision Lot # 33 was divided into two lots, recorded and given parcel numbers after the adoption of Gadsden County Comprehensive Plan. The property is currently zoned as Agriculture 3 category which allows one dwelling per 40 acres. If the lots were to be rezoned as Rural Residential, they still would not be large enough to subdivide since the minimum lot size for Rural Residential is one acre. The subdivided lots are therefore, illegal.

Mr. Ballister told the Board that Mr. Max Robinson, the owner, has requested a variance from the 1:1 subdivision requirement and allow the two lots. Mr. Ballister then stated that he could find no reason for hardship in this matter and recommended denial of the request. He added that he had received 1 letter and three phone calls from residents opposing the variance.

Mr. Robinson was present and appealed to the Board for the variance. He stated that the original lot size is actually 2 acres and they were split prior to the adoption of the Comprehensive Plan. He demonstrated the lots on a survey which was prepared by Tommy Skipper - there were separate septic tanks, water supply and electricity for both lots. A mobile home is now on one lot and nothing on the other. He stated that he would like to sell the unoccupied lot. He argued that it would not increase the density of the area because most of the lots in the subdivision are 1/2 acre lots.

The date of the survey could not be readily determined. Further discussion ensued.

After having examined the survey, Mr. Ballister determined that the lots were more nearly conforming lots.

**UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0, TO AUTHORIZE MR. BALLISTER TO GRANT THE VARIANCE WHICH MR. ROBINSON HAS REQUESTED IF PROPER DOCUMENTATION CAN BE EVIDENCED.**

**Amendment to Land Development Code - to revise minimum lot size in Rural Residential to one acre** (attached)

**Revision to the Comp Plan to revise Future Land Use Policy 1.1.5  
(Rural Residential)** (attached)

Mr. Ballister called attention to the two above stated proposals which have been discussed extensively with the Board at previous meetings and revised per the Board's instructions. He stated that they will be advertised for adoption at the December 7, 1999 meeting.

**Public Comment**

Mrs. Rosemary Banks was recognized for comments. She posed several questions:

**1) What is the logic for making the minimum lot size one acre?**

Answer: A recent study and report revealed that with no new infrastructure, there would be the possibility of 20% more lots than what there is now with the current zoning. There will be more one acre lots available.

**2) Has the Affordable Housing Advisory Council reviewed and made recommendations as to the one-acre density?**

Answer: No. It was given to Mr. Butler who is the director of Community Development.

Mrs. Banks read from the Affordable Housing Incentive Plan which was adopted by the Board. "The advisory committee shall review the established policies and procedures, ordinances, land development regulations and adopted local comprehensive plan of the County and shall recommend specific initiatives to encourage or facilitate housing by protecting the ability of property to appreciate in value. The recommendation may include modification or repeal of existing policies, procedures or ordinances, regulations or plan provisions. As a minimum the allowance of increased density, the establishment of a process by which the county considers before adoption procedures and policies that have a significant impact on the cost of housing." "An on-going process of review of local policies, ordinances, regulations and comp plan provisions that significantly impact the cost of housing."

Mrs. Banks stated that if the Advisory Committee has not met and reviewed the proposed changes, that the Board should instruct them to meet with Planning and Zoning and review it from the prospective of affordable housing.

Mrs. Banks then urged the Board to reconsider it's position regarding the one acre minimum lot size because it does

significantly impact the lower income homes. She also urged them to "go back to the drawing board with the comprehensive plan and do whatever it takes to get it right for Gadsden County."

Chair Dixon asked Mr. Ballister to prepare some written comments in response to the questions raised by Mrs. Banks regarding how the Board's actions will affect the affordable housing program.

### **Schedule for District Specific Workshops**

Mr. Ballister stated that he would be arranging to advertise and conduct workshops for Future Land Use Map changes in each district.

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

Mr. McKinnon referenced a Growth Management Survey from the Department of Community Affairs (DCA). He stated that he had completed the survey subject to their input and approval.

There were several changes suggested by the commissioners.

Mr. McKinnon then asked for authority for the chairman to sign it as amended.

**UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO AUTHORIZE THE CHAIRMAN'S SIGNATURE ON THE SURVEY DESCRIBED ABOVE.**

### **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) Award of bid for county fire truck to American LaFrance, Inc. of Ocala, FL for \$118,462.00
- 2) Keep Florida Beautiful Grant (\$22,500 grant with \$45,000 match in-kind or cash)
- 3) Interdepartment Agreement between Gadsden County Cooperative Extension and Gadsden county Community Development Administration through SHIP
- 4) Addendum to Loan Agreement - Centennial Healthcare & Gadsden County
- 5) E-911 & Bell South - Approval to increase down payment on Bell South Equipment installation to \$83,756.00
- 6) Waste Management Contract - 5 years beginning September 1, 1999 through August 31, 2004
- 7) Notice of TRIM Compliance for FY 1999-2000 Budget

## **CLERK'S AGENDA**

### **Sheriff's Year End Report**

The clerk filed the Sheriff's Year-end report for the record.

### **Budget Amendments 99-11-16-01 through 99-11-16-04**

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

### **DISTRICT 1 REPORT**

Commissioner McGill reported that he received a call from Midway residents regarding their concerns about Mitchell Brothers hauling big loads of materials from Tallahassee to Midway. The citizens questioned if the materials were environmentally safe. He asked the County Manager to look into it.

\_\_\_\_Commissioner McGill then reported that he has had meetings with several of the non-profit agencies in Gadsden County. There is an effort to find a way to fund those organizations which the commission will not or cannot fund. He said they expect to found a Gadsden Community Foundation. They are looking at potential funding sources.

He then stated that Linda Harris, a county employee, has been assisting him and has applied for comp time for the time she has spent thus far. He asked the County to either grant her comp time or other means of compensation.

Commissioner Watson was opposed to allowing county employees to do work for private non-profit organizations.

COMMISSIONER MCGILL MADE A MOTION TO ALLOW A COUNTY EMPLOYEE TO ASSIST HIM IN HIS EFFORTS TO ESTABLISH A FOUNDATION THAT WILL SEEK FUNDS FOR PRIVATE NON-PROFIT ORGANIZATIONS. THE MOTION WAS SECONDED BY COMMISSIONER FLETCHER FOR PURPOSES OF DISCUSSION.

QUESTION WAS CALLED BY COMMISSIONER MCGILL.

**COMMISSIONER FLETCHER AND MCGILL VOTED "AYE." COMMISSIONERS ROBERSON AND WATSON VOTED "NO." COMMISSIONER DIXON COULD NOT REACH A DECISION.**

**COMMISSIONER MCGILL WITHDREW HIS MOTION. COMMISSIONER FLETCHER WITHDREW HIS SECOND.**

Mr. Richmond stated that he needed to do some research to determine if it would be legal to ask a county employee to do work for an outside organization on county time.

#### **DISTRICT TWO REPORT**

Commissioner Watson had no report.

#### **DISTRICT 4 REPORT**

Commissioner Fletcher requested that the Public Works Director be given authority to spend \$10,000 to drain the pond that is bounded by Bostick Road on the West, Atlanta Street on the South, and Frank Jackson Road on the North and East. The pond is filled with water from the county's ditches and when there are severe wet spells, it floods the homes of the people in the area.

Commissioner McGill asked him how he arrived at the figure of \$10,000.

Commissioner Fletcher responded that the owner will not allow the County to drain the pond with an open ditch. It would require about 500 ft. of 24" pipe to get across his land. The water could be emptied into an existing draw that drains to other property.

Commissioner Watson stated that he did not think that the County should do it. He argued that if the county would not dig dirt out of ponds that have filled with county dirt, it should not be doing this.

Commissioner Fletcher argued that the two situations are entirely different. He also stated that the Board has traditionally drained ponds where flooding occurred.

Public Works Director Robert Presnell stated that they had begun working on the first road on the priority list - Frank Jackson Road when they discovered that the pond is a closed basin pond without any relief. When there are large rainfall events, water collects in the pond and cannot get out. By providing a pipe for "pop-off" relief, it will keep the entire area from flooding. Without providing flood relief, the new road would be in jeopardy of flood damage.



Commissioner Roberson stated that she would like to inspect the site prior to making a decision.

The matter was tabled until the December 7, 1999 meeting.

### **DISTRICT 3 REPORT**

Commissioner Roberson stated that she had enjoyed serving as the Chair for the last year and thanked each of them for the opportunity. She then announced that she held a community meeting on November 10 where 23 adults attended. She added that she will hold another meeting in December at the fire station in Sycamore.

### **DISTRICT 5 REPORT**

Chair Dixon reported that the FAC Legislative Day activities will begin on November 17. A big area of concern will be the comp plan issues. The Florida leadership wants to fast track the comp plan revision during the next session. The governor's office wants to hold off the revision for another year. Chair Dixon asked each of the Board members to attend and participate in the process.

He then reported that the leadership is looking at a process that will limit the number of dollars that small counties can have for large infrastructure projects. Instead of granting a county the money, they will require equal matching funds.

**ADJOURNMENT**

**THERE BEING NO OTHER BUSINESS BEFORE THE BOARD, THE CHAIR  
ADJOURNED THE MEETING.**

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**Edward J. Dixon, Chair**

**ATTEST:**

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**Nicholas Thomas, Clerk**

**ADJOURNMENT**

**UPON MOTION BY COMMISSIONER FLETCHER, THE CHAIR DECLARED THE  
MEETING ADJOURNED.**

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**Carolyn Roberson, Chair**

**ATTEST:**

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**Nicholas Thomas, Clerk**

AT A REGULAR MEETING OF THE BOARD OF  
COUNTY COMMISSIONERS HELD IN AND FOR  
GADSDEN COUNTY, FLORIDA ON DECEMBER  
7, 1999, THE FOLLOWING PROCEEDINGS  
WERE HAD, VIZ.

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

**ABSENT:** E. H. (HENTZ) FLETCHER

**CALL TO ORDER**

Chair Dixon called the meeting to order. County Attorney Hal Richmond led in pledging allegiance to the U. S. flag and Commissioner Watson led in a prayer.

**ADOPTION OF THE AGENDA**

The agenda was amended as follows:

- 1) Authorization for the new chairman to sign the Quincy State Bank Corporate Resolution and signature cards
- 2) Delete the H. Maxwell Fletcher Issues Item No. 22, 23, & 24 in the agenda packet. The items were withdrawn.
- 3) Table the Spitz Farm Road Abandonment issue

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

**APPROVAL OF MINUTES**

**November 16, 1999 Regular Meeting**

Commissioner Roberson called attention to an error in the minutes of the above stated meeting - page 9 under District 4 Report. The amount discussed by the Board should have read \$10,000 rather than \$2,000.

**UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE ABOVE STATED MINUTES AS AMENDED.**

### **PRESENTATION BY SENATOR PAT THOMAS**

Senator Thomas addressed the Board. He stated that his purpose for appearing before the Board was to pay special recognition to Chairman Dixon for his leadership and visibility he has brought not only to Gadsden County but to all small counties as a county commissioner and as president of the Florida Association of Counties. He then presented Chair Dixon with a gavel that read as follows: "To Edward J. Dixon, Millennium President 2000."

Chair Dixon thanked Senator Thomas for his remarks and his attention to Gadsden County.

### **PLANNING AND ZONING ISSUES**

Growth Management Director Bruce Ballister introduced the Amendment to the Land Development Codes that would revise the minimum lot size in Rural Residential Categories to one acre.

**A MOTION WAS MADE BY COMMISSIONER WATSON AND SECONDED BY COMMISSIONER ROBERSON TO APPROVE ORDINANCE 99-005- AN ACT AMENDING THE LAND DEVELOPMENT REGULATIONS CODE AND TO AMEND THE DENSITY REGULATION FOR RURAL RESIDENTIAL CATEGORY TO ONE UNIT PER ACRE MAXIMUM DENSITY.**

Chair Dixon asked Mr. Ballister if he had responded in writing to the questions raised by Mrs. Rosemary Banks as to how this amendment will affect affordable housing.

Mr. Ballister answered that he had been scheduled to meet with the Affordable Housing Committee but he was called away with a family emergency and was unable to attend. However, he said that he is scheduled to meet with them at their next meeting.

Mr. Ballister pointed out that the Code has a provision that allows for an exemption waiver and other considerations for projects designated for low and very low income families. However, he added that it doesn't completely address total availability. Any concerns and comments voiced by the Affordable Housing Committee at their next meeting will be forwarded to DCA as a comment.

Commissioner McGill stated that he had some real concerns about how this ordinance might affect the cost of homes for low income families.

Chairman Dixon stated that he really wanted to have answers to the questions raised by Mrs. Banks before proceeding on the ordinance. He asked the Board to table the issue.

Commissioner Watson was opposed to tabling the issue.

**QUESTION WAS CALLED BY COMMISSIONER MCGILL.  
THE BOARD VOTED 2 - 2 ON THE MOTION. COMMISSIONERS WATSON AND ROBERSON VOTED "AYE" AND COMMISSIONERS DIXON AND MCGILL VOTED "NO". THE MOTION TO APPROVE THE ORDINANCE DID NOT PASS.**

#### **Resolution to Transmit Land Use Amendment 99- 2**

**UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE RESOLUTION TO TRANSMIT LAND USE AMENDMENT 99-2 TO DCA FOR THEIR APPROVAL.**

#### **Future Land Use Map Amendment Workshops**

Mr. Ballister stated that meetings have been scheduled for Future Land Use Map workshops throughout the County. The dates, times and locations are as follows:

District 1	December 8th	6:00 p.m.	Midway City Hall
District 2	December 13th	6:00 p.m.	BOCC Chambers
District 3	December 9th	6:30 p.m.	Sycamore Fire Station
District 4	December 8th	10:00 a.m.	BOCC Chambers
District 5	December 6th	6:00 p.m.	BOCC Chambers

#### **Scarborough Feed and Seed - Neighborhood Commercial**

Mr. Edgar Williams was required by FEMA to relocate his feed and seed business due to previous flooding. The site is 5.3 acres but can be easily modified with a fence to isolate only a one acre parcel where the business is located.

Mr. Ballister pointed out some minor modifications that Mr. Williams will need to make such as ADA access ramps and improvements to the existing parking lot.

The P & Z Commission recommended approval. The P & Z staff recommended approval.

**A MOTION WAS MADE BY COMMISSIONER WATSON AND SECONDED BY COMMISSIONER ROBERSON TO APPROVE THE ABOVE STATED PROJECT.**

Chair Dixon called for public comments. There was no response.

There was brief discussion among the Board regarding the fence requirement but no additional recommendations were made.

**QUESTION WAS CALLED BY COMMISSIONER MCGILL. THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE MOTION.**

**Pride's Upholstery - Neighborhood Commercial**

Mr. Clarence Pride requested approval to relocate his upholstery business from Earline Hobbs Road to CR 274 across from the intersection with Union Chapel Road. The new location is a 5-acre parcel but a fence will be erected to restrict the commercial activity to only one acre.

Mr. Ballister noted some recommendations for a gravel parking area and drive-way as well as compliance with ADA access requirements.

Mr. Ballister stated that the P & Z Commission recommended approval as did the staff.

**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE ABOVE STATED PROJECT.**

**Latheria's Beauty Salon- Neighborhood Commercial**

\_\_\_\_\_The Latheria Charleston resides on CR 161-A just north of the intersection with 161. She has requested to add a 20' x 20' beauty shop to the rear of her property. The P & Z Commission and the staff recommended approval.

**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE ABOVE STATED PROJECT.**

**Barbara Cox - Hardship Density Variance**

Ms. Barbara Cox has requested to place a mobile home on her sister's property so that she can care for her sister who suffers from a past trauma and requires close supervision and assistance. The lot is less than two acres and this request would require Board action to either subdivide the property or grant the density variance.

The staff recommended that the Board allow the co-location of Ms. Cox's mobile home but not sub-divide the lot.

Ms. Cox was questioned by the Board as to the nature of the hardship. It was disclosed that Ms. Cox is responsible for her sister's financial affairs and day to day care but she had no physical limitations. The Board determined that the hardship as stated was not sufficient for them to waive the practiced policies of the Board.

Chair Dixon called for comments from the public. The following people spoke to the Board in opposition to the placement of the second mobile home on the property.

Ms. Glorida Lurry  
Mr. Wade Jones  
Ms. Sareta Till

Mr. John Cox, husband of Barbara Cox, spoke to the Board. He told the Board that he and Ms. Cox were just married three weeks ago and they desire to have their separate home but feel obligated to live close enough to care for the sister. He asked the Board to grant the waiver and allow the placement of the second mobile home.

**COMMISSIONER WATSON STATED THAT THE HARDSHIP STATED BY MRS. COX WAS NOT SUFFICIENT TO GRANT A VARIANCE. HE THEN MADE A MOTION TO DENY THE VARIANCE REQUEST. THE MOTION WAS SECONDED BY COMMISSIONER MCGILL.**

Chair Dixon recognized Ms. Cox for further comments.

**THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE MOTION AS STATED ABOVE.**

#### **Future Land Use Map - Requested Amendments**

Mr. Ballister stated that he had received several requests for land use changes over the last year which will be incorporated into the next major revision to the land use map as a part of the EAR based amendments. He noted that the P & Z staff had placed half-page advertisements in each of the three county newspapers and posted notice signs in the affected right-of-ways where possible as notice to the public. He stated that the signs had generated good response. He pointed out that the described notice was not legally required but was done as gratis notification to the public and the adjoining property owners.

Chair Dixon challenged Mr. Ballister about the procedure of notification commenting that he was under the impression that the County made a practice of notifying adjacent property owners within 1000 feet of a proposed land use change by mail.



Mr. Ballister explained that it has been the practice of the P & Z Department to follow the legal requirements for notices. At the stage of this particular process, it is not required to have individual notices mailed. He went on to say that the signs were posted as a result of the previous directions from the Board.

Dixon: I am not buying that the Board required that of you.

Ballister:  
No, the Board requested that as did the citizens.

Dixon: I don't recall requesting that and I don't recall anybody here requesting that we don't do these 1000 ft. mail-outs anymore.

Ballister:  
Nobody requested that we don't do the mail-outs. It's just that has been a statutory requirement and that is all we have been doing. That has been the procedure for land use amendments. When we advertised Sheline and White and Lynn, they were all newspaper adds notices.

Dixon: Then we have a faulty procedure.

Ballister:  
Well, we can amend the procedure, but

McGill: I was looking at the legal size page and I saw that Planning and Zoning had taken some actions going back to January. What kind of notice was given prior to that particular action as to legal adds - January 9th?

Ballister:  
Oh, oh, no, that's the date of application. This action was all last week.

McGill: So, P & Z acted on all this last week?

Ballister:  
This was all last week, yes sir. We haven't been acting of these for over a year and saving them up. This was ah, we had a marathon meeting last week at P & Z.

McGill: Then, what information was given to the Planning and Zoning Commission to help make these decisions here on the list that we don't have available to us to make the same kind of decision?

Ballister:

Mostly, I briefed the Commission and the assembled public on the nature of the request that we had on file. Ah, and, like I said, this is the first shot at trying to recognize those properties that are available for change in land use because we recognize that there are going to be some changes. This is a less formal process than if someone came in when it wasn't a comp plan amendment time and wanting to do it.

In a good number of these cases, they are not major land holders. These are people with small stakes in the county.

McGill: You said that the Planning Commission acted on these last night?

Ballister: Last week. Last Wednesday night.

McGill: Oh, o.k. I thought you said last night. Ah. I guess. So, if Planning and Zoning Commission denied, for example, number 1 on the legal page -

Ballister: Right.

McGill: How would that

Ballister: These are all recommendations. As I see this process. Let me go ahead and reduce, ah, map out this process.

Most counties are going through this for the first time themselves. There is not a lot of track record out there for re-doing it. Cause, other counties like us are in the stage of re-addressing their comp plan for the first time. They had it approved back in 90 or 91 and 92 and they are now going through the revision process. There isn't a cut and dried method for identifying which properties might become available. And it is very difficult for staff to ah, just know which properties might become available in the next planning period.

Ah, this process identifies in a very simplistic way that there are certain property owners who are willing to have their land use changed from one category to another. There's no solicitation involved. I made a point of not advertising this process. These were all people who came in and made inquiries. Ah, some of these are very modest

proposals. Ah, it allows staff at least a starting point when we recognize that there be a need for new residential and new commercial lands - that here are some people who want that to happen. Ah, that is why this does not have the full level of scrutiny at this point.

When we get our assembled ah, list of proposed land use changes ready to transmit to DCA, staff will have to do a fairly large lengthy summary analysis of all of the changes and they will all come back before the Board.

At that time, we will have the same requirement to advertisement and do public hearings and public notice and notice to transmit. This is somewhat a less formal first shot because we are going to have to identify some places on this map for some change. Some of citizen directed, some of it staff directed and some of it Board directed.

Dixon: Mr. Ballister, I, we will have to talk to the other commissioners, but I have gone through this process and we met last night and even up until last night, I was under the impression, and I guess that is my own shortcoming, that we have given the notice and I am uncomfortable at this point, in transmitting. Because transmitting says

Ballister:  
This isn't. This isn't transmitting.

Dixon: What is transmitted?

Ballister:  
What we were transmitting earlier in the first vote or in the second vote this evening, was the last four land use amendments that we had previously approved last year.

Dixon: And what are we doing with these?

Ballister:  
These are a first cut of the beginnings of the overhaul or change to the land use map for the Comp Plan amendments - the EAR based amendments. These are not being transmitted tonight.

Dixon: At some point in the future, they are coming back here?

Ballister:

Oh, yes, sir. These will be combined with the recommendations that come out of the citizens groups, that come out of further Planning and Zoning Hearings and further Board Commission meetings. I mean, this will still have full light of disclosure.

Dixon: Am I to assume that some projects did not make it here? They were killed in Planning and Zoning.

Ballister: There are few of these that were killed in Planning and Zoning.

Dixon: Now, don't, there are some good projects in here. The one we talked about last night with the lady donating the property to the church. Great project. Folks want to lessen the density of their property - great project. Don't have a problem with it. But, there are some people here, in here, that are asking for industrial - heavy industrial development. And those neighbors have no idea.

Ballister: Those neighbors will have, you know,

Dixon: But they've already got Planning and Zoning's blessing, this Board's blessing and I have been here long enough to know that we generally don't take back what we have already given.

Ballister: My conception of how we will handle this process - anything that gets killed tonight is shot in the foot - it is gone. Anything that survives tonight only makes the working list. I don't see this tonight as a guarantee - All I am looking for tonight is that we will have a consensus to put these on a list of considerations. Cause as we add the land use pluses and minuses, we find out that we have way too many acres reassigned to rural residential, then we'll have to pick from among this list or from some other candidates plus what to change and what not to change.

Dixon: But not even tonight do I have the whole story. All I've got is "whomever wants that land change" story. That's all I've got here before me.

Ballister: Well, we have an awful lot of public here too.

Dixon: But they are here, even if they are here, they don't know. They have no idea. They saw a sign - they don't know what it means and they were curious enough to make their way and come. They have no idea what is going on and I know they don't.

McGill: Mr. Chairman, looking at the workshop mode, what was the intent behind that language?

Ballister: That this is a workshop mode, this is not, that's why I suggested that we might want to move it to the end of the meeting. It is a workshop mode, exactly that. A vote tonight would not be a binding approval of a land use change. When we start calculating what we are going to do with our future land use map. We still have a lot of work to do on our future land use map.

McGill: So, there is really no approval needed here tonight.

Ballister: We are getting a list of properties that will be not even sanctioned but allowed to move forward. Now, if somebody wants to lessen their land use, that's probably got a good chance of sticking, but, for somebody

McGill: But let's get back to Commissioner Dixon's position. What happens if there are other people who want to get their land on this list and they have not been notified.

Ballister: They have every opportunity to come to one of the workshops. Now, we try to get as public as we can. Ah, without going over and getting on the morning radio show.

Dixon: Commissioner Roberson.

Roberson: Bruce, wouldn't it be better to wait for our decision on this until after we have the workshops in our districts - the district workshops? I know we had the, the, the meeting, was it last Wednesday night that ya'll met, and they set up these workshops and I am just asking the question - Would it not be better to give the people opportunity to attend these or do you have to have something on this?

Ballister: I don't have to have anything tonight. I am just trying to get this process rolling ma'am. I am not trying to

steam roll anything. I am trying to get as many opportunities for the public to show up, be heard, be seen, get notified, be educated,

Roberson:

Well, that is some of the concern that has reached me. You know, why are you even hearing this before the workshops? You know, before they have the district workshops - that was some of the concerns that came to me.

Ballister:

Right. Ah,

Dixon: I know we need to move on this, Bruce, but I would really like to see us give some notification of these and I am sure we can find some money. I don't want money to be the cause of a fire storm of people in here.

Ballister:

Right. I can do thousand feet notices, but it will take some warning. If you want, we can hold a separate meeting, not on a regular scheduled Tuesday night. On an unscheduled Tuesday and have a combined workshop after we have held the district meetings.

Dixon: I have no problem with that.

Ballister:

And it will probably be sometime, ah, the second week or so in January. We will have had time to compile several hundred letters. If you want to go that extra step, we will do that. We will notify by mail in the future.

Dixon: I have no problem telling folks "yes" and "no" in their face. It's when they come in here and tell me that "we didn't know" that I have a problem.

Ballister:

I understand. It's just that we have been following, you know, - I would make a point of trying to look at the Statute because during my first couple of months here, people kept telling me that "I wasn't properly notified." So, I had, I got put into the cold water fast. Ah, so, I have been checking the Statutes requirements. Due notice for land use changes is an advertisement in the paper of general readership. We don't pick the general readership, we advertised in every paper in the county

and posted the signs. We can go still another extra step and do mail-outs too if that is the Board's wish.

Dixon: Commissioners, do I have a motion to table?

McGill: I move to table until at least such time as we have held the district specific meetings.

Ballister: Well, lets have the district specific meetings and I will pick a Tuesday in January to have a special workshop.

Dixon: I would like to see those mail-outs though.

Ballister: Yes, sir.

Dixon: I have a motion, do I have a second?

Roberson: Second.

Dixon: Will there be any discussion? Yes, sir - in the back.

McGill: Question is called.

Dixon: You'll have to come down and state your name for the record.

Robert Soffis: Robert Soffis. My question is "Does the Planning Board have the authority to alter that which the advertisements state - the ad in the paper - ah, does it have to be adhered to? Can our Planning Board alter that is my question?

Dixon: I think they can.

Soffis: I believe they can. Well then, that's your answer for notification - for proper notification. I had to go around and I saw these signs and I didn't know anything about it and you are absolutely right, so you do have that empowerment.

Dixon: Did you state your name? Yes, you did. O.K.

Audience: Would you repeat the motion?

Dixon: The motion is that we table until the district meetings and proper notification is given. Probably the second week in January.

McKinnon: We might just clarify that "proper notification" means mailing out to each property owner within a thousand feet of the land that is requesting the land use change or the property that is requesting the land use change. Ah, each person that lives within a thousand feet of that will be mailed a notice of the request to do that and when the meeting will be.

Dixon: You know the process.

Larry Ganus:

I am Larry Ganus. Question on the notification of the pieces of property. Now, the Planning and Zoning Commission last week denied some of the requests. Will they also still remain in this package and will a notification be given to those adjacent to those pieces of property.

Ballister:

In all fairness, those should go on the list with a recommendation from Planning and Zoning.

Dixon: I agree.

Watson: Yeah.

McKinnon: Agreed.

Dixon: We will entertain one more question and then we will call

Audience member:

Will you repeat the motion again, there were two or three conversations going on and I didn't understand.

Dixon: The motion is that we table.

Audience Member:

I understand that. I didn't understand the list.

Watson: The Planning Commission recommendation to deny does not kill the project.

Dixon: There was some, Commissioner, I got this.

Watson: ... asking a question.



Dixon: These projects have gone, just one moment, these, ah, some projects have gone through Planning and Zoning and were denied. What we are saying is that those projects need to be notified as well.

Ballister: In response to the audience's question, the, this does not affect the scheduling of the district wide, district specific workshops. The district list that I read out loud earlier will be held tomorrow mornings - District 4 meeting will happen here at 10:00 o'clock as well.

Dixon: Yes, sir. Will you come down here? Anyone else with a question on this matter, will you please come down please that we may be quick about this?

Rudd: My name is Willard Rudd.

Dixon: Good evening Mr. Rudd.

Rudd: Good evening. Ah, I don't think notification of someone within a thousand is adequate for some of these large acreages which affect the whole community. When you only got about four people that would live around that project there are within a thousand feet. So, these larger tracts of land would affect a whole, you know, like Providence or Sawdust or Gretna or whatever. I don't know the vehicle that you would use, I understand that an individual mailing would be not only expensive but how do you identify those people without going through a whole lot of extra effort. But, I don't think that a thousand feet limit is adequate.

Dixon: Thank you.

McGill: But, in additional (inaudible)

Dixon: Yes, Ma'am.

Holt: Yes, my name is Brenda Holt. District 4 will be at 10:00 o'clock in the morning. Most people work at 10:00 o'clock in the morning. I am wondering how do you meet with someone when most people are working. So, how do we go about scheduling it so that more people can come to that meeting?

Watson: Call your commissioner.

Dixon: Call your commissioner.

Holt: O.K. I didn't know anything about it being at 10:00 o'clock in the morning. Someone will have to answer the phone, you are right.

Dixon: Thank you.

Stockwell: Hi, I am Mary Stockwell. I am District 4. I am still very confused about what is going on here. O.K. Did the State, in some way, say that we have to change. We have to change the Comp Plan or, you know, can we just go case by case, it's going to be sweeping changes? I am very confused and alarmed actually. Ah, I am all for a simpler process for, you know, making it for people to be able to change without hiring a special consultant and all that, but there is no procedure. Has a procedure been sent from the State? Are we going to set up the procedure? What's you know, what's what. I am very very confused.

Ballister: If I may answer a part of that question. The County and all local governments are required to update their comprehensive plans every 5 - 7 years based on a schedule set by the Department of Community Affairs.

Ah, Planning and Zoning, ah, Commission and the Department have been working on the beginnings of text amendments and this is the beginning of a map amendment. The two major changes will constitute our comprehensive plan amendment per Statute requirement. And what is at issue tonight is that the Board would like us to pursue extra effort in notification, you know, above and beyond what is required by Statute.

Barnes: Good afternoon, my name is Marilyn Barnes and I just want to know when does this train stop? It's like we are backing up. Then we get a date, I just want to know the bottom line, When are we going to get an answer. I know now we are going back to, we are going to have to do notifications all over, we are going to have to do some other stuff district by district. When? Do we have a date that we can say that we are going to present this to the State?

Dixon: Those district meetings are going on as we speak - this week. Ah,

Barnes: Oh, they are already going on?

Dixon: Yes, Ma'am. We had one last night. Ah, Mr. Ballister will move forthwith to get those notices out. Ah, there, ah, should your project pass, ah, it will be as he stated, the second meeting in January.

Ballister: Right, we will have to transmit a preliminary amendment probably in late spring. We have to have our next plan adopted by late July. We have one year after the adoption of the Evaluation and Appraisal Report (EAR) which was last July. So, we have to have it done by late or rather mid-summer. We hope to get a preliminary transmission to the State by late spring so we will have some dickering time.

Black: Yes, my name is Rutha Black and I only have one question with regard to the notices that we're saying will be sent out. Is there going to be an indepth notice to explain to me what is happening or is it going to be a picture of a sign that went up on a pole that says somebody is trying to change the land use.

Because as the other lady stated, I am very confused. To tell me that somebody is going from Ag 1 to Ag 2 doesn't tell me anything. But if you explained to me that somebody is trying to build - tomorrow you might wake up and see a coal mine planted in your back yard, then I can understand that. Just to tell me that something is going from Ag something - that lingo is way above my head. And, that, if you are not a computer person and I come and start talking computer jargon to you, you're going to say "Hey, hey, slow down." Tell me in plain English what's happening. That is what is happening in communities.

A sign on a pole does not tell me anything. If I am driving by real fast, I don't have time to stop in the middle of the road and read the sign that is on the pole. And, if the notices are going to be just the same thing that is on the pole, I am going to be honest with you, people are not going to read it. But, if you tell them that something is going to happen to your neighborhood that can impact you and the future of your land that is around this particular project, who knows, somebody's changing the land use that might impact the road that I use to go home. And those are the types of things that people want to know. I don't want big trucks driving down my road and if that is going to happen, I want to know that. Don't just tell me that Niagara Wires is

getting ready to change the land use. Tell me what they want to do with it. Because I am quite sure in their application, they have to state what their intent or what their goal is or their projection of this particular use or else they wouldn't change it. Those are the types of things that I would like to see happen. I don't know that they will happen, but that is what I would like to see happen. I am not sure about these workshops because I didn't know anything about them. But now that I know, I don't know if those are the types of things that are discussed in the workshops or not. It is just a point that I wanted to make to you. Thank you.

Ballister:  
Right.

Dixon: Thank you Ms. Black.

Laslie: It is my understanding

Dixon: State your name please.

Laslie: Excuse me, Marion Laslie. It is my understanding that the notices were going to come in this process but just not at the beginning, is that correct?

Ballister: These notices would have had to go out when we get ready to have our meeting that says "This is the recommended map change." There will probably be a final series of public workshops first. Then we will have a another set of public hearings - a formal hearing with Planning and Zoning, then another formal hearing at this Commission. And those will all have notice requirements. Ah, it will be an additional requirement, if this Board pursues it to do thousand foot notices for all those parcels - and there will be a lot of parcels.

But yes, there is, we have not yet got to the point where I would have had to have done a mail-out notice. We have tried and done our best to put a lot of notification out there. I understand that the signs draw attention. That is why they are fire engine red. They are designed to draw attention. We have made every attempt to make people notice. That is the first word on the sign - NOTICE. Ah, they have been very effective and actually I am proud of the results that I have gotten.

Ah, it is not possible to anticipate what every action might be on each one of these individual tracts other than to anticipate the maximum load. If there is 52 acres in rural residential, that might mean 52 lots. And that is all that DCA looks at. And so in this grand puzzle, that is the only calculus that DCA will be judging us by. What is the total land use change and the total density impact.

Laslie: The other thing that I wanted to say was that before I started coming to these meetings, I felt like the thousand foot notice was not really going to reach very many people. And, dealing with this two years in a row, I wrote letters to the budget committee requesting that Planning and Zoning have money to have signs made and posted on the lots and Bruce has done that. And, I think a good job. I am hoping that a good many you people are out here because you saw the signs and I think that if we are limited to a thousand feet then, ah, I think that the signs are a tremendous asset.

Dixon: No one is doubting the credibility of the signs.

Laslie: Oh no, no. But I think they are important also. I mean,

Dixon: Any notice is important.

Laslie: The other thing is - I don't know how many people read the paper, but, ah, there is an awful lot of information in there and unfortunately that is the only place you can get it - for Gadsden County politics. And ah, if you care about what's going on, you need to read the paper.

Dixon: Thank you Ms. Laslie. The papers happy tonight.

McCloud: My name is Ron McCloud and I am the pastor of St. John Church of God in Christ. One of those areas that we are talking about is where we submitted a request for a change in the zoning. And, we submitted this request in January of last year. So, it's been there now for the whole year and nothing has happened.

I don't have problems with the fact that people need to be notified and that is fine. But, I do have a problem if this process continues to linger on. We've got a congregation of people that are ready to do something. We are talking about building a church and the whole congregation is ready to move but we can't do anything until you all say "Yea" or "Nay" or whatever to the land.

Dixon: You don't need our blessing to build a church.

McCloud: Well, we have a problem on the land. On that side also, we have a two acre portion of land for residential. We are under the impression that we need your approval to go on with the residential portion of that land.

Dixon: Yeah, that's a different story.

McCloud: So, it's all tied up in the same acreage. There was a commitment that was made when we purchased the land. We purchased it jointly with an individual and the agreement was that when we get the land, because of them bringing the land to us,

Dixon: Reverend?

McCloud: Yes, sir?

Dixon: For the Board to know, this is my brother-in-law. We don't need to be made to feel bad tonight.

McCloud: And I am supposed to be in a pulpit in about 10 minutes. So,

Dixon: Don't warm up on us.

McCloud: But, what I am asking for is that, Is there something that although this process, it seems like it has to take place, that's fine, but we want to make sure that whatever we do that we can get on the agenda - fast track- so we can move and not hold up the congregation that is waiting to do something. Also, maybe we can do something for the land owner - this young lady who is waiting to do something with her property. She is also being held up.

Watson: Your brother-in-law just slowed it down tonight.

McCloud: Yeah, we'll talk after the meeting on that.

Dixon: Hey, Hey, He married my sister, I ain't even worried about it. Thank you Reverend.

All right, let's move on. We have a motion and a second on the floor. Will there be further discussion from the commissioners? All in favor sign of "aye".

All Commissioners:  
Aye.

Dixon: Opposes?

No response.

Dixon: Let's make it unanimous.

Ballister:

Before I finish, I would like to thank the powers-that-be for the new podium. Thank you.

## **PUBLIC WORKS**

### **Frank Jackson Road & Flood Alley**

Public Works Director Robert Presnell recalled that at the last meeting Commissioner Fletcher requested that the Public Works Department be given authority to spend \$10,000 to drain the pond that is bounded by Bostick Road on the West, Atlanta Street on the South, and Frank Jackson Road on the North and East. The pond is filled with water coming from the county's ditches. When there are severe wet spells, the pond overflows and floods the homes of the people in the area.

Commissioner Watson stated that he was given the impression at the last meeting that this work needed to be done before the paving of Frank Jackson Road should continue. He asked Mr. Presnell if that was correct.

Mr. Presnell responded that it is not necessary for the pond work to be done in order for the road work to continue.

Chair Dixon stated that he had expected to get a report or at least hear the opinion of the county's engineers - based on topography. He asked if the engineers had been contacted on the issue.

Mr. Presnell responded that he did not contact the engineers. He added that there is an eleven foot difference in elevation between the level of the road and the proposed drainage structure. The last time the pond overflowed, it did not flood the road but some homes were in jeopardy.

Commissioner McGill asked what would happen if the paving project should continue without addressing the problems associated with the pond.

Mr. Presnell stated that the Department was presently working road drainage features. He explained that the pond is situated between two roads - Frank Jackson Road and Flood Alley. It is a

natural depression pond and it has filled up in the past. (When there are large rainfall events, water collects in the pond and cannot get out. By providing a pipe for "pop-off" relief, it will keep the entire area from flooding.) He quickly pointed out that the issue with the pond is a flood control project and has nothing to do with the road project.

Commissioner McGill asked Mr. Presnell if a flood of the pond would destroy the road or if there would be damage to the road if the flood control measures are put into place after the road is completed.

Mr. Presnell answered that the pond issues could be resolved at any time after the road is completed without damage to the road. However, in order to place a culvert under the road, two feet of the paved road would have to be removed and replaced.

Mr. Richmond asked if the land owners that would be affected by placement of the pipe would expect payment for the right-of-way. Mr. Presnell could not answer Mr. Richmond's question.

**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, NOT TO INSTALL THE INLET BOX AND CULVERT PIPES TO PROVIDE FLOOD PROTECTION FOR THE POND ON FRANK JACKSON ROAD.**

#### **Road Paving List**

Mr. Presnell reported that the Public Works Department has begun working on Roads 1 & 2 of the road paving priority list (preparing the sub-base and base.) He asked the Board if they would like to effect a change order to the existing contract with C.W. Roberts Construction or proceed with a new RFP.

**A MOTION WAS MADE BY COMMISSIONER WATSON AND SECONDED BY COMMISSIONER ROBERSON TO SEEK A CHANGE ORDER TO THE CURRENT CONTRACT WITH C.W. ROBERTS CONSTRUCTION COMPANY FOR THE PAVING OF FRANK JACKSON ROAD AND DUPONT ROAD.**

Chair Dixon expressed that he is opposed to continually extending any contract. He stated that he was in favor of going out for bids and give another company an opportunity to make some money in Gadsden County.

Commissioner Watson stated that his goal is to provide a good quality service to the people of the County - not to spread the money around.



Chair Dixon stated that there are qualified vendors who will not even come to Gadsden County or even bid because the County has practiced this kind of business for so long.

**THE BOARD VOTED 2 - 2 ON THE MOTION STATED ABOVE. THE MOTION TO SEEK A CHANGE ORDER TO EXTEND THE CONTRACT DID NOT PASS. COMMISSIONERS WATSON AND ROBERSON VOTED "AYE" AND COMMISSIONER MCGILL AND CHAIR DIXON VOTED "NO."**

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

##### **Grant Writer Position**

Mr. McKinnon told the Board that the current budget did not include adequate funds for the new position for the county's grant writer. He asked for an additional \$4,125.00 and recommended that it be taken from the general fund contingency.

Community Development Director Edward Butler introduced Grant Writer Reed McFarlin.

**UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 3 - 1, BY VOICE VOTE, TO APPROVE THE ADDITIONAL FUNDS FOR THE GRANT WRITER'S POSITION FROM THE CONTINGENCY FUND. COMMISSIONER WATSON CAST THE LONE DISSENTING VOTE.**

##### **Materials Being Hauled to Midway**

Mr. McKinnon called attention to a memorandum to the Board from him which is a report on the materials being hauled by Mitchell Brothers from Lake Jackson to a borrow pit in Midway which is owned by Mitchell Brothers. He also called attention the analysis done on the material that is being hauled.

The following portion of this meeting has been transcribed verbatim upon request.

McGill: I would like for Dr. Arnold to address this issue, Mr. Chairman, if it is all right. And I have some more comments I would like to add to it before we leave.

Arnold: Thank you, Commissioner McGill. I'm, ah, ah, Tony Arnold. I am a professor of Geology at Florida State University. And I want to talk to you strictly about scientific issues right now, so that you are up to speed on those.

Ah, the Northwest Florida Water Management District ran their tests, ah, took their samples and EPA ran a test based on guidelines that are used on materials being dumped in landfills. Now, this site doesn't have the protection that a normal landfill would have. It doesn't have a liner and it doesn't have monitoring wells. So, that is something to keep in mind as you go forward with and consider what the tests mean and whether they are applicable in this situation.

Having said that, this doesn't address the issue of toxicity. Ah, and ah, what that report means. To understand that, you have to go back to previous work that has been done in McGinnis Farm by two professors at Florida State - Landon and Livingston back in 88 to 1991. Livingston tested for ah, ah, heavy metals and water called polynucleated aromatic hydrocarbons or PAHs, I'll call them. They are basically the run-off from ah, parking lots and the kind of things that you would expect in that kind of situation. Gasoline, ah, ah, motor oil, transmission fluid, a mixture of that kind of thing. Ah, He also tested for heavy metals and ah, Dr. Livingston found both. What we are looking at here is the run-off from the Waucamaw and Tallahassee Mall parking lots. They are big parking lots.

Ah, Professor Livingston looked at, when he found these PAHs, which are pretty potent carcinogens, he then decided that he had better look at the fish in the lake and he did that. He told me that he was unable to find any fish that were not diseased. So, ah, ah, apparently PAHs cause a syndrome that causes a breakdown of the immune system - sort of like AIDES - it's not AIDES but it has that kind of effect.

Professor Landon looked at heavy metals, ah, I don't think he looked at PAHs. They ran different kinds of tests and came up with results that conflicted somewhat on heavy metals. That is where it was left at that point. Now, we, ah, ah, well, Tallahassee and Leon County responded to that situation by cleaning up the lake. I don't know where they dumped the materials that they moved at that point, but they did clean it up. They also found that it wasn't contaminated at that time, but they cleaned it up anyway.

Ah, now as we, so, as we talk about this, ah, as you talk with whatever experts you talk with in the future, keep in mind that there are two sets of tests that have been

run some eight years ago and some just now. It's easy to get confused between those. There has been eight years of accumulation since that first set of tests was done, so keep that in mind as you talk with you talk with various people about this.

Ah, O.K. so the next question is about these tests. How were they done? My conversations with Dr. Livingston said that they ah, ah, they didn't test for zinc and copper which were present in the tests they did eight years ago. He was surprised that they didn't look for zinc and copper - that's point number one.

Point number two has to do with the way the test is done. There is a question as to whether they test the soil or the sediment directly or whether they test ah, what's called an alcherate - where they percolate water through the soil and then test the water. It appears from the test that Mr. McKinnon is referring to that they did the latter. They tested the alcherate, the water that had been percolated through. Ah, and that presents a kind of a problem.

Heavy metals are often complex with the particles in the sediment and they don't come out with the water that is percolated through it. They stay in the sediment so you don't detect them in your tests. O.K. Ah, they only come out if you change the chemistry, so there are tests that you do directly on the sediment subjected to acids and so forth that would leach out the heavy metals.

The third point, ah, the PAHs, these polynucleated aeormatic hydrocarbons, were not, as far as we could tell in this test and they are the critical thing that ah, ah, that are the potent toxins. Ah, Dr. Livingston also had a question about the number of tests that were done and where the samples were taken from. That wasn't made clear in the report. So, he concluded that ah, the report doesn't tell you what you need to know in order to make an informed decision, if you want to do anything about what is being done up there. O.K.

Ah, now there is another point that is important. Moving the sediment from where it is now in an unoxygenated lake bottom to its new site in Midway where its going to be exposed to highly oxygenated rain water percolating through it, is going to change its chemistry and may leach out toxins that we don't know whether they are there or not - because of the results of this test. We

just don't know if they are there. So, you want to keep that in mind. If you have testing done, you want to make sure that you also know what's going to happen to it in its new site - not just in the old site.

If I have a recommendation to make, it would be that you get a consultant to examine the report in detail. Ah, I would recommend that you not use Woodward & Clyde - not because they are not reputable but because several of their members have a potential conflict of interest - one of them is a member of the Friends of Lake Jackson and another one is a consultant to Leon County Science Advisory Boards - so they have a conflict of interest there. I don't, you would have to find your own consultant.

Based on what your consultant says, if you hire one, I would say do a pilot study on the various samples because these tests can be expensive. Maybe one, two or three thousand dollars per test. And you'll want probably \$60,000 worth of work done to do it right. Ah, I would do a very small pilot study and then present Tallahassee and Leon County with the bill for more extensive testing if your pilot study suggests that it needs to be done. Then you decide whether you want to do something about moving it or not.

Ah, I should warn you, that if you follow that route to do enough testing to protect the citizens in Midway, you are opening a very big can of worms for Tallahassee. Because they have been scraping this same kind of stuff off the bottom off the bottom of their storm water holding ponds for a long time and dumping it into Wakulla County. If it is discovered that this kind of stuff, ah, that the PAHs are there, they are not going to be happy about it. Ah, then they might have to do something about it.

Ah, I am not making any recommendations about what you do, I am just telling you the situation. I recommend that you talk to Dr. Livingston at Florida State. He is not going to be able to give you a definitive answer until more complete tests are run.

That's all I have to say.

McGill: Regarding the nutrients, I think anybody who has any feel for botanical chemistry will understand that nutrients can become toxic given the right environment. I guess

what I am trying to come from is that "What can this Board do to limit the hauling of these kinds of materials from other counties into Gadsden County without our knowledge?" This goes back to the situation we have with the transfer station. They come in and negotiate and then we find out after the fact.

I understand the Mitchell Brothers were hauling like two or three hundred loads a day. They have torn up Palmer Road in Midway. They are beginning to tear up 268 from Palmer Road back to 90. It's beginning to be a real problem.

Leon County don't think people in Gadsden County are worth a nickel. And, I am tired of that attitude that people in Leon County have toward residents of Gadsden County. We are just as human in Gadsden County as they are in Leon County, regardless of the economic situation, regardless of the fact that they have two universities and a major junior college. We don't have those kinds of business, but we are still just as human. And I think we need to get that message to them in some kind of way.

I am going to recommend that the county attorney and the county manager take a look at whether Mitchell Brothers can be made to resurface the road in Midway. I don't know if they can. But, this County Commission paid for Palmer Road and I think Mitchell Brothers owes us some reparation for that as well as 268 back to Highway 90. I am also going to recommend that we, as much as we can, try to find somebody to check the nutrients out there to make sure that what they are bringing, keep in mind now, they are cleaning out Lake Jackson, hauling the trash over here. Let it go back to where it's coming. If they don't want their own trash, what makes them think that we want it. We don't want their trash any more than they do.

Audience: Toxic sludge killed Lake Jackson.

Dixon: Sir, if you have a comment?

McGill: I hope this can be conveyed to the powers that be as they are in Leon County and Tallahassee as well, and the Mitchell Brothers, that we deserve some consideration for Palmer Road in Midway and 268 from Palmer Road back to Highway 90 and that they discontinue bringing those sediments from Lake Jackson and McGinnis Arm as well as anything they want to clean up in Leon County to Gadsden County. Those are my comments, Mr. Chairman.

Dixon: Thank you, Commissioner McGill. Please state your name for the record.

Willis: Good evening commissioners. My name is Chuck Willis. I am a city commissioner candidate for Midway District 4. Ah, it's just like Commissioner McGill was saying, Ah, the people in Midway is having a very concern about this toxic waste. Trucks has been running seven days a week, sometimes at night and they are tearing the roads. Also the site where they are dumping the toxic waste is where homes is near the pit. So, I ask that the County Commission please look into the people's safety. And also, the children can't come outside and play no more because the big trucks are running the road. Ah, I am suppose to have a meeting with Tallahassee Mayor Maddox tomorrow morning and discuss some issues, especially the transfer site and the toxic waste that is coming from Tallahassee.

The people of Midway want a clean community. They don't want no dirty business. The peoples are fed up. We ask the County Commission to please, and I am going to give my effort if I am elected to office, to clean up this business that is coming into Midway.

Thank you, sir.

Davis: My name is Flolisa Davis. I live in Midway. I, ah, Councilman McGill has really covered everything I wanted to say and Mr. Willis also. I am really concerned about my health and everyone that lives there. I have small kids there also. I would really appreciate it if ya'll will look into it. That is a serious matter out there.

Dixon: Thank you.

Bennett: I am Verda Owens Bennett and I am also a candidate for Midway City Commission District 6. The smell is terrible from the dumping that they are doing. The trucks are speeding excessively in the neighborhoods just like the gentlemen said, the roads are torn up. I am concerned about the water, I am concerned about my drinking water, I am concerned about who is going to clean up if there is some nutrients that is in this soil. Who is going to move us out and I have very, very great concerns about it. I have hundreds of phone calls about it. We need to do something immediately. It's just like if they're not dumping garbage on us, they're dumping some other kind of toxic waste in our neighborhood. I want to know who gave

them permission to even start dumping it, cause we didn't know what they was dumping or bringing into our community. Ah, enough is enough with Leon County.

Dixon: Thank you ma'am.

Barber: I am Ella Barber and I live in Midway. I grew up there from 1930. I married out there and went to college and went away and retired and came back here. When I came back, I found Midway was gone as a beautiful little community and it had turned into a city where the officials were greedy and grasping for garbage or whatever. To the extent that we can't get any real clean industry to come in here.

Mr. McGill, I appreciate what you said and I feel real good knowing that we have somebody who is going to bat for us. We grew up together, I was a little older than he was. But, I appreciate that.

Ah, on the week of the 22nd, I was out in the community because a man had given some money to buy turkeys and whatever for people to have a good Thanksgiving. He does that. It's the second year he had done that. So, I was in the community that week of the 22nd getting my people together when I saw all these trucks coming down the road. I started to talk to a lady and she said "You had better get out of the way because they might run over you." I didn't realize what was going on and I drew myself in and I moved over the side. I finished with her and I proceeded to go into the community up there where they are dumping that. It's on Palmer Road, you come down off 268 and you go up in there and that is a pit where since I was a girl, they had it wide open. They used to have a mine, a fullers earth mine or whatever. I think they had a little tram where they would haul whatever they were hauling, fullers earth or whatever. But that opening has been there for years and years. Just wide open. And now, while I was in there, I just parked beside the road because the trucks were coming in there so fast. I would park at different intervals to keep them from knocking my car off the road because they were coming down the highway. I immediately went home and then and I feel like that is when Midway City people first realized it because I talked to one of the commissioners there. I called her and I told her what I had found. And she said "Oh, that's been going on, that's been going on." I said "Well, I don't think ya'll know exactly what's happening. She said, "I guess we

will wait until the next commissioners meeting." I said, "I think we need to have something done immediately because we have had two kids killed in Gadsden County and we don't want to wait until something tragic happens here then." She said, "Well, I'll get on it right away."

I told the Chief of Police, "While they are down there and giving tickets (some of them have a speed trap or whatever) he can get out there now and check as see what is going on."

So, different ones started calling in the community. By the next week, we had a council meeting on that Thursday night, we talked about it and we found out that Dr. Arnold had done some research on it. They didn't even know what was happening out there. They didn't know that the dirt was coming from Lake Jackson. We informed them of that. He did the study. And an investigator had different ones in the community, those people who are working with me, and we found, like he was saying, Dr. Livingston or whatever.

I would really appreciate it, we reported to them that they could do something to stop that. But, they said "We are not going to bother with it." They told me to talk with the city attorney. The commissioners said "It's out of our hands. Turn it over to the city attorney."

So, at this point. Now when I heard about this meeting tonight, it did me good to know that it is on the agenda, and that somebody's going to take note of it and is going to come to our rescue hopefully. We do appreciate that so much.

Dixon: Thank you ma'am. Is there any problem with accepting Commissioner McGill's recommendation that we have the County Attorney and the Manager to look into this matter for us. Do I have the Board's consensus.

Your time is up. I am just teasing you.

Laslie: My name is Marion Laslie. I just, If you're going to check into it, check into the chinese tallow seed bank that is probably in that. It is probably loaded with chinese tallow.

Dixon: What is that?



Laslie: It is a very invasive tree. It is all over Lake Jackson. Pop-corn tree. It's real bad.

McGill: Mr. Chairman, while they are bringing through whatever it is that they are bringing through Midway to dump it into the pit - the pit is actually in the County. That gives us direct responsibility to respond to that.

Richmond: No question about it.

Dixon: Do you gentlemen understand the consensus of the Board?

McKinnon & Richmond: Yes, sir.

### **DOT - US 90 By-pass Project & C & E Farm Road**

Mr. McKinnon reported that Florida Department of Transportation (FDOT) has expressed interest in funding the paving of the C & E Farm Road section of the proposed by-pass from U.S. 90 and Attapulugus Highway. However, they would like for it to be listed on the County's road paving priority list. He stated that he will present a proposed policy dealing with the road paving priority list when outside funding is available.

### **CONSENT AGENDA**

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

- 1) Response from City of Tallahassee Regarding Transfer Station Site Location - for the record
- 2) Chamber of Commerce October 1999 Activity Report - for the record
- 3) Visit Florida Grant - Contract with Apalachee Regional Planning Council to provide services - for approval
- 4) Memorandum of Agreement to Create Gadsden County as a Champion Community - For the record
- 5) Payment Request # 4 - 97DB-1E-02-30-01-Y04 Small Cities CDBG Program - for the record
- 6) Library UMI Proquest Agreement for Internet-Based Magazine Article Subscription Service - For approval
- 7) SHIP Lein Satisfaction Agreement - Mattie Gunn - for approval
- 8) Notice of Name Change on Addendum to Loan Agreement from Centennial Healthcare Management Corp. to Ashford Healthcare, a Florida Not for Profit Corporation - for the record

- 9) Request for Letter of Commitment for Town of Greensboro -  
For approval
- 10) 2000 Holiday Schedule - For approval

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

#### **Quincy State Bank Resolution and Signature Cards**

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE BANK RESOLUTION WITH QUINCY STATE BANK AUTHORIZING THE NEW CHAIRMAN'S SIGNATURE ON THE BANK ACCOUNT AND THE SIGNATURE CARDS.

#### **1998-99 Financial Statements**

Clerk Thomas reported that the Board had a really good year during 1998-99. Revenues were good and the expenditures were held in check.

#### **1998-99 Interest Report**

Clerk Thomas reported that the Board earned \$515,537 in interest during the past fiscal year.

#### **Cash Report**

Clerk Thomas reported that the current cash in all funds totals \$10,900,000.00 - both restricted and unrestricted.

#### **Budget Amendments**

#### **99-12-07-01 through 99-12-07-10**

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE ABOVE STATED BUDGET AMENDMENTS.

#### **DISTRICT 1 REPORT**

McGill: Mr. Chairman and Commissioners, I have before you a second time, a request for staff assistance to work with me as I work with non-profits. Keep in mind, they will not be working for- that person or persons will not be working for the non-profits, but will be working with me as I try to find a way to bring about some financial relief. I don't see this project being any different than if someone was stuck in a hole on a rainy day and had to call public works to get pulled out. I don't see

that it is any different than ah, somebody going out to make (inaudible) a special project that would affect the County. To put it very brief, I put it into your packets, and I am just going to ask for your approval.

Again, it will not impact on the out-of-cash money. The meetings will not be held that often. When we really get rolling, I might not need that person but once every two or three months. But, during the formative stages, we will need that person pretty frequently, but the meetings will be held no more frequently than once a month if I have any control over that. That chair will have control over that. But, initially, we will be meeting, hopefully, at least once a month to try and get organized. And when we are forming what I am calling, what I call a community foundation that will go out and seek funds to be brought into Gadsden County hopefully.

(There was conversation between unidentified parties at this point that was not audible to the public or to the recording secretary. Neither was the conversation audible on the taped recording of the proceedings.)

McGill: O.K. I withdraw the request at the request of Commissioner Dixon and I will be holding him to that.

Dixon: My Ma-ma always said "If you ain't got no money, make sure your word is good." Anything else, Commissioner?

McGill: No, except, I'm making a special plea. Don't forget the problem in Midway.

## **DISTRICT 2 REPORT**

### **December 21, 1999 Meeting**

Commissioner Watson requested that the December 21st meeting be cancelled.

Chair Dixon requested that the meeting of January 4, 2000 also be postponed.

It was determined that there are no pressing matters that would be ill-affected by cancelling the December 21st meeting.

**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO CANCEL THE**

**DECEMBER 21, 1999 AND POSTPONE THE JANUARY 4, 2000 MEETING  
UNTIL JANUARY 6, 2000 AT 6:00 P.M.**

**DISTRICT 3 REPORT**

Commissioner Roberson had no report.

**DISTRICT 4 REPORT**

Commissioner Fletcher was not present.

**DISTRICT 5 REPORT**

Dixon: Commissioners, it was brought to my attention that my assistant does not get paid for holidays. Ah, I don't know if that was the Board's intentions. It certainly wasn't mine because there are no other benefits there. And I would certainly like to request of the Board that she be paid for holidays.

Watson: I think the intention was that this be an OPS position and the decision was whatever we are supposed to give OPS we do and that that we don't we don't. I think, ah, from listening to the tape, that was the understanding that I thought everybody had that night.

Dixon: Well, Commissioner, with OPS, they don't have to work. If she has to work, she has to work. Whether it is week-ends or whatever, she has to work.

Watson: But, our agreement that night was, in doing this, was that she would get whatever OPS people always get. That was my understanding.

McGill: Could we amend that to insure that that person is being paid properly. I understand what you are saying about OPS, but could we amend that in this particular case.

Watson: Well, I think that, I mean, even after we voted, Arthur came up and asked "Does this mean she gets benefits?" And what was understood was she gets, this is an OPS position, and she gets what OPS employees get. Now, that was the understanding. Ya'll can listen to it if you like, but that is the way the discussion went.

Dixon: Well, Commissioner, I am sure that this didn't come up and it certainly wasn't my intention. Yes, that is what we discussed, you are absolutely correct. You are absolutely correct. But, I think that this is a hardship

and you know and, h, it is a couple of days and I think she deserves to get paid for those days.

McGill: All I am saying, Commissioner, even if that was the understanding, that we put our OPS and not subject to benefits, I am asking can we amend that or suspend that rule in this particular case and move forward.

Roberson: The problem with that is what come-back are you going to have from the other OPS positions?

McGill: Well, I don't know that you will ever have another similiar situation like this, I don't envision Commissioner Dixon being President of the Florida Association of Counties after this year. I don't know that Commissioner Watson or Commissioner Roberson will have any interest in becoming President and I don't, so, I don't know that we will ever have another situation just like this one.

Roberson: I understand that, but, I mean, we don't have any other OPS positions?

Dixon: Yes.

McGill: Yes. That is what I am saying. I am asking that we waive the rules in this particular case because of the uniqueness of what she has to do with him as the President of the Association. I think that is grounds right there to waive the rules.

Dixon: I'm going to say this and this is my last comment, I think that this is a totally separated and isolated situation. It is not, it is unlike most OPS positions where people work a few hours a week, ah, a few hours a day and a few days a week. This is a very different situation. Ah, and so, that is what my request of you all is based on.

McGill: Well, I move that we waive the rules in this case and allow the person to receive holiday pay. That is my motion.

Dixon: The chair is entertaining. We have a motion. Do we have a second?

Roberson: I have a question.

Dixon: Yes, ma'am.

A cell phone rings at this point of the conversation.

Roberson: Is that him? Mine goes off and I never know. The question is - Is she salary or is she paid by the hour.

Dixon: She is considered like an OPS person meaning that she is paid by the hour basically.

Roberson: O.K. If she works extra hours, does she draw overtime?

Dixon: No. No one has ever told me that she is due any overtime. So, that is not

Roberson: That is what I am saying, is there not, if she has to work odd hours and all, if she works them, wouldn't she draw the same amount of pay by just making up her time some other way?

Dixon: I don't know.

McGill: That is an idea. That is a good question. Is she salaried or is she a wage per hour person?

Watson: Whatever OPS is.

McKinnon: We need to have Arthur address that.

Lawson: The way this position is set up is it's a salary basis. I mean she gets paid a certain amount bi-weekly. It doesn't matter whether she works on Saturday or Sunday, it is a flat bi-weekly salary.

McGill: Is that the same way that other OPS people are paid?

Lawson: No, most other OPS people are paid hourly.

McGill: That's what I thought. That's a difference right there.

Roberson: So, basically, what you are saying is that

Lawson: Well, the reason it was set up this way was because of Commissioner Dixon's request, there are sometimes that this person will work late afternoons, on the week-ends or whatever. So, rather than try and keep up with the actual hours that this person works, we just set it up as a salary bi-weekly.

Roberson: Well, if she is salary, she gets the same thing if she works

Lawson: Not for holidays, she wouldn't. Because you all said specifically that she does not get paid for holidays, ah, benefits. A holiday is a benefit.

Watson: We made this decision, that's why I don't know why we are talking about it tonight. We made this decision two weeks ago or three weeks ago.

Dixon: Well, Commissioner, when we talk about benefits, we were discussing benefits such as health plan and those kinds of things. Not whether or not, because if she is a salaried employee, then why doesn't she get paid that amount.

Watson: But it was agreed that she would be an OPS position and that she would receive benefits that OPS employees get, no more, no less. That was what the agreement that we all made when we all voted on that.

Dixon: Well, Commissioner, we can bring this to a vote. This is certainly not worth it to us

Watson: No, it's not. I mean, I think that it is unfortunate that it was even brought up, that we even have to talk about it. I thought it was settled three weeks ago.

Richmond: You got a motion on the floor.

McGill: inaudible

Lawson: Well, this position is treated a little differently than our regular OPS positions. Ah, the nature of what it does and it is a unique position basically, because we have never had one that ah, has to perform during the regular hours that this particular position does so, from an accounting standpoint, in terms of time keeping, ah, we set it up where this position is based on a 40 hr. week; 80 hr bi-weekly and it gets "x" dollars. But, the question then arises from the finance office. They say Well, this is an OPS position and an OPS position does not get benefits so therefore, technically, they will not pay unless the Board authorizes, being that it is OPS, get paid for the holidays.

Dixon: Does she get overtime?

Lawson: Well, no. If you want us to change from the way we pay the strict salary bi-weekly, then we base it on hours worked per week, then yes, she would get overtime. If

that is the way you want to pay. But ours is, ah, we based it on a certain amount that you all budgeted for the position and certain amount of time.

Dixon: Let us move on. I didn't get a second to Commissioner McGill's motion so, the table is open.

Watson: I move that this position be treated as other OPS positions in the County.

Dixon: We have a motion, do we have a second?

Roberson: I second it.

Dixon: We have a second. All in favor in the motion, signify by saying "aye."

Watson & Roberson: Aye

Dixon: Opposes?

Dixon and McGill: No.

Dixon: Nothing changes.

Watson: I move we adjourn.

Dixon: Is there anything else to come before this body?

Audience: What was in the agenda about the transfer station?

Watson: Read that letter and there is nothing in there. I mean that is a politicians letter there if there ever was one.



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Edward J. Dixon, Chair

ATTEST:

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Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE CONSTRUCTION  
INDUSTRY LICENSING BOARD, HELD IN AND FOR  
GADSDEN COUNTY, FLORIDA ON DECEMBER 13,  
1999, THE FOLLOWING PROCEEDINGS WERE HAD,  
VIZ.

PRESENT: TONY COLVIN, PRESIDING  
DICK LEE  
MICHAEL FRANCIS  
HENRY BLACK  
ISAIAH COLE  
BILL MCMILLAN  
EARL WILLIAMS, DEPUTY BUILDING OFFICIAL  
MURIEL STRAUGHN, DEPUTY CLERK

ABSENT: WALLACE ELLIS  
JOHN SAMFORD

CALL TO ORDER

Tony Colvin called the meeting to order. He then led in pledging allegiance to the U.S. Flag followed by a prayer.

APPROVAL OF MINUTES

October 12, 1999 Regular Meeting

UPON MOTION BY ISAIAH COLE AND SECOND BY DICK LEE, THE BOARD VOTED 6 - 0, BY SHOW OF HANDS, TO APPROVE THE MINUTES OF THE ABOVE STATED MEETING.

November 8, 1999 Regular Meeting

The meeting which was scheduled for the above stated date was not held for lack of a quorum.

REVIEW AND APPROVAL OF APPLICANTS

Patrick M. Egan - Alarm Contractor

UPON MOTION BY BILL MCMILLAN AND SECOND BY DICK LEE, THE BOARD VOTED 6 - 0, BY SHOW OF HANDS, TO APPROVE THE APPLICATION OF PATRICK M. EGAN AS AN ALARM CONTRACTOR. (APPLICATION ATTACHED)

James A. Flanagan - Electrical Contractor

UPON MOTION BY BILL MCMILLAN AND SECOND BY DICK LEE, THE BOARD VOTED 6 - 0, BY SHOW OF HANDS, TO APPROVE THE APPLICATION OF JAMES A. FLANAGAN AS AN ELECTRICAL CONTRACTOR. (APPLICATION ATTACHED)

OLD BUSINESS

Earl Williams told the Board that he had researched the matter of "grand-fathering" contractors without requiring them to take competency exams in order to get a license. He reported that the window of opportunity for contractors to be "grand-fathered" has expired and there will be no more grand-fathering.

**NEW BUSINESS**

It was suggested that copies any and all documents that are required of a contractor prior to issuance of a license should be included with the application in the agenda packets for the Board's review. It was further suggested that there should be some written clarification as to what is required of an applicant.

**ADJOURNMENT**

**THERE BEING NO FURTHER BUSINESS BEFORE THE BOARD, THE PRESIDING CHAIR DECLARED THE MEETING ADJOURNED.**

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Tony Colvin, Presiding Chair

ATTEST:

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Muriel Straughn, Deputy Clerk

AT A SPECIAL MEETING OF THE BOARD OF  
COUNTY COMMISSIONERS HELD IN AND FOR  
GADSDEN COUNTY, FLORIDA ON DECEMBER  
15, 1999, THE FOLLOWING PROCEEDINGS  
WERE HAD, VIZ:

PRESENT: E. H. (HENTZ) FLETCHER, PRESIDING  
STERLING WATSON  
CAROLYN ROBERSON  
HAL RICHMOND, COUNTY ATTORNEY  
HOWARD MCKINNON, COUNTY MANAGER  
MURIEL STRAUGHN, DEPUTY CLERK

ABSENT: EDWARD J. DIXON, CHAIR  
WILLIAM A. (BILL) MCGILL

CALL TO ORDER

In the absence of the Chair, Commissioner Fletcher called the special meeting to order stating the purpose of the meeting was to reschedule the January 4, 2000 regular meeting; authorize the chairman's signature on the Florida Enterprise Zone Program Application and pass the associated Resolution # 99-027; and authorize the chairman to sign a letter to the Emergency Management Director for the State of Florida requesting that the County be notified of any issues resulting from Y2K.

RE-SCHEDULE JANUARY 4, 2000 REGULAR MEETING

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 3 - 0, BY VOICE VOTE, TO RE-SCHEDULE THE JANUARY 4, 2000 FOR JANUARY 11, 2000 AT 6:00 P.M.

FLORIDA ENTERPRISE ZONE PROGRAM APPLICATION AND ASSOCIATED RESOLUTION # 99-027

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 3 - 0, BY VOICE VOTE, TO PASS RESOLUTION # 99-027 FINDING THAT POVERTY CONDITIONS EXIST IN GADSDEN COUNTY AND THAT REHABILITATION AND REVITALIZATION ARE NEEDED AND TO AUTHORIZE THE CHAIRMAN'S SIGNATURE ON THE FLORIDA ENTERPRISE PROGRAM APPLICATION FOR FUNDS.

LETTER TO EMERGENCY MANAGEMENT RE: Y2K

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 3 - 0, BY VOICE VOTE, TO AUTHORIZE THE CHAIRMAN TO SIGN A LETTER TO THE EMERGENCY MANAGEMENT DIRECTOR FOR THE STATE OF FLORIDA REQUESTING THAT THE COUNTY BE NOTIFIED OF ANY ISSUES RESULTING FROM Y2K.

**ADJOURNMENT**

**THERE BEING NO OTHER BUSINESS BEFORE THE BOARD, THE CHAIR  
DECLARED THE MEETING ADJOURNED UPON MOTION BY COMMISSIONER  
WATSON.**

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E. H. (Hentz) Fletcher, presiding

ATTEST:

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Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE BOARD OF  
COUNTY COMMISSIONERS HELD IN AND FOR  
GADSDEN COUNTY, FLORIDA ON JANUARY  
19, 1999, THE FOLLOWING PROCEEDINGS  
WERE HAD, VIZ.

PRESENT: CAROLYN ROBERSON, CHAIR  
EDWARD J. DIXON, VICE-CHAIR  
STERLING WATSON  
NICHOLAS THOMAS, CLERK  
HAL RICHMOND, COUNTY ATTORNEY  
HOWARD MCKINNON, COUNTY MANAGER

ABSENT: E.H. (HENTZ) FLETCHER  
BILL MCGILL

CALL TO ORDER

Chair Roberson called the meeting to order. County Attorney Hal Richmond led in pledging allegiance to the U.S. Flag and Muriel Straughn led in a prayer.

ADOPTION OF THE AGENDA (AMENDED)

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 3 - 0, TO APPROVE THE AMENDED AGENDA.

APPROVAL OF MINUTES

January 5, 1999 Regular Meeting

January 7, 1999 Workshop

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 3 - 0, BY VOICE VOTE, TO APPROVE THE ABOVE STATED MINUTES.

COUNTY ATTORNEY'S AGENDA

Rural Utility Financing

Mr. Richmond called attention to a resolution in the agenda packets which calls for the creation of a pooled loan program which could prove beneficial to local governments. He then called attention to an interlocal agreement which would create a rural utility financing commission. It provides for a cooperative effort to obtain grants and funds for development. He emphasized that there would be no expense to the County whatsoever.

Mr. Robert Olive, attorney with the Bryant, Miller and Olive

Law Firm spoke to the commissioners regarding the proposed commission. He stated that basically what is proposed is under Florida Statutes 163 whereby counties can come together and, by agreement, form an entity to issue bonds and lend money to other governments. The purpose of doing this is to give an economy of scale and take advantage of income tax laws that allows an arbitrage profit to be made. It provides financing as cheaply as possible to special districts, cities and governments who have obtained loans from Farmer's Home Administration for water and sewage projects.

Commissioner Dixon asked if the commission is being formed with a specific project in mind.

Mr. Olive replied that there was no specific project in mind. However, there are numerous projects which could utilize it. He again emphasized that there would be no expense to Gadsden County.

Commissioner Dixon then asked who would be the deciding body as to whether a loan would be made.

Mr. Olive replied that each participating county would appoint a representative to serve in a capacity that would make those decisions. The money would be made available only to local governments and special districts.

**A MOTION WAS MADE BY COMMISSIONER WATSON TO APPROVE THE RESOLUTION AND INTERLOCAL AGREEMENT AS DESCRIBED ABOVE.**

**THE MOTION WAS WITHDRAWN BY COMMISSIONER WATSON AT THE REQUEST OF COMMISSIONER DIXON TO TABLE THE MATTER UNTIL HE COULD LEARN MORE ABOUT THE PROPOSED COMMISSION.**

Commissioner Dixon asked Mr. Olive to provide him with more information.

**Proposed Ordinance -To Provide Funds to Florida Association of Counties (FAC)**

**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 3 - 0, BY VOICE VOTE, TO AUTHORIZE THE COUNTY ATTORNEY TO WRITE AND ADVERTISE AN ORDINANCE THAT WOULD ALLOW FOR FUNDING OF CERTAIN ITEMS WITH THE FLORIDA ASSOCIATION OF COUNTIES.**

**CODE ENFORCEMENT ISSUES**

Growth Management Director Mike Sherman introduced the following code enforcement matters.

**Fountain - Non Permitted Business**

Mr. Sherman reported that Mr. Larry Fountain is operating a business on U.S. 27 near the Leon County/Gadsden County line. Mr. Fountain received a home occupation permit more than a year ago. In order to obtain a home occupation permit, Mr. Fountain had to agree to comply with the guidelines for that function.

\_\_\_\_Mr. Sherman stated that the Planning and Zoning (P & Z) Department has received complaints from Mr. Fountain's neighbors that he (Mr. Fountain) was not complying with the home occupation guidelines. Upon site inspections, the staff determined that the complaints had merit. Mr. Fountain was notified of the code violations via U.S. Mail by the county staff. In addition, a meeting was held with Mr. Fountain, County Manager Howard McKinnon and P & Z staff. As a result of that meeting, Mr. Fountain requested that the county put off code enforcement action until he could petition for a comprehensive plan amendment to change the zoning of the property to "commercial." Mr. Fountain also requested that he be allowed to continue his business until such time as the comp plan amendment could go forward.

Mr. Larry Fountain was present and addressed the Board. He stated that he had resided in Leon County prior to buying the property in Gadsden County. He said that his business is mobile home service. He added that he works for a mobile home factory and does not solicit business from or sell to the public.

Mr. Fountain stated that prior to buying the property, he went to the planning department and explained the nature of his business. He asked the staff if he could operate his business from that property. He then stated that he was told by the planning staff that he could do what he has done. He said that he thought he was operating lawfully. He then asked the Board to tell him what he needed to do in order to be legal.

Mr. Sherman stated that Mr. Fountain must comply with the home occupation requirements or get the property re-zoned. He explained that there that he is in violation of two home occupation requirements at the present. They are:

- 1) The office is not a part of the house - that can be remedied by connecting it in some manner that is approved by the building inspector.
- 2) There are outside employees that come on site to do work that do not live in the house. They leave their vehicles parked on the site which is a violation.

Mrs. Kathy Grow asked the commissioners if any of them have visited the property. There was no response. She asked them to go out and take a look at the property before they make their



decision. She then stated that there is also a single-wide mobile home on the site. She then stated that Mr. Fountain has been cutting down trees and clearing the land.

Building Inspector Frank Ritter stated that the Board could modify the home occupation requirements and have Mr. Fountain install a privacy fence so the property cannot be viewed from the road. He continued by saying that Mr. Fountain could then be allowed to park the trucks on the site. He asked them to table the matter and make a personal visit to Mr. Fountain's home.

**UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 3 - 0, BY VOICE VOTE, TO TABLE ACTION ON THE FOUNTAIN CODE ENFORCEMENT ISSUE.**

#### **Watt's Doshier Service**

**UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 3 - 0, BY VOICE VOTE, TO POSTPONE A HEARING OF THE COMPLAINTS AGAINST MR. GLEN WATT UNTIL THE STAFF BRINGS THE MATTER BACK TO THE BOARD AT SOME POINT IN THE FUTURE - INDEFINITELY.**

#### **BUILDING INSPECTION - COURTHOUSE ASBESTOS ABATEMENT**

\_\_\_\_ Building Inspector Frank Ritter presented a proposal from Natkin Service for removing the asbestos from the courthouse (proposal attached.) He asked for approval explaining that the asbestos had been disturbed as a result of the recent renovations to the building. Since it has been disturbed, it must now be removed. (As long as there is containment of asbestos, it can be left alone. But, once it is disturbed, it must be abated.)

It was determined that there is \$11,000 left in the historic preservation grant. The projected cost of the abatement is \$58,611.00. See the attached budget.

Mr. Tommy McAuley from Natkin Service was present. He told the Board that the basement area of the courthouse has the highest quantity of contaminants and it must be contained ( quarantined and monitored extensively) and it will take much longer. The upper floors can be zoned and the asbestos removed over the span of week-ends.

**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 3 - 0, BY VOICE VOTE, TO APPROVE NATKIN SERVICE AS THE PROJECT MANAGER FOR THE ASBESTOS ABATEMENT OF THE COURTHOUSE.**

#### **PUBLIC REQUEST FOR DENSITY WAIVER FOR HOME FOR HABITAT FOR HUMANITY**

Mr. Jack Howe, Habitat for Humanity President, and Mr. Charleston Holt, Vice-president, was present to request a waiver of the land density of a lot in Gretna. They purchased the property without realizing that it was designated as agriculture land with a density of one house to 10 acres of land. He explained that they expect to build a "Habitat" home for a family who is in great need of safe housing. He stated hat they bought the property from Mrs. Margie Johnson and would like to move forward with building the house rather than ask Mrs. Johnson to buy it back.

Discussion followed.

**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 3 - 0, BY VOICE VOTE, TO CHANGE THE LAND DESIGNATION OF THIS ONE ACRE TRACT FROM AGRICULTURE TO RESIDENTIAL, FOR THIS SPECIFIC SITE ONLY AND ONLY BECAUSE IT IS HABITAT FOR HUMANITY. IT WAS FURTHER MOTIONED THAT THIS WAIVER CANNOT BE CONSIDERED A PRECEDENT AS NO OTHER WAIVERS OF THIS NATURE WILL BE GRANTED IN ANY FORM OR FASHION.**

Dr. John Cooksey cautioned the Board about the decision. He stated that he considered the selling of this lot as a commercial venture.

#### **Sherry Vanlandingham - Economic Development Report**

Mrs. Tucker was not present.

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

County Manager Howard McKinnon reported that the County's endeavor to be designated as an "empowerment zone" was not achieved. However, it is expected that it will be designated a "champion" community. That designation will allow for opportunities to apply for funds for economic development purposes. Therefore, a non-profit 501(c)3 organization should be in place to handle such matters. Mr. McKinnon reported that the steering committee has requested that the Board authorize the county attorney to lend assistance in trying to accomplish the legal requirements of establishing the 501(c)3 organization.

Mr. Richmond stated that there are some significant tax consequences involved in establishing a non-profit organization and that he does not do that kind of work. However, he stated that he would try to find another attorney to contribute their time to assist in doing it.

**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 3 - 0, BY VOICE VOTE, TO AUTHORIZE THE**

COUNTY ATTORNEY TO SEEK HELP FROM ANOTHER LAW FIRM TO ESTABLISH THE NON-PROFIT AGENCY NEEDED TO HANDLE MATTERS RELATING TO OPPORTUNITIES THAT MAY COME ABOUT AS A RESULT OF BEING DESIGNATED A "CHAMPION" COMMUNITY.

Commissioner Dixon's Request to Travel to National Association of Counties Meeting on February 26, 1999 to March 2, 1999

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 3 - 0, BY VOICE VOTE, TO APPROVE THE TRAVEL FOR COMMISSIONER DIXON TO ATTEND THE NATIONAL ASSOCIATION OF COUNTIES. THE COST WILL BE APPROXIMATELY \$2,200.00.

CONSENT AGENDA

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTE 3 - 0, BY VOICE VOTE, TO APPROVE THE CONSENT AGENDA TO WIT:

- 1) Request to extend services for groundwater sampling and analysis for Havana and Chattahoochee landfills - Harbor Branch Oceanographic Institution, Inc.
- 2) Maintenance agreement with Sonitrol for monitoring of courthouse
- 3) Maintenance agreement for mechanical system at jail - Natkin
- 4) SLA FY99 Emergency Management Grant Agreement
- 5) EMS Write off of bad debts totaling 99,586.96 - Resolution 99-001
- 6) E-911 new road name - McMillon-Cooper Road (North off Pt. Milligan Rd. (CR 161) NE of Woodward Road
- 7) Approval of Lee & Bridges as architect for Elevator installation - Quincy Square Renovation
- 8) Draft copy of Evaluation and Appraisal Report (EAR) of the comprehensive plan - for the record - not for approval.

CLERK'S AGENDA

Budget Amendments 99-01-19-01 through 99-01-19-06

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 3 - 0, BY VOICE VOTE, TO APPROVE THE ABOVE STATED BUDGET AMENDMENTS.

Ratification of Approval of Payment of County Bills

UPON MOTION BY COMMISSIONER WATSON 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 2 REPORT**

Commissioner Watson had no report.

**DISTRICT 3 REPORT**

Chair Roberson had no report.

**DISTRICT 4 REPORT**

Commissioner Fletcher was not present.

**DISTRICT 5 REPORT**

Commissioner Dixon stated that the FAC annual conference will be June 23 - 25 in Orlando at the Peabody Hotel.

**ADJOURNMENT**

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

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Carolyn Roberson, Chair

ATTEST:

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Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE BOARD OF  
COUNTY COMMISSIONERS HELD IN AND FOR  
GADSDEN COUNTY, FLORIDA ON FEBRUARY  
2, 1999, THE FOLLOWING PROCEEDINGS  
WERE HAD, VIZ.

**PRESENT:** CAROLYN ROBERSON, CHAIR  
BILL MCGILL  
STERLING WATSON  
NICHOLAS THOMAS, CLERK  
HAL RICHMOND, COUNTY ATTORNEY  
HOWARD MCKINNON, COUNTY MANAGER

**ABSENT:** E. H. (HENTZ) FLETCHER  
EDWARD J. DIXON

**CALL TO ORDER**

Chair Roberson called the meeting to order. County Attorney Hal Richmond led in pledging allegiance to the U. S. Flag and County Manager Howard McKinnon led in prayer.

**ADOPTION OF AGENDA**

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY  
COMMISSIONER MCGILL, THE BOARD VOTED 3 - 0, BY VOICE VOTE  
TO APPROVE THE AGENDA AS WRITTEN.

**APPROVAL OF MINUTES**

**January 19, 1999**

**Correction:**

\_\_\_\_Commissioner Watson called attention to one correction that should be made to the minutes of January 19, 1999 - Page four, paragraph four dealing with the code enforcement hearing for Mr. Larry Fountain. He asked that the record be changed to reflect his response to Mrs. Grow's question. He said that he did not verbally respond to her question but he did raise his hand to affirm that he had visited Mr. Fountain's property.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY  
COMMISSIONER MCGILL, THE BOARD VOTED 3 - 0, BY VOICE  
VOTE, TO APPROVE THE MINUTES AS CORRECTED ABOVE.

**COUNTY ATTORNEY'S AGENDA**

Mr. Hal Richmond reported that in response to Commissioner Dixon's request for more information regarding the Florida Rural Utilities Financing Commission, Mr. Robert Olive prepared a memorandum to the Board. He indicated that he would place it on the agenda for the next regular meeting for discussion.

### **ANIMAL SHELTER**

County Building Official Frank Ritter reported that the most desirable site for the proposed animal shelter would be on two acres of land which the County owns. It is located adjacent to the National Guard Armory and the county jail. He asked for authority to hire an engineer to do a site plan and proceed with permitting with the City of Quincy and Florida Department of Environmental Protection (DEP). In addition, he requested permission to use county staff for its construction including assistance from the Public Works Department for the site work and culvert installation.

Commissioner McGill questioned Mr. Ritter about the land use designation of the property in question.

Mr. Ritter responded that the property is designated "government." The proposed project meets the city's zoning criteria. He stated that there is one business located across the street from this parcel. He added, however, that the proposed site will abut the City of Quincy's industrial park once it is developed.

**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 3 - 0, BY VOICE VOTE, TO APPROVE THE PROPOSAL FOR THE ANIMAL SHELTER AS PRESENTED BY MR. RITTER. (ATTACHED)**

### **PLANNING AND ZONING ISSUE - Request from Cathy Mackey**

Growth Management Director Mike Sherman told the Board that his office has received a request from Mrs. Cathy Mackey regarding a business she would like to open. She has recently leased the building in Havana previously occupied by "The Pizza Place" and "A.J. Meats." The property is zoned rural residential. That category is approved on a case by case basis by the Board. The code requires that if the designated business is out of use for more than one year, it resorts back to the rural residential category.

The Pizza Place, a take-out restaurant, has been out of business for a couple of years. A.J. Meats was the most recent tenant. They, too, went out of business very recently.

Mr. Sherman explained that Mrs. Mackey has rented the building with expectation of putting in a sit-down restaurant. She has requested that the Board expedite her project by granting a waiver of the normal notice requirements and allow her project to be heard by the planning commission at the meeting on February 3, 1999. (The land development code requires that the Board advertise

and send notices to all property owners within 1,000 ft. of the new development 18 days prior to the meeting.)

Mr. Sherman told the Board that the staff does not have the authority to grant Mrs. Mackey's request, but it could be done if the Board would direct the staff to do it. He cautioned that he would not want the Board to do anything that would compromise the County's position in any way in the event problems should arise from the expedited approval.

Commissioner Watson stated that he did not believe that County should grant a waiver of the notice requirements. He said that the Board should adhere to the rule.

Mr. Richmond clarified the following:

- 1) The Pizza Place has been out of business for a couple of years.
- 2) The Board recently approved a special exemption to A.J. Meats and they were subsequently approved to sell beer and wine for off-site consumption.
- 3) Mrs. Mackey's permit request is for a different use of the property than it was previously used - she expects to use the property as a sit-down restaurant.
- 4) It will create a financial hardship if Mrs. Mackey is required to wait another month to get on the Planning Commission meeting agenda.

Mr. Ritter reported that he had placed a "stop-work-order" on Mrs. Mackey's site. He explained that the landlord is adding square footage to the site without obtaining proper permits or getting the zoning clearance. He added that the new addition will also require storm water retention on site. He recommended that no special privilege be granted.

Mrs. Catherine Mackey addressed the Board. She explained that she rented the building with the intention of adding a deck and a screened-in area to the property. She stated that the property owner is doing the work but is currently out of town. She then stated that she had been unaware of the county's requirements. She asked the Board to waive the notice requirement and have her project placed on the Planning Commission agenda on February 3, 1999.

Further discussion ensued.

**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 3 - 0, BY VOICE VOTE, TO DENY MRS. MACKEY'S REQUEST FOR A WAIVER OF THE**



**NOTICE REQUIREMENTS AND HER REQUEST TO HAVE HER PROJECT  
PLACED ON THE PLANNING COMMISSION MEETING AGENDA ON  
FEBRUARY 3, 1999.**

**COUNTY MANAGER'S AGENDA**

**Waste Collection Services**

Mr. McKinnon told the Board that the county's contract with Waste Management will expire on September 1, 1999. He recommended that the Board continue contracting with an outside business for garbage pick-up in the county. He also asked if the Board would like to advertise an RFP immediately or try to negotiate with Waste Management for a new contract. He added that Waste Management is willing to extend the current contract month to month if the Board would like to explore negotiations.

Commissioner McGill asked if the Board could negotiate for large item pick-up as well as fees.

Mr. McKinnon replied that anything and everything could be re-negotiated.

Commissioner McGill asked if there are any other vendors in the vicinity.

Mr. McKinnon answered by saying that Waste Management is the primary collector of solid waste in the area. He added that they recently merged with a competitor.

Mr. McKinnon confirmed that Waste Management has not yet been informed in writing that the County will not automatically renew the old contract but a letter will be sent soon.

Commissioner Watson asked if the Board could advertise an RFP and try to negotiate a new contract at the same time.

Mr. Richmond answered that there is an option in the current contract for continuing with Waste Management. Negotiations could begin based on that option while at the same time it can issue a new RFP to which Waste Management will also have the ability to present a plan. He was quick to point out, however, that the County must first inform Waste Management of its intention not to automatically renew the old contract. After that is done, negotiations can continue with Waste Management while at the same time issue and RFP.

**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY  
COMMISSIONER MCGILL, THE BOARD VOTED 3 - 0, BY VOICE**

VOTE, TO AUTHORIZE THE COUNTY MANAGER TO NEGOTIATE WITH WASTE MANAGEMENT FOR SOLID WASTE COLLECTION IN GADSDEN COUNTY, THEN, IF THE NEGOTIATIONS DO NOT PROGRESS SATISFACTORILY, HE WAS AUTHORIZED TO ISSUE AN RFP FOR WASTE COLLECTION SERVICES.

#### Article V Funding

Mr. McKinnon requested that the Board give the Chair the authority to sign the proposed spending plan for the Article V Grant funds and the request for payment of those funds. The County plans to spend the \$100,000 grant-in-aid for court appointed attorneys and expert witness costs.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 3 - 0, BY VOICE VOTE, TO AUTHORIZE THE CHAIRMAN TO SIGN THE ARTICLE V SPENDING PLAN/BUDGET AND THE LETTER REQUESTING THE GRANT-IN-AID FUNDS AS DESCRIBED ABOVE.

#### CONSENT AGENDA

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

- 1) Approval of letter supporting a naval training center and use of Apalachicola River Basin
- 2) EMS Request for sole source purchase approval for cots from SMP Corporation in Pompano Beach, FL
- 3) Agreement with North Fla. Junior College - Performance of EMT clinical experience at Gadsden EMS
- 4) Settlement Agreement with Lynn W. Lutz re: Littman Borrow Pit - for the record (to purchase 26.5 acres of land at \$2300 per acre, install 1047 Red Top fencing along the west, south and east side of the property, correct erosion problems, pay the cost of surveying (\$1500), \$5,000 plaintiff attorney costs plus all of the cost of the mediation conference held on October 7, 1998
- 5) Final close-out for FEMA - 1195-DR-FL - for the record
- 6) E-911 Road name approval - Johnson Farm Road (North off Greensboro Hwy, W off I-10 Exit 25)

- 7) Co-operative Agreement - USDA, Natural Resources Conservation Service Emergency Watershed Protection to partially fund cost of repair for damages to 3 bridges by Hurricane Georges: G98-5 English BR. - Extend culverts and armor road shoulder with rip rap - \$67,5000; G98-4 - Richlander Cr./WY 65B - Remove restricting sediment; install rip rap to stabilize inlet and outlet - \$35,000; 98-8 Hurricane Br. - Fill outlet channel; loose rock rip rap - \$25,000. County In-kind contribution of \$31,875.00 Total costs - \$159,375.00
- 8) SHIP Sub-ordination Agreement for James A. and Patricia G. Andrews
- 9) Municipal Lease and Option Agreement - Financing of 3 vans for Public Works - for approval of annual payments of \$17,183.87 per year beginning December 17, 1999 and continuing until December 17, 2002

#### CLERK'S AGENDA

#### Budget Amendments 99-02-02-01 through 99-02-02-07

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 3 - 0, BY VOICE VOTE, TO APPROVE THE ABOVE STATED AMENDMENTS.

#### Ratification of the Approval to Pay County Bills

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

#### DISTRICT 1 REPORT

Commissioner McGill had no report.

#### DISTRICT 2 REPORT

Commissioner Watson had no report.

#### DISTRICT 3 REPORT

Chair Roberson reported that the State has started resurfacing of US 90 through Chattahoochee. They have also constructed a bypass through the hospital grounds.

#### DISTRICT 4 REPORT

Commissioner Fletcher was absent.

**DISTRICT 5 REPORT**

Commissioner Dixon was absent.

**ADJOURNMENT**

**THERE BEING NO OTHER BUSINESS BEFORE THE BOARD, THE CHAIR  
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  
FEBRUARY 16, 1999, THE FOLLOWING  
PROCEEDINGS WERE HAD, VIZ.

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

CALL TO ORDER

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

ADOPTION OF THE AGENDA

\_\_\_\_Commissioner Watson requested that the proposed inter-local agreement with Chattahoochee for road maintenance be removed from the consent agenda and be placed for discussion under the County Manager's Agenda.

Commissioner McGill requested that discussion of the animal shelter be moved up on the agenda to No. 5 (prior to Planning and Zoning Agenda.)

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

APPROVAL OF MINUTES

February 2, 1999 Regular Meeting

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

COUNTY ATTORNEY'S AGENDA

Ordinance 99-001 - Public Hearing

County Attorney Hal Richmond announced a public hearing for the purpose of adopting Ordinance 99-001. He stated that the

notice of intent was duly noticed. He read the following into the record:

"An ordinance of the Board of County Commissioners of Gadsden County, Florida authorizing the expenditure of general revenue funds for the Florida Association of Counties activities, providing for an effective date, and providing for severability."

Mr. Richmond called for public comments. There was no response. He then called for discussion from the Board. There was no response.

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

**Assignment of Lease from Med Tech of North Florida to Ashford Healthcare Systems, Inc.**

Mr. Richmond told the Board that Centennial (the company which is operating the Gadsden Community Hospital) had formed a new not-for-profit corporation called Ashford Healthcare Systems, Inc. They have asked that the County approve the assignment of the lease on the hospital from Med Tech of North Florida to Ashford Healthcare Systems, Inc.

**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE ASSIGNMENT OF LEASE AS DESCRIBED IN THE ATTACHED AGREEMENT.**

**Florida Rural Utility Financing Commission Memorandum**

**Resolution 99-002**

**Inter-local Agreement 99-001**

Mr. Richmond called attention to a memorandum in the agenda packet regarding the proposed Florida Rural Utility Financing Commission. The memo was written by Mr. Robert Olive in response to the Board's request for more information. He explained that is in regard to an interim financing agreement which allows rural utilities to borrow money for short periods of time until permanent financing can be put in place through Rural Development or Farmer's Home Administration. He then introduced the resolution which calls for Gadsden County's support.

Commissioner McGill questioned Mr. Richmond as to the definition of "short period of time." Mr. Richmond responded that

it is intended to be used for interim purposes until such time as the utility company can secure permanent financing.

Commissioner Dixon asked if the "public-purpose non-profit corporations" would come before this Board for approval of the financing arrangement or would they be directly financed without this Board's approval.

Mr. Richmond explained that there will be a Board comprising of representative from each of the three counties involved. They will sit as a "loan committee-type Board." They will ultimately make the decisions as to approve versus not to approve a loan request.

**UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE RESOLUTION 99-002 AND INTER-LOCAL AGREEMENT 99-001 SUPPORTING THE CREATION OF THE FLORIDA RURAL UTILITY FINANCING COMMISSION AND ACKNOWLEDGED THE STATUS OF BEING AN INITIAL PARTY TO THE AGREEMENT.**

#### **Lawsuits - Cooksey v. Gadsden County**

Mr. Richmond reported on the status of the Cooksey lawsuit. He stated that a meeting was held on July 21, 1998 with Dr. John Cooksey's attorney. A settlement agreement was reached for a proposed total amount of \$60,000. Subsequent to that agreement, the judge issued a court order for the County to immediately pay a certain amount to Dr. Cooksey's attorney. That amount was paid on July 22, 1998. With that payment, the balance remaining amounted to \$37,000.

Mr. Richmond continued by saying that there does not appear to be a misunderstanding between the attorneys. However, Dr. Cooksey is now having difficulty with the amount of the settlement. Dr. Cooksey has taken the position that because of the delay in paying the agreed upon settlement balance, he is entitled to more money.

Mr. Richmond asked for another week to try to work it out with Dr. Cooksey and his lawyer.

Commissioner Dixon stated that he had enough difficulty agreeing to the initial settlement. He was not certain that he would agree to any more.

Discussion followed. No motion was made.

#### **ANIMAL SHELTER**

Commissioner McGill requested that the Board reconsider the decision reached at the last meeting regarding the animal shelter. He stated that Commissioner Dixon had not had input into the decision even though it is proposed for placement in his district. (Commissioner Dixon was absent from the February 2, 1999 meeting when the location was approved.) In response to Commissioner Dixon's concerns, he asked that the Board revisit the matter.

Commissioner McGill reasoned that, as a matter of courtesy in the future, the Board should delay actions on controversial projects if the commissioner for an affected district is not present.

**UPON MOTION BY COMMISSIONER MCGILL AND SECONDED BY COMMISSIONER FLETCHER, THE BOARD VOTED 4 - 1, BY VOICE VOTE, TO RECONSIDER THE DECISION MADE AT THE FEBRUARY 2, 1999 MEETING REGARDING THE ANIMAL SHELTER. CHAIR ROBERSON OPPOSED THE MOTION.**

Commissioner Dixon asked Growth Management Director to demonstrate on a map where the National Guard Armory is located as well as Joe Adams Road and the proposed animal shelter.

Commissioner Dixon clarified that he is not opposed to having an animal shelter nor does he have a problem with it being located in his district. However, he did object to it being placed at the proposed location for the reasons he stated at a previous meeting. He explained that the City of Quincy recently annexed property in that same area for an industrial development.

Commissioner Dixon continued by saying that since the property is already set aside for industrial use, development will surely come in a short while primarily because of its close proximity to I-10. He then stated that in terms of future growth, the proposed site is not a good location for the animal shelter. He urged the Board to consider placing the animal shelter near another type of activity to which it will lend itself. He stated that using the proposed parcel for an animal shelter is not making good use of the land.

Chair Roberson put forward that the Leon County Shelter is located next to Tom Brown Park; in Wakulla County, it is located adjacent to the county jail; and in Blakely, Georgia, one is located only one block from their courthouse.

Commissioner Dixon contended that well-planned animal shelters are placed near airports, sports complexes, waste water treatment plants - places where no one lives.



Commissioner McGill asked that the Board bring the matter to conclusion.

Commissioner Watson pointed out that the proposed site is not in the middle of an industrial park and he felt that the proposed site is appropriate.

Commissioner Dixon closed his presentation by saying that the proposed site could be better utilized and he again urged the Board to consider another site.

Commissioner Fletcher asked Sheriff Woodham if it would make it more difficult to use inmate labor if the shelter is placed somewhere else.

Sheriff Woodham answered that it would only involve the cost of supervision and transportation to and from the jail/prison.

**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 3 - 2, BY VOICE VOTE, TO APPROVE THE PLACEMENT OF THE ANIMAL SHELTER AS PREVIOUSLY APPROVED - NEAR THE JAIL AND NATIONAL GUARD ARMORY. COMMISSIONER DIXON AND MCGILL CAST THE DISSENTING VOTES.**

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

##### **Request for 2SPS License (sale of beer and wine for off-site consumption)**

Mr. Saad Am petitioned the County for approval of a 2SPS license at his convenience store at the intersection of SR 267 and Shiloh Road. (Formerly Joe Butler's Store)

The Planning Commission recommended denial by a vote of 5 - 4. The staff had no recommendation.

The following people were sworn and gave testimony:

Mr. Saad Am - in support - filed petition of support with the clerk  
David L. Washington - in support  
Pastor Jessie Matthews - in support  
Annie Matthews - in support (employee of Mr. Saad Am)  
Harry K. Holt - opposed  
Mark (inaudible last name) - in support  
Saad Am (second testimony) - in support  
Terrence Ruffin - opposed  
Willie Hicks - in support  
Charleston Holt - opposed

Ron Baggett - in support  
Willie Green - in support  
Harry K. Holt - (second testimony) opposed

Chair Roberson closed the public comments and opened the floor for discussion by the Board.

Commissioner Dixon stated that he did not think this approval would be in the best interest of the neighborhood. He cited the close proximity of the homes to the store and the large number of children who frequent the store. He also cited the traditional lack of response from the law enforcement officials to problems arising from the sale of alcoholic beverages at such establishments. The lack of police protection alone demands preventive measures for the community. Denial of this license would be a preventive measure.

**A MOTION WAS MADE BY COMMISSIONER DIXON TO DENY THE APPLICATION FOR THE BEER AND WINE LICENSE.**

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

Commissioner Watson confronted Commissioner Dixon with two other occasions when he voted to approve a license without regard for the community's plea to deny. He referenced the V-Twelve establishment in the Scottstown area and the Old School Lounge in St. Hebron. While he supported the motion to deny, he called for Commissioner Dixon to be consistent in his votes on such matters.

Commissioner Dixon retorted that the scenarios were entirely different and could not be compared.

Chair Roberson called for order.

Commissioner McGill called for equality and consistency in all neighborhoods. He asked if buffering of the property would improve the safety of the business. He pointed out that Mr. Saad Am's request is permitted by the comp plan if buffering is put into place.

Mr. Sherman confirmed that buffer type "C" is used for separating commercial uses from residential uses. It calls for 25 feet in width (used for open space) and trees along the border and a 6 ft. fence. It would thus be opaque. This is the same buffer criteria imposed on Mr. Butler when he requested another permit.

**A MOTION WAS MADE BY COMMISSIONER MCGILL TO APPROVE THE LICENSE WITH THE SPECIAL CONDITION THAT MR. SAAD INSTALL A BUFFER AS DESCRIBED.**

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

**UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 4 - 1, BY VOICE VOTE, TO DENY THE APPLICANT'S REQUEST FOR A 2SPS LICENSE. COMMISSIONER MCGILL CAST THE LONE DISSENTING VOTE.**

**HEARING DATE FOR ADOPTION OF EVALUATION AND APPRAISAL REPORT (EAR) OF THE COMPREHENSIVE PLAN**

**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO SET A HEARING FOR THE ADOPTION OF THE EAR FOR MARCH 17, 1999 AT 5:30 P.M.**

**COUNTY MANAGER'S AGENDA**

**Cellular Phone Use**

County Manager Howard McKinnon presented a proposed Cellular Phone Use Policy for the Board's review. He stated that it is based upon the informal policy that is already being practiced by county employees. The proposed policy also provides for use by elected officials. He asked for comments.

**A MOTION WAS MADE BY COMMISSIONER FLETCHER AND SECONDED BY COMMISSIONER DIXON TO APPROVE THE POLICY AS WRITTEN.**

Discussion followed.

Commissioner Watson stated that he felt that the policy should ban any and all personal calls. In the absence of that provision, a phone log must be kept and audited by someone. He cited one phone bill which contained 320 calls in one month. He stated that he could see no reason for an employee to make personal calls on the county's cell phone. In addition he asked that any and all personal long distance calls on land lines be banned as well. He also asked that disciplinary measures be added to the policy for those who violate the policy. He suggested that appropriate sanctions should be administered for violators. He cited the wide spread abuse by public works department employees in the past.

Commissioner Watson then clarified that the rules would not effect elected officials since they personally pay their entire phone bill.

Management Services Director Arthur Lawson was instructed to add sanctions to the personnel policy for dealing with telephone

abuses. (First time offense, second time offense, third time offense, etc.)

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

**UPON MOTION BY COMMISSIONER DIXON AND SECOND BY  
COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE  
VOTE TO TABLE DISCUSSION OF THE TELEPHONE POLICY UNTIL IT  
CAN BE AMENDED AND SANCTIONS ADDED FOR VIOLATION.**

**Inter-local Agreement with City of Chattahoochee - Road Maintenance**

Mr. McKinnon referenced the proposed inter-local agreement with the City of Chattahoochee which is a replica of the agreements already in place with Gretna and Midway. He pointed out that the agreement is for 18 months.

Commissioner Watson stated that he felt that the County should charge a rate sufficient to cover the actual costs of the maintenance. Private land owners pay \$90 per hour and the municipalities pay only \$50 per hour. He then stated that the City of Chattahoochee collects \$141,000 in gas tax revenue per year and has the ability to pay the actual cost.

Chair Roberson insisted that Chattahoochee should have the same rate as the other municipalities.

Commissioner Fletcher stated that he was opposed to charging the private sector more than the \$50.00 per hour.

Commissioner Watson argued that the County is losing money at \$50.00. He stated that the citizens who live on public roads should not be subsidizing the cities. He also pointed out that for every hour that is spent on the cities' roads is a production hour that is lost on the counties roads.

Commissioner McGill reasoned that the people who pay city taxes also pay county taxes and they are entitled to some county services as well.

Commissioner Watson reminded them that no ad valorem taxes are put into the public works budget. Each municipality gets a portion of the gas taxes.

Further discussion followed.

**A MOTION WAS MADE BY COMMISSIONER DIXON TO APPROVE THE  
CONTRACT AMOUNT OF \$50.00 PER HOUR FOR THE PURPOSES OF**

THIS AGREEMENT, BUT CHANGE THE RENEWAL DATE TO DECEMBER 31, 1999. AT THAT TIME THE BOARD WILL ESTABLISH A NEW HOURLY RATE. IT WAS FURTHER MOTIONED THAT AS THE AGREEMENTS WITH THE OTHER MUNICIPALITIES EXPIRE, THE NEW RATE WILL BE IMPOSED ON THEM AS WELL. ALL SUBSEQUENT AGREEMENTS WITH ALL MUNICIPALITIES SHOULD THEN EXPIRE ON THE SAME DATE. COMMISSIONER FLETCHER SECONDED THE MOTION. THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE MOTION.

#### CONSENT AGENDA

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

1. Memorandum of Understanding Between FAMU and Gadsden County and Cooperative Extension Office
2. Proposal from Barber Equipment to upgrade 2 above ground fuel tanks at the Public Works Department. This includes installing sumps and running double wall product lines. This proposal will also be for installation of clock gauge and alarm on each tank - Cost will be \$10,416.56.
3. Request for approval to Rent Office Space - Barnett Bank Building - William Porter for \$142.10 (\$132.80 plus \$9.30 tax) per month. Month to month basis. 30 Days notice must be given to Mr. Porter if the County deems it necessary for him to vacate the space.
4. E-911 Equipment Approval - Caller ID equipment - \$6,902.00 to be paid from E-911 Funds Special Service Agreement No. WF98-4252-00
5. January 12, 1999 Jail Report - Notable violations and corrective actions included.
6. U.S. Department of Justice Local Law Enforcement Block Grant Program Acceptance (The grant is for purchase of equipment and is to be administered by the Sheriff. Amount - \$41,055; Time period - October 1, 1998 to September 30, 2000)
7. 98-CJ-8C-02-30-01-126 - Grant Adjustment # 2 Notice Grant reduced by \$770.46 and local match by \$171.79
8. Request for Approval of Bid Recommendation - Hooklift Truck - Bid # 99-002; Bid was for 1999 International 4700 Truck chassis with Galbreath model U13-HK Hooklift Hoist - awarded to Tallahassee Mack for \$45,991.45
9. FDEP Cooperative Agreement with Wakulla County for Hazardous Waste

10. Gretna Inter-local Agreement/Local Mitigation Strategy
11. SHIP Subordination Agreement - Alberta Wilder

**CLERK'S AGENDA**

**Budget Amendments 99-02-16-01 through 99-02-16-05**

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

**Ratification of the 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 reported that the County has received many letters regarding trash along the roadways in Gadsden County. He stated that he would like for the Board to implement and maintain a consistent method of dealing with the roadway litter.

Chair Roberson stated that the Public Works Director Robert Presnell has already looked into the matter and is currently working on a resolution to the problem.

**DISTRICT 2 REPORT**

Commissioner Watson had no report.

**DISTRICT 4 REPORT**

Commissioner Fletcher had no report.

**DISTRICT 5 REPORT**

Commissioner Dixon reported that things are moving forward in the Florida Association of Counties. He stated that there are many opportunities ahead in the Legislature to do some things for Gadsden County. He said that he would be bringing those matters to the Board's attention in the near future.

Gadsden County Board of County Commissioners  
February 16, 1999 Regular Meeting

In closing, Commissioner Dixon stated that he had always thought that he was only the third African-American to hold the office of County Commissioner. He learned only recently that there have been many to serve. He named them as follows: William Heckles, Frederick Hill, Allen Jones, Alexander Lightburn, George Nixon and William Stewart. They date back as far as 1865 - 1890.

Commissioner McGill Roberson reminded the commissioners of the public hearing to be held with the Gadsden County Legislative Delegation on Thursday, February 18 in the board chambers.

**ADJOURNMENT**

**THERE BEING NO OTHER BUSINESS BEFORE THE BOARD, THE CHAIR  
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 MARCH 2,  
1999, THE FOLLOWING PROCEEDINGS WERE  
HAD, VIZ.

PRESENT: CAROLYN ROBERSON, CHAIR  
BILL MCGILL  
STERLING WATSON  
E. H. (HENTZ) FLETCHER  
NICHOLAS THOMAS, CLERK  
HAL RICHMOND, COUNTY ATTORNEY  
HOWARD MCKINNON, COUNTY MANAGER

ABSENT: EDWARD J. DIXON

CALL TO ORDER

\_\_\_\_\_The meeting was called to order by Chair Roberson. County Manager McKinnon led in pledging allegiance to the U.S. Flag and Commissioner McGill led in a prayer.

APPROVAL OF THE AGENDA

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

APPROVAL OF MINUTES

February 16, 1999

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 MEETING.

\_\_\_\_\_It was stated for the record that Commissioner Dixon was absent from the meeting. It was not stated that he was in attendance of the National Association of Counties Conference in Washington, D.C. but has been included here by the recording secretary as an explanation for his absence.

COUNTY ATTORNEY'S AGENDA

Mr. Richmond had no report however, when asked about the Cooksey lawsuit, he replied that he had heard nothing more from Mr. Cooksey's attorney. He also stated that the Rich Bay Road law suit is proceeding through the legal process.



### **ECONOMIC DEVELOPMENT**

Mrs. Sherry VanLandingham, executive director of the Chamber of Commerce, addressed the Board. She informed them of the latest economic developments going on in Gadsden County. She noted in particular a pipe company who is considering relocating to the Gretna Industrial Park.

Mrs. VanLandingham then called attention to the trash and debris that is strewn along the county's rights-of-way. She stated that she had suffered a great deal of embarrassment recently when she took out-of-state visitors on a tour of the County. She pledged the Chamber's efforts to begin an "adopt-a-highway" program. She then asked the Board to seriously address the problem.

Commissioner McGill agreed with the concerns stated by Mrs. VanLandingham.

Chair Roberson stated the County Manager and the Public Works Director were already looking into the problem and would be making some recommendations to the Board soon.

Commissioner Fletcher stated that he was quite impressed with the progress of the 10/90 Commerce Park. He encouraged the other board members to tour it.

Mrs. VanLandingham stated that the developers of the park have commented to her that not many of the local officials have visited. She also encouraged them to take the tour.

### **RONALD CRUM - FLORIDA CONSTITUTIONAL AMENDMENT ARTICLE X, SECTION 16, ENTITLED "LIMITED MARINE NET FISHING"**

Mr. Ronald Crum and Mr. Ray Pringle addressed the Board. They said they are attempting to bring justice to some people who really need it regarding fisheries issues. He offered each commissioner a packet of information.

Mr. Ray Pringle, president of the Florida Fisherman's Federation, appealed to the Board for help in their efforts to get a meeting with the governor regarding issues which affect the fishing industry. (Wakulla, Dixie, Gulf and Taylor Counties have passed resolutions to support the effort.)

Mr. Crum stated that they are trying to represent the consumer as well as the small fisherman. An amendment known as "Limiting Marine Net Fishing" (Article 10, Section 16) was passed by Florida voters in a recent election. The amendment reads that the "the marine resources belong to all the people of the State and should be conserved and managed for the benefit of the state, its people

and future generations. To this end, the people hereby enact limitations on marine net fishing to protect salt water finfish, shell fish and other marine animals from unnecessary killing, overfishing and waste."

Mr. Crum clarified that the fishermen are not opposing the "limited net fishing." He explained that the issue was voted on by the people and the fishermen can now support it. They (fishermen) have learned how to continue feeding the people and still make a living.

Mr. Crum reported that fishermen are being constantly arrested even though they are legally fishing under the provision of 370.093. He said that they (fishermen) have prevailed in every case that has been tried thus far, but there are still approximately 60 cases on the court dockets. He concluded that because they have been successful in court so often, it appears that someone should be looking at the "big picture." He continued by saying that the fishermen in Florida do not want another group of people to be subjected to the type of trials that are going on now in the legal system in Florida.

Mr. Crum then called attention to the Supreme Court Case No. 85,880. He explained that the fishermen initiated the case in Leon County with Circuit Judge Kevin Davey in November, 1994 based on a theory that the amendment sought to limit net fishing - not prohibit it. Judge Davey issued a declaratory judgement that ultimately was appealed to the Florida Supreme Court. There was a unanimous decision from the Supreme Court affirming the theory posed by the fishermen (that the amendment sought to limit rather than prohibit.)

Mr. Crum stated that the fisherman may still legally supply food to the consumer markets. It is a smaller market than before but the fishermen can make a living based on the limitation. He added that the Supreme Court upheld that commercial viability was an integral part of their decision.

Mr. Crum then called attention to an administrative hearing final order in which the judge said "The unrefuted evidence is that the proposed amendment will reduce the "catchability rate" of a single such seine net for many types of fish and not be commercially feasible for mullet, except possibly in "roe season," and that a seine net as currently permitted with larger mesh in the wings only is commercially feasible for mullet as well as other fish."

He explained that in 1993, the State would not let fisherman use the 2" mesh net and took them away. That decision was later

reversed. In response, Judge Charles McClure issued a declaratory judgment that stated that "Requiring a 2" mesh size throughout the entire seine net would cause commercial fisherman to gill or entangle small or juvenile fish before they have had an opportunity to spawn, and would result in increased harvesting of non-targeted bycatch, in violation of the Amendment's stated purpose to prevent the unnecessary killing, overfishing and waste of Florida's marine resources."

Mr. Crum stated that Supreme Court Justice Ben Overton concluded that when there are two constructions (of nets), one must choose the one less restrictive on the people. He then stated that there are two constructions involved in this issue. The fishermen asked for a 500 sq. ft. net of larger mesh that would protect the juvenile fish and still allow them to make a living at fishing. FL Legislature passed 370.093 in 1997 which would allow for the use of a nylon net less than 500 square feet. (It would be considered the same as a cast net.)

Mr. Crum concluded by asking the Board to pass a resolution that will support fishermen in their efforts to convene a grand jury to hear evidence of discriminations and prejudices that are practiced by state departments toward fishermen. He emphasized that he was not asking the Board for anything other than support in calling for grand jury whereby the fishermen can state their cause.

Mr. Pringle added that these issues affect the inland counties in that it impacts on the cost of the fish at the consumer market. He stated that it is only right to call for the protection of a sustainable harvest that ultimately supplies the fish markets and restaurants.

Commissioner McGill teasingly told Mr. Crum and Mr. Pringle that he was trying to justify supporting a resolution even though he does not eat fish, grits or hushpuppies. He then asked "Why would DEP tell fishermen that they don't care what the government tells them (the fishermen)?"

Mr. Crum answered by saying "I can get you an answer with a grand jury, I think. We may be a bunch of nuts, but we may not be." He then added that the Supreme Court said to the State "Your position is absurd and brings about an illogical result."

Mr. Crum then cited an incident which occurred the first time he took the net to the Marine Fisheries Commission. He said they told him "Do not bring that net to Tallahassee again." Mr. Crum then stated that it was that same net that went to the Supreme Court. The fishermen prevailed with a unanimous decision by the Supreme Court.

Mr. Pringle added that "All we are asking for is that the truth to be found out by a grand jury."

**A MOTION WAS MADE BY COMMISSIONER MCGILL AND SECONDED BY COMMISSIONER WATSON TO HAVE THE ATTORNEY PREPARE A RESOLUTION IN SUPPORT OF THE FISHERMEN'S EFFORTS IN CALLING FOR A GRAND JURY INVESTIGATION INTO THE STATE DEPARTMENTS PRACTICES OF ARRESTING FISHERMEN IN SPITE OF THE FACT THAT THE CASES CONTINUE TO BE DECIDED IN FAVOR OF THE FISHERMEN.**

Chair Roberson called for public input.

Mike Dorian questioned the Board as to the content of the resolution. He was told that the motion was to authorize the preparation of a resolution to be brought back to the Board for consideration. He stated that he would like to examine the resolution prior to its adoption.

**THE BOARD VOTED 4 - 0, BY VOICE VOTE, IN FAVOR OF THE MOTION.**

Mr. Dorian argued that he has been told that DEP is saying that they are having more and more restrictions placed on them by the governor and the Legislature and that their hands are tied.

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

##### **Road Name Change Requests**

Mr. McKinnon told the Board that he had received several petitions from residents to have their road names changed. They were as follows: Locket Lane changed to Andrews Family Lane; Shellie Drive to Moody Lane; Jim's Boulevard to Paradise Road; Ivey Davis Road to David Clemons Road.

Chair Roberson called for public input. 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 STATED ROAD NAME CHANGES.**

Mr. McKinnon told the Board that a Road Name Change Policy has been developed and will be forth-coming very soon.

#### **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) Resolution 99-003 - Re: financing of 3 vans with Municipal Services Group Inc.
- 2) Bid #99-001 for Horizontal Baler System to Marathon Equipment for \$98,322.00 (Recycling Budget)
- 3) Inter-local Agreements between Gadsden County and Jefferson, Madison, Taylor and Wakulla County for the purpose of and use of Innovative Grant Funds to expand and regionalize recycling programs. Interlocal agreements Nos. IN 99-002 through IN 99-005
- 4) E-911 Road Names (new) Reeves Drive (S. off MLK Blvd. E. of Peters Rd. in Midway; Bugger Hill Road 9 E. off Cane Creek Road - CR 274 S. of Ben Bostick Road; Wilson Lane - N. off Wilson St. in Robertsville
- 5) Acceptance of allocation of unspent 1997-98 EMPA Grant Fund
- 6) 98CJ-8C-02-30-01-126 Grant Close Out (Sheriff's Narcotic Grant-Drug Abuse)
- 7) Modification # 3 to Local Mitigation Strategy Agreement # 98-LM-4H-0230-01-020
- 8) Contracts with Wood Construction Company and Jerry Brunner Drywall for building renovation project

**CLERK'S AGENDA**

**Request from Dorothy McCray to Purchase County Property**

Clerk Thomas stated that the Board acquired .06 acre of land from Louise McCray for failure to pay taxes during the 1980's. He then said that the small portion of land in Midway was once part of a two-acre tract still owned by the McCray family. Dorothy McCray, daughter of the previous owner, has requested to purchase the property from the County. This request meets the provisions of a direct sale as provided by Florida Statute 125.35(2). The Property Appraiser has the land valued at \$100.

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO AUTHORIZE THE CLERK TO PROCEED WITH MAKING A DIRECT SALE TO MS. DOROTHY MCCRAY.

**Budget Amendments 99-03-02-01 through 99-03-02-06**

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER MCGILL, 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 reported that he attended a meeting of the Apalachee Regional Planning Council. He stated that the Council is working closely with Dr. Henry Grant to have Gadsden County designated as a "Champion Community." With that designation, the County could be eligible to bring in additional revenue.

Commissioner McGill then reported that several key issues on the legislative agenda were also discussed at the council meeting. He stated that he would prepare a written analysis of those issues which could benefit Gadsden County.

Commissioner McGill stated again that he would like for the Board to consider some way of encouraging all communities to get involved in a clean-up campaign.

**DISTRICT 2 REPORT**

Commissioner Watson had no report.

**DISTRICT 4 REPORT**

Commissioner Fletcher had no report.

**DISTRICT 3 REPORT**

Chair Roberson had no report.

**ADJOURNMENT**

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

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Carolyn Roberson, Chair

ATTEST:

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Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE BOARD OF  
COUNTY COMMISSIONERS IN AND FOR  
GADSDEN COUNTY, FLORIDA ON MARCH 16,  
1999, THE FOLLOWING PROCEEDINGS WERE  
HAD, VIZ.

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

#### CALL TO ORDER

Chair Roberson called the meeting to order. Hal Richmond led in pledging the allegiance to the U.S. Flag and Howard McKinnon led in a prayer.

#### ADOPTION OF THE AGENDA

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

#### APPROVAL OF MINUTES

##### March 2, 1999 - Regular Meeting

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

#### PUBLIC HEARING

Mr. Richmond told the Board that Gadsden County is considering applying to the State of Florida, Department of Community Affairs (DCA) for a Small Cities Community Development Block Grant (CDBG) for up to \$750,000. He stated that a public hearing was advertised via the local newspapers and otherwise duly noticed for this meeting. He then opened the public hearing and turned the meeting over to Mr. Ed Butler, interim community development director.

Mr. Butler addressed the Board. He introduced his secretary/bookkeeper Laurie Johnson who was taking the minutes of the public hearing.

Mr. Butler turned to the audience and asked if anyone was present to speak to the issue of the CDBG funds. There was no



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response. He then went on to say that the County is considering applying for the CDBG funds up to the maximum of \$750,000.

Mr. Butler stated the following:

"The funds must be used for low to moderate income persons to aid in the prevention of and the elimination of slums or blight or to meet other community development needs of origins having a particular urgency because of existing conditions that pose a serious and immediate threat to the health and welfare of the community and where other financial resources are not available to meet such needs. The categories for which we may apply are housing, neighborhood revitalization and economic development. We just had one case of economic development.

To give you some ideas on the areas there, the housing, for instance, is for the rehabilitation of houses which are publicly owned or acquired properties. It can be for the demolition of dilapidated houses in your area, weatherization, energy efficiency improvements, code enforcement for housing and installation of wells and septic tanks where water or sewer service is not available.

The other thing is like neighborhood revitalization and that is for the improvement of deteriorating infrastructure. Provisions or basic services such as water and sewer facilities where an applicant can demonstrate sufficient plant capacity and operation to serve such facilities. It can be used for the construction of or rehabilitation of neighborhood facilities that provide community services etc.

This is a competitive grant. We are competing. The total number of cities and counties is 330. On this round, uh, I am not sure how many we are competing with. Probably one hundred or so. But it is a competitive grant and you try basically to achieve the most points feasible in your grant in order to get funded. So, I need to let you know that.

As I said before, the categories are housing, commercial revitalization, economic development. Now commercial revitalization - to give you an idea on that one because some of you may not be familiar with this - Commercial revitalization is to deal with your local downtown businesses. That money must be used to hire low to moderate income people to work during the time of the grant as well as to improve the business structure. A lot of times, it is a loan.

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Economic development is primarily a loan to businesses. It can be new businesses or existing businesses. That is a loan. It can be used to purchase machinery or anything except labor.

With those two categories I just named, usually the employer or the person who receives the loan, must hire so many people based on the amount of money you get. It used to be that for each 12,000 received, one low to moderate income person has to be hired.

We will (or someone will) be developing this application after the meeting in May for submission to DCA. At the same time we must minimize the displacement of persons whether it is in economic development, commercial revitalization or the neighborhood revitalization area or the housing area. The County currently has a displacement policy. We will look at it again to see if it needs updating but it is already on record.

No one called me to ask for any information concerning this grant and it was duly advertised. No one called me about accessibility if they needed hearing devices etc. I am assuming that everybody here is of the hearing and seeing kind and can determine that the place is accessible.

Madam Chairman, that is the nuts and bolts of it. We do intend to apply hopefully, if it is the pleasure of the Board. I have been asked to make those kinds of inquiries to see what would be available. So, that is it. If anyone has any questions, I would like to answer them at this time."

Chair Roberson announced to the people present that the public hearing was in progress. She then asked if anyone was present for the purpose of the CDBG hearing. There was no response.

Mr. Butler stated once again, that the public hearing was concerning the community development block grant program.

Commissioner McGill asked what the total amount of the program was for the State.

Mr. Butler responded that it was roughly \$20 million. He added that the housing element of the program will be discontinued over the next couple of years.

Commissioner McGill asked if there would be an opportunity to cover more than one area. For instance, could the county do housing and community revitalization at the same time.

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Mr. Butler answered that there were a couple that could be accomplished at the same time - housing and community revitalization but you cannot do housing and neighborhood revitalization at the same time.

Commissioner McGill stated that the Concord area is looking at the possibility of a central water system. He asked if the CDBG funds could be used for that purpose.

Mr. Butler responded affirmatively. He stated that the area was surveyed approximately 6 years ago and Talquin Electric was approached about putting a water system out there. It did not materialize at that time but it would be possible even now. He added that it is quite a wide area but it could be done.

Once again, Chair Roberson called for questions and comments from the public. There was no response.

**UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO GIVE MR. BUTLER THE AUTHORITY TO PROCEED WITH THE APPLICATION FOR UP TO \$750,000 IN CDBG FUNDS FOR GADSDEN COUNTY.**

**MARSHALL DAVIS AND CARL GILYARD - REQUEST TO PLACE MOBILE HOME**

Mr. Carl Gilyard and Ms. Marshall Davis addressed the Board. Mr. Gilyard told the Board he had experienced problems with getting the electricity turned on to his mobile home which is placed on Holt Lane.

Commissioner Dixon explained the situation. In the place where Mr. Gilyard has his latest mobile home is the same spot where there was a former mobile home. The last one was removed and subsequently another mobile home has been put in its place. The septic tank is already in place. He stated that he had been to the site in question and there appears to be ample space for the home. He questioned why the permit was denied.

Growth Management Director Bruce Ballister told the Board that the application was taken by the former director - Mike Sherman. He explained that the property is located in a rural residential one category. It is serviced by a central water system and it is on a paved road. The total acreage of the parcel is 1.08 acre. It is encumbered by an easement which leaves only .84 acre as habitable. The rural residential one land use designation would allow 2 units per acre on a paved road and central water supply. However, this home is the third home on the parcel. He continued by saying that based on the facts of the case, the request cannot

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be administratively granted by the staff - it must come to the Board for approval.

It was determined that the power was turned off at the location in September of 1996. The latest mobile home was put into place in January 1997 but electricity was not restored at that time because repairs were being made to the newer mobile home. It was further determined that this unit would be the third unit on the property in question.

Mr. Richmond clarified the issue. Ms. Davis and Mr. Gilyard applied for a permit to have their electricity turned on and were denied by the staff based on the density criteria of the location. They appealed that denial to the Board which brought them to this meeting.

Discussion followed.

**UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 3 - 2, BY VOICE VOTE, TO GRANT A DENSITY WAIVER SO THAT THE MOBILE CAN BE PLACED ON THE SITE PROVIDED THAT ALL OTHER PROPER PERMITTING IS DONE. COMMISSIONERS DIXON, FLETCHER AND MCGILL VOTED IN FAVOR OF THE MOTION. COMMISSIONER WATSON AND CHAIR ROBERSON OPPOSED.**

**PLANNING AND ZONING ISSUES**

**Kweene's Cotton - Request for Special Exemption Permit**

Interim Planning and Zoning Director Bruce Ballister reported that Ms. Cathy Mackey petitioned the Planning Commission for a special exception permit to open a sit-down restaurant in Havana. The site is in a rural residential land use area. The property is located at the intersection of US 27 and CR 159. It has been a business with a store front looking structure. It has been several different type businesses but most recently was known as A.J. Meats and Pizza Place. Ms. Mackay intends to serve beer and wine on the premises.

It was determined that proper public notice was given for this issue.

**A MOTION WAS MADE BY COMMISSIONER WATSON AND SECONDED BY COMMISSIONER MCGILL TO APPROVE THE SPECIAL EXCEPTION PERMIT AS REQUESTED BY MS. MACKAY.**

Chair Roberson called for public comments and questions. There was no response.

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

**Old Jerusalem Missionary Baptist Church - Request for setback Variance**

Mr. Ballister explained that Old Jerusalem Missionary Baptist Church has requested that the County grant them a set-back variance so they may construct an eight foot addition to their existing church which will allow for a vestibule and rest rooms. The property is located in the Havana planning district, adjacent to Carver Avenue. The property is located on Lots 32- 37, Blk I of the Hampton Heights subdivision. The parcel contains .51 acres more or less.

**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE ABOVE STATED REQUEST.**

**Sunshine to Flowers Adult Day Care**

Mr. Ballister reported that Ms. Tommisenia W. Hollowman petitioned the County to allow her to open and operate an adult day care facility. The property is located just south of the intersection of Hines Road and CR 379A. The property contains approximately 5.22 acres. The parcel is designated as agriculture one land use. The proposed use would be neighborhood residential. The actual space cleared for use is less than 2 acres.

Even though the proposed property is a desirable use for the land use category, it did not meet the locational test. Therefore the staff recommended denial because it did not meet the technical requirements of the ordinance.

It was noted that the Planning Commission recommended approval and there has been no opposition filed with Planning and Zoning Department.

Mr. Richmond asked if there were any concerns about the two acre size of the parcel which would prevent future expansion.

**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5- 0, BY VOICE VOTE, TO APPROVE THE SPECIAL EXCEPTION PERMIT FOR THE 5 ACRE PARCEL TO BE USED AS AN ADULT DAY CARE FACILITY AS STATED ABOVE.**

**Willie and Willie Mae Williams - Request for Minor Subdivision**

Mr. Ballister told the Board that Mr. and Mrs. Williams have had conceptual approval for a minor subdivision since 1980.

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Because they live in Tallahassee they were not aware of the adoption of the comprehensive plan or the limitations placed on the property which was assigned a density of 1 dwelling unit to 40 acres.

During the mid 1990's, the Williams began building a spec home on the property with expectation of selling it upon completion. When the house was completed, he tried to subdivide the lot out of the parent track but was told that the comp plan would not allow him to do so.

At the recommendation of the planning staff, the Williams petitioned the Board and received a land use amendment in October of 1998 to have the property rezoned to rural residential land use. It was thus transmitted to DCA for their approval. Now, the DCA approval is being held up until the Evaluation and Appraisal Report (EAR) and the planning sufficiency are completed.

Mr. Ballister explained that the delays by DCA have placed the Williams in an extreme financial hardship situation in that they cannot sell the house. They have now petitioned the Board to cut out just a 4 acre parcel with the house but retain the rights to continue their pursuit of the subdivision on the remaining 25 acres. That would allow them to at least recover the money they have invested in the home and relieve some of the hardship.

Commissioner Watson pointed out that if they are allowed to do that, there would no longer be a correct subdivision plat on record.

Mr. Ballister stated that he could work with the Williams to dissect the parcel in such a way as to do the least damage to the rest of the property. He also stated that the proposal will be well within the density requirements once the land use amendment goes through.

It was determined that the property had been drawn, platted and approved in 1988 but was never recorded.

**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO ALLOW THE WILLIAMS TO CUT OUT THE HOUSE AND FOUR ACRES FROM THE PLATTED SUBDIVISION TO ENABLE THEM TO SELL THE HOME BUT THEY WOULD RETAIN THEIR RIGHTS TO DEVELOP THE REMAINDER OF THE SUBDIVISION.**

**BILL KOHNKE - ROADSIDE LITTER**

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Mr. Kohnke addressed the Board regarding the perpetual problem of roadside litter along SR 65-B (Old Federal Road) between SR 268 and SR 267. He complained that the road is constantly littered with paper, glass, cans and even appliances. He asked that the County assign work crews to pick up the litter on a regular basis. He admitted that he did not have a proposal but looked to the County for direction and leadership.

Commissioner McGill told Mr. Kohnke that the issue was addressed as recently as the last board meeting and assured him that the County is moving toward some degree of resolution to the problem.

**COUNTY MANAGER'S AGENDA**

**Priority Listing of Resurfacing Projects**

\_\_\_\_\_Public Works Director Robert Presnell addressed the Board concerning road projects. He explained that the current method being used for new construction of paved roads (using in-house crew to build the road bed) requires so much time that the department will not be able to accomplish any more new paving during the current fiscal year. It appears that \$490,000 earmarked for new paving in the current year's budget will not be used.

Mr. Presnell then introduced a new list of county roadways which are in dire need of resurfacing. He said the roads are listed in the order of their priority. (list attached) He told the commissioners that most of the list could be completed during this budget year if the money can be made available. He added that many of the roads on the list are in such bad shape that they are in danger of loosing the road beds. If that should happen, it would cost even more to get them back into good shape.

In view of the facts stated above, Mr. Presnell recommended that all the money left in this year's budget for resurfacing (\$351,000 remaining in the current year funds plus \$358,936.00 brought forward from last year's budget) be combined with all the money earmarked for new paving (\$490,000) remaining in this year's budget and move forward with resurfacing as many roads as possible. All funds together totaled \$1.2 million.

Mr. Presnell estimated that it would take \$1.5 million to accomplish all the roads on the list.

Discussion followed.

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**A MOTION WAS MADE BY COMMISSIONER DIXON AND SECONDED BY COMMISSIONER MCGILL TO APPROVE MR. PRESNELL'S PROPOSAL AND COMBINE ALL THE REMAINING MONEY WHICH WAS BUDGETED FOR RESURFACING AND NEW PAVING - FOR A TOTAL OF \$1.2 MILLION AND MOVE FORWARD WITH RESURFACING AS MANY OF THE ROADS ON THE ATTACHED PRIORITY LIST AS POSSIBLE.**

There was a consensus of the Board to closely look at the needs in District 5 once the resurfacing of the priority roads have been accomplished.

Mike Dorian was recognized for questions and comments. He contended that in reaching such a decision as this one, the Board should hold a public hearing and give sufficient opportunity for the public to have input to it. He said there should have been a public hearing and notice should have been given the public. He opposed the Board making this decision at this meeting.

Mr. McKinnon explained once again that the county crews cannot accomplish another new road paving project during this budget year. It will be well into the next budget year before they will be in a position to begin a new project. The proposal before the Board is to move the new paving money into resurfacing to alleviate the resurfacing problems which can be accomplished within the current budget year.

Mr. Dorian then asked how this decision will affect Wayside Farms road paving.

Mr. McKinnon answered that Wayside Farms is included in the budget for paving.

Mr. Dorian then asked how it would affect Bell Road.

He was told that Bell Road would not be paved during this year. It was also stated that there would not be sufficient time for the crews to have Bell Road prepared for paving this year.

Mr. Dorian stated that he had observed that the Board has a lot of concern about resurfacing roads but no concern for new paving of roads. He added that it appears that the folks who are on the new paving list have once again had to take a back seat.

Mr. Dorian argued that according to the comprehensive plan, the Board should be allocating a certain amount of money every year for new paving. He said that it appears that the county is behind 2 - 3 years with the new paving. He argued also that the Board's decision constitutes a change to the comprehensive plan and there should have been public hearings about it.



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Commissioner McGill assured Mr. Dorian that even though the new paving project has been delayed, the County was not abandoning the new road paving program.

Mr. Dorian insisted that according to the comprehensive plan, new road paving is behind schedule and is taking a back seat in the capital improvement area.

Commissioner Dixon argued that the comp plan is not an "etched in stone" document. There are other things that the Board must accomplish along with new paving - such as the maintenance of roads. Presently, roads and bridges are in great need of stabilization. The need for resurfacing is a greater need than for new paving at this juncture.

Mr. Dorian contended that the new paving road list is a part of the comprehensive plan. If and when the list, thus the comp plan is changed, there should be public hearings. He concluded his comments by saying that this matter should have been advertised in the newspaper so that the people who live on the roads affected by this decision could have given input.

Commissioner McGill asked the Board if perhaps the decision could be delayed by two weeks.

Commissioner Watson was opposed to a delay insisting that the work crews cannot get around to paving any other new roads during this budget year. New paving will resume in the new year.

Commissioner Dixon added that the new paving road list has not been changed.

**THE QUESTION WAS CALLED BY COMMISSIONER DIXON. THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE MOTION STATED ABOVE.**

**Issuance and Use of Cellular Telephones**

Mr. McKinnon presented the proposed policy dealing with telephones. He pointed out changes which were made per his directions from the Board at a previous meeting. He asked for board action. (policy attached)

**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE ISSUANCE AND USE OF CELLULAR TELEPHONES POLICY. (ATTACHED) IT WAS FURTHER MOTIONED THAT THE POLICY WAS TO BE EFFECTIVE AS OF THIS DATE. (MARCH 16, 1999)**

**Proposed Street Naming Policy**

Mr. McKinnon called attention to a proposed policy dealing with changing the names of previously named county roads.

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER DIXON THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE STREET NAMING POLICY ATTACHED. IT WAS FURTHER MOVED TO GIVE THE COUNTY MANAGER THE AUTHORITY TO USE HIS DISCRETION IN DEALING WITH ROAD NAMING REQUESTS WHICH ARE QUESTIONABLE AT THE PRESENT TIME OR ROADS WHICH ARE IN TRANSITION AT THIS TIME.

**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) Appointment of Clarence Bryant, Sr. as Gadsden County Representative to the Land Management Review Team for Lake Talquin State Forest, Lake Talquin State Recreation Area and Joe Bud Wildlife Management Area
- 2) Approval of the Selection Committee's decision to enter negotiations with Lee & Bridges Architectural Consultants Inc. of Quincy for the services needed for planning, designing and other associated activities necessary for the Agricultural/Multipurpose facility renovations and new construction.
- 3) LSTA Application for the Born to Read grant for \$7,075 targeting teen mothers-to-be and new mothers in cooperation with the Health Department and the County Extension Service for an electronic homework assistance grant for \$60,298 in cooperation with the Gadsden County School Board. - for the record
- 4) Equipment purchase from TDS Telecom and installation of a pipeline for Internet access and networking capabilities between the main library and the branches. State Library to pay \$23,000; County to pay \$14,000 - already in the current budget. (There is a possibility that the state will pay an additional \$10,000 which could lower the county's responsibility to only \$4,000.)

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- 5) **USDA Commodity Food Contract Amendment - raising the contract amount by \$566 to \$12,964.50. Program No. 94014 Contract No. 4626 - for approval**
- 6) **E-911 Road Name changes: New road name - Wesley Walker Lane E. off Bainbridge Hwy (SR 267) across from Tyler Sanders Road; Name Change - Paradise Road changed to Paradise Lane (North of Merritt Lane)**
- 7) **Letter from "Help Save the Apalachicola River Group" for the record**

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

#### **Budget Amendments 99-30-16-01 through 99-03-16-03**

**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 the Approval to Pay County Bills**

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

#### **DISTRICT 1 REPORT**

Commissioner McGill called attention to a memo he had written to the Board concerning state legislative matters which could impact Gadsden County. He pointed out the one dealing with money for roads in rural counties. He asked each commissioner to make their views known to the legislative delegation.

#### **DISTRICT 2 REPORT**

#### **Violations to Special Exceptions and Conditions on P & Z Projects**

Commissioner Watson asked if the staff is tracking compliance to special conditions when special exception permits are granted on a specific project.

Mr. Ballister could not answer the question.

Commissioner Watson then stated that a mechanism should be put into place to ascertain whether individuals are complying with all special conditions imposed on their projects. Additionally, he suggested that penalties should be assessed when compliance is not met.

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Mr. Ballister stated that he has only received one complaint to which he must make an investigation.

Mr. Richmond stated that the code enforcement officials should follow up on these matters and issue cease and desist orders when there is non-compliance.

Commissioner Dixon said that he talked with Mr. Sherman before he left about a property on which the citizen clear-cut the property. The developer was told to bring the project back to the Board before making any improvements to the land. As it turned out, the developer clear-cut the property. Mr. Sherman was told to place a stop work order on the project. He reported that it has not been done.

Mr. Ballister stated that a representative of the applicant came into the planning office and indicated that the engineer is preparing plans. They are not doing any more clearing but should also be penalized for violating the special conditions of the approval.

Mr. Richmond stated that the problem is that there is no method in force for a county employee to report or follow up on these matters after the Board has approved them with specific restrictions. The question is in developing enough information to know that the applicant is not following up in the prescribed manner. The County can impose cease and desist orders as well as injunctions. The problem is that the right person is not getting the information on a regular basis. When there is a flagrant violation, there are things in place to deal with them.

Commissioner Watson asked if it would be proper for the Board to deny a project until certain things have been done rather than approval contingent on certain things taking place.

Mr. Ballister stated that the County has no specific prohibition that he could find on clear cutting a lot. There is no clearing permit required. The Board can revoke their approval.

Commissioner McGill suggested that fines be assessed on those who violate the conditions.

Mr. Ballister was instructed to find out what other counties are doing with respect to this problem.

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**Larry Fountain Code Violation**

Mr. Richmond stated that the violation with Mr. Fountain is being investigated. It was referred back to P & Z for legal pursuit. He stated that the item did not appear on the advertised agenda and should not be discussed at a public meeting without Mr. Fountain.

Commissioner Watson stated that he would like for Mr. Fountain to be given notice to appear before the Board again.

Chair Roberson declined to allow further discussion on the matter.

**DISTRICT 4 REPORT**

Commissioner Fletcher had no report.

**DISTRICT 5 REPORT**

Commissioner Dixon spoke to the rural roads legislation that is on the agenda for the current state legislative session. He said the bill amounts to \$25 million and is set aside for counties with populations of less than 75,000. He reported that it seems to be doing good so far. There are stipulations attached to it. Gadsden County would have to apply for it along with the other counties. Steve Sibert who is a former county commissioner from Pinellas County is now working with DCA and is considered to be friendly toward counties. That could prove beneficial to Gadsden County.

**DISTRICT 3 REPORT**

Chair Roberson reported that she will be holding a public meeting with her constituents on March 30, 1999 at the Chattahoochee City Hall.

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**ADJOURNMENT**

**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER  
FLETCHER, CHAIR ROBERSON DECLARED THE MEETING ADJOURNED.**

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**Carolyn Roberson, Chair**

**ATTEST:**

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**Nicholas Thomas, Clerk**

AT A REGULAR MEETING OF THE BOARD OF  
COUNTY COMMISSIONERS, HELD IN AND  
FOR GADSDEN COUNTY, FLORIDA ON APRIL  
6, 1999, THE FOLLOWING PROCEEDINGS  
WERE HAD, VIZ.

**PRESENT:** CAROLYN ROBERSON, CHAIR  
EDWARD DIXON, VICE-CHAIR  
BILL MCGILL  
E.H. (HENTZ) FLETCHER (arrived late)  
STERLING WATSON  
NICHOLAS THOMAS, CLERK  
HAL RICHMOND, COUNTY ATTORNEY  
HOWARD MCKINNON, COUNTY MANAGER

**CALLED TO ORDER**

Chair Roberson called the meeting to order. She then led in pledging allegiance to the U.S. Flag and County Manager Howard McKinnon led in a prayer.

**APPROVAL OF AGENDA**

The consent agenda was amended to include the architectural contract with Lee and Bridges Architect Consultants, Inc. for the design for the Agricultural Multipurpose Facility. (The contract was included with the agenda packets but was left off the agenda in error.)

Additionally the consent agenda was amended to pull the health department contract for discussion. It was added to the County Manager's Agenda.

The County Attorney's agenda was amended to include the appointment of an alternate representative (in the event that the Chair cannot attend) of the Board to attend the Florida Rural Residential Utilities Finance Commission meeting to be held on April 7, 1999.

**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE AGENDA AS AMENDED. (Commissioner Fletcher was not present for this vote.)**

**APPROVAL OF MINUTES**

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

**COUNTY ATTORNEY'S AGENDA**

**Resolution - 99-005 - Limiting Marine Net Fishing**

Mr. Richmond recalled that the Board instructed him to prepare a resolution in support of limited net fishing at a previous board meeting. He presented it for their consideration.

**A MOTION WAS MADE BY COMMISSIONER MCGILL AND SECONDED BY COMMISSIONER WATSON TO APPROVE THE RESOLUTION AS PRESENTED.**

Discussion followed.

Mr. Mike Dorian was recognized for comments. He opposed the resolution and discouraged the Board from passing the said resolution. He asked if any of the commissioners had contacted the Department of Environmental Protection (DEP) or the Marine Patrol for their point of view.

Commissioner McGill stated that he had not. There was no other response.

Mr. Dorian stated that he had contacted Marine Fisheries Attorney - Charles Sheppard, DEP Attorney Dennis Valente, Coastal Conservation Association and the governor's office. He asked that the County not go forward with the resolution and table it until they had ample opportunity to speak with the agencies he mentioned. He closed his comments by asking the Board to table any action at this meeting pending a further investigation.

Mr. Richmond explained that the resolution basically requests that the governor meet with local governments and that a special grand jury be convened to investigate the conduct of the Marine Patrol. The resolution does not state a position of the net ban.

Commissioner McGill asked if there was any opposition to doing as Mr. Dorian requested.

Commissioner Dixon stated that the impetus of the net ban was to preserve fishing for sports fishermen. It was not advertised to



the public as such but it was the emphasis of it. It was designed specifically for south Florida where most of the sports fishing occurs. The side impact has been that in small coastal counties, it has put large sections of the population out of work. It was not designed to do that. It was a side affect that no one foresaw. Gulf and Wakulla County were hard hit very hard.

Commissioner Dixon explained that the intent of the net ban was never to put people out of work. The resolution presented by Mr. Richmond simply calls for "finding a way not to arrest fishermen for taking care of their families. Let us find a way to keep these people working and keep their communities prosperous in the meantime."

Mr. Richmond reported that there was an appeal court decision last week that overturned a local court decision with regard to the net ban. Up until that point in time, the law, as interpreted by the local courts, allowed for the use of that particular kind of net.

Additionally, Mr. Richmond pointed out that this issue is still in the court system. Even after the local courts determined that it was o.k. for the fishermen to fish with this type net, the Marine Patrol has continued to arrest fishermen. Those arrests are what brought about this resolution.

The matter is still in the court system and will proceed all the way to the Supreme Court. Local governmental people have asked for support in their efforts to bring about a remedy to what is happening in their locality. The effect of the resolution is that it lends support to those rural counties along the coast that have already passed the resolution.

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

#### **Florida Rural Utilities Financing Commission**

Mr. Richmond informed the Board that Chair Roberson may not be able to attend the first meeting of the Florida Rural Utilities Financing Commission on April 7. He requested that the Board appoint an alternate to attend in the event the Chair cannot arrange to be there.

**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPOINT THE COUNTY MANAGER TO BE THE ALTERNATE APPOINTEE TO THE FLORIDA RURAL UTILITIES FINANCING COMMISSION MEETING ON APRIL 7, 1999.**

**AUDIT REPORT FOR FY ENDING SEPTEMBER 30, 1998**

Mr. Terry Kite, CPA with Purvis, Gray and Company, addressed the Board. He highlighted parts of the report as follows:

Combined Balance Sheet (Page 3 & 4) - The total assets went from \$37,600,000 in 1997 to \$45,513,000 in 1998.

The fund balance went from \$30,161,000 in 1997 to \$38,292,000 in 1998 - an increase of about \$8,000,000.

The undesignated and unreserved fund balance went from \$4,600,000 to \$5,200,000 - increase of \$600,000.

Total revenues for 1998 were \$18,352,000. The total expenditures for the year were \$12,684,000. Net financing uses were \$4,900,000. There was a net increase in revenues over expenses of \$697,000 for the year. Added to the beginning fund balance of \$6,500,000 left an ending fund balance of \$7,233,000.

Mr. Kite then summarized the report by saying that overall, the finances were in good shape. The County is in strong financial position as of the year ending September 30, 1998.

He then called attention to some of the footnotes to the report. General long term debt - Page 22 - 25. The County added \$400,000 in long term debt during the year, paid off \$848,000 in long term debt during the year. The year ended with a little more than \$2,000,000 in general long term debt.

The enterprise fund debt - the County paid off \$620,000 ending the year with a balance owed of \$2,700,000.

Management Letter Comments - Mr. Kite stated that they did not find any compliance violations and he was satisfied with staff responses to the management letters.

Mr. Kite concluded his remarks by saying that it was a very good audit and the County is in very strong financial position. He added that the County is keeping its records in good shape. He commended the Clerk and all constitutional officers for keeping good accounting records.

**UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO ACCEPT THE COUNTY AUDIT REPORT FOR FY ENDING SEPTEMBER 30, 1998.**

(Commissioner Fletcher arrived at this juncture.)

## **US 90 CORRIDOR STUDY - QUINCY"**

### **ROSEMARY WOODS, PBS&J ENGINEERING & PLANNING**

Ms. Blair Golden, project development engineer for the Florida Department of Transportation (DOT) addressed the Board.

Ms. Rosemary Woods, engineer for PBS & J and project manager for the project development and environmental study (referred to as PD&E) for the Gadsden County corridor addressed the Board. She introduced also Van Beatty and Ken Beris, planners.

Ms. Woods reported that the general objective of the study in Gadsden County will be to provide the documented information necessary for DOT to reach a decision on the type of design and the location of an alignment that will connect State Road 12 with US 90. She said that DOT gave them three options on the east side of Quincy to study. The first one begins with GF & A Drive and ending near the airport. The second one begins north of Strong Road and ends near the airport. The third begins north of the hospital and ends near Ball Farm Road.

Ms. Woods stated that with the help of a citizens advisory committee, the study will conclude with a recommendation for the alignment of the corridor. She then asked the Board to appoint two people to the advisory committee. She asked also that those names be provided by April 13, 1999.

### **ECONOMIC DEVELOPMENT**

Mrs. Sherry VanLandingham, executive director for the Chamber of Commerce addressed the Board. She highlighted some of the projects to which the Chamber is presently involved. They were as follows:

**Education Steering Committee** - The committee is addressing the challenge that faces the Gadsden County School system. They are working with Dr. Henderson, school superintendent, and the School Board. Together they have designated the following areas that cause concerns relative to education of the Gadsden County youth: crime, economic development resources, student/ teacher/parent issues.

Mrs. VanLandingham said that she is working with the economic development subcommittee. She reported that they are presently working to develop a plan which will identify infrastructure and training resources. Some components of the plan can be put into effect right away with local resources. Other issues will require

help. She stated that they will be going to the legislature for help on those issues.

**Chattahoochee Challenge** - Mrs. VanLandingham told the Board that the Chamber is assisting Chattahoochee with their first annual Chattahoochee Challenge. However, she clarified that their help has been limited to non-monetary endeavors - no financial support has been given to them.

**Cardinal Services** - the Chamber offered its facility to Cardinal Services for one day for the purpose of placing people into the job force. She stated that 24 people came seeking employment and were ultimately placed. It was a successful endeavor and she said they would likely continue to do it periodically.

**Roadside Litter-** Mrs. VanLandingham reported that she had received a lot of community interest in working on the roadside litter abatement. She was encouraged that something very positive would develop.

Commissioner McGill questioned the wisdom of approaching the Legislature so late in the session. He said that he doubted that they had any chance of being successful in asking for appropriations. He asked Mrs. VanLandingham why they would bother at such a late date.

Mrs. VanLandingham stated that Dr. Henderson desires to continue moving forward regardless of the time issue. If nothing comes of it this year, there will always be the next opportunity.

Commissioner McGill then asked how the Cardinal Services had impacted on the Jobs Services Office.

Mrs. VanLandingham replied that they actually work with Jobs Services.

Commissioner Dixon asked if the Economic Development Committee approached the State about naming Gadsden County as an empowerment community.

Mrs. VanLandingham could not answer but she said she would look into it.

Commissioner Dixon explained that if the County could get the State to recognize Gadsden County as an "empowerment community" then by the designation itself, the County could force state departments and other agencies to put money that is already in their budgets into Gadsden County.

## **PLANNING AND ZONING ISSUES**

Mr. Bruce Ballister, acting director of Planning and Zoning Department, addressed the Board. He recalled at a previous meeting, there was agreement among the Board regarding immediate family exemptions versus the various land uses. However, he said that he still was not certain as to what zones the Board intends to apply the once unit per acre zoning. He explained that there are four zones which the County which allows for residential uses. He asked for clarification.

He went on to say that there is a governing Statute on immediate family exemptions to density. He directed their attention to 163.3179 which is called the family homestead exemption. It states that a local government may include in the comprehensive plan a provision allowing for exemptions to density. The homesteading of a property may be issued one time to an individual. It specifically states that "homesteading" requires the transfer of a deed. He explain that Gadsden County has been using the family exemption for placing additional units on a given property which has not been technically accurate.

Mr. Ballister stated that the matter can be addressed in the EAR by saying that the County will clarify the codes and the operating policies of immediate family exemptions in the upcoming amendment.

Commissioner Watson stated that it was his understanding that the Board would do away with family exemptions entirely and the one unit per acre would apply in those areas where it was once one unit per two acres.

Commissioner Dixon asked Mr. Ballister to identify (in a report) all those technical areas and the impacts that eliminating the family exemptions will have.

Mr. Ballister then concluded that the Board desires to have a minimum of one unit per one acre in all rural residential categories and everything else remains the same with no family exemptions anywhere.

Mr. Ballister then reported the following:

- 1) P & Z Department processed 60 housing concurrency applications last month where the norm is 30 - 40.
- 2) Final site plan was approved for Metropolitan Church.
- 3) Preliminary review was approved for Holy Light Church
- 4) Kweene's Cotton site review was sent back to the applicant for more engineering work
- 5) Final site approval for E.P. Smith Equipment Company

- 6) Preliminary contacts were made with a developer who wants to put another major travelers facility at intersection of SR 12 and I-10 (Race-Way).
- 7) The landscaping ordinance is ongoing - good progress.
- 8) Site planning for the Mt. Pleasant Fire Station ready to begin. (to be performed by staff)
- 8) Conversation with DCA are ongoing about the light-industrial land use category - this is a contentious issue with them. There is a possibility that this piece of property may be annexed into the City of Midway and will thus no longer be a problem for the County.

### **BUILDING OFFICIAL'S AGENDA**

#### **Code Enforcement - Larry Fountain**

Building Official Frank Ritter reported that he had been assigned the code enforcement case dealing with Mr. Larry Fountain. He stated that he had written Mr. Fountain a letter informing him of the Board's intent and what was expected of him at his home location. The letter instructed him to remove the electrical service from any structure that had not been permitted or inspected by the Gadsden County Building Inspection Department. (portable office and storage mobile homes) Remove any business vehicles or signage relating to the operation of his business.

The code violations are listed in the attached report by Mr. Ritter along with staff recommendations.

Mr. Ritter stated for the record that Mr. Fountain has been properly advised as to the nature of the violations. There were three certified letters (12/24/98, 01/08/99 and 03/20/99) mailed to him for which he signed. Additionally, there was a meeting with Mr. Fountain at which the county manager attended.

Mr. Larry Fountain addressed the Board.

Mr. Richmond advised Mr. Fountain that the matter has now been referred to the State Attorney for prosecution under the county's ordinance. He told him that he had a right to say anything he chooses but he also had the right to say nothing.

Mr. Fountain stated that he understood his rights. He then stated that he agreed with everything the building official had stated. However, he said that Mr. Ritter's office authorized him to do everything he has done on the property prior to him purchasing the property. He said he was told that he could do anything with the property that he wanted to do short of having to pull a permit for a septic tank or a power pole. He said that he informed the county staff of the exact nature of his business,

that he would need storage sheds and that he would have a portable building. The staff told him that it did not matter what he does on the property as long as he didn't need to pull a permit for septic tank and power pole.

Mr. Fountain stated that all the buildings and vehicles have been on the property for more than a year. He said it was not until he cut the trees down that a complaint was made. He said that when he got the notice from the P & Z office, he went directly to the office to explain that he had been told he could do what he had done. He said he had done what he was told he could do. He added that if the County wants him to move it, they will have to pay for him to move it.

Mr. Fountain then stated that he has moved his office into the house but the portable building does have 110 power running to it -just as many others throughout the County.

Mr. Fountain stated that he had also talked with Commissioner McGill about his use of the property.

Commissioner McGill asked what is a home based business.

Mr. Ritter stated that Mr. Fountain does not meet the criteria of a home based business in that he has placed a portable building on the property as well as storage buildings. In a home-based business, all business has to be conducted off the site.

Mr. Fountain contended that he does not conduct business at the site. He admitted that he parks two trucks there, but the buildings are for storage. He stated that he only works for mobile home lots now and all he does at home is park his trucks there.

Commissioner Watson asked if he had anything in writing to substantiate his claim that he was authorized to do what he has done.

He answered that he had nothing in writing.

Commissioner Dixon asked Mr. Ritter to respond to the accusations of Mr. Fountain.

Mr. Ritter stated that the first time he knew of a storage building on the property was when he received a complaint which started an investigation. He added that if Mr. Fountain had received clearance from anyone, it had to have been in some other department because he had not given him clearance. He explained that he well remembers the initial conversation between Mr. Fountain and Mr. Dustin Smith (former planning employee) about putting a business on the property. (Mr. Smith related the

conversation to him.) When asked, Mr. Smith told him that he could not put a business there because it was zoned agriculture. Mr. Fountain also asked Mr. Smith if he could build a buddhist temple on the property.

Mr. Ritter continued by saying that he was not aware of storage buildings or a portable building being on the property until he received a complaint. He said that he did suggest to Mr. Fountain at one time that he build a privacy fence and that he incorporate his office into his home (as required by guidelines for a home occupation office.) That meant that he would have to abandon the office located in the portable building. Mr. Ritter acknowledged that it is possible that Mr. Fountain's office has been moved into the home but it was not on the day that he visited the site.

Mr. Ritter explained that he would like to obtain a court order that would allow him on the property for the purposes of inspection.

It was determined that there is no one in present employment to repudiate Mr. Fountain's accusations. (County staff authorized him, either by omission or commission, to do what he has done.)

Mr. Bruce Ballister told the Board that every application for a home occupation license has a specific checklist that is initialed by every applicant. It reads "I understand that these are the limitations on the use of this property as a home occupation license." He reported that Mr. Fountain signed that application.

Mr. Fountain argued that when he first moved there, he worked for a factory in Waycross, Ga - not himself. He went on to say that he now works for mobile home dealerships - not himself. He has moved the office equipment into his home. He contended that the all the buildings on the premises are storage buildings only.

Commissioner Watson asked if the storage building was a mobile home.

Mr. Fountain answered that it was a mobile home which has been converted into open storage space.

**UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO AUTHORIZE THE COUNTY ATTORNEY, IF POSSIBLE, TO WORK THIS MATTER OUT BETWEEN MR. FOUNTAIN AND THE COUNTY AND, IF NOT POSSIBLE, AUTHORIZE HIM TO TAKE WHAT ACTIONS ARE APPROPRIATE AND TO**



**ASSIST THE BUILDING OFFICIAL IN PROCEEDING TO THE COURT SYSTEM  
TO OBTAIN RELIEF.**

**State Changes to Mobile Home Permitting & Setup Requirements**

Mr. Ritter referred to a letter he had written to the Board outlining some significant changes that have occurred to the mobile home industry and the permitting requirements. A mobile home permit now requires a soil bearing capacity test and a foundation plan for each mobile home. These changes will increase the purchase cost of mobile homes by up to \$2,000.

Mr. Ritter stated that the Building Officials Association, Florida Association of Counties (FAC) nor the League of Cities knew anything about this legislation until it had already passed.

Commissioner Dixon asked if this is something that can be addressed during the legislative session.

Mr. Ritter stated that his department ordinarily issues 48 to 50 mobile home permits a month. Since this rule went into effect on March 29, the County has issued none.

Commissioner Fletcher asked what would happen if the County decided not to enforce it.

Mr. Ritter responded that his license would be removed. He added that the County cannot afford not to enforce it because of the liability.

Commissioner Dixon asked what data was given that supports the new changes in the law.

Mr. McKinnon stated that it is an agency rule by Department of Motor Vehicles (DMV).

Commissioner Dixon contended that if it is a rule, the FAC can move on it quickly. He suggested that they be contacted and told of the urgency of this matter.

(Commissioner Watson left the meeting at this juncture.)

**COUNTY MANAGER'S AGENDA**

**Road Closings/Detour Routes**

Mr. McKinnon told the Board that DOT is currently doing the engineering studies for the replacement of two Gadsden County bridges. One on CR 65B and the other on CR 269B. It will be

necessary to re-route the traffic during the construction phase which should take place in 2002. The roads will also have to be closed temporarily - 60 days. A detour route has been proposed by DOT. (See attached maps.) He asked for approval of the routes and temporary road closings.

Commissioner Fletcher stated that both bridges are in his district and he had no objection to the road closings.

Commissioner McGill asked about temporary bridges being installed. Mr. Robert Presnell answered that temporary bridges could be placed there, but it would double the cost of the projects. He went on to say that he didn't believe that either location would inconvenience anyone terribly since they will be projects of short duration.

Commissioner Fletcher stated that it would not affect a lot of people.

**UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE ROAD CLOSINGS AS DESCRIBED IN THE ATTACHED LETTER AND MAPS.**

#### **Health Department FY 1998-99 Contract**

Commissioner McGill pointed out that Attachment VI has the wrong address for Havana High School that should be corrected.

**UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE HEALTH DEPARTMENT CONTRACT CONTINGENT ON THE DESCRIBED AMENDMENT.**

#### **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 AS AMENDED TO WIT:**

- 1) Certification of Participation for FY 2000 Federal Drug Control & System Improvement Program
- 2) Application for grant funds for a speed limit enforcement program. Grant is 100% funded, there is no local match required. \$21,190.00.
- 3) Resolution 99-004 - EMS Write-off of Bad Debts totaling \$98,560.08.
- 4) U.S. Department of Agriculture; Natural Resources Conservation Service - Emergency Watershed Protection Assurances Agreement (Damages caused by Hurricane Georges

- on Richlander Creek on CR 65B; English Bridge on CR 483; Hurricane Bridge on CR 268; Agreement No. 68-4209-9-221. Total costs \$127,500.00
- 5) Municipal Services Group - financing agreement for one International dump truck, one Chevrolet crew cab truck and 3 flex wing rotary cutters - totaling \$83,649.00. 4 annual installments of \$23,771 beginning March 5, 2000.
  - 6) Bid Award 99-003 for Integrated Automation System for the Library to TLC for \$68,612.00
  - 7) Bid Award 99-012 for asbestos removal from the courthouse to Asbestos Abatement Contractors, Inc. of Tallahassee, FL in the amount of \$22,050.
  - 8) Bid Award - 99-008 for flex wing rotary cutters to Clark Monroe Tractor of Quincy, FL for \$23,034.00
  - 9) Bid Award - 99-007 for Helical corrugated steel pipe - plain with rerolled ends pipes and the asphalt coated with rerolled ends pipes be awarded to Gulf Atlantic Culvert Company of Tallahassee. Pipes with aluminized steel and the polymer coated be awarded to Contech Construction Products of Tallahassee
  - 10) Contract for services with Lee and Bridges Architectural Consultant to develop plans, specifications and bid documents for renovation and construction at the County Extension Complex
  - 11) Appointment of Ivory McMillon (747 Rice Road, Chattahoochee, FL) to Affordable Housing Partnership Committee
  - 12) Satisfaction of Housing Rehabilitation Agreement for Martha Dean Hicks

#### CLERK'S AGENDA

#### Cash Report

Clerk Thomas called attention to the attached cash report which shows \$9.3 million as of March 31, 1999. He pointed out that the report shows also that the County has almost 50 grants at this time. He added that the task of monitoring those grants has become quite cumbersome and requires a great deal of time for the finance department. He said that he will come back at a later time to discuss it in more detail.

Commissioner Dixon stated that there is an awful lot of money still to be had by the County if it should choose to pursue it. He proposed that the County employ a dedicated grants person to seek and go after grants.

He stated that he would come back to the Board with a formal proposal to hire a person for that purpose.

### **Abandoned Clay Pit**

Clerk Thomas reminded the Board that in September of 1997, he brought to their attention an old abandoned clay pit south of Greensboro that the County owns. Since that time the Public Works department has determined that it has no value to the County. He reported that a couple of brothers had originally inquired about purchasing the pit, but they are not adjacent property owners. Now their sister, who is an adjacent property owner, has expressed a desire to purchase the property. He asked for directions.

**UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO AUTHORIZE THE CLERK TO BEGIN THE PROCESS TO EFFECT A DIRECT SALE OF THE ABANDONED SAND/CLAY PIT TO WANDA PAYNE.**

The county attorney looked at the property and the request and determined there should be no problem with a direct sale to Ms. Payne.

### **Budget Amendments**

#### **99-04-06-01 through 99-04-06-07**

Commissioner McGill called attention to 98-04-06-07. He asked if it should have brackets around the figure in the first line, fourth column. The amendment was corrected to reflect the change.

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

### **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.**

### **PUBLIC COMMENT**

Dr. John Cooksey asked to speak. Commissioner McGill yielded his time to Dr. Cooksey.

Dr. Cooksey said that he (Mr. Richmond) had made a statement in a previous meeting about his (Dr. Cooksey's) position on the lawsuit he has against the County. He showed the Board a copy of an agreement that was given to him by his lawyer on the last week of September. It said "Release and grant of easement for \$60,000." He said that it contains some language that is rather restrictive

of his rights. He said that he asked his lawyer to take it back to the County and amend the language. He continued by saying that the agreement which Mr. Richmond referred to on January 5 was not the proposal that was voted on in July of 1998.

Dr. Cooksey then stated that if the Court issued an order sanctioning payment of an agreement that had not been consummated, he wanted to see it. He asked if the Board was aware of what was going on with the suit.

Mr. Richmond stated that the approval that was voted on July 21, 1998 was as presented through Mr. Cooksey's lawyer. He said that he could not talk to Mr. Cooksey. He reminded them that the matter is in litigation and Dr. Cooksey is represented by counsel. The offer that was presented to the lawyer was for a total of \$60,000 which included the \$23,000 previously paid. Once again, he stated that the total was for \$60,000. The documents were signed. There is now a dispute. A letter was transmitted to Dr. Cooksey's counsel and no answer has been received.

Dr. Cooksey stated that the Board did not vote on the proposal that was made on September 21 at Mr. Richmond's office. He said that it was not his proposal - it is a separate proposal from the one the County voted on.

#### **DISTRICT 5 REPORT**

Commissioner Dixon stated that things are "heating up" in the Legislature. He said that there are a couple of things that could impact on Gadsden County and he would continue to watch them closely.

He concluded his report by saying that he hopes that the entire Board has made plans to attend the FAC Conference in June.

#### **DISTRICT 3 REPORT**

Chair Roberson stated that she has appointed Mr. Ivory McMillon to the Affordable Housing Partnership Committee. (See the consent agenda.)

**ADJOURNMENT**

**UPON MOTION BY COMMISSIONER FLETCHER, CHAIR ROBERSON DECLARED  
THE MEETING ADJOURNED.**

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**Carolyn Roberson, Chair**

**ATTEST:**

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**Nicholas Thomas, Clerk**

AT A REGULAR MEETING OF THE  
BOARD OF COUNTY COMMISSIONERS  
HELD IN AND FOR GADSDEN COUNTY,  
FLORIDA ON APRIL 20, 1999, THE  
FOLLOWING PROCEEDINGS WERE HAD,  
VIZ.

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

#### CALL TO ORDER

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

#### ADOPTION OF THE AGENDA

The agenda was amended to include the County Attorney's request for a attorney/client session with the Board. It was further amended by removing Gerald Thompson's application for a gun club development - Twin Peaks Sports Club.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE AGENDA AS AMENDED. (COMMISSIONER FLETCHER WAS NOT PRESENT FOR THIS VOTE.)

#### APPROVAL OF MINUTES

April 6, 1999

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

#### COUNTY ATTORNEY' AGENDA

Mr. Richmond told the Board that he had received a request from Tallahassee Regional Memorial Medical Center (TMH) for mediation on a lawsuit against the County resulting from an unpaid bill for a Gadsden County prisoner. The patient/prisoner was alleged to have killed his wife and then attempted suicide. He explained that because of the special facts of the case, there were substantial medical expenses involved. Mr. Richmond then requested

a special confidential attorney/client session with the Board on May 4, 1999 at 5:30 p.m. to discuss possible settlement of the case.

**UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO HOLD A CONFIDENTIAL ATTORNEY/CLIENT SESSION ON MAY 4, 1999 AT 5:30 P.M. AND FURTHER MOTIONED TO GIVE THE ATTORNEY THE AUTHORITY TO ADVERTISE THE MEETING AS APPROPRIATE.**

### **ECONOMIC DEVELOPMENT**

#### **Chamber of Commerce Report**

#### **Website for World Wide Web**

Chamber of Commerce Executive Director Sherry VanLandingham addressed the Board. She reported to the Board that the Chamber has been working toward establishing a web site on the World Wide Web for Gadsden County. The domain name will be gadsdencc.com. She encouraged the Board to submit information to the website. She noted that it will be updated regularly by TDS.

#### **Gadsden County Education Crisis**

\_\_\_\_Mrs. VanLandingham stated that the Chamber's Education Committee will soon have completed their reports to School Superintendent Harold Henderson who in turn will submit them to Governor Jeb Bush. She also stated that it is doubtful that any benefit will be derived from it this year.

Mrs. Tucker VanLandingham reported that FAMU and FSU have been very helpful in identifying some important issues and recommending possible solutions relative to the education crisis.

#### **Project 2000**

Mrs. VanLandingham explained that the Project 2000 is a subcommittee of the Chamber which is privately funded. She reported that they have planned a business event where there will be several seminars for businesses and private individuals. The seminars will be open to the public.

#### **Magnolia House**

Mrs. VanLandingham told the Board that Magnolia House, an assisted living facility, is ready for occupancy. She reported that the open house was held several weeks ago. She encouraged the commissioners to visit it.



## **World Trade**

Mrs. VanLandingham reported that world trade is fast becoming a big issue to Florida. She said that Gadsden County is one of five rural counties that partner with The Florida Capital Regional Partnership (FCRP) whose focus is on the world trade market. FCRP recently held a seminar on how the local manufacturers can benefit from this partnership and world trade. She told the board members that she had informational materials that she could provide to them if they were interested.

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

Planning and Zoning Interim Director Bruce Ballister presented the following issues for the Board's review.

### **Setback Variance Request - Bill Peacock**

Mr. Ballister told the Board that Mr. Bill Peacock recently purchased a fish camp type cabin on a 40' x 50' lot at Idlewild Landing on Lake Talquin. He desires to enlarge the structure but will need a setback variance to do so. The issue first became known to the staff when a complaint was lodged by one of the neighbors that footings were being cut only 4 ft. from the fence line. A stop work order was placed on the project. Subsequently, Mr. Peacock has submitted the appropriate application for a variance. The site is in a rural residential land use category. The prior and proposed uses are residential. The lot measures 40' x 50'. Other pertinent facts are listed in the attached report.

Staff recommendation was as follows:

Allow the variance for the width but allow no more than the original depth because it will encroach onto the rear neighbor. That encroachment will have a high likelihood of damaging a significant oak tree that is near the property line.

The Planning Commission recommendation was as follows:

Approval of the staff recommendation to vary the side setback for a width of 28 ft. and to maintain no more than the original structure's depth.

Mr. Peacock was present and addressed the Board. He stated that he did not wish to harm any neighbors but needed the variance to make the house larger and more usable.

Chair Roberson called for comments from anyone who opposed the variance request.

Mr. Robert Cooley, an adjacent property owner, voiced his opposition to the variance. He stated that all the land slopes toward his property. (He lives on the water.) He said that if Mr. Peacock is allowed to do as he requested, there would be only 30" from his batter boards to where his wall line will be. Mr. Cooley also said if Mr. Peacock puts an overhang onto the building, he will be 18" from the fence. Also, the water that will come off that enlarged structure will come directly onto his property. He added that there already exists a problem with water. He also stated that the structure will block the view and the wind.

As to the tree, Mr. Cooley said that the oak tree measures 12 1/2 ft. around and its roots probably measure 40 ft. long. The tree's water supply will be hampered by any more structure and thus will be endangered. He pointed out that Mr. Peacock knew the size of the lot and of the house when he bought it. He asked for the Board's consideration to be fair.

Mr. Ballister stated his recommendation again. To allow for the width requested by Mr. Peacock (28 ft.) but allow only the depth to the old line of the bath house that was attached to the building. Leave the rear set back at 8.8 ft.

Commissioner Dixon stated that he had been to the site in question. He said that he had met with Mr. Cooley while he was there. It was his impression from Mr. Cooley that he was not opposed to Mr. Peacock expanding the house, but he was opposed to him building on the lot line. He then asked Mr. Ballister and Mr. Peacock if they could relocate the addition of the building to the front rather than to the back. He also stated that he would oppose any variance that would yield a zero lot line at the rear.

Discussion followed.

Mr. Ken Collier was recognized for comments. He clarified that Mr. Peacock wanted to go 26 ft. deep from the front wall that is in place now and 28 ft. wide. Commissioner Dixon suggested that he come forward rather than go backward.

Mr. Cooley stated that as long as Mr. Peacock leaves at least 7 ft. between the roof line of the rear of his house and the fence line, he would have no objections to whatever he does.

**UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE**

**VARIANCE REQUEST TO ALLOW FOR A WIDTH OF 28 FT. AND A REAR VARIANCE ONLY TO THE EXTENT THAT THERE WOULD REMAIN AT LEAST 7 FT. BETWEEN THE ROOF LINE OF THE REAR OF THE HOUSE AND THE FENCE LINE.**

**Variance to Sign Height - Howard Johnson Express**

Trishul, Inc. submitted an application for a variance of the sign ordinance and allow them to erect a sign at the I-10/US 90 interchange. The Land Development Regulations stipulate a maximum height of 30 ft. and maximum sign face of 150 ft. Trushul, Inc. is requesting a height of 60 ft. and face of 185 ft. The variance was requested so that travelers along I-10 will be able to see the sign above the tree line as they approach the interchange.

**A MOTION WAS MADE BY COMMISSIONER WATSON AND SECONDED BY COMMISSIONER MCGILL TO APPROVE THE VARIANCE REQUEST.**

**Discussion followed.**

Commissioner Dixon stated that there could become some concern about a proliferation of signs at the intersection. He asked what was already in place to stop it if it should become a problem.

Mr. Ballister stated that the current ordinance allows for only a 30 ft. sign. Such a sign is one that can be seen on a typical street corner in a neighborhood. That is adequate for the market of the neighborhood. The market along an interstate highway is different and the visibility would need to be greater.

Commissioner Dixon then asked if another ordinance should be put into place that relates specifically to the interstate.

Mr. Ballister answered that if the Board becomes burdened with such matters and desired not to hear the sign variance requests, a new ordinance dealing specifically with the interstate markets could be done. Height requirements would vary from site to site, depending on the vegetation of the location. Each sign application might be a matter of geometry as well as site specific.

Chair Roberson called for public comments or opposition to the sign variance. There was no response.

**QUESTION WAS CALLED BY COMMISSIONER DIXON. THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE VARIANCE REQUEST.**

**Twin Oaks Sports Club Conceptual Site Plan**

This item was withdrawn from the agenda at the beginning of the meeting.

**Mr. Saad Am, Appeal of BCC Decision to Deny Beer & Wine License**

Mr. Saad Am requested a second opportunity to appear before the Board to appeal the decision of January 14, 1999.

Mr. David Theriaque, attorney for the applicant, appeared before the Board.

Mr. Richmond asked to clarify the posture of the matter at hand.

Because the letter of appeal had not been date stamped by the county staff, it was questionable as to whether it was timely filed. In the absence of testimony or evidence to the contrary, it was determined that an appeal was filed by Mr. Am within the 14 days of the previous decision.

**Commissioner Fletcher arrived at this juncture of the meeting.**

It was determined that proper notice had been given to interested parties who might oppose a decision made on this matter. It was further determined that the Board had an obligation to hear the appeal. The chair then called for Mr. Theriaque to present his case.

It was stated for the record that the Board had previously heard sworn testimony and that what is being presented at this hearing is to be in addition to the evidence and testimony previously considered.

Mr. Theriaque called Mr. Bruce Ballister to make certain clarifications.

Mr. Ballister was sworn an oath by Mr. Hal Richmond, a notary public licensed by the State of FL.

The following facts were discerned by the questions asked of Mr. Ballister by Mr. Theriaque:

- 1) The Future Land Use Map designation for the property in question is rural residential.
- 2) The use under the zoning code is neighborhood commercial.
- 3) There is an existing convenience store in operation at the location.

Mr. Theriaque asked that the staff's file on Mr. Am be incorporated by reference into the record as well as the Land Development Code and the Comprehensive Plan.

Mr. Richmond stated that it is automatic to submit the entire file for consideration.

Mr. Robert Mearns, 4506 John Ave., Destin, FL, was sworn an oath by Mr. Richmond, a notary public, licensed by the State of FL. His resume was entered as exhibit "A" as evidence in this case. He summarized his professional experience as follows: "I graduated from Florida Atlantic University with a masters degree in public administration, specializing in growth management. I currently am self employed as a land use and as an administrative procedures consultant. My background includes service as a planner in Broward County, director of planning in the town of Davey for several years, assistant or deputy town administrator and city manager in at least three cities in the State of Florida."

The following facts were discerned by the questioning of Mr. Mearns by Mr. Theriaque:

He conducted a windshield survey of the subject parcel and the surrounding area.

He reviewed the applicable provisions of the county's Land Development Code as it relates to beer and wine licenses. In his review of the land development code, he found that a beer and wine license is permittable in neighborhood commercial businesses. The sale of beer and wine would not require a change in use for the convenience store - it is merely the addition of another product for sale.

He was of the opinion that sale of beer or wine at the convenience store would not adversely affect the neighborhood because 1/4 mile east of the store there is a store that sells beer and wine and it is also in the middle of the residential area. Also, there is a service station/convenience store immediately north 1/4 mile which also sells beer and wine.

He reviewed the county ordinances and found that the sale of beer and wine at this store would not be in violation to any county ordinances. The applicant has meet the requirements of the Land Use Plan, Land Development Plan as well as what is required under the ordinance. A decision of whether to approve an applicant for beer and wine license is ministerial in nature.

The location of the store is on the edge of the neighborhood not in the middle.

The following facts were discerned by questioning of Mr. Mearns by the Board:

He could not guarantee that there would be no adverse affects resulting from the sale of beer and wine from the convenience store.

He did not interview any of the residents surrounding the store. He only drove around in the community - he did not speak to anyone.

He was acting in the capacity of a paid consultant.

Mr. Mearns declined to answer any questions about legalities about equal protection and equal access. He stated that he could only respond to questions about what the code states. He further stated that if the Board feels that the code is not adequate they have the right to amend it.

Mr. Theriaque introduced as Exhibit "B" a photo copy of a 5 page petition which bore the names of people who supported his application for the beer and wine license. Mr. Am testified that many of the names are people who live in the Shiloh community.

Mr. Am testified that he filed his letter of appeal with Mr. Mike Sherman within 14 days of the hearing of January 14, 1999. (Mr. Sherman was the former Growth Management Department Director.)

Mr. Saad Am was sworn as to his testimony stated above by Mr. Richmond who is a notary public licensed by the State of FL.

Mr. Richmond recalled Mr. Ballister. He asked him to state the position of the Planning and Zoning Department on the matter before the Board. He stated that every neighborhood commercial use requires a special exemption permit from the Board. This use is not a use by right. Even though the Zoning Official is suppose to sign beer and wine licenses, the staff traditionally has not done that for stores that are neighborhood commercial uses without Board approval.

Upon being questioned by Mr. Theriaque, the following facts were ascertained from Mr. Ballister's testimony:

In the Land Development Code, as for a convenience store, there is no a difference between one that sells beer and wine

and one that does not. The code just says convenience store and does not stipulate inventory.

There is nothing in the Land Development Code or the Comprehensive Plan that specifically identifies the sale of beer and wine as a change in use. However, it has been a matter of practice. The application for that decision has always come before the Board because of the functional changes in the store.

It is very typical for a small grocery store and convenience store to sell beer or wine.

Under the Land Development Code and Comprehensive Plan, even a tavern is allowed in rural residential neighborhoods and it would also come to the Board for approval.

The intent of the rural residential is to serve the need of the neighborhood.

The purchase of beer and wine is considered a service to a neighborhood community even though there are sometimes objections to it.

Mr. Harry K. Holt was recognized for comments and was sworn by Mr. Richmond, a notary public licensed by the State of FL. He voiced opposition to the acceptance of the letter of appeal without a date stamp. He reasoned that the prior owner did not sell beer and wine. Also, the area is not zoned commercial. There are other stores in nearby commercial areas where beer and wine can be purchased. It would create a neighborhood problem. He asked the Board to deny the application. He also stated that some of the names on the petition were actually residents inside the city limits and not in the rural area.

Mr. Theriaque questioned Mr. Holt. He ascertained that Mr. Holt was not a regional planner. He further ascertained that Mr. Holt was familiar with the other nearby businesses that did sell beer and wine.

Mr. Charleston Holt was recognized for comments and was sworn by Mr. Richmond, a notary public licensed by the State of FL. He too, voiced opposition to the sale of beer and wine at the store. He called attention to the articles which appeared in the Tallahassee Democrat for the last few days about the crisis of the local school system. He argued that the sale of wine and beer at yet another store would only compound the problems.

Mr. Theriaque asked Mr. Holt if he was an urban regional planner. He answered that he was not.

When questioned by Mr. Richmond, Mr. Charleston Holt testified that he stood by all his testimony made at the prior hearing.

Mr. Charleston Holt then stated for the record that he had no contact with any member of the Board regarding this matter.

Mr. Richmond then stated that the County would rely on the prior sworn testimony at the previous hearing. The records previously submitted will include everything concerning this transaction.

Mr. Theriaque was recognized for closing comments. He reminded the Board that their job required them to follow the Land Development Code and the Comprehensive Plan and look for criteria when they make decisions. He said that there must be competent and substantial evidence to support a denial. He then submitted that even when there are philosophical problems with beer and wine, there is no requirement in the Land Development Code that the applicant has not met. Beer and wine is already being sold in the neighborhood. The location of the store is not next to a school or church. The problems raised at the hearing by the opposition are no different than any community. The fact that this property owner is trying to be on the same level playing field as his competitors is not going to undermine morality. It is the ability of the consumer to purchase a legal product for their personal consumption. He closed by asking the Board to reconsider and approve the application for Mr. Am's beer and wine license.

**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 4 - 1, BY INDIVIDUAL VOICE VOTE, TO DENY THE APPEAL AND UPHOLD THE PRIOR POSITION OF THE BOARD. COMMISSIONER MCGILL CAST THE LONE DISSENTING VOTE.**

Commissioner McGill clarified the reason he opposed the motion. He stated he voted against the motion because almost every time a business has been before the Board for a beer and wine license, the Board has approved it. He felt that the Board should be consistent.

Commissioner Dixon responded by saying that the question had become how many stores selling beer and wine does this neighborhood need. He said that he was disappointed that Mr. Am had not consulted his neighbors about how to resolve this matter.

#### **Evaluation and Appraisal Report (EAR)**



Mr. Ballister reported that the public hearing for adoption of the EAR will be held on May 4, 1999.

### **Family Exemption Policy**

UPON MOTION (AND AMENDMENT) BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER MCGILL THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO REVOKE THE EXISTING POLICY ALLOWING CO-LOCATION OF FAMILY MEMBERS WITHOUT TRANSFER OF TITLE EFFECTIVE JUNE 1, 1999. IT WAS FURTHER MOTIONED THAT THE REVOCATION SHOULD BE ADVERTISED IN THE LOCAL NEWSPAPER EACH WEEK UNTIL THEN IN AN EFFORT TO EDUCATE THE PUBLIC. THE REVOCATION WILL TAKE PLACE AUTOMATICALLY ON JUNE 1, 1999.

### **HOSPITAL**

Mr. Don Bradford addressed the Board to request that the County purchase a new X-Ray machine for the hospital. He explained that there exists an emergency situation in that the hospital cannot deliver adequate services to the citizens of the County without it. He said that the health, safety and welfare of the citizens are at risk until the equipment can be purchased. They have had to send patients to other hospitals because they could not render many X-Rays services to patients.

Mr. Bradford then stated that the staff had solicited bids from several vendors and analyzed the bids. (copies of the bids are attached) It was the recommendation of the hospital staff to purchase the Shimadzu equipment from CMS for \$155,875.00. He stated that the equipment would remain the property of the County.

Mr. Bradford reported that because of the urgency of the situation, he had placed an order for the equipment without prior approval from the Board.

Discussion followed.

After consultation with Clerk Thomas, it was determined that the machine could be purchased from the dividends of the hospital trust fund.

Further discussion resulted in a determination that because it would be paid for with the trust fund dividends (and not tax dollars) and the emergency status, normal requirements for purchasing equipment would not necessarily apply.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER MCGILL THE BOARD FOUND THAT THERE EXISTS AN EMERGENCY SITUATION AT THE HOSPITAL WHERE THE HEALTH AND SAFETY OF THE CITIZENS ARE AT RISK. IT WAS FURTHER MOTIONED THAT THE BOARD PURCHASE THE X-RAY EQUIPMENT AS RECOMMENDED BY MR. BRADFORD FROM CMS FOR \$155,875.00 AND THAT THE DIVIDENDS FROM THE HOSPITAL TRUST FUND BE USED TO PAY FOR IT. IT WILL THUS REMAIN THE INVENTORY OF THE COUNTY WITH A COUNTY INVENTORY STICKER. THE BOARD VOTED 5 - 0, BY VOICE VOTE IN FAVOR OF THE MOTION.

#### **HOSPITAL - CHILLER REPLACEMENT**

Mr. Frank Ritter told the Board that hospital chiller system is 18 years old and requires constant upkeep. It is currently running at only 25% capacity. He added that there is no longer a back up system for it. Present repairs to it would were estimated at \$ 75,724. Replacement with a new and more efficient system will cost approximately \$150,000.00. Replacement of the system was planned for in Phase II of the overall retrofit of the hospital facility.

McGinniss & Fleming Engineering, Inc. was the firm that the county's engineers sub-contracted with to do the work on the boiler system that was part of Phase I and was successfully completed.

Mr. Ritter recommended that McGinniss & Fleming be hired to do the Chiller System as well. He asked the Board to authorize them to make an assessment of the situation and make a recommendation for the chiller replacement system as outlined in the attached scope of services.

It was determined that the cost for the consulting firm could be paid from the endowment trust fund dividends also.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE HIRING OF MCGINNIS & FLEMING ENGINEERING, INC. AS THE CONSULTANTS TO ASSESS THE CURRENT CHILLER SYSTEM AND DETERMINE THE MOST ECONOMICAL METHOD OF REPLACEMENT FOR THAT SYSTEM AND OTHER SERVICES AS OUTLINED IN THE ATTACHED SCOPE OF WORK.

#### **PUBLIC WORKS**

##### **Purchase of 2 Additional Dump Trucks**

Public Works Director Robert Presnell reported that jobs in his department are often stalled due to trucks in disrepair and the

distance from the pit to the work location. He said that they need two additional dump trucks to transport materials.

Mr. Presnell then told the Board that the County could piggy-back on a Wakulla County bid and get two Mack dump trucks at \$81,999 each. Truck payments can be made in arrears and financing can be arranged. It would be on the 5 year lease buy-back program. He then asked for permission to purchase them.

**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 4 - 1, BY VOICE VOTE, TO APPROVE THE PURCHASE OF THE TWO MACK DUMP TRUCKS AS DESCRIBED BY MR. PRESNELL. COMMISSIONER FLETCHER CAST THE LONE DISSENTING VOTE.**

#### **COMMUNITY DEVELOPMENT**

Mr. Ed Butler appeared before the Board requesting approval of the SHIP Three Year Local Housing Assistance Plan.

**UPON MOTION BY COMMISSIONER WATSON SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE SHIP LOCAL HOUSING ASSISTANCE PLAN.**

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

Mr. McKinnon reminded the Board of the Walk America Walk on Saturday morning. He encouraged everyone that wished to walk with the county's team to be there at 8:15 a.m.

#### **CONSENT AGENDA**

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

- 1) Award of Bid # 99-11, for analytical services for the groundwater sampling of the landfills to Ackurit Labs, Inc. for \$17,870.00
- 2) 15 month lease for 5.06 acres at the State Farmer's Market for the Recycling Department @\$1,089.00 per acre = \$6,888.00.
- 3) Appointment of Russell Stephens and Robert Presnell to the DOT Advisory Committee for the proposed hospital access route. Alternate is George Burnett
- 4) Reappointment of Larry Sirmons to the Airport Authority

## **CLERK'S AGENDA**

### **State Revenue Sharing Application**

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE TO APPROVE THE STATE REVENUE SHARING APPLICATION.

### **Fund Summary Report**

Clerk Thomas called attention to the attached fund summary report for information purposes only.

### **Budget Amendments 99-04-20-01 through 99-04-20-10**

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

### **Ratification of the 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 had no report.

### **DISTRICT 2 REPORT**

Commissioner Watson had no report.

### **DISTRICT 4 REPORT**

Commissioner Fletcher had no report.

### **DISTRICT 5 REPORT**

Commissioner Dixon told the Board that the Legislature has sent forth over a billion dollar tax cut. They also rolled back the intangible tax which means that revenue sharing will be a lot less than it has been in the past. He estimated that Gadsden County will lose around \$277,000. He said that small counties are taking a hit in that regard. He also said that he understood

that it was "pay back" for the counties push to pass Revision 7 and Article V.

Commissioner Dixon stated that he did not believe that the County is taking full advantage of its uniqueness in that there is a very high poverty rate and very high substandard housing rate. He said that those are the things that are significant to getting grants. He also said that there is money to be had but the County must apply for them. He proposed that the County hire an experienced grant writer to help the County bring in large grant monies.

Further discussion followed but no decision was reached.

### **DISTRICT 3 REPORT**

Chair Roberson had no report.

### **ADJOURNMENT**

**THERE BEING NO OTHER BUSINESS BEFORE THE BOARD, THE CHAIR  
ADJOURNED THE MEETING.**

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**Carolyn Roberson, Chair**

**ATTEST:**

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**Nicholas Thomas, Clerk**

IN A REGULAR MEETING OF THE BOARD OF  
COUNTY COMMISSIONERS HELD IN AND FOR  
GADSDEN COUNTY, FLORIDA ON MAY 4,  
1999, THE FOLLOWING PROCEEDINGS WERE  
HAD, VIZ.

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

CALL TO ORDER

Chair Roberson called the meeting to order. After the salute and pledge to the U.S. Flag, Commissioner Dixon led in a prayer.

ADOPTION OF THE AGENDA

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO ADOPT THE AGENDA AS PRESENTED. (ATTACHED)

APPROVAL OF MINUTES

May 4, 1999 Regular Meeting

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

COUNTY ATTORNEY'S AGENDA

Mr. Hal Richmond was present but had no matters to bring to the Board's attention.

PUBLIC HEARING - EVALUATION AND APPRAISAL REPORT (EAR) OF THE COMPREHENSIVE PLAN

Interim Growth Management Director Bruce Ballister presented the EAR for the Board's approval. The meeting was then opened for public comments.

Mr. Larry Ganus opposed the proposed changes to be made to the capital improvement section of the comp plan - a revision of policy 8.1.7. He stated that the change would alter the capital improvement plan to reflect that selected road paving projects would be equally chosen from county commission districts. He

presented a letter which outlined his objections. He contended that the current system is a fair method and should not be changed.

Mr. Ganus then asked that the Board address the issue of providing additional funding for road improvements in the EAR. He also cited drainage problems throughout the County which need to be addressed in an effort to prevent future damages. Additionally, he asked the commission to address the unpaved private roads in the EAR - roads which receive very little maintenance from the County. He pointed out that some roads are so bad that emergency vehicles would have difficulty in responding to a call on those roads. He said that issues relating to mail and newspaper delivery and school bus service could be extended if the roads were in good repair - another aspect that should be included in the EAR.

Discussion ensued regarding private roads and the irresponsibility of the developer to adequately maintain roads within a given subdivision. No consensus resulted.

Commissioner Fletcher stated that the subdivisions which are of great concern are those with dirt roads which were approved by the County even though the County said they would no longer maintain private roads (1975) until the adoption of the comp plan that required paved streets as a part of the development approval (1990). He said that citizens bought lots thinking that someone would be maintaining the roads.

Commissioner McGill supported the proposal that the County should take responsibility for private roads that are in such disrepair that the health and safety of its citizens are at risk.

Commissioner Dixon stated that he thought that the county's current mechanism for providing maintenance of those roads for a fee (\$90 per hour) is adequate. However, people are not availing themselves to that process.

He then asked that the Board not allow developers to get away with lying to people. He also said that those developers should be penalized in some appropriate fashion for taking advantage of people. He then said that he had no problem with maintaining private roads as long as there is some vehicle in place for penalizing the developer for not maintaining their end of the agreement. He suggested that stop orders could be placed on those developers which would restrict them from working in Gadsden County.

Commissioner Fletcher then turned to Public Works Director Robert Presnell and asked once again for him to make an inventory of the roads and subdivisions that were affected by the scenario described above. He also asked for an inventory of the roads on which no one lives but which the county maintains. He then asked

him to contact Caterpillar to determine the real cost of operating the equipment per hour including the operator that will be used to maintain those dirt roads.

Commissioner Watson also asked that the lost opportunity costs to be factored into the cost of the machinery operation.

Commissioner Watson argued that when the County undertakes this responsibility, it will not be limited to just those subdivisions in that window of time. Eventually, it will include all the private roads within the County. He urged the Board not to enter into such an arrangement. He reminded them that the gas tax revenues must be spent on the public right-of-ways.

Commissioner Dixon ask Mr. Presnell to find out who those people are who developed those subdivisions.

Further discussion followed but nothing was resolved.

**Mr. Mike Sherman**, representing Big Bend Technologies, addressed the Board on the behalf of Delacy Peavy. He said that Mr. Peavy has requested a land use change. He went on to say that in the Gadsden County Comprehensive Plan, the "agriculture land use category" allows for open outdoor recreation. However, the Land Development Code restricts certain types of outdoor uses. One activity that is restricted is a race track.

Mr. Sherman explained that Mr. Peavy would like to effect a change in policy of the comprehensive plan that would allow race tracks in "agriculture categories," provided that the Board requires a special exception permit to be issued prior to the development of a race track.

Mr. Ballister called for other comments to the EAR. There was no response. He then said that the EAR is a talking paper and the public comments can be added to the proposed report. The resulting comp plan revisions must be far more detailed. He explained however, that all comments must be provided in writing in order to be included.

**A MOTION WAS MADE BY COMMISSIONER FLETCHER AND SECONDED BY COMMISSIONER MCGILL TO APPROVE THE EAR WITH THE FINAL COMPILATION TO INCLUDE THE PUBLIC COMMENTS MADE AT THIS MEETING AND THEN TRANSMIT IT TO ALL APPROPRIATE AGENCIES AND THE DEPARTMENT OF COMMUNITY AFFAIRS.**

Discussion continued.

Chair Roberson called for public comments.



Mike Dorian addressed the Board. He had concerns about proper notification. He was told that the EAR public hearing was advertised in all three local newspapers. He then raised other issues relating to adequate notification in general. He asked that posted road signs be placed in a community when the Board is considering changes that might affect them.

**COMMISSIONER FLETCHER CALLED THE QUESTION.**

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

Mr. Ballister pointed out changes he has made to the proposed amended Land Development Code which included (in the Land Use Section) the addition of a light-industrial category and the one-acre rule and the removal of family exemptions. He said it would be discussed in greater detail at the next regular meeting.

**WE CARE NETWORK'S OUTREACH PROJECT - Robin McDougal**

Ms. Robin McDougal was present and gave an overview of the "We Care Network Outreach Project". (Attached.)

**COUNTY MANAGER'S AGENDA**

**Travel to Florida Association of Counties**

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE TRAVEL EXPENSES FOR ALL OF THE COMMISSIONERS, THE COUNTY MANAGER, COUNTY ATTORNEY AND JIM RICHMOND TO THE FAC CONFERENCE ON JUNE 23-25, 1999.

**CONSENT AGENDA**

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

- 1) Teen Pregnancy Prevention Month Proclamation
- 2) Video Monitoring for County Jail - Bid No. 99-004 awarded to Premier System Solutions, Inc. of Clearwater, FL for \$36,532.00
- 3) DOT Approval of Speed Limit Enforcement Program Project # FS-99-27-15-01, Contract #AH045

**CLERK'S AGENDA**

**Advertised Budget Change - Public Hearing**

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE ADVERTISED BUDGET CHANGE WHICH IS NECESSARY TO ACCOMMODATE THE LUTZ SETTLEMENT AND PROPERLY ACCOUNT FOR THE FINANCING OF THE TWO NEW DUMP TRUCKS. COMMISSIONER FLETCHER ABSTAINED FROM VOTING BECAUSE HE SERVES ON THE BOARD OF DIRECTORS AT QUINCY STATE BANK WHERE THE TRUCKS ARE FINANCED. (CONFLICT FORM ATTACHED)

#### Cash Report & Financial Statements

Clerk Thomas provided the above for information purposes only.  
Budget Amendments 99-05-04-01 through 99-05-04-05

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 Approval of the Payment of the County Bills

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

#### DISTRICT 1 REPORT

Commissioner McGill re-appointed Morris Thomas to the Industrial Development Authority.

He then told the Board that he would be prepared at the next meeting to discuss applications for grants that could create employment for young people.

#### DISTRICT 2 REPORT

Commissioner Watson had no report.

#### DISTRICT 4 REPORT

Commissioner Fletcher re-appointed George Johnson to the Industrial Development Authority.

#### DISTRICT 5 REPORT

Commissioner Dixon reported that the Legislature provided for a \$25 million trust through the Department of Transportation for rural counties. He stated that only 22 counties would be eligible for the funds. He urged the County to request part of that money as it will be available in the new fiscal year.

He then pointed out that there a number of grants to which the County should avail itself. Keeping that in mind he proposed that the County should hire a professional grants person whose primary job would be to seek grants for the County.

Commissioner Watson contended that the staff in place at the present could be seeking grants. He did not agree that an additional staff person is necessary to go after grant money.

Commissioner Dixon argued that the Board cannot continually add to the work load of the department directors. He stated that their jobs are to direct their departments. He said that they cannot do this job because they do not have the time or the opportunity.

**ADJOURNMENT**

**UPON MOTION BY COMMISSIONER FLETCHER, THE CHAIR ADJOURNED THE MEETING.**

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Carolyn Roberson, Chair

ATTEST:

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Nicholas Thomas, Clerk

AT THE REGULAR MEETING OF THE BOARD  
OF COUNTY COMMISSIONERS, HELD IN AND  
FOR GADSDEN COUNTY, FLORIDA ON MAY  
18, 1999, THE FOLLOWING PROCEEDINGS  
WERE HAD, VIZ.

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

CALL TO ORDER

Chair Roberson called the meeting to order. Commissioner Watson led in pledging allegiance to the U.S. Flag and Muriel Straughn led in a prayer.

ADOPTION OF THE AGENDA

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE AGENDA AS PRESENTED. (COMMISSIONER FLETCHER WAS NOT PRESENT FOR THIS VOTE.)

APPROVAL OF MINUTES

May 4, 1999

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 MEETING. (COMMISSIONER FLETCHER WAS NOT PRESENT FOR THIS VOTE.)

COUNTY ATTORNEY'S AGENDA

Resolution 99-008 - Honoring the Late William Paul Nicholson

Mr. Richmond presented a resolution expressing condolences and appreciation to the family of William Paul Nicholson who served as a county commissioner from November 16, 1982 to November 20, 1990. Mr. Nicholson died May 7, 1999 in a traffic accident while on a hunting trip in Argentina.

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

**Larry Fountain - Code Enforcement Issue - Non Permitted Business**

Mr. Richmond recalled that he had been authorized to work with Mr. Larry Fountain to try to resolve the code violations involved with a home occupation license. (See the minutes of January 19 and April 6, 1999.) He reported that Mr. McKinnon, Mr. Ritter and he had visited Mr. Fountain's home on Highway 27. He stated that it was his considered opinion that a business is being operated at that location and there is a violation of the county code. He recommended that the Board should proceed to obtain the necessary injunctions and take appropriate steps to insure that the area is cleaned up. He asked for directions.

Commissioner Dixon asked if the staff attempted to work out something with Mr. Fountain.

Mr. Richmond answered that steps had been taken to work with Mr. Fountain but something else needed to be done now.

**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO AUTHORIZE THE COUNTY ATTORNEY TO PROCEED WITH APPROPRIATE ACTIONS REGARDING THE CODE VIOLATIONS.**

**Crowder Vs. Gadsden County - Rich Bay Road Court Case**

Mr. Richmond reported that a civil trial was held in the Crowder contract dispute on Rich Bay Road. The judge instructed the attorneys to prepare written arguments outlining their prospective positions by June 1. A decision should be reached by June 10, 1999.

**PLANNING AND ZONING ISSUES**

**Millstone Farms Bed and Breakfast - Neighborhood Commercial Application**

Ron and Pam Barnett of Millstone Farm requested to operate a Bed and Breakfast establishment in their home. The proposed site is located on CR 274 between CR 65 and CR 65-A. The subject property is approximately 77 acres overall. They propose a series of nature interpretive and hiking trails on the wooded 50 acre portion.

Mr. Bruce Ballister stated that the property is zoned rural residential. The existing use is residential. The applicant proposes to convert an existing single family residence into a bed and breakfast inn.

Mr. Ballister stated that "bed and breakfast inns" are not specifically included in the comp plan's allowable neighborhood commercial uses, but, it does allow for "other commercial land use activities approved by the BCC."

Staff Recommendation: Approval

Planning Commission Recommendation: Approval

Chair Roberson called for public comments. There was no response.

**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE NEIGHBORHOOD COMMERCIAL USE FOR MILLSTONE FARMS BED AND BREAKFAST INN.**

### **Deer Ridge Estates - Mobile Home Subdivision**

Mr. Ballister reported that Guy Moore had submitted a conceptual plat for Deer Ridge Subdivision. The project is located along the western right of way of US 27 just north of the intersection of CR 270. The applicant proposes to create 25 one-half acre lots and is proposing to provide significant buffering along the US 27 corridor. The site will utilize Talquin water supply. He also stated that current zoning would allow for the 1/2 acre lots with central water and paved roads. The project proposes an on-site storm water treatment facility.

Mr. Ballister told the commissioners that there are considerable wetlands on the property. The applicant proposes to include them in lots and dedicate them as conservation easements.

Commissioner Dixon asked what would prevent a landowner from using the environmentally sensitive lands if they own them.

Mr. Ballister answered that there is no guarantee that a property owner would abide by the conversation standards. He stated that he had no problem with the land being owned by the county in order to insure its proper conservation.

Chair Roberson called for public comments.

Mr. Mel Wiley who lives within 600 ft. of the proposed subdivision addressed the Board. He stated that he had concerns regarding 25 septic tanks on the parcel. He feared that so many septic tanks would endanger the water supply. Mr. Wiley also said that he would like to see a fence erected to prevent trespassing onto his property.

Mr. Sid Grey also addressed the Board with similar concerns as expressed by Mr. Wiley. In addition, he was concerned about the effect that a mobile home subdivision would have on the aesthetic appearance of the community.

Mr. Guy Moore, property owner, addressed the Board. He pointed out that the property was 22 acres. He stated that he would give the 4 - 5 acres of wetlands on the front of the property to whomever would like to have it. He said that the only thing a passerby would see from US 27 would be a sign and a road. No houses will be seen. He pointed out also that if the percolation tests do not work, septic tanks cannot be installed.

Commissioner Dixon stated that the conceptual plan did not appeal to him and he would like to see some other design.

**UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO TABLE ANY ACTION OF THE ABOVE DESCRIBED PROJECT PENDING TECHNICAL TESTING. MR. BALLISTER WAS INSTRUCTED TO WORK WITH MR. MOORE ON A DIFFERENT LAYOUT DESIGN.**

**Motorsport Travel Center - Small Scale Map Amendment- Public Hearing**

Mr. Mike Sherman, planning consultant with Big Bend Technologies, Inc. submitted a request for a land use amendment for Motor Sports Travel Centers, Inc. They requested a change on 10 acres located at the northwest interchange of I-10 and SR 12. The parcel is currently classified as Agriculture 2. The proposed use is for commercial.

Mr. Ballister pointed out that the proposed site is the only corner at the intersection that is not commercial at the present time. Across from the site is a camp ground, a service station and a fast food restaurant.

Mr. Richmond administered a sworn oath to Mr. Sherman as to the testimony he would offer. Mr. Richmond is a notary public licensed by the State of Florida to administer oaths.

**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER MCGILL THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE ABOVE DESCRIBED SMALL SCALE MAP AMENDMENT.**

### **Twin Springs Hunting Club - Special Exception Permit**

Mr. Ballister told the Board that Mr. Gerald Thompson wishes to construct a sporting clay gun club on his 750 acre tract off of 65-C. McCook road passes through the property. The land is designated Agriculture 3 category. The proposed use will be recreational.

Mr. Ballister stated that recreational use is an allowable use in all agricultural zones. There are no set-backs or other design criteria in the land use code for gun clubs, firing ranges or the like. The 750 acres should provide sufficient buffers to protect the neighbors.

Mr. Ballister reported that in response to complaints made by area residents at the Planning Commission's meeting, he held a public meeting on Saturday morning for the purpose of testing the noise level. It was attended by Commissioners McGill and Roberson. A firing test was administered. The applicant shot 50 rounds of ammunition alternating between a 12-gauge and 20 gauge shotgun.

Mr. Ballister stated that he situated himself .8 mile east of the club. He said that he did not hear anything that sounded like gunshots. Chair Roberson and Commissioner McGill were situated at the south end of McCook Road. They reported hearing 4 shots of the 50 rounds.

Chair Roberson stated that while the test was being conducted, an airplane flew overhead and she could hear nothing over the airplane. She quickly added that she also heard someone doing yard work as well as a barking dog. When she moved closer to the firing range, she heard a clap from 2 shots but it was not an annoying sound.

Mr. Thompson was present but was represented by his attorney, Zeb Blanton. He called attention to the area site plan and aerial photos of the proposed range. He pointed out that there is a second road that comes in toward the center of the property from SR 65-C. Mr. Thompson agreed to use that road exclusively to enter and exit the proposed skeet range and sporting clay area. He also noted that the closest property line from the proposed range is 2400 feet and the next closest is 2600 feet. The closest neighbors are .8 of a mile from the proposed range.

Mr. Blanton then told the Board that Mr. Thompson began leasing the property in the early 1970's. He has owned it for the last 10 years. During the entire time, it has been used as hunting property. He closed his presentation by asking the Board for their favorable consideration for a special exception permit.



Chair Roberson called for public comments.

The following people were recognized by the Board for their comments. They were all sworn an oath by Mr. Richmond as to their testimony.

Randolf Greene - opposed  
Opal Holley - opposed  
Fred Strauss - opposed  
Deanna Strauss - opposed  
Sherry Sandel - opposed  
Linda Adams - opposed

Mr. Blanton then rebutted some of the remarks made by those whose spoke in opposition.

Mr. Gerald Thompson (the applicant) addressed the Board. Mr. Richmond administered a sworn oath to him as to the testimony he was about to give. After a few brief remarks he asked the Board to approve the special exception permit.

Commissioner McGill stated that he did not believe that noise would be a major concern.

Chair Roberson asked the audience if anyone heard the shots on Saturday morning. There was no response.

Commissioner Watson asked why the area residents were not notified of the test in advance.

Mr. Ballister replied that there was a notice in the newspaper.

Chair Roberson stated for the record that she had attended the firing range noise test at the request of Antioch Church - not as Chair of the Board.

Commissioner McGill stated that when he was notified of the test, he assumed that all other commissioners had been notified.

Commissioner Fletcher stated that he had been notified on Friday afternoon.

Commissioner Dixon suggested that the test be rescheduled at a time when the residents can be present as well as those board members who wish to attend.

Commissioner Watson stated that he would like to know the total impact of what Mr. Thompson wants to do.

Commissioner Dixon concurred. He stated that he did not want to turn down a project just because he does not know enough about it. But he admitted that he did not understand the concept or what potential impacts there might be. He asked "How many shooters will there be at any one time?"

Chair Roberson requested that if the test is repeated that sound measuring equipment be used to ascertain pertinent facts regarding the impact of the noise.

Commissioner Fletcher stated that he had enough personal experience with the firing range at the police academy to know that the proposed firing range will disrupt the community which surrounds it.

**COMMISSIONER DIXON MADE A MOTION TO TABLE ACTION ON THE SPECIAL EXCEPTION PERMIT UNTIL ANOTHER DEMONSTRATION CAN BE SCHEDULED AND UNTIL SUCH TIME THAT ADEQUATE FACTS CAN BE DETERMINED FOR THE BOARD TO MAKE AN INFORMED DECISION.**

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

**A MOTION WAS MADE BY COMMISSIONER WATSON AND SECONDED BY COMMISSIONER FLETCHER TO DENY THE SPECIAL EXCEPTION PERMIT.**

**DISCUSSION FOLLOWED.**

**THE BOARD VOTED 2 - 3 WITH COMMISSIONERS WATSON AND FLETCHER VOTING IN FAVOR OF THE MOTION TO DENY, COMMISSIONER MCGILL, DIXON AND ROBERSON OPPOSING. THE MOTION TO DENY FAILED.**

**UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 1 TO TABLE ACTION ON THE PROJECT UNTIL ANOTHER DEMONSTRATION CAN BE SCHEDULED AND PERTINENT FACTS CAN BE DETERMINED TO FACILITATE AN INFORMED DECISION. COMMISSIONERS DIXON, FLETCHER, MCGILL AND ROBERSON VOTED IN FAVOR OF THE MOTION TO TABLE. COMMISSIONER WATSON VOTED NO. THE STAFF WAS INSTRUCTED TO INFORM ALL NEIGHBORS WHEN THE DATE OF THE NEXT DEMONSTRATION IS DETERMINED.**

Mr. Richmond told the audience members who are interested in receiving notice of the next demonstration to call Mr. Ballister's office and give him their name and addresses.

#### **Smith - Hardship Variance to Minimum Lot Size**

Mr. Mitch Smith is a quadriplegic who owns a 24-acre site that is zoned agriculture 2 and allows 10 acre lot minimums. He is confined to a wheel chair and requires the services of a care-taker

who resides in close proximity. He has requested that the County allow him to separate out 4 acres to sell to his care-taker.

Chair Roberson called for public comments. There was no response.

**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE HARDSHIP VARIANCE AND ALLOW MR. SMITH TO SEPARATE OUT THE 4 ACRE PARCEL AS DESCRIBED IN THE ATTACHED DOCUMENTATION.**

#### **Annie Green - Variance to Minimum Lot Size**

Mr. Ballister told the Board that Mrs. Annie Green has 1.9 acre lot in Spring Meadows Subdivision. It is located within the rural residential zone. She originally submitted a permit for a replacement unit on her lot and it was approved based on it being a replacement. She now desires to leave the original home in place as rental property and place her new home on the same parcel. The front of the lot faces a dirt road and it is served by a Talquin water supply. The comp plan would allow 1 unit per acre. Ms. Green lacks only .1 acre for approval to place 2 units. She asked for a variance of the minimum lot size.

**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE MINIMUM LOT SIZE VARIANCE DESCRIBED ABOVE.**

#### **Schedule for Comprehensive Plan Revision**

Mr. Ballister called attention to the attached schedule which outlines the deadline dates for having the Comprehensive Plan revisions ready. It was offered as information. No action was required.

#### **ECONOMIC DEVELOPMENTS**

Mrs. Sherry VanLandingham reported on the economic activities as outlined in the attached report. No action was necessary.

#### **COMMUNITY DEVELOPMENT**

Community Development Director Edward Butler appeared before the Board to ask them to appoint one person from each district to serve on the Citizens Advisory Task Force for purposes of a Community Development Block Grant Program. The application for the grant is due June 30, 1999.

Mr. Butler told the Board that the work would require their attendance at meetings approximately three times per year. He asked them to phone him with their appointees.

#### **MANAGEMENT SERVICES - DEBT CONSOLIDATION**

Management Services Director Arthur Lawson told the Board that the county has approximately 21 loans for equipment purchased over the last few years. He proposed that all the loans be consolidated. He stated that the county could save some money if a good interest rate could be found. He asked for permission to get an RFP to see if a consolidation loan would be feasible.

#### **A MOTION WAS MADE BY COMMISSIONER FLETCHER AND SECONDED BY COMMISSIONER MCGILL TO APPROVE THE RFP.**

Clerk Thomas stated that the finance director and he would readily approve of the Board seeking financing from local sources. However, he pointed out that no analysis was attached to the proposal that demonstrated a savings to the county. He stated that many of the pieces of equipment are already paid for and nine others are due to be paid off during the next fiscal year. He went on to say that seven of the nine pieces are financed at 4.97% and two others at 5.85%. He said it would not make sense to include those in another long term debt since most of the interest has already been paid on those pieces.

Mr. Thomas continued by saying that in the following fiscal year, there are another 10 pieces which includes 5 motor graders that are on a buy-back program. He encouraged them to certainly look at local financing agencies in the future, but he was not certain that it would be in the best interest of the County to change financing at this time. He also suggested that the County could possibly look at paying for some pieces out right instead of financing them.

Commissioner Fletcher concurred with the Clerk but emphasized that all Mr. Lawson was requesting was to do an RFP to see what kind of proposal might result.

Mr. Lawson stated that he and County Manager Howard McKinnon had already considered those pieces which will be paid off within the next year or so. He also stated that they would be taking those into consideration in the proposal process. He said that the loan consolidation would not affect the buy back at all.

Commissioner Dixon stated for the record that the Clerks comments are duly noted.

**QUESTION WAS CALLED BY COMMISSIONER FLETCHER. THE BOARD  
VOTED 5 - 0 TO AUTHORIZE THE RFP AS DESCRIBED ABOVE.**

**PUBLIC WORKS DIRECTOR**

Public Works Director Robert Presnell directed attention to the road re-surfacing list which identifies the county roads that are in need of re-surfacing at the present time. He told them that since the current contract with C.W. Roberts has not yet been completed, it could be amended with a change order to include most of the roads on the list. He asked for approval of the contract amendment and change order.

Commissioner Dixon asked what the time frame would be to accomplish all the work. He also asked if the paving would go out for competitive bid.

Mr. Presnell explained that there is still an existing incomplete contract with Roberts Contracting. The proposed work could become a change order to the existing contract. He added that Roberts had subcontracted with another paving contractor for some of the original work. He stated that part of the work would likely be subcontracted again.

Commissioner Dixon was in favor of going out for bid on a new contract as opposed to doing a change order.

Commissioner Fletcher pointed out that the original bid was an extremely competitive bid when it was done a year ago. He noted that the difference in the bids was only \$20,000. He said that the County got a super job from Roberts and that he was in favor of amending the contract to include the additional work.

Discussion followed.

**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER FLETCHER THE BOARD VOTED 4 - 1, BY VOICE VOTE, TO APPROVE THE ADDITIONAL WORK AS A CHANGE ORDER OF \$1,199,191.00 TO THE EXISTING CONTRACT WITH C.W. ROBERTS. COMMISSIONER DIXON CAST THE LONE DISSENTING VOTE.**

**COUNTY MANAGER'S AGENDA**

Mr. McKinnon had nothing to report.

### CONSENT AGENDA

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE CONSENT AGENDA ITEMS 1 - 3 AND 5 - 12, AND THEY VOTED 4 - 0 ON ITEM # 4. COMMISSIONER FLETCHER ABSTAINED FROM VOTING ON ITEM NO. 4 - SEE CONFLICT FORM ATTACHED.

- 1) EMS Write-off of Bad Debts Resolution # 99-007 for \$99,819.24.
- 2) Maintenance Agreements - Department of Transportation  
3 projects: Bridge replacement on CR 65-D over Telogia Creek; bridge replacement - CR 269-B over Yon Creek and the resurfacing of CR 269 from Morgan Ave. to U. S. 90.
- 3) Additional inmate crew - Interagency agreement for 05/10/99 to 06/30/99
- 4) Financing proposal for 2 Dump Trucks with Quincy State Bank - Corporate Resolution \$38,113.60 @ 5% interest
- 5) Request to Accept Medicare Determination as payment if full on EMS Account - Patient # 21-991084
- 6) Approval of Purchase Order 99-0399-PUR; Replace transmission on 863 Tractor at Ford New Holland of Tallahassee for \$12,852.25
- 7) Contract for back-up Medical Director services with Gloria Ramos in the event the current medical director's inability to function.
- 8) E-911 Road Names new: Carlisle Drive - North off Selman Road, North off Blue Star Highway (U.S. 90)  
Suber Road - W. off Juniper Creek Road to Telogia Creek Road
- 9) Contract with Mowery Elevator Company for elevator in Governmental Complex
- 10) Assignment of Municipal Lease and Option Agreement No. 1422 - Public Works Equipment - to Marquette National Bank, 8020 South Harlem Ave. Bridgeview, Ill 60455
- 11) Review and Clearance of FFY Audit on 95DB-65-02-30-01-H22 and 97DB-1E-02-30-01-Y04
- 12) Financial Statements and Auditors Reports for Quincy-Gadsden Airport Authority

### CLERK'S AGENDA

#### County Deed to Wanda Payne

Clerk Thomas reminded the Board that they had authorized him to proceed with a direct sale of the old abandoned sand/clay pit in Greensboro to Ms. Wanda Payne. He reported that he had notified the adjacent property owner received no response. He then asked the Board to execute the deed to Ms. Payne for \$2, 610.

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO AUTHORIZE THE CHAIR TO EXECUTE THE DEED TO MS. WANDA PAYNE.

**Public Hearing - Advertised Budget Change**

Clerk Thomas opened a public hearing for the purposes of making changes to the FY98-99 Budget. He pointed out that the change included the purchase of new equipment for the hospital, the financing for public works equipment and the Lutz lawsuit settlement.

Public comments were called for by the Chair. There was no response.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY WATSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE ADVERTISED BUDGET CHANGE.

**Ratification of Approval to Pay County Bills**

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

**Budget Amendments 99-05-18-01 through 99-05-18-07**

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.

**DISTRICT 1 REPORT**

Commissioner McGill reminded the Board that Commissioner Dixon would soon take office as the President of the Florida Association of Counties. He said he had inquired as to what other presidents have done in the way of support staff while serving as president. He said that he had learned that the volume of work will be extensive. He said that the County may find it necessary to hire additional administrative support.

Commissioner Dixon stated that he was going to try not to hire additional staff.

**DISTRICT 2 REPORT**

Commissioner Watson had no report.

**DISTRICT 4 REPORT**

Commissioner Fletcher had no report.

**DISTRICT 5 REPORT**

Commissioner Dixon called attention once again to the number of grants that are available from the State of Florida as a part of the Rural Economic Development Initiative. Those are grants for counties that are under 75,000 in population.

He proposed that the County hire a staff person with the sole purpose to seek and write grants specific to Gadsden County.

**A MOTION WAS MADE BY COMMISSIONER DIXON TO ADD A GRANT WRITERS POSITION TO THE COUNTY STAFF.**

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

Discussion followed.

Chair Roberson pointed out that the grant writer would have to bring in at least \$380,000 in grants to offset the cost of the position. She asked the staff to ascertain what it would cost in a retainer fee to have some outside agency to do this for the County as opposed to hiring a staff person.

**UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 2 - 3, TO ADD A GRANT WRITER'S POSITION TO THE COUNTY STAFF. THE MOTION FAILED. COMMISSIONERS DIXON AND MCGILL VOTED "AYE". COMMISSIONERS WATSON, FLETCHER AND ROBERSON VOTED "NO."**



**ADJOURNMENT**

\_\_\_\_ UPON MOTION BY COMMISSIONER DIXON, THE CHAIR DECLARED THE  
MEETING ADJOURNED.

\_\_\_\_\_  
Carolyn Roberson, Chair

**ATTEST:**

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

AT A REGULAR MEETING OF THE COUNTY  
COMMISSIONERS, HELD IN AND FOR  
GADSDEN COUNTY, FLORIDA, ON June 1,  
1999, THE FOLLOWING PROCEEDINGS WERE  
HAD, VIZ.

PRESENT: CAROLYN ROBERSON, CHAIR  
BILL MCGILL  
STERLING L. WATSON  
E.H. (HENTZ) FLETCHER  
NICHOLAS THOMAS, CLERK  
HAL RICHMOND, COUNTY ATTORNEY  
HOWARD MCKINNON, COUNTY MANAGER

ABSENT: EDWARD J. DIXON, VICE CHAIRMAN

CALL TO ORDER

Chair Roberson called the meeting to order. Commissioner Fletcher led in pledging allegiance to the U.S. Flag and Commissioner Watson led in a prayer.

ADOPTION OF THE AGENDA

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

APPROVAL OF MINUTES

May 18, 19999 Regular Meeting

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

COUNTY ATTORNEY'S AGENDA

County Attorney Hal Richmond was present but had nothing to report.

PLANNING AND ZONING ISSUES

Wagner Density Variance Request

Director of Planning Bruce Ballister told the Board that Mr. Robert Wagner had purchased a four acre tract in 1997 with the anticipation of constructing a home on the site. It is large enough by rural residential standards for a home site but is located in an Agricultural 2 Zone which has a 10 acre minimum lot size. The former owners did not apprise the Wagners of the lot

size requirement, thus they were not aware of it when they purchased the land.

The lot was created by metes and bounds recording at the Clerk's office and was given a parcel ID no. at the Property Appraiser's office but it is not in conformance with the Land Development Code and Comprehensive Plan.

Mr. Ballister told the Board that the staff found the Wagners harmless in purchasing the lot and recommended that the Board approve Mr. Wagner's request for a variance from the 10 acre minimum lot size.

Mr. Ballister told the Board that there appears to be a loop hole in the P & Z process that allows the creation of illegal lots that may need to be plugged by operational procedures or by new ordinance.

**COMMISSIONER FLETCHER MADE A MOTION TO APPROVE THE VARIANCE REQUEST AND COMMISSIONER MCGILL SECONDED THE MOTION.**

**DISCUSSION FOLLOWED.**

**THE CHAIR ASKED IF THERE WAS ANYONE PRESENT WHO OPPOSED THE GRANTING OF THE VARIANCE. THERE WAS NO RESPONSE.**

**THE BOARD VOTED 4 - 0, BY VOICE VOTE, IN FAVOR OF THE MOTION.**

**FRANK CLORE - HAVANA FLEA MARKET**

Mr. Ballister told the Board that Mr. Clore's request for the Havana Flea Market was first before the Board on December 16, 1997. It was returned to the applicant pending traffic studies and other unresolved issues with the Department of Environmental Protection (DEP). The proposed plan is now acceptable to DEP but is subject to continuous monitoring at this point.

Mr. Ballister referred to the comments in the attached memo regarding the proposed flea market.

Commissioner Watson asked what kind of public notice is required in this matter.

Mr. Ballister answered that everyone within 1,000 ft. should be noticed via U.S. Mail.

Commissioner McGill asked how many days of advanced notice must be given to the public.

Mr. Ballister answered that he was not certain.

Commissioner Watson stated that he had received complaints from the public that they had only received notice a day or two before this meeting.

It was determined that the letters of notice were dated May 27, 1999.

Mr. Richard Thompson from the audience was recognized for comments. He presented his written complaint regarding the lack of proper notice.

It was determined that the application was a level two application and subject to rules for public hearings as defined in FS 166.041 and 163.314 which requires 10 working days notice.

**UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO TABLE DISCUSSION OF THE HAVANA FLEA MARKET UNTIL JULY 7, 1999.**

#### **Minor Subdivision Rules - Gaps in Policy**

\_\_\_\_Mr. Ballister told the Board of an issue which has arisen and to which he has received many complaints. He called attention to the attached memo which lists all the definitions for subdivisions listed in the Land Development Code and the Comp Plan. He added that there is nothing in the code that deals with rights of re-subdivision.

Mr. Ballister stated that there seems to have been an understanding or policy that was handed down from one planning director to the next that there is a one-year holding period between one action and another on a given piece of property unless the owners changed. However, that policy is not substantiated in writing anywhere in the statutes, county ordinance or policy.

Mr. Ballister stated that it is technically legal in Gadsden County for someone to approach the planning department with an application to perform a minor subdivision on a parcel of land leaving out a significant piece of the minor subdivision. Then a week or month later, that party or another party could approach the planning department again performing another minor subdivision on the remainder of the parcel that was left out of the first minor subdivision.

Mr. Ballister then stated that the result has been that (using purely legal methods) a person can create much more than 5 lots by

following the procedures for a minor subdivision and spend a lot less time and effort than performing a major subdivision.

There were many people in the audience in response to an action that was submitted for a few properties located at the intersection of Merritt Lane and Hollow Creek Lane. There are five parcels there that were recently sold in mass. They have been held by one property owner since the beginning of the subdivision.

The subdivision has been called the Altchul Subdivision and Fred Shelfer Subdivision. There is no plat or recording of the subdivision. There are no deed restrictions or covenants recorded. However, having been created for a couple of decades, that subdivision (an assemblage of 5 and 6-acre lots) has created a neighborhood with a neighborhood character.

Mr. Ballister then told the Board that he has received an application for a minor subdivision within that neighborhood which is technically legal but it violates the intent of the Comprehensive Plan. He stated that the County needs to plug the gap in the subdivision ordinance that allows for the scenario described.

Mr. Ballister asked the Board for directions.

Mr. Richmond stated that it is possible to place a moratorium on developments until the Board can publish and rework the subdivision ordinance.

Mr. Ballister stated that such a measure would cure future applications. However, he asked if it could also apply to the pending applications.

**UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO DIRECT THE PLANNING DEPARTMENT NOT TO ACCEPT ANY MORE APPLICATIONS FOR SUBDIVISIONS UNTIL SUCH TIME AS A NEW SUBDIVISION ORDINANCE CAN BE NOTICED AND ADOPTED. IT WAS FURTHER MOTIONED TO AUTHORIZE THE COUNTY ATTORNEY TO PROCEED WITH PUBLISHING A NOTICE OF INTENT TO AMEND THE SUBDIVISION ORDINANCE AND TO HOLD A PUBLIC HEARING ON JULY 7, 1999.**

Discussion followed regarding the application and concurrency requests that are already in the planning department. Mr. Richmond stated that he felt the current application could be denied based upon the existing ordinance and such action could be defended legally. He said he would look into the matter further to see how the pending applications should be handled.

Richard Baxley was recognized for comments. He asked why the public was not advised of what is happening.

He was told that there is no legal requirement currently in place that would make it necessary for the matter to come through the planning department or require public notice.

#### **SUBORDINATION AGREEMENT**

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE SUBORDINATION AGREEMENT FOR MARY L. MCCARTHY.

#### **DISPLACEMENT/RELOCATION GRIEVANCE PROCEDURES**

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 4 - 0, BY VOICE VOTE TO APPROVE THE ATTACHED DISPLACEMENT/RELOCATION GRIEVANCE PROCEDURES.

#### **APPOINTMENTS TO THE CDBG CITIZENS ADVISORY COMMITTEE TASK FORCE (CATF)**

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 4 - 0, BY VOICE VOTE TO APPOINT THE FOLLOWING PEOPLE TO THE CATF: Helen Carroll, Louise Wynn, George L. Burnett, Carlotta Price, Charleston Holt, Idella Barnes, Josephus Eggelton

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

##### **Animal Shelter**

County Manager Howard McKinnon reported that discussions have been held with the City of Quincy regarding their donation of two acres of land near Byrd Landfill for the placement of a county animal shelter. Details for an interlocal agreement between the City and the County have also been discussed. The conceptual proposal is attached.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO WITHDRAW THE APPLICATION FOR ZONING WITH THE CITY OF QUINCY FOR THE SR 267 SITE FOR THE ANIMAL SHELTER AND APPROVED THE CONCEPTUAL APPROVAL AS OUTLINED IN THE ATTACHED PROPOSAL.

**CONSENT AGENDA**

UPON MOTION BY COMMISSIONER WATSON AND SECOND 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 to the C.W. Roberts Contracting, Inc. contract for resurfacing county roads - Change order of \$1,199,191.00 bringing the total contract amount to \$2,432,759.19.
- 2) Lease extension (July 1, 1999 to June 30, 2000) of the State Farmer's Market space: Unit # 1 Annex and Warehouse (6,125 sq. ft. @ .80 per ft. = \$4,900)  
Unit 1 - Stalls 11 -24 (17,166 sq. ft. @ \$.26 per ft. = \$4,463.16)  
Offices (1,104 sq. ft. @ \$1.68 per sq. ft. = \$1,854.72)  
Restrooms ( 110 sq. ft. @ \$.167 per sq. ft. = \$183.70)  
Loft ( (7,280 sq. ft. @ .22 per sq. ft. = \$1,601.60)  
Total = \$13,003.18
- 3) DEP Grant Applications for 1999-2000: Solid Waste Recycling and Education; Small County Solid Waste; Solid Waste Tire; Litter Control and Prevention.
- 4) Approval of Change order to the Fuel System Upgrade at Sheriff's Garage; Change order of \$830.00 to extend the vent lines conduit for telephone line and removal of solid concrete island.
- 5) Bid # 99-010 for Petroleum Products awarded to Petroleum Traders of Ft. Wayne, Indiana for Premium unleaded gasoline .0269 and +0128 for # 2 low sulfur diesel fuel over the OPIS/Bainbridge/Average.
- 6) Gates Library Initiative Grant application
- 7) Technology Plan for Library
- 8) Agreement between Gadsden County Citizens for Healthy Babies, Inc. and County Extension Office
- 9) Sonitrol Agreement for security at Public Works
- 10) Employee Assistance Program Agreement with Apalachee Center for Human Services, Inc. - \$3,515.00 per year.

- 11) Agreement with Municipal Services to pay Clark Munroe Tractor Co. for 3 15' bush hog flex wing 2615 rotary cutters @ \$7,412 each
- 12) Annual Financial Report filed with FL Banking and Finance by Purvis Gray and Company
- 13) FY2000 Drug Control and System Improvement Formula Grant Application

**CLERK'S AGENDA**

**Cash Report**

**Financial Statements**

Clerk Thomas called attention to the financial statements and cash report in the agenda packets. It was provided for information purposes only.

**Budget Amendments 99-06-01-01 through 99-06-01-04**

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 appointed Jean Peacock to the Library Commission.

**DISTRICT 3 REPORT**

Chair Roberson had no report.

**DISTRICT 4 REPORT**

Commissioner Fletcher had no report.



**ADJOURNMENT**

**THERE BEING NO FURTHER BUSINESS BEFORE THE BOARD, THE CHAIR  
DECLARED THE MEETING ADJOURNED.**

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**Carolyn Roberson, Chair**

**ATTEST:**

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**Nicholas Thomas, Clerk**

Ballister: The last issue before us is an issue that has arisen and we have received many phone calls at the planning office and at the county manager's office. The county manager and I both met with Hal Richmond last week to go over how we might handle the process.

Our minor subdivision, ah, I have listed in the comment section all the definitions we have to cover subdivisions whether they are subdivisions, re-subdivisions, majors, minors or exempt. Ah, there is not much more substantial back in the subdivision section itself that deals with ah, the rights of re-subdivision.

Ah, there have been ah, an understanding or policy that seems to have been handed down as a ? knowledge from one planning director to another that there is a one year holding period between one action and another on a given piece of property unless it changed hands. That isn't substantiated in writing anywhere in the statute, ordinance or policy that I can find.

Ah, which brings us to the case in point. It is technically legal for someone to approach the planning department with an application to perform a minor subdivision on a big parcel or a few parcels of land, leaving out a significant piece of that minor subdivision application and then either that party or another party approaching the same department within a month or two or a week for that matter, and re-performing a minor subdivision on a minor, on the remainder, excuse me.

The result is that by using purely legal methods, a person can create much more than five lots by following the procedures and have spent a lot less time and effort than going through the major subdivision process.

Ah, I believe a great number of the people who are here tonight are here in response to a submitted action for a few properties located at the intersection of Merritt Lane and Hollow Creek Lane. There are five parcels there that were recently sold in mass. They have been held by one property

owner since probably the beginning of the subdivision.

Ah, to give you some background here, the subdivision has been variously called the Altchul Subdivision, ah, and the Fred Shelfer Subdivision. There is in fact no metes and bounds for the subdivision, excuse me, no plats for the subdivision, no recording. As far as I can find, there are no deed restrictions or covenants recorded. Each parcel ah, I researched the five parcels that were ah, subject to action tonight. Ah, formerly owned by Mr. Dillon and could find nothing in those legals except a reference to a property corner and then those parcels were cut out. So it is a metes and bounds subdivision.

Ah, however, having been created and occupied for some several years now, decades, that subdivision or assemblage of five and six acre lots has created a neighborhood and it's created a neighborhood sense. When you drive down that road, you have an idea of what's there and the people who've lived there and have seen the tax map and the plats, have an idea that they live in a five acre subdivision whether it has been duly recorded or not. That neighborhood character has developed.

Ah, it is a stated goal of the comp plan. Our first goal, Goal # 1 - To assure that the character, magnitude and location of all land uses provides a system for orderly growth and development that achieves a balanced natural, physical and economic environment, and enhances the quality of life of all residents.

Ah, there are several other listed goals and objectives that indicate that existing neighborhood characteristics should be preserved. That is one of the things that we've labored with when we have a new subdivision coming in adjacent to an existing large parcel area. We try to buffer those things. The Board has input and the Board has the ability to provide guidance to these processes.

The major subdivision process allows the County to achieve storm water controls, provide roadway

infrastructure for those lot frontages and basically to insure that land management is applied to the subdivision process.

So, we have an application now that is technically accurate and legal which violates the intent of the comprehensive plan. And, ah, I guess I am looking for the board's guidance here. We have the opportunity to decide, you know, do we need to plug this gap in the policy.

Ah, other jurisdictions have a simple amendment to their policy. All we would have to do is to say that any land that has gone through the subdivision process is out of the subdivision process unless you go through a full board review.

Ah, that you can't do a minor on a minor. If you went through the minor once and you wanted to re-subdivide or re-characterize the subdivision, you would have to go before the Board of County Commissioners. That is a very simple fix.

Yes, sir?

Fletcher: What is, what is the staff recommendation?

Ballister: Ah, I don't have a staff recommendation here, sir. This is not an application that would have come before the Board, it's a more something, ah, that is a planning issue.

Hal Richmond and I have discussed it and we decided it would be on my ticket instead of his since it is a planning and zoning decision.

Richmond: Yeah. Let me ask him one or two questions if I can. Bruce, to preface this thing - right now, your feeling is that there is a gap in the subdivision ordinance where somebody, if they wanted to, could subdivide and swap it back and forth between family members or others and totally avoid the subdivision ordinance.

**In other words, are you asking the Board to declare a moratorium on developments until we can publish and redo the ordinance to cure this gap.**

Ballister: **That's one possible outcome, sir. Yes.** Ah, some jurisdictions have gotten to this point where they realize that "We've got a problem that we haven't fixed by ordinance." A previous ordinance which had been working fine has been subverted or gotten around and ah. **If we pass a moratorium, ah, I don't know how that action applies to the pending proceeding or pending application. Can you advise me on that?**

Watson: I don't see how we can prevent the one that has been started, but we can prevent anything else.

Richmond: What concerns me is that the guide that has been prepared for you tonight is a pretty good guide on how to circumvent the subdivision ordinance if you accept the logic there. I mean - I have some arguments (legal arguments) that the intent of the subdivision ordinance is to prevent this minor subdivision from being developed. But, I think it could be clearer in the ordinance that we've got. And I think that Bruce has the language to clear it up.

Watson: There would be nothing wrong with us establishing a moratorium would there?

Richmond: **Well, I guess what I need is a Notice of Intent to amend the appropriate ordinance, let me publish it, ah, and bring it back on the seventh of July.**

Watson: Can we prevent any others from beginning until then?

Richmond: **You can vote and direct the planning and zoning director to accept no applications until after the seventh.**

McGill: Well, wouldn't that exactly be a moratorium until such time?

Richmond: That is basically the same thing. You're right.

Watson: You just don't like that word, huh?

Fletcher: **I move that we declare the moratorium.**

McGill: **Second.**

Roberson: **O.K. We have a motion and second to declare the moratorium. All in favor say "aye".**

**Watson, McGill, Fletcher, Roberson: Aye.**

Roberson: All opposed?

Richmond: **Now, did that include the directions to prepare an advertisement of a Notice of Intent to amend the ordinance and set a public hearing to be on the seventh of July?**

Fletcher: **Absolutely.**

Ballister: I would not be able to get advertisements out 10 working days prior. Oh! July 7th, yes, I can do that.

Richmond: July 7th, yeah, we got to do it that way. But at that point in time I know there is a lot of people here, I'm sorry, public input would be appropriate at that time one way or the other.

Fletcher: I call the question.

Richmond: We've already voted on it.

Fletcher: Excuse me.

Peppers: My name is Elva Peppers and I live in that subdivision, well, I call it a subdivision anyway, everybody does. Ah, does this include the piece of property that we are talking about now, since it is already being sold? The lots are in the process of being sold.

Watson: He's only started one minor as I understand it, is that correct?

Ballister: One minor has been presented and four concurrency applications at this time.

- Watson: So, this is a dead issue as far as Merritt Lane goes then, if - My point is to prevent the four applications from going forward. That is what my intent is.
- Ballister: I already have on my desk an application for a minor and probably Isabelle Byrd has the four applications for the four smaller lots. They have been received. I was going to present the Board with a sketch of (inaudible)
- Watson: How can this effect those additional?
- Richmond: It can create a law suit. I don't know and I'm not saying that the purpose behind this is anything unfair, so don't, I am just saying that when you are subdividing a bunch of lots, it appears that the subdivision ordinance would appear to cover this. It is my legal opinion that it would. But, if they attempt to go through with this, we could possibly wind up in a law suit, if ya'll direct me to.
- Ballister: By way of explanation, the five large lots (number 69 - 73) are the five lots that were recently purchased.
- Richmond: Are there any legal restrictions on those deeds?
- Ballister: There are no deed restrictions, no.
- Richmond: No deed restrictions regarding the lot size or anything else.
- Ballister: I couldn't find anything in either covenants or deed restrictions over at the Courthouse.
- Richmond: Well, that is going to create problems for the owners out there I suspect.
- Ballister: In the areas, the two lots marked 73 and 72, actually 72 has been re-adjusted and split between 73 and 71. That has been accomplished at the courthouse. So the area that is 73 and most of 72 is being proposed for the five small lots numbers 1 - 5.

Richmond: Yeah, and in your opinion that doesn't need to come before the Board?

Ballister: It wouldn't. Under the any of the criteria that anybody could come in and say this is a minor subdivision application.

Watson: Just because only staff sees this doesn't mean that it doesn't get a review does it? I mean, certainly you would consider what's going on here.

Ballister: I have no technical basis for denial, sir.

Richmond: Right.

Ballister: If I treat all applicants fairly, I look at this and say "Well." I don't like it. I don't like what is happening to the surrounding area. I know that they all bought into what they thought was a five acre subdivision. As far as I know, except for a very few family subdivisions, it has remained as it was originally platted.

Watson: Are all these lots included?

Richmond: Just the five numbered lots.

Ballister: Lots 69 - 73 were purchased by one owner recently. 72 and 73 are up for action right now. Ah, 1 & 2 are both two-acre lots and I have every reason to believe that they would both end up at the courthouse as a two for one minor and out of my jurisdiction within the next week after the minor was approved. I have no control over that.

Watson: And you've got something already on 69 & 70?

Ballister: No, sir. I just know that it's out there and it's pending. That would be applicable to two-acre lots because it is a dirt road.

McGill: Didn't you say that you have four for concurrency?

Ballister: I have four concurrency applications in for some of the lots up in the 70 - 73 area. Along in there.

Watson: How many lots do we have applications for right now?



Ballister: I believe it is four - that were presented to Isabelle.

Watson: That's it?

Ballister: Right. I know that there is an intent here as there have been other applications discussed to me at my office about other places that are going to be similarly cut.

Watson: So this is not going to have that big of an impact out there?

Ballister: This would put ah, seven one-acre lots.

Watson: I'm talking about that we have in the office right now.

Ballister: Right now, but, what's in the office right now would be this minor subdivision. The lots numbered 1 and 2 will be cut at the courthouse as two additional lots. So, we will have seven one-acre lots on Merritt Lane.

Watson: But what we did tonight is going to prevent anything beyond those seven lots is what I am saying.

Ballister: Yes.

McGill: Why would you cut 1 & 2?

Ballister: Sir?

McGill: Why would you cut 1 & 2?

Ballister: Why would they cut it?

McGill: Yes.

Richmond: What is the density out there?

Ballister: It's rural residential density. The established neighborhood is pretty much all 4.5 to 7-acre lots. Ah, but the overlay zone is rural residential. So, I can have one-acre lots of Merritt Lane and two-acre lots on Hollow Creek Road.

McGill: What have we done to allow him to go back and subdivide lots 1 & 2 into smaller lots?

Ballister: There is no restriction that says that anybody has to come to planning and zoning department to cut one lot into two lots. So, if lot 1 is

Watson: But they are in a subdivision, Bruce.

Ballister: But they never come to my office.

There is no restriction at this point. There is no place in my code that says if somebody wants to cut one lot into two pieces, that they have to come through me. A minor subdivision as I understand it is 3 - 5 lots.

Richmond: If it meets density.

Ballister: Density or not. It can be done. They don't go through me. There is no point in our code that says they have to have my blessing.

Richmond: If they want to build out there they do.

Ballister: Right.

Richmond: I mean, when they go for building permits, they got to come to you.

Ballister: I think that is a backwards enforcement.

Richmond: That may be, but I mean it is enforcement.

Ballister: Right.

Richmond: It sounds to me like somebody is trying to avoid the subdivision ordinance and if they are trying to do that, why should we co-operate and give them certificates of occupancy or provide them with anything when they haven't complied with the ordinance that is there? If you are trying to divide into six pieces, you ought to do it the right way.

Applause.

Richmond: I'm sorry.

Fletcher: Well, you are just telling the truth, Hal.

McGill: That certainly will affect the density.

Richmond: Yeah.

Watson: Cause, I mean, you're, we're going to wind up with seven lots.

Ballister: As I see it, yes sir.

Watson: That is a violation of the, ah, we should be able to stop this. I would think.

Richmond: I mean that there is nothing to keep them from taking deeds to the courthouse, Bruce is right on that. You can deed anything you want. It is a question of later. It's like the people with the four-acre tract. They came in here, I mean, it's a question of variances at that point. You know, what Bruce is saying, you can have a one-acre lot out there, yeah. But, you are also building subdivisions. You are building seven lots and that is not a minor subdivision. But

McGill: The moratorium that we just took, would that not stop that idea.

Richmond: We are going to cure it. That is the question I need to look at. I don't know the answer to that. Those applications are in Bruce's office and technically are under the wire. What I am doing here tonight is trying to prevent anything else from going on out there. To see what we can do to straighten the whole thing up. I don't know the answer to that.

McGill: Do you have a lawyer that went through and found the loop-hole in the subdivision ordinance and said o.k. I can violate this, I can break this?

Ballister: I don't know. I think it doesn't take an especially creative person to look at it and go and like "Gee, there's no reason for me to not do this."

Richmond: It's a question let's say of one person deeding it to his neighbor, and then the neighbor deeding two lots back to him, and in effect, subdividing the property down to one-acre lots when it is clear that the intent of the subdivision ordinance is to prevent people from doing that. They have got to comply with the concurrency, they've got to comply with all the underlying support mechanisms that Bruce is there to make sure they enforce. But, Bruce is saying that there is nothing to make them come to him, they are just going out and doing it.

McGill: But it is all designed to get around and violate the ordinance. It's dead wrong.

Richmond: We can all draw our own conclusions.

Ballister: At the point that the one-acre lot came in for a concurrency that was a part of the subdivision of this minor, I can say that I deny this because the original subdivision violated the spirit of the comp plan. That is kinda fuzzy language for somebody who just spent \$7,000 on a lot and \$70,000 on a home - when he didn't know this was a problem.

Roberson: We need to keep order please.

McGill: Can we have something published in the office so that when people come in they can read it and say "O.K. I cannot do that for these reasons."

Ballister: Excuse me sir?

McGill: If we had something on the bulletin board or some other display - conspicuous place where people could see it when they come in - I cannot do these things for these reasons.

Ballister: Very often the mobile home industry pulls the permits for the individual and the mobile home dealerships don't often know under what condition the land was subdivided. There is some cooperation between people who provide land and people who provide homes, but they don't always know what everybody is doing. The person who knows the least,

- McGill: I don't care if the mobile home dealer does pull the permit, it seems to me that all, whether it is one individual or it's a company, we should provide all with the information.
- Ballister: Right, we should. I guess that my problem with, ah, is that the person who knows the least about the process, is the person who just paid out the big check and is the least able to afford a lawyer for representation. And, so, I just need to, I'd like some clear guidance so that we can say I get to re-draft an ordinance that says I have some control over the two for ones.
- Watson: How many minor subdivisions do you see?
- Ballister: Oh, maybe a handful a year.
- Watson: Well, what would be wrong with any subdivision, we (the board) see for a while.
- Ballister: I have no problem with that. Ah, it's a matter of, you know, where they usually happen is out in the boonies - where you find a large acre lot with frontage - the reason they are done is because they have a unique characteristic that they have frontage already and that conforming lots can be constructed, otherwise they don't get done.
- Watson: You mean, if you can't figure out a way to stop it at the staff level, then we should hear it. Then, I don't want to get into all that, but again, you're not talking about all that many.
- Ballister: We can simply stop it, this re-subdivision, from happening by saying that we can't re-do it ever. Once you have created a subdivision, once a piece of property is subjected to the minor subdivision, the process stops unless the Board sees it.
- Richmond: Yeah, they've got to go through a full application, I think that is the intent of the ordinance.
- Ballister: The applicants provided a mechanism here called a flag lot. My predecessor didn't like a flag lot. I particularly don't have a problem with them because they provide often larger hunks of property

in more rectangular forms than lots that might be conforming that have a hundred foot of frontage but would be a quarter mile long. Ah, or some, you know, strange shape. I guess I go on record as a planner that a flag lot is a good option on some parcels. I don't have a problem with that. Ah, they can create spaces in land, ah, to me that is beside the point for tonight's discussion.

Watson: At what point did you say they were going to go for two for one?

Ballister: Probably lots 1 & lot 2.

McGill: And that would have an effect on ah,

Ballister: And to have that work, they would both be flagged off of Merritt. I think I have indicated with dotted lines where that is most likely to happen. I haven't seen that yet and I probably wouldn't. One of the easiest ways to let everybody know that needs to know is to let all the surveyors in the region know. Because they are the people who actually have to cut the parcels up before it goes anywhere official. A lot of people are not going to know it just because I put a legal notice in the newspaper.

Watson: Hal, your point was that we can stop this at the building permit level. This specific case.

Richmond: Ah, there is a possibility. I don't know, I don't have enough facts, commissioner on this specific application which processed. What the concern that Mr. Ballister has is that these people going to courthouse are doing it over there by deeds and he never sees them. What we can do is put on public notice something to the effect, Mr. Ballister, correct me if I am wrong, this is your suggestion which I agree with, is language to the effect that once a property is subdivided, it can't be subdivided again without Board action. Formal petition and action and they have to go through planning and zoning to do it. I mean, at least that gives us a chance to say "Yea" or "Nay" and it forces them to come over there. It puts the public on notice of this so they can't complain that they

thought they could just pass the property back and forth until they got it down to one-acre lots and all of a sudden you've got 100 lots out there with 50 transactions that the Board, Mr. Ballister has never seen. That is not the intent of the subdivision ordinance.

Ballister: I want to ah, lay undue burden on Mr. Thomas. He is performing his legislative appointed acts, he does what he is supposed to do.

Richmond: He's got to record the deeds.

Ballister: He's got to record the deeds. I don't have a problem with him performing his job.

Thomas: If it comes in the form of a deed, there is only certain things by statute that we are to make sure that it is on the deed and if those things are on there, then we are required to record the deed. We get a lot of people complaining sometimes, that they think someone fraudulently sold their property or something. Well, that's not something that is our job - to be able to tell if something is a fraud or not. You come back after the process to do that. If the deed has signatures, it is notarized, if names printed up under there, ah, it has on there who prepared the instrument - those basic things, then we are required to record a deed. If it comes in the form of a deed. It is a separate process in the recording of plats and all, but, if it comes in the form of a deed, then if those few things that are required by statutes are on there, then we record the deed. Just because we record it does not mean that it is totally proper or that everything is right.

Richmond: Yeah, we've got to get word out somehow to the public when they buy in a situation like this. The people who for instance who are buying 4 - 5 lots out there, I am sure they haven't been told anything except they got four one-acre lots or whatever or seven. It's like they're going to be coming up here to ya'll but we need to make very specific, I don't know, it doesn't do any good to put a notice in the Clerk's office because the land transfer agents, land closing agents, they, ah,

nobody goes to the courthouse and records their deeds, it is all done by professionals usually these days. So, I don't know how we get the word out, but that will be the biggest difficulty. Unless you just want haphazard subdivisions occurring all over the county, it sounds like we are going to have to close this gap.

Ballister: Other counties do have procedures where a two-lot subdivision, two for one it is called, is regulated. Now, I'll have to look into some of those mechanisms and put that into the ordinance revisions.

Watson: My question is preventing what we are looking at here tonight. That's my concern. What can be done to prevent that?

Richmond: That, I don't have an answer for as to whether there is a way to prevent it or not. You know, I'll be honest with you, it's a question other than statutes, of the ordinances. I'm going to have to look at it. I thought this way covered. I did not realize that this could go on. But, there is enough concern from Mr. Ballister to convince me that we need to change it as quickly as we can and then sort out where we are at. Ah, I'll sure see what we can do about stopping this thing.

Audience member: Mr. Ballister, excuse me, are these people going to be able to get permits - the ones who bought the property?

Ballister: I believe that is one of the questions that Hal will be looking at. But the four concurrency applications that are in, ah, I guess I can hold those until we hear from you.

Richmond: They may be under the wire. I need to look at that to see if there is a way to stop it. But, if you asked for my opinion tonight, I'd say that probably they're in. But, I will look at it and see if there is a way to prevent it. Not what you wanted to hear, but that's the best I can do.

Audience member: Why wasn't there anything published in the



Roberson: Excuse me sir, you can't just speak out in the audience, you have to be recognized first.

Audience member: I've got one question.

Roberson: State your name, please.

Baxley: Richard Baxley. I live out on Merritt Lane and I've been living out there twenty years. Everything out there ever since I've been out there has been five-acre parcels. O.K. Ah, there is a section in the Gadsden County Paper for planning and zoning. Where was there never anything publicized about what was going on out there? We just kinda found out this thing through the grapevine after it was already being done.

Richmond: Because the whole problem with this is there is no requirement that it come through planning and zoning, no requirement for public input. That is the problem that they are claiming exists and they want to correct. I'm going to have to look a little bit deeper to see if this is a problem. It has always been my understanding and belief that our ordinance covered this situation. Ah, to avoid this, where there was an intent to supersede or avoid the development regulations and ordinances on subdivisions that they wouldn't apply unless they are totally innocent buyers, third party or whatever. And I am not sure what the situation is on this. The reason you didn't get notice is because nobody notified Mr. Ballister. We are just finding this out. What I am saying is I want to look at - o.k. these people now have recorded their deeds over here and they are coming in and they want electricity and they want building permits and they want this and they want that, is there a way to stop them at the back door. I don't know the answer to that yet. That is what I am going to look up.

Baxley: I heard something a minute ago, too, about well, these people. Would you go out and buy a piece of property before you researched the issue? If they were foolish enough to go throw their money out there like that, I mean, it's just too bad. I mean, I would research real hard before I went and stuck

my neck out on a limb for a piece of property and couldn't do nothing with it. And, and, I think this was just kinda slid in and I don't know how to put it into words but, it's kinda disheartening, because we already have enough traffic out there on that road as it is.

Richmond: Thank you Mr. Baxley. Ladies and gentlemen, this is not a quote public hearing tonight. The comments we take in - this is a matter that could very likely wind up in litigation. There will be public input permitted at the ordinance recitation on the seventh of July. I think the Board has asked me to say that we would appreciate you coming back and letting us have your input at that time. Because what we say tonight is without notice to certain specific individuals that may not be here - the owners. So, we can't take any further action than what we've done. Thank you.

AT A REGULAR MEETING OF THE COUNTY  
COMMISSIONERS, HELD IN AND FOR  
GADSDEN COUNTY, FLORIDA, ON JUNE 15,  
1999, THE FOLLOWING PROCEEDINGS WERE  
HAD, VIZ.

PRESENT: EDWARD J. DIXON, VICE CHAIR (ARRIVED LATE)  
BILL MCGILL  
STERLING L. WATSON  
E.H. (HENTZ) FLETCHER  
HAL RICHMOND, COUNTY ATTORNEY  
HOWARD MCKINNON, COUNTY MANAGER  
HELENE MICHAELS, DEPUTY CLERK

ABSENT: CAROLYN ROBERSON, CHAIR  
NICHOLAS THOMAS, CLERK

CALL TO ORDER

The meeting was called to order by Commissioner Sterling Watson in the absence of the Chair and Vice-chair. Commissioner Fletcher led in pledging allegiance to the U.S. Flag and County Manager Howard McKinnon led in a prayer.

Commissioner Watson presided over the meeting at this point.

ADOPTION OF THE AGENDA

Amendment to the Agenda

Commissioner McGill requested that the E-911 New Road Names be removed from the Consent Agenda and placed for discussion under the County Manager's Agenda.

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

APPROVAL OF MINUTES

June 1, 19999 Regular Meeting

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 3 - 0, BY VOICE VOTE, TO APPROVE THE MINUTES OF THE ABOVE STATED MEETING. (Commissioner Dixon was not present for this vote.)

## **COUNTY ATTORNEY**

### **Midway Voluntary Annexation**

County Attorney Hal Richmond reported that the City of Midway has passed a city ordinance (99-008) which proposes to annex a piece of property that may or may not be contiguous to the City of Midway. He asked for authority to incur expenses to have a title search performed on the property in question.

**UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 3 - 0, BY VOICE VOTE, TO AUTHORIZE THE COUNTY ATTORNEY TO PERFORM RESEARCH AND INCUR EXPENSES RELATING TO A TITLE SEARCH, ETC. TO DETERMINE LEGAL OWNERSHIP OF THE LANDS RECENTLY ANNEXED BY THE CITY OF MIDWAY IN CITY ORDINANCE 99-008.**

Commissioner McGill stated that he would bring a report on things happening between Leon County and the City of Midway during the District 1 Report portion of this meeting.

### **Update on the Proposed Minor Subdivision on Merritt Lane**

Mr. Richmond recalled that he was directed at the June 1, 1999 meeting to draft proposed changes to the Land Development Code. He reported that those changes have been drafted and the Notice of Intent to adopt those changes by county ordinance has been properly advertised for the July 6, 1999 hearing.

Mr. Richmond recalled also that he was requested to research the Code as it pertains to certain applications already on file with the P & Z Department. He reported that based on his interpretation of the Code, every development that proposes to subdivide must be approved by either the P & Z Department Director or the Board of County Commissioners. However, he also stated that his interpretation differs from that of the P & Z Director. The matter will be subject to discussion at the July 6, 1999 Public Hearing.

**Vice-chair Edward J. Dixon arrived at this juncture and began presiding over the meeting.**

## **COMMUNITY DEVELOPMENT**

### **Allocation of State Housing Initiative Partnership (SHIP) Funds to Community Development Block Grant (CDBG) Program**

Community Development Director Edward Butler requested that \$150,000 of the SHIP funds be allocated to the CDBG Program if the County receives the grant.

**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO ALLOCATE \$150,000 OF SHIP FUNDS TO THE CDBG PROGRAM AND AUTHORIZE THE VICE-CHAIR TO SIGN THE ATTACHED MEMORANDUM OF AGREEMENT AUTHORIZING THE ALLOCATION.**

**Submission of CDBG Application**

**UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE APPLICATION FOR CDBG FUNDS AND AUTHORIZE THE VICE-CHAIR'S SIGNATURE ON THE APPLICATION.**

**Resolution 99-010 - Authorizing the Application for CDBG Funds**

**UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 4 - 0, TO APPROVE THE ABOVE STATED RESOLUTION.**

Mr. Butler then explained to the Board that it had been his intention to conduct a public hearing at this meeting relative the CDBG funds. However, he stated that the notice of the public hearing had not been properly advertised. He noted that it would be advertised and held at the next available date.

**COUNTY MANAGER**

**Florida Department of Transportation (FDOT) Small County Road Assistance Program**

Mr. McKinnon called attention to the Small County Road Assistance program which was passed during the 1999 Legislative Session. He explained that Gadsden County fits the criteria for the program and is eligible for paving of up to three roads this year. FDOT asked each eligible county to identify three roads they desire to be resurfaced through the program. All roads submitted by all counties will be visually inspected by FDOT and they will ultimately make the decision as to which roads will be paved/reconstructed.

After having reviewed Gadsden County's road paving needs, Public Works Director Robert Presnell proposed the following roads for submission to FDOT (in order of priority) for the program:

- 1) CR 157 - from CR 12 south to CR 153

- 2) CR 268 - from Crawford St. south to Joe Adams Road
- 3) CR 268 - from US 90 to Atwater Road

Mr. McKinnon asked the Board to approve the list to be submitted by July 1, 1999.

Discussion followed.

**UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE ATTACHED LIST OF GADSDEN COUNTY ROADS FOR THE SMALL COUNTY ROAD ASSISTANCE PROGRAM AS DESCRIBED ABOVE.**

**E-911 - NEW ROAD NAMES**

Commissioner McGill called attention to the petition to name an unnamed road "Flood Alley." He asked if there were any other names submitted. He was told that no other names were presented for consideration and that the three signatures represent all the residents on the road.

Commissioner McGill then asked if Boutwell Road is a private road or county road.

Mr. McKinnon explained that the described road was always thought to be a continuation of **Sadberry Road** - a public road. However, Mr. Charles Boutwell recently discovered that Sadberry Road actually dead-ends at the point of the big curve (see drawing attached) and that he actually owns the easement. Mr. McKinnon pointed out that the road has been used by the public for many years and also has been maintained by the County for many years.

Commissioner McGill then asked if and why the County would continue to maintain the road.

It was determined that because the County has maintained it for more than four years it has been considered a public easement and thus the county now has a responsibility to continue its maintenance.

**UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4- 0, BY VOICE VOTE, TO APPROVE THE ATTACHED LIST OF NEW ROAD NAMES TO WIT:**

- 1) **Flood Alley - New - North off of South Atlanta St. , East of Frank Jackson Road**
- 2) **Boutwell Road - New - North off Sadberry Road**

### **CONSENT AGENDA**

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

- 1) Resolution 99 - 009 in support of the work of the U.S. Army Corps of Engineers in Franklin County and opposition to any move to stay the activities of the Corps on the Apalachicola River, remove the 9 foot channel requirements or remove funding for the continuation of those activities.
- 2) Satisfaction of Housing Rehabilitation Agreement for Irene Strong as recorded in OR Book 354 at page 374 of the public records of Gadsden County.
- 3) Chamber of Commerce Activities Report for May, 1999

### **CLERK'S AGENDA**

#### **Budget Amendments 99-06-15-01 through 99-06-15-08** **Ratification of Approval to Pay County Bills**

Assistant Finance Director and Deputy Clerk Helene Michaels was present in the absence of Clerk Nicholas Thomas. (Clerk Thomas was out of town at the Florida Association of Court Clerks Summer Conference.) She asked for the Board to approve the attached budget amendments and approve the payment of the county bills.

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

### **DISTRICT 1 REPORT**

#### **Small County Road Assistance Program**

Commissioner McGill called attention to the Small County Road Assistance Program. He reported that it has been rumored that the Governor may veto the funding of that program in the next Legislative Session. He encouraged the Board to make every effort to see that the appropriation is not eliminated.

#### **Possible Citing of Leon County Transfer Station in Gadsden County**

\_\_\_\_Commissioner McGill reported that Leon County is considering locating a waste transfer station east of Midway just inside

Gadsden County. He stated that he understood that the placement has been reviewed favorably by the Midway City Council. He then made an impassioned plea for the Board to send to the Leon County Commission the message "We don't want Leon County's trash over here." He suggested that Vice-chair Dixon be authorized to send a letter to the Leon County Commission and to the City of Midway voicing this board's profound disapproval of such action.

## **DISTRICT 2 REPORT**

Commissioner Watson stated that he supported sending a letter to the Leon County Commission Chairman. He said "I think we should send a letter from our chairman (or vice-chairman if Ms. Roberson is not going to be here) in the next few days, letting them know that this board will strongly oppose and do everything we can to prevent them from citing a transfer station in Gadsden County."

**UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO AUTHORIZE THE VICE-CHAIR TO SEND A LETTER TO THE CHAIR OF THE LEON COUNTY COMMISSION AND TO THE MIDWAY CITY COUNCIL ADVISING THEM OF THIS BOARD'S DISTASTE FOR THE CITING OF THEIR LAND TRANSFER STATION IN GADSDEN COUNTY. IT WAS FURTHER PROPOSED THAT THE BOARD SEND A REPRESENTATIVE TO THEIR BOARD MEETINGS TO DEFEND GADSDEN COUNTY'S POSITION.**

It was determined that the parcel being considered for the transfer station is part of the annexation proposed by Jim Stiles, but it has not yet occurred. The Comprehensive Land Use Amendment proposed by Mr. Stiles was submitted to DCA but was found not in compliance. The Board authorized the P & Z Director to begin negotiations with DCA to resolve their objections. (For further details see minutes of October 21, 1997, February 3, 1998, April 21, 1998, July 7, 1998 and July 28, 1998.)

## **PUBLIC INPUT**

\_\_\_\_Mr. John Yerkes asked if it would be in order for the Board to ask the Department of Environmental Protection (DEP) to do a study of the properties which are in the watershed of the proposed transfer station.

He was told that the County can make such a request. However, no firm proposal has been made to the County and such a request would not be appropriate at this juncture. He was assured that all DEP standards would have to be met before it could be permitted.



#### **DISTRICT 4 REPORT**

Commissioner Fletcher had no report.

#### **DISTRICT 5 REPORT**

Vice-chair Dixon stated that he has taken note of the proliferation of mobile homes coming into Gadsden County. He added that while he is a proponent of any kind of affordable housing, he has a growing concern about the effect mobile homes have on the ad valorem tax base. He stated that "It is being eaten away because we don't have a vehicle that allows folks to pay into the kitty, if you will, for the services rendered."

Commissioner Dixon went on to explain that people buy mobile homes because they can't get financing for site built homes. He suggested that the County begin looking at the local banks and work toward finding a way and a vehicle to help people get into some type of housing that will help support the tax base.

He then reported that there is some discussion going on at the state level about how to get credit to citizens who cannot get a loan from the local bank.

Commissioner Watson suggested that the County increase the size of a lot onto which one can place a mobile home but decrease the size of the lot required for a site built home. He explained that it could serve as an incentive for the developer to go to site built homes. He added also that a larger lot would increase the overall ad valorem value.

Vice-chair Dixon concluded his remarks by saying that he had no suggestions to offer at this point but reiterated that he desires to see the Board begin thinking about possible solutions.

#### **DISTRICT 3 REPORT**

Chair Roberson was not present.

#### **FLORIDA ASSOCIATION OF COUNTIES (FAC) CONFERENCE**

Vice-chair Dixon told the Board that the FAC Conference begins on June 23, 1999. He stated that it promises to be very different than those in the past. He explained that the presenters, speakers and programs will be very interesting and informative. He encouraged all members to attend.

Commissioner Watson explained for the record that Vice-chair Dixon will be installed as the next president of the FAC. He added

that he felt it is a great honor for Gadsden County to have one of its own to become president of FAC. He also stated that he is very proud of the work that Commissioner Dixon has accomplished and will accomplish through his work with FAC.

There was applause from the audience.

**ADJOURNMENT**

**THERE BEING NO OTHER BUSINESS BEFORE THE BOARD, VICE-CHAIR DIXON ADJOURNED THE MEETING.**

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**EDWARD J. DIXON, VICE-CHAIRMAN**

**ATTEST:**

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**NICHOLAS THOMAS, CLERK**

AT A REGULAR MEETING OF THE BOARD OF  
COUNTY COMMISSIONERS HELD IN AND FOR  
GADSDEN COUNTY, FLORIDA ON JULY 20,  
1999, THE FOLLOWING PROCEEDINGS WERE  
HAD, VIZ.

PRESENT: CAROLYN ROBERSON, CHAIR  
BILL MCGILL  
E.H. (HENTZ) FLETCHER  
NICHOLAS THOMAS, CLERK  
HAL RICHMOND, COUNTY ATTORNEY  
HOWARD MCKINNON, COUNTY MANAGER

ABSENT: EDWARD J. DIXON, VICE-CHAIR  
STERLING WATSON

CALL TO ORDER

The meeting was called to order by Chair Roberson. County Attorney Hal Richmond led in pledging allegiance to the U.S. Flag and County Manager Howard McKinnon led in a prayer.

ADOPTION OF AGENDA

Clerk Thomas requested that the Clerk's Agenda be amended to include authorization for him to begin the process of making a direct sale on a piece of property inside the city limits of Quincy. He explained that the information was included in the agenda packets but it was left off the agenda itself.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 3 - 0, BY VOICE VOTE, TO APPROVE THE AGENDA AS AMENDED.

APPROVAL OF MINUTES

July 6, 1999 Regular Meeting

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 3 - 0, BY VOICE VOTE, TO APPROVE THE MINUTES OF THE ABOVE STATED MEETING.

COUNTY ATTORNEY'S AGENDA

Mr. Richmond had no report but stated he was available for any questions the Board might have of him.

## PLANNING AND ZONING ISSUES

### 84 HOMES

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 3 - 0, BY VOICE VOTE, TO APPROVE 84 HOMES WITH THE SPECIAL CONDITIONS AS STATED BY THE PLANNING AND ZONING DEPARTMENT AND IN THE ATTACHED MEMO. THE MOTION ALSO INCLUDED ADDITIONAL SPECIAL CONDITIONS AS FOLLOWS: NO MORE MOBILE HOMES ARE TO BE PLACED ON THE LOT THAN ARE SHOWN ON THE SITE PLAN AND THE OWNER MUST DO AWAY WITH THE TOMATO FREE-MARKET ON THE REST OF THAT PROPERTY.

(A verbatim transcription of the discussion relating to the above matter is attached to these minutes.)

### Le Chirque Beauty Salon

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 3 - 0, BY VOICE VOTE, TO PASS THE DECISION REGARDING LE CHIRQUE BEAUTY SALON FOR TWO WEEKS TO ASCERTAIN MORE INFORMATION.

(A verbatim transcription of the discussion relating to the above matter is attached to these minutes.)

### Light Industrial Ordinance - Public Hearing

THE PUBLIC HEARING FOR THE LIGHT INDUSTRIAL LAND USE CATEGORY ORDINANCE WAS CONTINUED UNTIL AUGUST 3, 1999.

(A verbatim transcription of the discussion relating to the above matter is attached to these minutes.)

## COUNTY MANAGER'S AGENDA

### TENTATIVE MILLAGE

#### General Operating Fund Millage - 10 Mills

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 3 - 0, BY VOICE VOTE TO SET THE TENTATIVE GENERAL OPERATING FUND MILLAGE AT 10 MILLS AND TO HOLD THE TENTATIVE BUDGET HEARING ON SEPTEMBER 13, 1999 AT 6:00 P.M.

#### Tentative Millage for Hospital Bond (1 Mill)

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 3 - 0, BY VOICE VOTE, TO SET THE MILLAGE FOR THE HOSPITAL BOND AT 1 MILL AND TO HOLD THE TENTATIVE BUDGET HEARING ON SEPTEMBER 13, 1999 AT 6:00 P.M.

#### FY 99-00 BUDGET CALENDAR

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 3 - 0, BY VOICE VOTE, TO APPROVE THE FY 99-00 BUDGET CALENDAR AS PRESENTED. (ATTACHED)

#### Census 2000 Awareness Campaign

Mr. McKinnon told the Board that the kick-off campaign for the Census 2000 will be held on Monday, July 26, 1999 on the courthouse grounds. He invited all of them to attend.

#### CONSENT AGENDA

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

- 1) UPDATED EMERGENCY MEDICAL SERVICES (EMS) POLICY

#### CLERK'S AGENDA

##### Request to Purchase County Property

Clerk Thomas told the Board that he had received an inquiry from Mr. Gary Clary about purchasing a piece of property on Kent St. in Quincy from the County. He explained that the County acquired it in 1994 as a result of the owner failing to pay the taxes. He added that it was on the list of lands available for taxes for seven years prior to the County's acquisition.

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 3 - 0, BY VOICE VOTE, TO AUTHORIZE THE CLERK TO BEGIN THE PROCESS OF MAKING A DIRECT SALE OF A PIECE OF PROPERTY LOCATED INSIDE THE QUINCY CITY LIMITS. SEE ATTACHMENTS FOR DETAILS.

#### Budget Amendment 99-07-20-01 through 99-07-20-09

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

**DISTRICT 1 REPORT**

**Florida Education Foundation**

Commissioner McGill told the Board that the Florida Education Foundation is accepting donations to help pay the expenses of repainting Shanks High School. Any money collected over and above the costs will be used for other educational purposes. He asked the Board to contribute \$300 toward that cause. He also asked that the Board forward that donation by Friday as the work is to begin on Monday.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 3 - 0, BY VOICE VOTE, TO APPROVE PAYING \$300 TO THE FLORIDA EDUCATION FOUNDATION AND FURTHER MOVED THAT IT SHOULD BE TAKEN FROM THE GENERAL FUND CONTINGENCY.

**Leon County Transfer Station**

Commissioner McGill reported that the City of Quincy is considering bringing the Leon County garbage to the transfer station located at the Byrd Landfill. He urged the commissioners to make all deliberate efforts to prevent the Leon garbage from coming into the county regardless of the city's position.

**DISTRICT 4 REPORT**

Commissioner Fletcher had no report.

**DISTRICT 3 REPORT**

Chair Roberson had no report.

**ADJOURNMENT**

**THERE BEING NO OTHER BUSINESS BEFORE THE BOARD, THE CHAIR  
DECLARED THE MEETING ADJOURNED.**

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**Carolyn Roberson, Chair**

**ATTEST:**

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**Nicholas Thomas, Clerk**

## **84 HOMES**

Ballister:

Bruce Ballister, director of planning and zoning. Ah, Commissioners on your packet front page, we show Le Chique Beauty Salon first and 84 Homes as second. However in the package, 84 is first. Let's discuss that one in front.

Ah, the applicant has provided some drawings that are a little more easy to read. The applicant is in the audience tonight. Ah, Johnny Blue Craig is representing 84 Homes. Ah, their application is for a mobile home sales lot on a leased portion of a commercial lot of record on US 90 West, on Bostick Road. That's at the southwest corner of that intersection.

Ah, the site plan has 15 models displayed with a sales office and parking for passenger cars. The proposed entry access for the mobile home units would be off Bostick Road. This road accesses the 2.76 remainder of that commercial site. Ah, in this application there are no defined plans for the remainder of that site because that is subject to a different lease and a different occupant.

Ah, it's in a commercial land use category. The code does not specifically exclude include or exclude mobile homes sales in either Class I or Class II. Due to the inventory or the size of the inventoried stock, i.e. mobile home units, it's a, ah, it becomes a Class II because of it's impacts.

The site plan shown and the concept shows that storm water controls will be provided ah, the property, as it exists right now is nearly barren. There is exposed earth and some grass, a few very small trees along the frontage, nothing along the back.

Ah, the site plan indicates passenger car access off US 90 and a second access off Bostick Road. Ah, we recommend that for the, to minimize accidents, that the US 90 driveway not be used for mobile homes.

Set backs should be observed. Ah, I believe the new plan that they presented shows that the set backs were observed. Yes. Ah, this is a much improved site plan over the one that was originally presented to the department when it wrote the response. Ah, it shows set



backs being adhered to and the units displayed for ah, access. There is plenty of area in the front yard areas for landscaping and open space requirements.

Ah, the Planning Commission met two weeks and failed to achieve a quorum so it's being forwarded without comment from the Planning Commission.

Staff recommendation is for approval with conditions. The set backs have already been revised. Ah, dissimilar use buffers are not required. Ah, we would hope that the plan would be set up so that the units would be removed and accessed, all movements onto and off the property would be on Bostick Road to keep from backing or hauling these large items onto US 90 and having to do an U-turn at the intersection if they were to head west.

Ah, pre-development conditions for storm water should consider that there is something on there besides barren soils. That will be an engineering process. The, ah, staff recommendation is for approval of this site. Ah, are there further questions?

Roberson: Is there anybody in the audience that is opposed to this?

No response.

McGill: Madam Chair, I have a couple of questions for Mr. Ballister.

Ballister:  
Yes, sir?

McGill: I, I wonder why the Planning Commission sent it or forwarded it up without taking any kind of action on it. What was their reason?

Ballister:  
They didn't have a quorum, so they couldn't act. They automatically go to the Board.

McGill: Now historically, on several occasions, I started to say historically but I could not guarantee that so I thought I'd better change that. On several occasions, we have authorized mobile homes sales lots to be established and they have not been very good at doing what they say they are going to do. They've already exceeded the number that we thought we approved to have on the site at one time. Also, they have not been too observant of trees

and other vegetation that should be maintained on the site and they have not cared too much about the run off and stuff like that. Do we have any kind of thing in here to guarantee that this particular 84 Homes is going to observe these things we have in here?

Ballister:

We can stipulate that the number of units shown are the maximum number that will be there. I would want to know on the final site plan, which area was going to be used for temporary storage of units. Ah, the ah, problems we have had with other facilities of this type gives us a learning curve, at least some place to start asking for more performance based criteria in our conditions for approval.

Ah, I believe he's got, let me check real quick, there are 15 shown here. That is what was shown previously. Ah, a condition of approval is that you have 15 units on your lot, period. That's whether they are set up or they're waiting to be delivered. Ah, I think I had asked and the applicant can lend some light on it, where would they stock pile units that were delivered from a factory and weren't yet ready to be delivered to a site. Ah, is there somebody here from 84?

Roberson:

Mr. Blue? You need to come to the podium and ah, state your name please.

Jones: Bo Jones with 84 Homes and Jones Mobile Homes in Bainbridge. Our main operations are out of Bainbridge. That's where all of our set-up crews are. Ah, the houses will be taken to the main location there in Bainbridge. And as they are ready to be delivered, then set-up crews will take them there from Bainbridge into Gadsden County as we do now and ah deliver them. So, we wouldn't really have a need for storage at this location.

Ballister:

I guess all 15 of those would be sales units?

Jones: Yes, sir.

McGill: But sometimes we have watched 15 go to 20 and 25.

Jones: Well, that area is pretty full with 15. It would be hard to go much past that.

McGill: That's good. So, nature set your boundaries for you.  
O.K.

Ballister: Just so the Board will know, will these be set up in a user atmosphere like some of the mobile home lots are where there is some landscaping and/or pathways or anything or are these going to be sitting there with no skirting?

Jones: We will probably skirt the ones across the front for aesthetic reasons. Ah, then the remainder would not have skirting. Ah, we would have some landscaping there across the front.

Ballister:  
O.K.

McGill: What about tree cutting?

Jones: Sir?

McGill: Tree cutting.

Jones: I don't think there are many trees there now.

McGill: So, you're saying you won't cut the trees?

Roberson: No, there are no trees there.

Ballister: Sir, the existing lot has a very few volunteers growing along the front property line. But, I can go out there and see if there is anything there might be saved, ah, because they already they've already got a start on nature. But there is not much on that site. It's mostly grass and dirt. There may be, like I said, a very few along the front line that can be incorporated into a landscaping plan. So, there is no reason to, in fact, (to Mr. Jones) Now that you're in the development process, no clearing should happen until you have a development order. O,K?

Fletcher: I have a question for Mr. Craig if he is here?

Roberson: State your name please.

Craig: Ah, Johnny Blue Craig. Seventy twenty-six.

Fletcher: You know what I'm going to ask you.

Craig: I am afraid I do. I think so.

Fletcher: I want to know what you are going to do with that other mess you got out there.

Craig: Well, the good news is, is that this, we have been trying to do something since the early 80's - for 15 or 16 years. During that time, we had one I think, mobile home sales company for about a year. And, since that time, the only interest we have had has been the flea market. So, you know, this is the first opportunity in many, many years to do something nice on the corner. And ah, so the opportunity is to get it off the corner and then shift it to the west. So, it won't be on the corner any longer. Which will be ah, which will be nice to do that.

Fletcher: You would make a lot of people happy if you would do away with it.

Craig: I know. My mother would be happy too.

Fletcher: I am sure.

McGill: So, do that for your mother.

Fletcher: So, are we going to get that done?

Craig: Right. It will be shifted over to the 2.76 acre tract.

Fletcher: I want to get rid of them Johnny Blue.

Craig: Well, we, the next process is to get rid of that 2.76 acre tract. So, if we get something nice on the corner, it will be easier to find something else hopefully adjacent to it. We are working in that direction, Commissioner Fletcher.

Fletcher: Alright. That's all I wanted to know.

Craig: Thank you.

Roberson: Do you want to make a motion?

Fletcher: I ah, I move that this approved under the conditions that planning and zoning has put on it along with the condition that there no more mobile homes on there than it shows on this site plan and that the owner ah, ah,

does away with the tomato free-market on the rest of that property.

McGill: Second.

Roberson: We have a motion and a second. All in favor, aye.

Fletcher, McGill, Roberson: Aye.

### **Le Chirque Beauty Salon**

Ballister:

The next item tonight is the Le Chirque Beauty Salon. It is in the ah, Union Chapel neighborhood. It is ah, actually has access on Union Chapel Road. The ah, Land Development Code lists a beauty shop as an allowable use in ah, definition sections for neighborhood commercials. Ah, location criteria as we discussed before, indicates ah, being less than 2 acres and being less within 500 ft. of an intersection of a paved arterial or collector and another paved arterial collector.

In this case, it's within 500 feet of an intersection of two paved roads, ah, both of which are minor roads. Ah, and it is less than 2 acres.

Ah, the site has an access to the paved road, however, the property is an interior lot to the block that is within. Access would be down a flag lot extension to the main highway. For this reason, staff recommends denial. The area might be suitable for a neighborhood beauty salon but the site is not appropriate as there is no true frontage other than this access-way. All customers would be required to pass between two residential units to access the property. A flag lot, I don't believe, as a director, is an appropriate location for neighborhood commercial uses.

As I understand it, this facility would be developed in a converted mobile home in a lot that is shared with another residence.

Ah, the applicant is in the audience tonight, if they would care to answer any questions.

McGill: You say that access would be, the cars would actually be driving between two, two residential units?

Ballister:

If you look on the portion of the plat map, it shows a roughly 200 ft. long by 30 ft. flag area that is the access to the site this property is on. Ah, so, it will be, I believe, a leased site in the middle of a lot. There is another structure already on it. Ah, the site plan immediately before that shows an existing mobile home and then the hair salon.

McGill: Let me go back. You are saying that if customers that want to access the salon, they'll actually have to drive between two residential units already existing out there?

Ballister:

Ah, yes. The access right now is through a road that runs around the outside of that easement and doesn't run down the 30 ft. There's ah, a blue sign indicating that it's a private roadway. That's not the actual legal access to this lot. There is no real roadway there.

McGill: Is there another way to access the house other than this particular?

Ballister:

No, sir. It's in the middle of a block. There are houses along Union Chapel Road that have frontage and if we, you know, forgave the requirement that it be on a major collectors, ah, I think a property like this in a neighborhood like this, or this kind of application in this neighborhood, ought to be on the main road itself and not back in the housing.

McGill: I understand what you are saying what you think it should be, but what is the policy or what does the policy say about that?

Ballister:

There isn't one. I mean, it wasn't anticipated that somebody would put a neighborhood commercial use back in the interior of a block. I think as a, as a citing situation, it's not a good idea just to be driving back between houses to find a business. It should have a presence.

McGill: But are there other business like this that are similarly situated?

Ballister:

Not that I can think of.

McGill: Not necessarily in this area, but any where in the County?

Ballister: Not that I can think of. Most of the neighborhood commercials that I can think of are located out on a major road.

McGill: I see a list of names, I guess these are adjacent property owners?

Ballister: Yes, sir.

McGill: Like Elaine Ford and so forth. Have we talked to those people to see if they like that or don't like that?

Ballister: I haven't called them, no, sir.

Roberson: Is there anybody in the audience that is opposed to this? O.K. If one of you at the time. Please state your name.

Barber: Melvin Barber. I own property in the area. And as I read your letter that you sent to me, it said that the property would be located, let me check this, on Oak Street and also you said that it would be in an existing building. No one told me that they were going to pull a used mobile home in on this property to be used. When you say existing, you're telling me that the building is already there. This is not the case. It is right across the street from my sister-in-law's home. And the lot is extremely small. I don't, and the access that you're talking about is just a little road that slides in between some other buildings. And, ah, this letter is erroneous when it describes the location as an existing building. It's not actually that. It's not located or this map is not, is way off.

McGill: Mr. Barber, are you saying that the salon itself is not where we say it is.

Barber: No.

Ballister: Well, it's located between Union Chapel and Oak.

Barber: Yes, it's located between, it's in the middle of that block or and, and,

Fletcher: Mr. Barber.

Barber: Yes sir?

Fletcher: I've got pretty good knowledge of this property. It's not accessible although it shows that it is from Oak Street.

Barber: That's right.

Fletcher: That is a pretty swampy drain between Oak Street and

Barber: In other words, Mr. Fletcher, do you know where Ross's is located?

Fletcher: Oh, absolutely.

Barber: You go past Ross and make a right. It's right behind Ross's property.

Fletcher: I know where it is.

Barber: It's a little small lot. And the lady that stays across in front of it is here tonight.

Fletcher: Well, it's between Edwards Road and 26 ah 65-A is it not?

Barber: 265?

Fletcher: It's north of Edwards Road.

Barber: The general location is

Fletcher: Is it north of Edwards Road or south?

Barber: Edwards Road runs north and south. It's west of

Ballister: Here is a site plan and here is Edwards Road.

Barber: O.K. Let's turn it this way. This is the way that I know the road. I know the road like that.

Fletcher: It's across Edwards Road from Ross's.

Barber: O.K. This is Union Chapel Road down here. This is Edwards Road here. O.K. If you go back down to Ross's, make a right, go down one block past, just past Ross's house, you make another right and you go in there. And what has happened is someone has pulled a used mobile



home in there since this letter was sent out. It is not an existing building. And this is what we were led to believe.

Ballister:

We can check our records to find out if we've issued a residential concurrency for this same property.

Fletcher: Why don't you do that and then bring this back to us.

Ballister:

Ah, I'll do that.

Roberson: What do you want to do?

Fletcher: I want him to check that out and bring it back to us.

Richmond: Two weeks or what?

Fletcher: In two weeks.

Ballister:

Two weeks.

McGill: Madam Chair, while some of these people who are opposed to this are present tonight, they may not be able to make it back two weeks from tonight. Would you go ahead and get those comments for the record. Just those who cannot come back two weeks from now.

Roberson: O.K.

Richmond: Mr. Barber, you said there was someone else that wanted to speak in opposition.

Barber: In the back, several people.

Fletcher: Well, we're not going to take it up tonight.

Roberson: No, but they have said

Richmond: Do ya'll want to speak tonight or come back in two weeks?

Roberson: You'll have to come up and state your name please.

Richmond: I'm sorry.

Roberson: You're alright.

Clark: My name is Bernice Clark and I had gotten a letter you know, several times, about the beauty shop, but I didn't have no idea that it was going to be less than 100 ft. right in my front door, you know. It's just not appropriate, you know, because it's a ditch there. Then if they get ready to park to get their hair did, they are going to be blocking my drive-way for me to go in, you know. I just do not want that right in front of my yard. If it would have been somebody that had their own piece of property, you know, to put it on alone, but it's just sitting in back of another house there. And that's just not appropriate. I don't think so. Cause if they don't, if they can't hook it up right, then if they boot-leg it, then it could set the house afire, then ruin my house. You know my house and stuff cause it is just that close.

Richmond: If I can. Procedurally, we need to address this issue. There has been a motion made by one of the commissioners to have this matter passed for two weeks to get additional information. In two weeks, the commission will be meeting with everyone present. Comments made tonight will not necessarily be available to those other commissioners. And, what I think we need to do is if you intend to pass it for two weeks, we need to take it up in two weeks in total because these other commissioners will need the benefit of these comments as well. If that's alright.

Fletcher: That's really the fair thing to do.

McGill: Is that your motion?

Fletcher: Yes, that's my motion.

McGill: That's my second.

Roberson: O.K. We have a motion and a second. All in favor?

McGill, Fletcher, Roberson: Aye

Ballister: I apologize to the Board. When I went to the site, I saw a structure there and I was assuming that was the structure that would house the beauty salon.

Is the applicant here? Would you like to come up?

Richmond: It's been passed for two weeks. There has been a vote and it's been passed for two weeks to get the full

commission here and to get additional information for this commission to hear.

Ballister:  
Alright, I'm sorry.

Roberson:  
So, you need to get with her Bruce and let her know what she needs to do.

### **Light Industrial Category - Public Hearing**

Ballister:  
The last item tonight is the ah, light industrial ordinance. Ah, the majority of the light industrial ordinance is an edit to Chapter 4 of the Land Use Code. And a change in the Comp Plan section that described commercial and industrial and included a new description for light industrial.

As there are only three of us, three commissioners tonight, it was officially noticed to be ah, have a public hearing on the merits of the change tonight. That was done per notice requirements - well in advance of knowing that we would a short commission tonight.

Ah, it can still be discussed again in two weeks which is the second required meeting. Ah, if you would like to go into deeper discussion of the merits of it or hold out for two weeks, we can do that,

Fletcher: It would be better if it was held because these guys are gonna have to hear it all again that aren't here. So, why should we have to hear it tonight and then hear it again.

Ballister:  
I understand. That's, that's my suggestion is that where we've got it. If there is anybody here that responded to the application or the notice in the newspaper.

Roberson: Is there anybody here in response to the - you've in response to the notice? O.K.

McGill: About this particular issue, I don't know.

Roberson: Is it in response to this particular issue? Can you come back in two weeks or would you like to speak tonight? It will be when?

McKinnon: August the third.

Roberson: August the third.

Fletcher: You are still gonna have two guys that are not here and are not going to hear what she's got to say. And they are going to be voting. So, she would be better off to appeal to the whole commission than she would be to just the three of us.

Ballister:  
Alright.

McGill: While we table, I'm going to make a motion that we continue for two weeks.

Fletcher: Sure.

Ballister:  
We have a second required option and we have two public hearings required to pass an ordinance to change part of the comp plan and you can't adopt until the second one anyway. So, we can just have the public hearing session in two weeks.

McGill: So, we just continue with that.

Ballister:  
Yes.

Roberson: Ma'am, did you want to speak tonight or do you want to come back in August?

I ain't speaking to the beauty shop. I want to speak about the land.

Roberson: Ma'am?

I don't want to speak about the beauty shop, I want to speak about the land.

Roberson: The ordinance?

Yeah, the ordinance.

Roberson: That's what we are talking about that now. No, we are past the beauty shop Ma'am. Did you want to speak tonight or can you come back on August the third.

August the third?

Roberson: You are welcome to speak tonight if you want to. If you will, state your name, please.

Thomas: Gloria Thomas. I live on the Holloway Road and I want to speak about my land over there on Holloway Road. It is 4 acres and they say that I can't put but one trailer on it - the 4 point acre.

McGill: I am not sure that is germane to this issue.

Roberson: I'm not either. This ah, basically, what we are trying to do is make some changes to the comp plan and that is what we are meeting on tonight. It is not really what you can do with your land.

Fletcher: Light industrial use is what we are suppose to be ah, this public hearing is about. It doesn't have anything to do with residential.

Thomas: Residence? Like land?

Richmond: No, this is a public meeting.

Thomas: When are you going to have a meeting about that then?

Richmond: There is a meeting in two weeks where were are discussing, isn't it about elements of one unit per acre, I think that's in two weeks. I don't know if that's what - ah, rural residential, yeah.

Thomas: O.K. then. In two weeks?

Richmond: Yes, ma'am.

Roberson: Do you know what your land is zoned?

Thomas: Ah, ugh.

Richmond: What is it now? Is it one to five or ?

Thomas: It's four.

Roberson: No, what are you zoned? Are you, do you have an agriculture zoning or are you rural residential or?

Thomas: I think it's rural.

McKinnon: Bruce, are you familiar with where her property is by any chance?

Ballister:  
No.

Roberson: Maybe you can help her, Bruce.

Ballister:  
Do you want to come into my office and I can help you with that?

Thomas: Yes.

McGill: Why don't you set a time so she can -like 8:30 or 9:00; 9:30, 10:00 o'clock.

Ballister:  
I will be there all day.

Thomas: O.K. Alright, I'll bring the thing to you.

Roberson: Alright, thank you for coming in.

Ballister:  
As a point of comment, I would invite all the commissioners to read that section in chapter 4 carefully because there are other minor edits to chapter 4 that are appropriate to do at this point. It's not just a sight, ah, light industrial change. There are some other things that will be fixed in chapter 4 that you would need to look at because they will be up for discussion.

Ah, that's the conclusion of my agenda for tonight.

AT A REGULAR MEETING OF THE BOARD OF  
COUNTY COMMISSIONERS HELD IN AND FOR  
GADSDEN COUNTY, FLORIDA ON JULY 6,  
1999, THE FOLLOWING PROCEEDINGS WERE  
HAD, VIZ.

PRESENT: CAROLYN ROBERSON, CHAIR  
EDWARD J. DIXON, VICE-CHAIR  
BILL MCGILL  
STERLING L. 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. Commissioner Watson led in pledging allegiance to the U.S. Flag and Commissioner McGill led in a prayer.

ADOPTION OF THE AGENDA

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

APPROVAL OF MINUTES

June 15, 1999 Regular Meeting

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

COUNTY ATTORNEY'S AGENDA

Midway Annexation Update- Lawsuits 99-822-CAA; 99-894-CAA

Mr. Richmond reported that he had filed lawsuits on behalf of Gadsden County as they relate to recent annexations of property by the City of Midway. He stated that the land which was annexed is not contiguous to the City. Additionally, the City did not comply with the voluntary annexation requirements of the Florida Statutes 177.44. He declined to make further remarks because of the pending litigation. He invited the commissioners to call him later with any questions they might have concerning the lawsuits.

### **Merritt Lane Update**

Mr. Richmond then reported that the issues surrounding subdividing of lots on Merritt Lane will likely end in litigation. He declined to make further comments because Commissioner Fletcher had requested that the matter not be discussed until he could be present. He added however, that there is no pending litigation at this point and there is no activity going on in the planning department that would require board action at this meeting. He asked that the matter be revisited at the first meeting in August.

### **Gadsden Community Hospital**

Mr. Richmond reminded the Board that between the years 1982 - 1986, Gadsden County participated in the physicians compensation fund which was a litigation fund whereby the participating counties were assessed based upon potential liability in those matters relating to the operation of the hospital. He then stated that to his knowledge, all associated lawsuits have been resolved. However, there is still some technical liability for that time period which should only be directed to the County.

Mr. Richmond then explained that Centennial Health Care has now formed a not-for-profit corporation and has complied with everything so that the new corporation can have the permit to operate the hospital. He went on to say that in order to be licensed by the State of Florida, they would need a statement asserting the county's responsibility for any liability relating to the time period that the County operated the hospital. He asked for authority to write a letter to Centennial Heath Care Inc. to that effect.

**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO AUTHORIZE THE COUNTY ATTORNEY TO WRITE A LETTER TO CENTENNIAL AS DESCRIBED ABOVE.**

### **MARY JANE JOHNSON - REQUEST RESOLUTION TO RE-ZONE**

Ms. Mary Jane Johnson who lives on Merritt Lane addressed the Board requesting that the Board consider re-zoning all of the lots on Merritt Lane from "Rural Residential" to "Agriculture 1". She submitted the attached petitions supporting the request. She explained that some of the lots are zoned "Rural Residential" and others are already zoned "Agriculture 1."

Ms. Johnson stated that historically, the neighborhood consists of plots that are from 3 acres to 5 acres in size.



Mr. Richmond asked Mr. Ballister how the Board should proceed in this matter.

Mr. Ballister replied that Ms. Johnson has requested that the Board voice some agreement to her request and accept it as a formal application to be considered during the county-wide re-zoning process in the fall. The matter can then be considered along with all other re-zoning requests at a public hearing in the fall.

**UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO ACCEPT MS. JOHNSON'S REQUEST AS A FORMAL APPLICATION FOR CONSIDERATION DURING THE COUNTY-WIDE RE-ZONING PROCESS IN THE FALL.**

### **PLANNING AND ZONING ISSUES**

#### **Frank Clore - Havana Flea Market**

\_\_\_\_\_The above named project was originally submitted to the Planning and Zoning Commission in December of 1997 and was reviewed for planning and zoning issues by Mr. Mike Sherman. Mr. Clore petitioned the Board of County Commissioners for the consideration of a conceptual site plan for a flea market and mini-storage facility to be located just north of the intersection of US 27 and CR 12B. Mr. Clore's proposal includes approximately 40,320 sq. ft. of sales area associated with the flea market under a metal canopy; 20,400 sq. ft. of mini-storage consisting of 136 10' x 15' storage units in a metal building and a 14' x 78' office installed as a mobile home style office unit. This conceptual plan does not indicate clearly where the proposed rest room facilities are located.

\_\_\_\_\_Mr. Ballister pointed out that the original conceptual plan did not indicate a wetlands line. He has since received a copy of it as it was submitted to DEP. DEP has confirmed that it is a fair representation of the line. The county has a requirement for a 50 ft. set back from that line. The development will have to be shifted so that it is at least 50 ft. from that wetlands line. The storm water pond and some of the facilities will have to be relocated.

Conceptual approval will give Mr. Clore a maximum envelop but does not guarantee that he will get the exact number of stalls or parking units. He will have to work within the guidelines of the land development code site planning to make his development work with a relocated storm water facility. According to DEP he will not be able to do any treatment of run off within the jurisdictional wetlands. The final site plan will have to be

subject to staff scrutiny as he goes through the various processes.

One of the largest items on the check list for approval was the number of units that would be allowed with or without storm doors. Mr. Ballister stated that Mr. Sherman had indicated that he would only be allowed a certain number of open-air units. The interpretation which Mr. Sherman had from previous approvals was that the majority of the units should have roll-down doors and should have lock-up facilities.

Mr. Clore has requested a variance from the requirement to have enclosed units and be allowed to have open air units.

Discussion followed. (For details of this discussion, see the attached verbatim minutes.)

**UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO CONTINUE THE PUBLIC HEARING ON THE FLEA MARKET UNTIL AUGUST 3, 1999.**

**Minor Subdivision Rules - Ordinance - Public Hearing**

For discussion on this matter see the attached verbatim record.

**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO CONTINUE THE PUBLIC HEARING ON THE ABOVE REFERENCED ORDINANCE UNTIL AUGUST 3, 1999.**

**SALARY SURVEY - BOD POWELL - JAMES MOORE & COMPANY**

Mr. Bob Powell, CPA, reported to the Board the findings of the recent salary survey performed by James Moore and Company. He explained that they sent twelve requests for salary information out to various entities. They were Leon County, Northwest Florida Water Management District, Wakulla County, City of Quincy, Town of Havana, Jackson County, City of Sopchoppy, City of Carrabelle, one private industry and three other governments that did not respond to the questionnaire. He explained that 75% response rate was successful rate in matters such as this.

Mr. Powell then introduced the attached report which demonstrates the results of the questionnaire. He summarized his report by saying that overall, Gadsden County is approximately 21% below the salaries of other counties, cities and towns, and private companies. He recommended that the County follow the three-year plan proposed in the report to bring salaries in line.

Mr. McKinnon stated that he will prepare a salary adjustment recommendation for each position during the budget process.

**COMMUNITY DEVELOPMENT - ED BUTLER**

**Citizen's Advisory Task Force By-laws**

Commissioner McGill raised questions regarding Article 3 on page one dealing with absences and "just cause." He suggested that it be more specific as to what constitutes "just cause."

He then called attention to page 2 - Article 5 section 3 "Quorum". He suggested that the language be changed to read "simple majority" or "one more than 50% of the members."

**UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE ABOVE STATED DOCUMENT.**

**COUNTY MANAGER'S AGENDA**

**Proposed Lease of Tallahassee Community College (TCC) Building**

Mr. McKinnon reported that TCC has approached the Board offering to lease their Quincy center (old hospital on East Jefferson St.) to the County for \$1.00 per year. He called attention to the office space needs of the County. He told them if they should decide to accept the proposal, he would make recommendations as to how it should be occupied at a later date.

Mr. McKinnon pointed out several general terms of the lease as follows:

- 1) Allow TCC the use of one office and one classroom rent free;
- 2) Allow the Juvenile Justice Program to remain in the building for 6 months to a year until TCC can relocate them; they currently are paying \$42,870 per year which the County would receive;
- 3) Transfer maintenance and operating costs to the County;
- 4) Allow TCC to keep their sign on the premises

Ms. Liz Maryanski, Vice President for Administrative Services for TCC answered questions from the Board. She reported the following:

- 1) The maintenance costs are about \$150,000 per year utilities, telephone, insurance, maintenance, 2 staff members.

- 2) The gross square footage is 40,000 - that includes all rest rooms and mechanical rooms the net is 26,000 to 28,000.
- 3) The County is currently paying \$12,000 to the college for the library lease - this would demonstrate a savings to the County.
- 4) The building floor plan is not conducive to the WAGES training program - TCC will locate it at another location.

Commissioner Dixon stated that he was not certain how the County would make use of the space. He referenced a memo from Clerk Thomas saying that he would oppose the County relocating the felony and juvenile courts to that building.

Mr. McKinnon stated that the Sheriff has made it known that he needs additional office space and would be able to utilize space at TCC.

When asked, Clerk Thomas stated that he had seen the space at the college and he would rather not move the felony and juvenile courts to that building. He added that Sheriff had said that he could use as much as 1 1/2 to 2 floors of the space. He explained that the Sheriff, his deputies, investigators, and the emergency management department is housed in two mobile units next to the jail. The Sheriff's civil staff is located in the jail itself and should be relocated.

Commissioner Dixon stated that he is interested in getting the building but he would like to know what the fall-out will be for the County. He pointed out that there are issues to be worked out with the constitutional officers.

**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO ACCEPT THE PROPOSAL BY TCC FOR THE QUINCY CENTER, AND APPROVE THE LEASE.**

Ms. Maryanski stated that the college will turn the building over to the County by August 31, 1999.

**City of Quincy Request to Renew Office Space Agreement for Arbitration & Truancy Programs**

Mr. McKinnon told the Board that he had received a request from the City of Quincy to renew the interlocal agreement concerning office space for the Arbitration & Truancy Program located at 22 South Madison St.

Mr. McKinnon pointed out that since the inception of the

original interlocal agreement, part of the program has been transferred to the Sheriff. The new agreement will clarify that difference.

Mr. McKinnon stated that he found out on the day of this meeting that the arbitration program has moved into another building. However, he has not received formal notification. He recommended that the County leave the option to continue the program under the same terms as the last interlocal agreement.

**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, TO APPROVE THE RENEWAL OF THE INTERLOCAL AGREEMENT FOR OFFICE SPACE AT 22 SOUTH MADISON ST. WITH THE CITY OF QUINCY FOR THE ARBITRATION AND TRUANCY PROGRAMS.**

**Gadsden 10/90 Economic Development Grant Pre-application**

Mr. McKinnon stated that Gadsden 10/90 has requested that the County apply for an economic development grant. The purpose of the grant would be to finish the road and drainage, and install water and sewer lines on Commerce Blvd. The entire section will be utilized by Florida State University (FSU). It is a grant from the United States Department of Agriculture, Office of Economic Development. It requires a 50% match which the developer will pay.

Commissioner McGill asked how this would affect Midway's ability to move toward Leon County on the east side of I-10 with water and sewer lines.

Mr. Richmond stated that it would be subject to litigation. He said that there are some issues involved with deeds in 10/90. He explained that the deeds in 10/90 call for them to tie into Talquin Electric and their sewage treatment plants if one is developed. There is no such requirement if Midway has the same service available. He was reluctant to discuss the matter further in public.

Mr. John Hunt, Sr., partner to Armer White, 10/90 Developer addressed the Board. He explained that 10/90 is installing water lines and sewer lines out to the street. He said whoever gets the sewer lines in first will get their business. He assured the Board that no property purchase in the development had required a business to tie into any particular sewer line. He noted that septic systems are presently being used.

For the record, Mr. McKinnon stated that the County's Employer Identification number should be added to the application.

**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER**

DIXON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO AUTHORIZE THE CHAIR TO SIGN THE ABOVE STATED GRANT APPLICATION.

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) Resolution 99-011 - Census 2000 Complete Count Committee Partnership with U.S. Census Bureau - for approval
- 2) Courthouse Asbestos Abatement Report - for the record
- 3) Invoice for \$46,419.06 to Natkin Services for asbestos abatement of the courthouse - for approval
- 4) Resolution 99-012 EMS Write-off of Bad Debts totaling \$97,253.37
- 5) Ambulance Agreement with City of Chattahoochee - conceptual approval
- 6) County Sexual Harassment Policy - for approval
- 7) Mosquito Control Detailed Work Plan and Operational Work Plan for 1999-2000
- 8) Lien Satisfactions - Housing Rehab Program - Mary L. Jackson; and Germonia and Mae J. Paden - for approval
- 9) SHIP Subordination Agreement: Keith and Misty Vanbenthuyzen - for approval
- 10) CDBG Housing Rehabilitation Policies and Procedures Plan - Ratification of Approval of Plan
- 11) Access Easement for Louise Wynn to her property located behind Shiloh Park (Approved at BCC Meeting on September 15, 1998)
- 12) Amendment to U.S. Department of Agriculture, Natural Resources Conservation Service Emergency Watershed Protection Program # 68-4209-221
- 13) Bid Committee Recommendation to award Watershed Protection Project # 68-4209-9-221 Bid # 99-017 to Roberts Sand co. of Tallahassee, FL in the amount of \$165,842.00. G98-5 English Br. - Extend culverts and armor road shoulders with riprap; G98-4 Richlander CR/HWY 65B - Remove restricting sediment; install riprap to stabilize inlet and outlet; 98-8 Hurricane Br. - Fill outlet channel; loose rock riprap
- 14) Gadsden Medical Center lease to North Florida Medical Center, Inc. for \$26,493.96 per year to be paid in monthly installments of \$2,207.83 in advance of the 1st of each month beginning July 1, 1999.
- 15) Surplus Inventory found to have no value to Gadsden County - Authority to dispose of it by auction or otherwise discard it.

## **CLERK'S AGENDA**

### **Cash Report**

### **Financial Statements**

\_\_\_\_Clerk Thomas presented the County's Cash Report for the record as well as the Financial Statements.

### **Budget Amendments 99-07-06-01 through 99-07-06-07**

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.

### **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 RATIFY THE APPROVAL TO PAY THE COUNTY BILLS.

## **DISTRICT 1 REPORT**

Commissioner McGill recalled the following actions of the Board:

- 1) approved changes in the density requirements in the county
- 2) approved the removal of all family exemptions to the density requirements;
- 3) approved an Affordable Housing Program to be sent to Department of Community Affairs for their consideration.

He went on to say that during that same time period, Building Official Frank Ritter reported that the State is now requiring a foundation plan and soil bearing capacity test for each new mobile home. The new requirements could increase the cost of a mobile home by as much as \$2,000.

In view of the new state mandates for mobile homes, he questioned whether low income people will ever be able to realize the dream of home ownership. He then asked the Board to reconsider its past decisions and move toward a solution to getting people into site built homes.

Commissioner McGill then recalled conversation about how the proliferation of mobile homes impact the ad valorem tax roll. He implored the Board to come up with some creative way to make homes affordable for the lower income people.

Commissioner Watson pointed out that the Board's action was to decrease the density requirement from one house per two acres to one house per one acre. In essence, the change made it more affordable.

Mr. Ballister confirmed that what the change accomplished was that it made one house per one acre in all rural residential areas period.

Commissioner Dixon asked Mr. Ballister to prepare a practical comparison of the new policy to the old policy - what will come out of that change in density versus what it was.

### **Leon County Waste Transfer Station**

Commissioner McGill then reported that he attended the Leon County Commission where they discussed placement of their future waste transfer station. One proposal that they are considering is near Midway. He then reported that there is also some discussion going on with the City of Quincy about using Byrd Landfill as the site. He said that it is obvious to him that some of the Leon Commissioners are going to try to move forward with the Gadsden County site regardless of how opposed the Gadsden County Commission is to it.

Commissioner McGill then stated that he approached one of the Leon County commissioners after their meeting and the issue of the charter government came up. He asked that the county attorney prepare some legal and concise definitions for charter county and non-charter county and the advantages of each. He suggested that the county consider becoming a charter government.

Commissioner McGill pointed out that Midway came into existence to defend itself against undesirable businesses locating in their midst. However, since they have experienced such financial plight, they are now considering allowing those same businesses to locate there. He offered some alternatives which might advantage Midway more than these businesses such as water, sewer and utilities.

### **Request for Additional Staff**

Commissioner McGill told the Board that he will be proposing at a future meeting that the County hire another staff person to assist Commissioner Dixon during his tenure as the Florida Association of Counties (FAC) President.



## **DISTRICT 2 REPORT**

Commissioner Watson reported that he had enjoyed the FAC Conference that was held in Orlando. He said that the installation of Commissioner Dixon as the new FAC President was impressive.

## **DISTRICT 5 REPORT**

Commissioner Dixon thanked the Board for being in attendance of the FAC Summer Conference and being so supportive of him.

He then spoke to the relationship between the County and the City of Midway. He said that the Board has been very quick to tell Midway what they cannot do but has done nothing to help them survive. He went on to say that Midway is presently considering installation of a sewer system that will come from Tallahassee. He suggested that if the County does not intend to do anything to help them, at the very least it should leave them alone. He implored the commission to do what it can to assist them.

He pointed out that growth is going on all around Midway but is of no benefit to Midway. He then suggested that the County could help them get the sewer line run from Tallahassee and serve the city residents as well as the corporate residents outside the city.

Commissioner Dixon then turned his remarks toward the separate societies that exist in Gadsden County. He asked the Board to begin recognizing and acknowledging that the differences do exist. He said that after recognizing that there are challenges to overcome, it is incumbent of the County to make decisions that will address the needs of each distinct community and foster the spirit of a single community.

## **DISTRICT 3 REPORT**

Chair Roberson called attention to the information in the agenda packet regarding Victory Bridge in Chattahoochee. The City of Chattahoochee is interested in either the City or the County to obtain ownership of the bridge - purely for scenic purposes. Before the city makes a decision, they would like to know if the County has any interest in ownership of the bridge. She pointed out the inspection reports dealing with the bridge. She then asked the commissioners to read over it and make their responses known to her at a later date.

**ADJOURNMENT**

**THERE BEING NO OTHER BUSINESS BEFORE THE BOARD, CHAIR ROBERSON  
DECLARED THE MEETING ADJOURNED.**

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**Carolyn Roberson, Chair**

**ATTEST:**

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Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE BOARD OF  
COUNTY COMMISSIONERS HELD IN AND FOR  
GADSDEN COUNTY, FLORIDA ON JULY 20,  
1999, THE FOLLOWING PROCEEDINGS WERE  
HAD, VIZ.

PRESENT: CAROLYN ROBERSON, CHAIR  
BILL MCGILL  
E.H. (HENTZ) FLETCHER  
NICHOLAS THOMAS, CLERK  
HAL RICHMOND, COUNTY ATTORNEY  
HOWARD MCKINNON, COUNTY MANAGER

ABSENT: EDWARD J. DIXON, VICE-CHAIR  
STERLING WATSON

CALL TO ORDER

The meeting was called to order by Chair Roberson. County Attorney Hal Richmond led in pledging allegiance to the U.S. Flag and County Manager Howard McKinnon led in a prayer.

ADOPTION OF AGENDA

Clerk Thomas requested that the Clerk's Agenda be amended to include authorization for him to begin the process of making a direct sale on a piece of property inside the city limits of Quincy. He explained that the information was included in the agenda packets but it was left off the agenda itself.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 3 - 0, BY VOICE VOTE, TO APPROVE THE AGENDA AS AMENDED.

APPROVAL OF MINUTES

July 6, 1999 Regular Meeting

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 3 - 0, BY VOICE VOTE, TO APPROVE THE MINUTES OF THE ABOVE STATED MEETING.

COUNTY ATTORNEY'S AGENDA

Mr. Richmond had no report but stated he was available for any questions the Board might have of him.

## PLANNING AND ZONING ISSUES

### 84 HOMES

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 3 - 0, BY VOICE VOTE, TO APPROVE 84 HOMES WITH THE SPECIAL CONDITIONS AS STATED BY THE PLANNING AND ZONING DEPARTMENT AND IN THE ATTACHED MEMO. THE MOTION ALSO INCLUDED ADDITIONAL SPECIAL CONDITIONS AS FOLLOWS: NO MORE MOBILE HOMES ARE TO BE PLACED ON THE LOT THAN ARE SHOWN ON THE SITE PLAN AND THE OWNER MUST DO AWAY WITH THE TOMATO FREE-MARKET ON THE REST OF THAT PROPERTY.

(A verbatim transcription of the discussion relating to the above matter is attached to these minutes.)

### Le Chirque Beauty Salon

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 3 - 0, BY VOICE VOTE, TO PASS THE DECISION REGARDING LE CHIRQUE BEAUTY SALON FOR TWO WEEKS TO ASCERTAIN MORE INFORMATION.

(A verbatim transcription of the discussion relating to the above matter is attached to these minutes.)

### Light Industrial Ordinance - Public Hearing

THE PUBLIC HEARING FOR THE LIGHT INDUSTRIAL LAND USE CATEGORY ORDINANCE WAS CONTINUED UNTIL AUGUST 3, 1999.

(A verbatim transcription of the discussion relating to the above matter is attached to these minutes.)

## COUNTY MANAGER'S AGENDA

### TENTATIVE MILLAGE

#### General Operating Fund Millage - 10 Mills

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 3 - 0, BY VOICE VOTE TO SET THE TENTATIVE GENERAL OPERATING FUND MILLAGE AT 10 MILLS AND TO HOLD THE TENTATIVE BUDGET HEARING ON SEPTEMBER 13, 1999 AT 6:00 P.M.

#### Tentative Millage for Hospital Bond (1 Mill)

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 3 - 0, BY VOICE VOTE, TO SET THE MILLAGE FOR THE HOSPITAL BOND AT 1 MILL AND TO HOLD THE TENTATIVE BUDGET HEARING ON SEPTEMBER 13, 1999 AT 6:00 P.M.

**FY 99-00 BUDGET CALENDAR**

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 3 - 0, BY VOICE VOTE, TO APPROVE THE FY 99-00 BUDGET CALENDAR AS PRESENTED. (ATTACHED)

**Census 2000 Awareness Campaign**

Mr. McKinnon told the Board that the kick-off campaign for the Census 2000 will be held on Monday, July 26, 1999 on the courthouse grounds. He invited all of them to attend.

**CONSENT AGENDA**

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

- 1) UPDATED EMERGENCY MEDICAL SERVICES (EMS) POLICY

**CLERK'S AGENDA**

**Request to Purchase County Property**

Clerk Thomas told the Board that he had received an inquiry from Mr. Gary Clary about purchasing a piece of property on Kent St. in Quincy from the County. He explained that the County acquired it in 1994 as a result of the owner failing to pay the taxes. He added that it was on the list of lands available for taxes for seven years prior to the County's acquisition.

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 3 - 0, BY VOICE VOTE, TO AUTHORIZE THE CLERK TO BEGIN THE PROCESS OF MAKING A DIRECT SALE OF A PIECE OF PROPERTY LOCATED INSIDE THE QUINCY CITY LIMITS. SEE ATTACHMENTS FOR DETAILS.

**Budget Amendment 99-07-20-01 through 99-07-20-09**

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

**DISTRICT 1 REPORT**

**Florida Education Foundation**

Commissioner McGill told the Board that the Florida Education Foundation is accepting donations to help pay the expenses of repainting Shanks High School. Any money collected over and above the costs will be used for other educational purposes. He asked the Board to contribute \$300 toward that cause. He also asked that the Board forward that donation by Friday as the work is to begin on Monday.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 3 - 0, BY VOICE VOTE, TO APPROVE PAYING \$300 TO THE FLORIDA EDUCATION FOUNDATION AND FURTHER MOVED THAT IT SHOULD BE TAKEN FROM THE GENERAL FUND CONTINGENCY.

**Leon County Transfer Station**

Commissioner McGill reported that the City of Quincy is considering bringing the Leon County garbage to the transfer station located at the Byrd Landfill. He urged the commissioners to make all deliberate efforts to prevent the Leon garbage from coming into the county regardless of the city's position.

**DISTRICT 4 REPORT**

Commissioner Fletcher had no report.

**DISTRICT 3 REPORT**

Chair Roberson had no report.

**ADJOURNMENT**

**THERE BEING NO OTHER BUSINESS BEFORE THE BOARD, THE CHAIR  
DECLARED THE MEETING ADJOURNED.**

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**Carolyn Roberson, Chair**

**ATTEST:**

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**Nicholas Thomas, Clerk**

## **84 HOMES**

Ballister:

Bruce Ballister, director of planning and zoning. Ah, Commissioners on your packet front page, we show Le Chique Beauty Salon first and 84 Homes as second. However in the package, 84 is first. Let's discuss that one in front.

Ah, the applicant has provided some drawings that are a little more easy to read. The applicant is in the audience tonight. Ah, Johnny Blue Craig is representing 84 Homes. Ah, their application is for a mobile home sales lot on a leased portion of a commercial lot of record on US 90 West, on Bostick Road. That's at the southwest corner of that intersection.

Ah, the site plan has 15 models displayed with a sales office and parking for passenger cars. The proposed entry access for the mobile home units would be off Bostick Road. This road accesses the 2.76 remainder of that commercial site. Ah, in this application there are no defined plans for the remainder of that site because that is subject to a different lease and a different occupant.

Ah, it's in a commercial land use category. The code does not specifically exclude include or exclude mobile homes sales in either Class I or Class II. Due to the inventory or the size of the inventoried stock, i.e. mobile home units, it's a, ah, it becomes a Class II because of it's impacts.

The site plan shown and the concept shows that storm water controls will be provided ah, the property, as it exists right now is nearly barren. There is exposed earth and some grass, a few very small trees along the frontage, nothing along the back.

Ah, the site plan indicates passenger car access off US 90 and a second access off Bostick Road. Ah, we recommend that for the, to minimize accidents, that the US 90 driveway not be used for mobile homes.

Set backs should be observed. Ah, I believe the new plan that they presented shows that the set backs were observed. Yes. Ah, this is a much improved site plan over the one that was originally presented to the department when it wrote the response. Ah, it shows set



backs being adhered to and the units displayed for ah, access. There is plenty of area in the front yard areas for landscaping and open space requirements.

Ah, the Planning Commission met two weeks and failed to achieve a quorum so it's being forwarded without comment from the Planning Commission.

Staff recommendation is for approval with conditions. The set backs have already been revised. Ah, dissimilar use buffers are not required. Ah, we would hope that the plan would be set up so that the units would be removed and accessed, all movements onto and off the property would be on Bostick Road to keep from backing or hauling these large items onto US 90 and having to do an U-turn at the intersection if they were to head west.

Ah, pre-development conditions for storm water should consider that there is something on there besides barren soils. That will be an engineering process. The, ah, staff recommendation is for approval of this site. Ah, are there further questions?

Roberson: Is there anybody in the audience that is opposed to this?

No response.

McGill: Madam Chair, I have a couple of questions for Mr. Ballister.

Ballister:  
Yes, sir?

McGill: I, I wonder why the Planning Commission sent it or forwarded it up without taking any kind of action on it. What was their reason?

Ballister:  
They didn't have a quorum, so they couldn't act. They automatically go to the Board.

McGill: Now historically, on several occasions, I started to say historically but I could not guarantee that so I thought I'd better change that. On several occasions, we have authorized mobile homes sales lots to be established and they have not been very good at doing what they say they are going to do. They've already exceeded the number that we thought we approved to have on the site at one time. Also, they have not been too observant of trees

and other vegetation that should be maintained on the site and they have not cared too much about the run off and stuff like that. Do we have any kind of thing in here to guarantee that this particular 84 Homes is going to observe these things we have in here?

Ballister:

We can stipulate that the number of units shown are the maximum number that will be there. I would want to know on the final site plan, which area was going to be used for temporary storage of units. Ah, the ah, problems we have had with other facilities of this type gives us a learning curve, at least some place to start asking for more performance based criteria in our conditions for approval.

Ah, I believe he's got, let me check real quick, there are 15 shown here. That is what was shown previously. Ah, a condition of approval is that you have 15 units on your lot, period. That's whether they are set up or they're waiting to be delivered. Ah, I think I had asked and the applicant can lend some light on it, where would they stock pile units that were delivered from a factory and weren't yet ready to be delivered to a site. Ah, is there somebody here from 84?

Roberson:

Mr. Blue? You need to come to the podium and ah, state your name please.

Jones: Bo Jones with 84 Homes and Jones Mobile Homes in Bainbridge. Our main operations are out of Bainbridge. That's where all of our set-up crews are. Ah, the houses will be taken to the main location there in Bainbridge. And as they are ready to be delivered, then set-up crews will take them there from Bainbridge into Gadsden County as we do now and ah deliver them. So, we wouldn't really have a need for storage at this location.

Ballister:

I guess all 15 of those would be sales units?

Jones: Yes, sir.

McGill: But sometimes we have watched 15 go to 20 and 25.

Jones: Well, that area is pretty full with 15. It would be hard to go much past that.

McGill: That's good. So, nature set your boundaries for you.  
O.K.

Ballister: Just so the Board will know, will these be set up in a user atmosphere like some of the mobile home lots are where there is some landscaping and/or pathways or anything or are these going to be sitting there with no skirting?

Jones: We will probably skirt the ones across the front for aesthetic reasons. Ah, then the remainder would not have skirting. Ah, we would have some landscaping there across the front.

Ballister:  
O.K.

McGill: What about tree cutting?

Jones: Sir?

McGill: Tree cutting.

Jones: I don't think there are many trees there now.

McGill: So, you're saying you won't cut the trees?

Roberson: No, there are no trees there.

Ballister: Sir, the existing lot has a very few volunteers growing along the front property line. But, I can go out there and see if there is anything there might be saved, ah, because they already they've already got a start on nature. But there is not much on that site. It's mostly grass and dirt. There may be, like I said, a very few along the front line that can be incorporated into a landscaping plan. So, there is no reason to, in fact, (to Mr. Jones) Now that you're in the development process, no clearing should happen until you have a development order. O,K?

Fletcher: I have a question for Mr. Craig if he is here?

Roberson: State your name please.

Craig: Ah, Johnny Blue Craig. Seventy twenty-six.

Fletcher: You know what I'm going to ask you.

Craig: I am afraid I do. I think so.

Fletcher: I want to know what you are going to do with that other mess you got out there.

Craig: Well, the good news is, is that this, we have been trying to do something since the early 80's - for 15 or 16 years. During that time, we had one I think, mobile home sales company for about a year. And, since that time, the only interest we have had has been the flea market. So, you know, this is the first opportunity in many, many years to do something nice on the corner. And ah, so the opportunity is to get it off the corner and then shift it to the west. So, it won't be on the corner any longer. Which will be ah, which will be nice to do that.

Fletcher: You would make a lot of people happy if you would do away with it.

Craig: I know. My mother would be happy too.

Fletcher: I am sure.

McGill: So, do that for your mother.

Fletcher: So, are we going to get that done?

Craig: Right. It will be shifted over to the 2.76 acre tract.

Fletcher: I want to get rid of them Johnny Blue.

Craig: Well, we, the next process is to get rid of that 2.76 acre tract. So, if we get something nice on the corner, it will be easier to find something else hopefully adjacent to it. We are working in that direction, Commissioner Fletcher.

Fletcher: Alright. That's all I wanted to know.

Craig: Thank you.

Roberson: Do you want to make a motion?

Fletcher: I ah, I move that this approved under the conditions that planning and zoning has put on it along with the condition that there no more mobile homes on there than it shows on this site plan and that the owner ah, ah,

does away with the tomato free-market on the rest of that property.

McGill: Second.

Roberson: We have a motion and a second. All in favor, aye.

Fletcher, McGill, Roberson: Aye.

### **Le Chirque Beauty Salon**

Ballister:

The next item tonight is the Le Chirque Beauty Salon. It is in the ah, Union Chapel neighborhood. It is ah, actually has access on Union Chapel Road. The ah, Land Development Code lists a beauty shop as an allowable use in ah, definition sections for neighborhood commercials. Ah, location criteria as we discussed before, indicates ah, being less than 2 acres and being less within 500 ft. of an intersection of a paved arterial or collector and another paved arterial collector.

In this case, it's within 500 feet of an intersection of two paved roads, ah, both of which are minor roads. Ah, and it is less than 2 acres.

Ah, the site has an access to the paved road, however, the property is an interior lot to the block that is within. Access would be down a flag lot extension to the main highway. For this reason, staff recommends denial. The area might be suitable for a neighborhood beauty salon but the site is not appropriate as there is no true frontage other than this access-way. All customers would be required to pass between two residential units to access the property. A flag lot, I don't believe, as a director, is an appropriate location for neighborhood commercial uses.

As I understand it, this facility would be developed in a converted mobile home in a lot that is shared with another residence.

Ah, the applicant is in the audience tonight, if they would care to answer any questions.

McGill: You say that access would be, the cars would actually be driving between two, two residential units?

Ballister:

If you look on the portion of the plat map, it shows a roughly 200 ft. long by 30 ft. flag area that is the access to the site this property is on. Ah, so, it will be, I believe, a leased site in the middle of a lot. There is another structure already on it. Ah, the site plan immediately before that shows an existing mobile home and then the hair salon.

McGill: Let me go back. You are saying that if customers that want to access the salon, they'll actually have to drive between two residential units already existing out there?

Ballister:

Ah, yes. The access right now is through a road that runs around the outside of that easement and doesn't run down the 30 ft. There's ah, a blue sign indicating that it's a private roadway. That's not the actual legal access to this lot. There is no real roadway there.

McGill: Is there another way to access the house other than this particular?

Ballister:

No, sir. It's in the middle of a block. There are houses along Union Chapel Road that have frontage and if we, you know, forgave the requirement that it be on a major collectors, ah, I think a property like this in a neighborhood like this, or this kind of application in this neighborhood, ought to be on the main road itself and not back in the housing.

McGill: I understand what you are saying what you think it should be, but what is the policy or what does the policy say about that?

Ballister:

There isn't one. I mean, it wasn't anticipated that somebody would put a neighborhood commercial use back in the interior of a block. I think as a, as a citing situation, it's not a good idea just to be driving back between houses to find a business. It should have a presence.

McGill: But are there other business like this that are similarly situated?

Ballister:

Not that I can think of.

McGill: Not necessarily in this area, but any where in the County?

Ballister: Not that I can think of. Most of the neighborhood commercials that I can think of are located out on a major road.

McGill: I see a list of names, I guess these are adjacent property owners?

Ballister: Yes, sir.

McGill: Like Elaine Ford and so forth. Have we talked to those people to see if they like that or don't like that?

Ballister: I haven't called them, no, sir.

Roberson: Is there anybody in the audience that is opposed to this? O.K. If one of you at the time. Please state your name.

Barber: Melvin Barber. I own property in the area. And as I read your letter that you sent to me, it said that the property would be located, let me check this, on Oak Street and also you said that it would be in an existing building. No one told me that they were going to pull a used mobile home in on this property to be used. When you say existing, you're telling me that the building is already there. This is not the case. It is right across the street from my sister-in-law's home. And the lot is extremely small. I don't, and the access that you're talking about is just a little road that slides in between some other buildings. And, ah, this letter is erroneous when it describes the location as an existing building. It's not actually that. It's not located or this map is not, is way off.

McGill: Mr. Barber, are you saying that the salon itself is not where we say it is.

Barber: No.

Ballister: Well, it's located between Union Chapel and Oak.

Barber: Yes, it's located between, it's in the middle of that block or and, and,

Fletcher: Mr. Barber.

Barber: Yes sir?

Fletcher: I've got pretty good knowledge of this property. It's not accessible although it shows that it is from Oak Street.

Barber: That's right.

Fletcher: That is a pretty swampy drain between Oak Street and

Barber: In other words, Mr. Fletcher, do you know where Ross's is located?

Fletcher: Oh, absolutely.

Barber: You go past Ross and make a right. It's right behind Ross's property.

Fletcher: I know where it is.

Barber: It's a little small lot. And the lady that stays across in front of it is here tonight.

Fletcher: Well, it's between Edwards Road and 26 ah 65-A is it not?

Barber: 265?

Fletcher: It's north of Edwards Road.

Barber: The general location is

Fletcher: Is it north of Edwards Road or south?

Barber: Edwards Road runs north and south. It's west of

Ballister: Here is a site plan and here is Edwards Road.

Barber: O.K. Let's turn it this way. This is the way that I know the road. I know the road like that.

Fletcher: It's across Edwards Road from Ross's.

Barber: O.K. This is Union Chapel Road down here. This is Edwards Road here. O.K. If you go back down to Ross's, make a right, go down one block past, just past Ross's house, you make another right and you go in there. And what has happened is someone has pulled a used mobile



home in there since this letter was sent out. It is not an existing building. And this is what we were led to believe.

Ballister:

We can check our records to find out if we've issued a residential concurrency for this same property.

Fletcher: Why don't you do that and then bring this back to us.

Ballister:

Ah, I'll do that.

Roberson: What do you want to do?

Fletcher: I want him to check that out and bring it back to us.

Richmond: Two weeks or what?

Fletcher: In two weeks.

Ballister:

Two weeks.

McGill: Madam Chair, while some of these people who are opposed to this are present tonight, they may not be able to make it back two weeks from tonight. Would you go ahead and get those comments for the record. Just those who cannot come back two weeks from now.

Roberson: O.K.

Richmond: Mr. Barber, you said there was someone else that wanted to speak in opposition.

Barber: In the back, several people.

Fletcher: Well, we're not going to take it up tonight.

Roberson: No, but they have said

Richmond: Do ya'll want to speak tonight or come back in two weeks?

Roberson: You'll have to come up and state your name please.

Richmond: I'm sorry.

Roberson: You're alright.

Clark: My name is Bernice Clark and I had gotten a letter you know, several times, about the beauty shop, but I didn't have no idea that it was going to be less than 100 ft. right in my front door, you know. It's just not appropriate, you know, because it's a ditch there. Then if they get ready to park to get their hair did, they are going to be blocking my drive-way for me to go in, you know. I just do not want that right in front of my yard. If it would have been somebody that had their own piece of property, you know, to put it on alone, but it's just sitting in back of another house there. And that's just not appropriate. I don't think so. Cause if they don't, if they can't hook it up right, then if they boot-leg it, then it could set the house afire, then ruin my house. You know my house and stuff cause it is just that close.

Richmond: If I can. Procedurally, we need to address this issue. There has been a motion made by one of the commissioners to have this matter passed for two weeks to get additional information. In two weeks, the commission will be meeting with everyone present. Comments made tonight will not necessarily be available to those other commissioners. And, what I think we need to do is if you intend to pass it for two weeks, we need to take it up in two weeks in total because these other commissioners will need the benefit of these comments as well. If that's alright.

Fletcher: That's really the fair thing to do.

McGill: Is that your motion?

Fletcher: Yes, that's my motion.

McGill: That's my second.

Roberson: O.K. We have a motion and a second. All in favor?

McGill, Fletcher, Roberson: Aye

Ballister: I apologize to the Board. When I went to the site, I saw a structure there and I was assuming that was the structure that would house the beauty salon.

Is the applicant here? Would you like to come up?

Richmond: It's been passed for two weeks. There has been a vote and it's been passed for two weeks to get the full

commission here and to get additional information for this commission to hear.

Ballister:

Alright, I'm sorry.

Roberson:

So, you need to get with her Bruce and let her know what she needs to do.

### **Light Industrial Category - Public Hearing**

Ballister:

The last item tonight is the ah, light industrial ordinance. Ah, the majority of the light industrial ordinance is an edit to Chapter 4 of the Land Use Code. And a change in the Comp Plan section that described commercial and industrial and included a new description for light industrial.

As there are only three of us, three commissioners tonight, it was officially noticed to be ah, have a public hearing on the merits of the change tonight. That was done per notice requirements - well in advance of knowing that we would a short commission tonight.

Ah, it can still be discussed again in two weeks which is the second required meeting. Ah, if you would like to go into deeper discussion of the merits of it or hold out for two weeks, we can do that,

Fletcher: It would be better if it was held because these guys are gonna have to hear it all again that aren't here. So, why should we have to hear it tonight and then hear it again.

Ballister:

I understand. That's, that's my suggestion is that where we've got it. If there is anybody here that responded to the application or the notice in the newspaper.

Roberson: Is there anybody here in response to the - you've in response to the notice? O.K.

McGill: About this particular issue, I don't know.

Roberson: Is it in response to this particular issue? Can you come back in two weeks or would you like to speak tonight? It will be when?

McKinnon: August the third.

Roberson: August the third.

Fletcher: You are still gonna have two guys that are not here and are not going to hear what she's got to say. And they are going to be voting. So, she would be better off to appeal to the whole commission than she would be to just the three of us.

Ballister:  
Alright.

McGill: While we table, I'm going to make a motion that we continue for two weeks.

Fletcher: Sure.

Ballister:  
We have a second required option and we have two public hearings required to pass an ordinance to change part of the comp plan and you can't adopt until the second one anyway. So, we can just have the public hearing session in two weeks.

McGill: So, we just continue with that.

Ballister:  
Yes.

Roberson: Ma'am, did you want to speak tonight or do you want to come back in August?

I ain't speaking to the beauty shop. I want to speak about the land.

Roberson: Ma'am?

I don't want to speak about the beauty shop, I want to speak about the land.

Roberson: The ordinance?

Yeah, the ordinance.

Roberson: That's what we are talking about that now. No, we are past the beauty shop Ma'am. Did you want to speak tonight or can you come back on August the third.

August the third?

Roberson: You are welcome to speak tonight if you want to. If you will, state your name, please.

Thomas: Gloria Thomas. I live on the Holloway Road and I want to speak about my land over there on Holloway Road. It is 4 acres and they say that I can't put but one trailer on it - the 4 point acre.

McGill: I am not sure that is germane to this issue.

Roberson: I'm not either. This ah, basically, what we are trying to do is make some changes to the comp plan and that is what we are meeting on tonight. It is not really what you can do with your land.

Fletcher: Light industrial use is what we are suppose to be ah, this public hearing is about. It doesn't have anything to do with residential.

Thomas: Residence? Like land?

Richmond: No, this is a public meeting.

Thomas: When are you going to have a meeting about that then?

Richmond: There is a meeting in two weeks where were are discussing, isn't it about elements of one unit per acre, I think that's in two weeks. I don't know if that's what - ah, rural residential, yeah.

Thomas: O.K. then. In two weeks?

Richmond: Yes, ma'am.

Roberson: Do you know what your land is zoned?

Thomas: Ah, ugh.

Richmond: What is it now? Is it one to five or ?

Thomas: It's four.

Roberson: No, what are you zoned? Are you, do you have an agriculture zoning or are you rural residential or?

Thomas: I think it's rural.

McKinnon: Bruce, are you familiar with where her property is by any chance?

Ballister:  
No.

Roberson: Maybe you can help her, Bruce.

Ballister:  
Do you want to come into my office and I can help you with that?

Thomas: Yes.

McGill: Why don't you set a time so she can -like 8:30 or 9:00; 9:30, 10:00 o'clock.

Ballister:  
I will be there all day.

Thomas: O.K. Alright, I'll bring the thing to you.

Roberson: Alright, thank you for coming in.

Ballister:  
As a point of comment, I would invite all the commissioners to read that section in chapter 4 carefully because there are other minor edits to chapter 4 that are appropriate to do at this point. It's not just a sight, ah, light industrial change. There are some other things that will be fixed in chapter 4 that you would need to look at because they will be up for discussion.

Ah, that's the conclusion of my agenda for tonight.

AT A REGULAR MEETING OF THE BOARD OF  
COUNTY COMMISSIONERS HELD IN AND FOR  
GADSDEN COUNTY, FLORIDA ON AUGUST 3,  
1999, THE FOLLOWING PROCEEDINGS WERE  
HAD, VIZ.

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

CALL TO ORDER

The meeting was called to order by Chair Roberson. County Attorney Hal Richmond led in pledging allegiance to the U.S. Flag and Commissioner Watson led in a prayer.

ADOPTION OF THE AGENDA

Clerk Nicholas Thomas requested to amend the Consent Agenda to include the Tax Collector's list of Errors, Insolvencies and Double Assessments to the 1998 Tax Roll.

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

APPROVAL OF MINUTES

July 20, 1999 Regular Meeting

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

COUNTY ATTORNEY'S AGENDA

County Attorney Hal Richmond stated that the ordinances referred to on the agenda are matters that were continued from the July 7, 1999 meeting. He explained that they are matters primarily relating to Planning and Zoning Department Issues and should be held at that juncture of this meeting.

Mr. Richmond pointed out that the Board would not be able to have discussion relating to Merritt Lane. He explained that a law suit has been served on Planning and Zoning (P & Z) Director Bruce Ballister and on the County. He then stated that the County has 30 days to respond to the filing of the law suit. The matter is now

in litigation and the Board will be unable to discuss it further at this time.

### **CITY OF MIDWAY**

Midway Mayor Ron Colston was unable to be present and Commissioner McGill spoke on behalf of the City of Midway. He referred to a letter written by Mayor Colston on July 20, 1999 to Commissioner Ed Dixon. Mayor Colston's letter dealt with the City's desire to implement an exclusive franchise right that will include a five mile radius around the City of Midway. The purpose of the designation would be to protect their economic development activities.

Commissioner McGill asked each of the Board members to make their feelings about the franchise rights known to him and he would relate them to Mayor Colston.

### **WASTE MANAGEMENT CONTRACT PROPOSAL**

Mr. Ralph Mills, district manager of Waste Management, Inc. addressed the Board. He reported that new contract negotiations have been ongoing with the county manager regarding the garbage collection in the unincorporated areas of Gadsden County. The present contract will end on August 31, 1999.

Mr. Mills proposed a new five (5) year contract extension with Gadsden County that would be effective September 1, 1999 - August 31, 2004. The proposal is described in the attached letter.

Commissioner McGill asked if they would consider not taking a CPI increase for the entire life of the contract.

Mr. Mills said they would consider it.

Commissioner McGill asked if they would consider a reduction to the elderly who live alone and do not generate a large amount of garbage.

Mr. Mills answered they could look at the possibility depending upon the number of households that would be affected.

Commissioner Dixon asked the county manager if he had done an internal analysis of the contract such as the following:

- 1) How long Waste Management has had the contract?
- 2) Were any surveys done and if so what were the results?
- 3) Are there any delivery of service issues to be resolved?



- 4) Was there any research into the waste management market with which to compare this contract?

The following facts were discerned:

- 1) Waste Management has held the contract since 1987 - 12 years.
- 2) No surveys were conducted.
- 3) Other counties in the area were contacted as to their garbage programs and this proposal compares to them.
- 4) The service is one pick-up per week - limited to 3 cans - customer provides the containers.
- 5) The current contract ends at the end of August, 1999. However, there is an understanding in place with Waste Management that they will continue the service on a month to month basis and allow the county to look at alternatives as it deems necessary.

Commissioner Dixon stated that he would like to see a more in depth analysis.

**UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 1, BY VOICE VOTE, TO DELAY A DECISION ON THE CONTRACT UNTIL A BETTER ANALYSIS CAN BE MADE. COMMISSIONER WATSON CAST THE LONE DISSENTING VOTE.**

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

##### **Havana Flea Market - Frank Clore**

The above named project was originally submitted to the Planning and Zoning Commission in December of 1997 and was reviewed for planning and zoning issues by Mr. Mike Sherman, the former director of the Growth Management Department.

Mr. Clore petitioned the Board of County Commissioners for the consideration of a conceptual site plan for a flea market and mini-storage facility to be located just north of the intersection of US 27 and CR 12B. Mr. Clore's proposal includes approximately 40,320 sq. ft. of sales area associated with the flea market under a metal canopy, 20,400 sq. ft. of mini-storage consisting of 136 10'x15' storage units in a metal building and a 14'x78' office installed as a mobile home style office unit. This concept plan does not clearly indicate where the proposed rest room facilities are located.

For further details of this project, see the attached report.

The P & Z Commission recommended denial.

The P & Z staff recommended approval subject to the special conditions outlined in the attached report.

Attorney Ed Blanton addressed the Board on behalf of Mr. Clore. His comments are not made a part of these summary minutes but have been transcribed verbatim and are on file in the Clerk's office and the Planning Department.

The people listed below appeared before the Board in opposition to the flea market. Their comments are not a part of these summary minutes but have also been transcribed verbatim and are on file in the Clerk's office and the Planning Department.

Bruce Linton  
Richard Thompson  
Nicholas Weller  
Tim Whipple

There was a lengthy discussion of the project.

**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 3 - 2, BY VOICE VOTE TO DENY THE CONCEPTUAL PLAT APPROVAL. COMMISSIONERS WATSON, FLETCHER AND ROBERSON VOTED "AYE", COMMISSIONERS DIXON AND MCGILL VOTED "NAY".**

Bill Geyer was recognized for questions regarding the vote.

#### **Minor Subdivision Rules Ordinance - Public Hearing**

P & Z Director Bruce Ballister told the Board that the Department had prepared minor changes to sections of the Land Development Code that will provide additional protections for existing neighborhoods and additional oversight for the process of subdividing lands that have been previously subdivided. He went on to say that the proposed changes will create a new definition for "two-for-one subdivisions" and modify existing definitions for "immediate family; subdivisions; subdivisions, minor;" and delete the definition for "subdivisions, exempt" The ordinance will revise the standards in Subsection 5104 Residential Infill Development placing regulation of "two-for-one" subdivisions under the Growth Management Department and regulating re-subdivision. The proposed ordinance also requires less than major subdivisions to obtain health department approval prior to growth management approval. A copy of the proposed changes is attached to these minutes.

Mr. Ballister read the title of the ordinance into the record.

There was lengthy discussion among the board members. A verbatim transcript of this discussion is on file in the Clerk's office and the Planning Department but has not been made a part of these summary minutes.

The people listed below were recognized for comments and questions:

Elijah Knight  
Jamie Thompson  
Eloise Frost  
Brenda Holt  
Angeline Isaac  
Dot Prescott

**UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO CONTINUE THE PUBLIC HEARING ON THE ORDINANCE UNTIL AUGUST 17, 1999.**

#### **Le Chirque Beauty Salon - Neighborhood Commercial Application**

Mr. Ballister told the Board of a proposal to construct a beauty salon on a site that is a little less than two acres in the Union Chapel area. The site will have access off of Union Chapel which is paved. The access point is a few hundred feet north of the intersection of Edwards Road which is also paved.

The Land Development Code lists a beauty shop as an allowable use. For further details of the project, see the attached report.

This application was on the agenda for the last meeting but was continued until this meeting because of objections raised by residents in the area. However, since the last meeting, those people have rescinded their objections.

Staff recommendation: Denial - the access roads are not major collector road. If approved the staff recommended that the access to the shop be through the 30' flag access which is on their property. It will require the construction of a graveled driveway on their own property.

P & Z Commission Recommendation: forward to BCC with no action.

Chair Roberson called for public comment. There was none.

**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, IN VOICE VOTE, TO APPROVE THE PROJECT SUBJECT TO THE SPECIAL CONDITIONS LISTED BY THE P & Z STAFF.**

**CHAIR ROBERSON DECLARED A FIVE MINUTE RECESS.**

**Light Industrial Amendment**

**UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO CONTINUE THE PUBLIC HEARING ON THE LIGHT INDUSTRIAL AMENDMENT ORDINANCE UNTIL SEPTEMBER 7, 1999.**

**DANGEROUS BUILDING NUISANCE COMPLAINT**

Building Official Frank Ritter reported that he had received a complaint about a dangerous building located off Highway 268 in Gadsden County. (see the attached report for details)

The property is heir property and no one person can make the decision to have the building removed. However, several of the heirs had requested that the county tear the building down.

Mr. Ritter stated that he had investigated and found the complaint to be valid and issued an abatement order. He added that he must have board approval before he can proceed.

Mr. Richmond asked if this is the house known as "the little house on the prairie." Mr. Ritter answered affirmatively.

**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO LET THE ABATEMENT ORDER STAND.**

**COURTHOUSE CLOCK**

Commissioner Watson asked if the courthouse clock would be repaired in time to be operational for the ringing of the new millennium. Mr. Ritter answered affirmatively.

**GADSDEN COUNTY VS. FORD NEW HOLLAND OF TALLAHASSEE, INC. 98-1009-CA**

Public Works Director Robert Presnell stated that he had negotiated a settlement with Ford New Holland of Tallahassee as it relates to the lawsuit stated above dealing with a defective boom mower.

Ford New Holland has agreed to provide the County with a 1999 factory mounted industrial machete mower and tractor for \$45,000; allow \$7,000 in trade-in allowance on the Alamo mower; and forgive the \$3,222.27 debt owed to them by the County. In exchange, the County must drop the law suit.

Mr. Presnell stated that the department has \$34,564.00 in the current budget for the purchase of a new mower already. The difference between the budgeted amount and the cost of the new mower could be paid from the public works budget.

**UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 4 - 1, BY VOICE VOTE, TO APPROVE THE SETTLEMENT DESCRIBED ABOVE. COMMISSIONER FLETCHER CAST THE LONE DISSENTING VOTE.**

**Offer from Anderson Columbia Co., Inc. to Pave portion of Brickyard Road**

Mr. Presnell told the Board that Anderson Columbia Company has offered to re-surface the portion of Brickyard Road from the railroad track to US 90. They will widen the road by four feet, lay a leveling course and put 1 1/2" of asphalt without charge to the County - up to \$50,000. This amounts to approximately 2,700 ft.

**UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO ACCEPT THE OFFER FROM ANDERSON COLUMBIA COMPANY TO PAVE A PORTION OF BRICKYARD ROAD.**

**COUNTY MANAGER'S AGENDA**

**Road Name Change - Roney Road back to Carter Road**

County Manager Howard McKinnon told the Board that he had received a request to revert the name of Roney Road back to Carter Road. The road has always been known as Carter Road and was platted with the name Carter Road and had a street sign with the name Carter Road prior to the change.

**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO REVERT THE NAME OF THE ABOVE DESCRIBED ROAD TO CARTER ROAD.**

**Interlocal Agreement with City of Quincy for Animal Control Services**

Mr. McKinnon introduced the attached agreement between the City of Quincy and the County for animal control services.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE INTERLOCAL AGREEMENT WITH THE CITY OF QUINCY FOR ANIMAL CONTROL SERVICES.

#### FAC 2000 Legislative Issues Survey

Mr. McKinnon stated that he had completed the Legislative Issues Survey requested by the Florida Association of Counties and will submit it by August 6, 1999. He asked the commissioners to make their comments known to him.

#### CONSENT AGENDA

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

- 1) Chamber of Commerce Activity Report for month of June - for the record.
- 2) Notice of adoption of the Evaluation and Appraisal Report (EAR) for the record.
- 3) Approval of Bid Award 99- 017 to Roberts Sand Company and contract for Emergency Watershed Protection
- 4) Resolution 99-013 approving Gadsden County amendment to the local Housing Assistance Plan for fiscal year 1998-99
- 5) Local Housing Assistance Plan - for certification and approval and Resolution 99-015 (approving Local Housing Assistance Plan for FY 1999-2000; 2000-2001; and 2001-2002
- 6) Special Services Agreement with Bell South to provide ISDN line to Havana Library
- 7) Special Services Agreement with Bell South to provide current data base of E-911 to E-911 Director Devane Mason (no charge for this service)
- 8) Payment of \$7,491.60 to Big Bend Technologies for professional services rendered in connection with Rich Bay Road law suit against Crowder Excavating
- 9) Resolution 99-014 EMS Write-off of Bad Debts totaling \$65,590.59
- 10) Interagency Agreements between Gadsden County and Department of Corrections for Use of Inmate Labor - 8 crews
- 11) Tax Collectors List of Error, Insolvencies, Double Assessments, Discounts and Adjustments to Tax Roll for 1998

#### CLERK'S AGENDA

#### Cash Report

\_\_\_\_\_  
Clerk Thomas introduced the County's Cash Report showing \$10.4 million.

### **Financial Statements**

Clerk Thomas introduced the County Financial Statement covering the current fiscal year through the end of July.

### **Budget Amendments**

#### **99-08-03-01 through 99-08-03-04**

\_\_\_\_\_  
UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE BUDGET AMENDMENTS DESCRIBED ABOVE.

### **Ratification of the Payment of the 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 reported that he had visited Quail Ridge Subdivision with Public Works Director Robert Presnell. He noted several things that need to be looked into by county staff. They are listed below:

- 1) A section of the road right-of-way
- 2) water pressure problems by some of the residents
- 3) broken dry fire hydrant at the lake

### **City of Midway**

Commissioner McGill reported that he had met with the mayor of Midway and carved out a policy for economic development. He read it into the record and then filed a copy with the Clerk.

He then reported that he will be meeting with officials from the City of Midway to discuss a possibility of the City of Tallahassee providing water, sewer and electricity to Midway.

He then stated that he has volunteered to write grants for the City of Midway as possibilities become known. Mr. John Yerkes has also agreed to assist with grant writing as well.

**DISTRICT 2 REPORT**

Commissioner Watson had no report.

**DISTRICT 4 REPORT**

Commissioner Fletcher had no report.

**DISTRICT 5 REPORT**

Commissioner Dixon had no report.

**DISTRICT 3 REPORT**

Chair Roberson had no report.

**ADJOURNMENT**

**UPON MOTION BY COMMISSIONER FLETCHER, THE CHAIR DECLARED THE  
MEETING ADJOURNED.**

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**Carolyn Roberson, Clerk**

**ATTEST:**

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**Nicholas Thomas, Clerk**



AT A REGULAR MEETING OF THE BOARD OF  
COUNTY COMMISSIONERS HELD IN AND FOR  
GADSDEN COUNTY, FLORIDA ON AUGUST  
17, 1999, THE FOLLOWING PROCEEDINGS  
WERE HAD, VIZ.

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

JOINT MEETING OF CITY OF QUINCY COMMISSIONERS, GADSDEN COUNTY BOARD  
OF COUNTY COMMISSIONERS AND THE QUINCY/GADSDEN AIRPORT AUTHORITY

\_\_\_\_\_The annual joint meeting of the above stated agencies convened at 5:30 p.m. Airport Authority Members present were George (Buster) Burnett, Jerry Owens, Jeff Davis, Don Sirmons, Jimmy Ashmore, Deloris Spooner. City Commissioners present were Derrick Elias, Larry Edwards, Don Chesser. City Manager Anthony Powell was also present.

\_\_\_\_\_The meeting was called to order by Jerry Owens.

Mr. George Burnett made a brief presentation. He informed the Board that the airport is looking at purchasing more property in order to lengthen the runway so as to accomodate larger planes. He called attention to the information packet which includes the budget. (attached) At the conclusion, the Authority took questions from the Board of County Commissioners.

Commissioner Dixon asked for empirical data that would support the Authority's position that the airport needs such improvements as lengthening the runway. He offered the following as an example of the type information he would like to have:

- 1) What commerce/industry entities are being sought that will require an airport or a more improved airport?
- 2) Where are those potential businesses now?
- 3) What benefit will there be to the County for those businesses to have access to a local airport?
- 4) Why do they need an airport?
- 5) How large does the airport plan to get?
- 6) What businesses are currently benefited by the airport and how often?
- 7) Who lands planes at the airport currently?

Mr. Owens was unable to answer the questions. He was then asked to provide the data to Commissioner Dixon by the next regular meeting.

The joint meeting was adjourned.

**RECESS**

**CALL TO ORDER**

Chair Roberson called the meeting to order. She then led the pledging of allegiance to the U.S. Flag and County Manager Howard McKinnon opened with a prayer.

**ADOPTION OF THE AGENDA**

The consent agenda was amended by removing the Radio Tower Lease Agreement with Metrocall.

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

**APPROVAL OF MINUTES**

**August 3, 1999 Regular Meeting**

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

**COUNTY ATTORNEY'S AGENDA**

**McKinnon Body Shop - 97-PZ-011-207-05-11**

Note: See the minutes of August 19, 1997; December 2, 1997; April 7, 1998; June 16, 1998; and July 7, 1998 for historical details of this project.

Mr. Richmond recalled that on July 7, 1998, the Board voted to grant Mr. Derrick McKinnon 12 months to relocate his business even though he was operating in violation of the County's codes. He reported that the 12 months have expired and Mr. McKinnon has not relocated and is still operating in violation to county codes.

Mr. Richmond stated that he has prepared a lawsuit requesting an injunction against Mr. McKinnon. He asked for authority to file it.

**UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO GIVE THE COUNTY ATTORNEY THE AUTHORITY TO FILE SUIT AGAINST MR. DERRICK MCKINNON.**

**Larry Fountain - Non Permitted Business**

Note: See Minutes of January 5, 1999; January 19, 1999; February 2, 1999; April 6, 1999; and May 18, 1999 for details of this project.

Mr. Richmond reported that it had come to his attention that Mr. Fountain has continued to operate his business at his home after he had agreed to discontinue. He said that he would be filing a lawsuit against Mr. Fountain in the upcoming week.

**Mr. Saad AM - Lawsuit Filed Against Gadsden County for Refusing to Sign Petitioner's Application to State for a License to Sell Beer and Wine for Off-site Consumption**

Mr. Richmond reported that he had argued the above stated case before Circuit Judge P. Kevin Davey who is expected to render a ruling by the end of this current week. The judge denied the Writ of Mandamus but must still rule on the Petition for Writ of Certiorari. The Petition for Writ of Certiorari was filed by Mr. Am following the Board's action of April 20, 1999 when it refused to sign an application required by the Florida Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco (DBPR), so that Mr. Am could apply for a state license to sell beer and wine, for off-site consumption, at his existing convenience store. (formerly known as Joe Butler's Store)

**HOSPITAL - CHILLER REPLACEMENT**

Building Official Frank Ritter called attention to an engineering report in the agenda packets from McGinnis & Flemming concerning the hospital's chiller system. He stated that page one of the report demonstrates the cost savings that could be realized by replacing the chiller system at the hospital with a new more efficient system.

McGinnis & Flemming Engineering, Inc. recommended installation of the air-cooled chiller because it would be the more practical in terms of maintenance costs of the equipment over time. It was determined that if it is properly maintained, the chiller system should last for 30 years.

The current chiller is 19 years old but has never been properly maintained and is now in desperate need of replacement.

Commissioner Dixon asked what procedures are in place to ensure that this new one will be properly maintained.

Mr. Ritter stated that the current lessee of the hospital has a mechanical engineer on staff whose responsibility it will be to maintain the equipment.

Commissioner Dixon then asked how often the county audits their building engineer to ensure that the county's interest are protected.

Mr. Ritter stated that he is currently engaged in discussions with several engineering services about providing bi-annual maintenance inspections of the equipment who will in turn make routine reports to the County.

**UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO AUTHORIZE THE ENGINEER TO BEGIN THE DESIGN FOR THE HOSPITAL'S NEW CHILLER SYSTEM AND TO PREPARE BID SPECIFICATIONS FOR ADVERTISEMENT. IT WAS FURTHER MOTIONED THAT THE COST OF THE ENGINEERING AND BID SPECIFICATIONS SHOULD BE PAID FROM THE DIVIDENDS OF THE HOSPITAL ENDOWMENT TRUST FUND AND THE MATTER IS TO BE BROUGHT BACK TO THE BOARD FOR FURTHER APPROVAL.**

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

#### **Continuation of the Public Hearing on Ordinance for Minor Subdivisions**

Planning Director Bruce Ballister stated that he had made revisions to the proposed ordinance per the instructions of the Board at the last meeting. He presented the amended proposed ordinance for discussion. He explained that this version eliminates all references and changes to the immediate family exemptions or heir property.

Mr. Richmond announced that this meeting was a continuation of the public hearing on the advertised ordinance amending the land development regulations as they relate to minor subdivisions (two-for-one subdivisions) in the existing Land Development Code.

The proposed changes appear either as strike-throughs (deletions) or underlined markings (additions) on the document. Copy attached.

Mr. Ballister summarized the changes as follows:

- 1) The definition of the word "subdivision" was changed to include two lots as opposed to three lots.
- 2) The definition of "Subdivision, minor" was changed to be "any parcels created in a subdivision, minor subdivision, or two-for-one lot creation process, whether by plats or by metes and bounds recording, cannot be further subdivided without a full "Type II" review by the Planning and Zoning Commission and the Board of County Commissioners.
- 3) Subsection 5104 p. 68 Residential Infill - two additional items were created for the list - 1) Re-subdivision of lots created by either "plats" or "metes and bounds" shall be subject to planning and zoning approval as a Type II Review Application. 2) Two-for-one lot creations less than 10 acres shall be subject to zoning approval by the Department of Growth Management.

**A MOTION WAS MADE BY COMMISSIONER FLETCHER AND SECONDED BY COMMISSIONER MCGILL TO ADOPT THE FOLLOWING AMENDMENT TO THE PROPOSED AMENDMENT TO THE ORDINANCE AMENDING THE LAND DEVELOPMENT CODE. "THE TWO-FOR-ONE SUBDIVISION LANGUAGE SHALL ONLY APPLY TO PLATTED SUBDIVISIONS WHETHER RECORDED OR UNRECORDED."**

Discussion among the Board followed.

Chair Roberson called for public comments and questions. She recognized the following people:

1. Alfred Ellis
2. Lex Thompson
3. Fred Strauss
4. Mary Jane Johnson
5. Jamie Thompson

Further discussion of the Board followed.

Commissioner Dixon asked Commissioner Fletcher to amend the motion to include that measures would be taken during the budget process to give the Growth Management Director adequate funds to educate the public that they should check with the planning department before they purchase property. Also included was to require P & Z Department to keep a record of property owners who come into the office with zoning problems. (If in the future, if there is a need to address this again, data would be readily

available with which to make a fair evaluation.) Commissioner Fletcher agreed to the amendment.

Further discussion followed.

Question was called by Commissioner McGill.

The motion was restated as follows by Hal Richmond:

**APPROVE AN AMENDMENT TO THE ADVERTISED ORDINANCE AMENDING THE LAND DEVELOPMENT CODE THAT PROVIDES AS FOLLOWS: TWO-FOR-ONE SUBDIVISION LANGUAGE SHALL ONLY APPLY TO PLATTED SUBDIVISIONS WHETHER RECORDED OR UNRECORDED. THE BOARD VOTED 3 - 2. COMMISSIONERS FLETCHER, DIXON AND MCGILL IN FAVOR OF THE MOTION. COMMISSIONERS WATSON AND ROBERSON OPPOSING THE MOTION. THE MOTION PASSED.**

Mr. Ballister called attention to one other change that he would like to see in the ordinance amendment. He referenced page 149. He asked that a copy of the minor subdivision's final plat to be filed with the Growth Management Department. He also asked to include language that would require minor subdivisions to have at least two percolation tests performed on representative lots. (see underlined addition on p. 149)

The above stated motion was amended to include the changes described by Mr. Ballister in the above paragraph.

**UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE TO AMEND THE PREVIOUS MOTION TO INCLUDE REQUIRING THAT A COPY OF THE MINOR SUBDIVISION PLATS BE FILED WITH THE GROWTH MANAGEMENT DEPARTMENT AND REQUIRE THAT ALL MINOR SUBDIVISIONS MUST HAVE AT LEAST TWO PERCOLATION TESTS PERFORMED ON REPRESENTATIVE LOTS.**

**UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO DIRECT THE GROWTH MANAGEMENT DEPARTMENT TO ENFORCE THE INTENT OF THIS ORDINANCE UNTIL SUCH TIME AS THE ORDINANCE IS ON FILE WITH THE SECRETARY OF STATE WHEN IT BECOMES RECORD OF LAW.**

#### Subdivision Moratorium

**UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO DISSOLVE THE SUBDIVISION MORATORIUM.**

### **Southworth Advertising - Billboard Request**

Mr. Dan Southworth is proposed to construct a highway billboard along the US 27 Corridor. According to the sign ordinance contained with the LDR's, all bill board applications are considered Class II developments and require Planning Commission and Board approval.

Mr. Ballister reported that Mr. Southworth has provided the department with all the appropriate information required for a site development application and a sign permit application.

The proposed sign is to be located within a site that has been given conditional approval through the Growth Management Department and the Board of County Commissioners. That site is the Ghavamikia application for Regency Motors on the east side of US 27 just north of the intersection with CR270.

The proposed sign is a double height, double faced sign with a total height of fifty feet and a sign height of 22' starting 28' above grade. The proposed sign has a single pole riser.

P & Z staff recommended approval.

P & Z Commission recommended approval with the stipulation that the billboard be "V" shaped, that is each face is slanted slightly toward the right-of-way, that each side have only two lights, and that a minimum of \$500 worth of landscaping be installed at its base.

Discussion followed.

**COMMISSIONER MCGILL MADE A MOTION TO PLACE A MORATORIUM ON DOUBLE DECKER SIGNS UNTIL THERE IS AMPLE OPPORTUNITY TO WRITE AN ORDINANCE GOVERNING BILLBOARDS. THE MOTION DIED FOR LACK OF SECOND.**

Mr. Dan Southworth was recognized for comments.

**A MOTION WAS MADE BY COMMISSIONER FLETCHER AND SECONDED BY COMMISSIONER DIXON TO APPROVE THE SIGN AS RECOMMENDED BY THE PLANNING COMMISSION.**

Chair Roberson called for public comments.

Mrs. Kathy Grow and Mrs. Diane Sheffield spoke in opposition to the sign.

**THE BOARD VOTED 3 - 2, BY VOICE VOTE, TO APPROVE THE MOTION. COMMISSIONERS FLETCHER, DIXON AND ROBERSON VOTED TO APPROVE THE MOTION. COMMISSIONERS MCGILL AND WATSON OPPOSED THE MOTION.**

### **Capital City Bank - Variance Request**

The applicant received the property at 1600 Ashton Court on September 5, 1998 as a result of a foreclosure action. Subsequent to accepting the deed in lieu of foreclosure, the Bank received a notice from FDEP in March of this year that the property was affected by underground migration of pollutants from the Post Plant site across SR 12 to the north. This contamination affects a .5 acre area that can be severed from the parent 10.1 acre parcel. The applicant wishes to sever the .5 acre parcel so that the owner can pursue homeowner financing through the Veterans Administration on the remaining 9.6 acres.

The Bank has found a buyer for the property but is unable to find or secure appropriate financing guarantees due to the polluted portion. The buyer is willing to buy the .5 acre parcel also with the understanding that it will not be a buildable lot and that it would be rejoined with the parent parcel once the clean-up effort is finalized.

The applicant requested a variance from the 10 acre minimum lot size and permission to create two non-conforming lots.

**UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER WATSON THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE VARIANCE REQUEST DESCRIBED ABOVE.**

### **Amendment to Land Development Ordinance**

Mr. Ballister called attention to the proposed ordinance which will amend the Land Development Code. The primary change is the addition of a new category - "Light Industrial". Other minor changes are also proposed. The changes are shown in the attachment with strike-through markings and the additions are shown as underlined markings.

Mr. Richmond announced the opening of a public hearing which was continued from the duly noticed and advertised hearing on July 20, 1999. It was continued to consider the adoption of ordinance amending the Future Land Use elements of the Gadsden County Comprehensive Plan. He stated that the purpose of the hearing was to take public comments or questions concerning the proposed ordinance.



There was a consensus of the Board to move flea markets to the light industrial category. There was also a consensus to remove the changes made relative to rural residential category from this ordinance and address it at another time along with family exemptions.

Chair Roberson called for public comments.

**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO ADOPT THE PROPOSED ORDINANCE CREATING A LIGHT INDUSTRIAL CATEGORY IN THE FUTURE LAND USE MAP BUT AMENDED BY MOVING FLEA MARKETS TO LIGHT INDUSTRIAL USE. ALSO INCLUDED IN THE MOTION WAS TO REMOVE ALL PROPOSED CHANGES RELATING TO RURAL RESIDENTIAL CATEGORY.**

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

##### **Lease Agreement with Tallahassee Community College**

Mr. McKinnon called attention to the TCC lease agreement and two options for dealing with assignment of building space to county agencies.

**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE LEASE AGREEMENT FOR THE TCC BUILDING LEASE.**

Commissioner Fletcher asked Mr. McKinnon for his recommendation regarding the two options described in the attached sheet.

Mr. McKinnon recommended option # 2 which states "The County to consider and investigate purchasing the County Annex Building occupied by the Tax Collector and Property Appraiser. With the addition of the Tallahassee Community College building, this will allow enough space to be available for future growth."

Commissioner Dixon asked that the forthcoming building assignments come back to the Board complete with a design lay-out so that the Board can fully understand the proposal.

**UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE OPTION 2.**

**City of Quincy - Request for Office Space - Chamber of Commerce Building**

Mr. McKinnon stated that the Board received a request from the City of Quincy Police Department for the use of the building now occupied by the Chamber of Commerce.

**UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO ALLOW THE CITY OF QUINCY POLICE DEPARTMENT TO USE THE BUILDING NOW OCCUPIED BY THE CHAMBER OF COMMERCE.**

**State of Florida Purchasing Card**

Mr. McKinnon recommended that the County join the State Purchasing Card Program. He explained that in trying to arrange travel for Commissioner Dixon in his capacity as President of the Florida Association of Counties, the staff found that this would be helpful in making his hotel reservations and car rentals. The program can be geared to and policy can be adopted so that it can only be used for those two items. The card is structured in such a way as to have controls.

**UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 1, BY VOICE VOTE, TO JOIN THE STATE PURCHASING CARD PROGRAM, DEVELOP POLICY AS TO ITS USE, AND TO RESTRICT THE USE OF THE CARD TO ONLY HOTEL ACCOMMODATIONS AND CAR RENTALS. COMMISSIONER WATSON CAST THE LONE DISSENTING VOTE.**

**Budget Workshops**

Commissioner Watson proposed to have one budget workshop and to only hear from County Departments.

There was a consensus to hear from all constitutional officers, county departments and non-profit organizations. A workshop was set for Tuesday, August 24, 1999 at 5:15 p.m.

**CONSENT AGENDA**

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

- 1) Naming of private road off the Havana Highway Curtis Circle.**
- 2) Radio Tower Lease Agreement - Removed from agenda at request of Commissioner McGill.**

- 3) Bid award for security services for the Library to Maxwell Security of Tallahassee in the amount of \$8.75 per hour.
- 4) Letter to Leon County Commissioners re: Gadsden County's continued opposition to waste transfer station - for the record.

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

#### **Tax Deeds - for the record**

Clerk Thomas told the Board that the attached deeds have been escheated to the Board of County Commissioners. These parcels resulted from non-payment of taxes and appeared on the list of lands for sale for more than seven years.

#### **Budget Amendments 99-08-17-01 through 99-08-17-06**

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 Approval to Pay County Bills**

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

#### **CITIZENS REQUEST TO BE HEARD**

Mrs. Brenda Holt asked if she could get a copy of the total proposed new budget.

Mr. McKinnon responded by asking her to come by his office to review the budget.

#### **DISTRICT 1 REPORT**

Commissioner McGill requested the Board's approval to travel Orlando, FL to attend the FAC Conference on September 29 - 30, 1999 and to spend up to \$461.00.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE COMMISSIONER MCGILL'S TRAVEL TO ORLANDO ON SEPTEMBER 29-30 AND TO INCUR EXPENSES UP TO \$461.00.

Commissioner McGill proposed that the Board approve a new administrative position to assist Commissioner Dixon during his

tenure as FAC President. The position is to be an OPS - non permanent job. See the attached proposal.

**UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER FLETCHER THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE HIRING OF AN OPS POSITION TO ASSIST COMMISSIONER DIXON DURING HIS TENURE AS FAC PRESIDENT. THE MOTION INCLUDED ONLY THE MINIMUM BENEFITS IN ADDITION TO THE \$26,000 SALARY.**

Commissioner McGill reported that he is still working with the City of Midway in their efforts to get utilities run to the City and surrounding area.

#### **DISTRICT 2 REPORT**

Commissioner Watson had no report.

#### **DISTRICT 3 REPORT**

Chair Roberson reported that she received a telephone call from Mr. Cochran from the Department of Corrections. He informed her that within 90 days, they will close the prison located at the Florida State Hospital, CMI at River Junction. The 560 inmates will be absorbed into the surrounding prisons.

Chair Roberson stated that this will have profound impacts on the City of Chattahoochee. DOC will give the facilities to the Department of Children and Families. They will be used to house criminal sex offenders. At the present time there are 136 inmates which they intend to move into there. All correctional officers will be replaced into other institutions.

#### **DISTRICT 4 REPORT**

Commissioner Fletcher yielded his time to Lori Rigg.

Ms. Rigg asked if the County will be able to recover money from FAC for the Commissioner Dixon's assistant position. The answer was "no."

#### **DISTRICT 5 REPORT**

Commissioner Dixon reported that he met with DEP and the Health Department staff at the Joe Butler's property at SR 267 and I-10. He stated that there was at one time a gasoline spill on the property and no one in the neighborhood was ever notified of it. The local health department knew about it but never told the residents.

Commissioner Dixon went on to say that there are a number of such sites in the County. He implored the Board to find out where the others are and determine if they are affecting any citizens.

**ADJOURNMENT**

**THERE BEING NO OTHER BUSINESS BEFORE THE BOARD, THE CHAIRMAN  
ADJOURNED THE MEETING.**

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**Carolyn Roberson, Chair**

**ATTEST:**

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**Nicholas Thomas, Clerk**

McGill: Also, Madam Chairman, I have had time to look at some computers for Commissioner Dixon as he serves as the President of the Florida Association of Counties. You also have in your packet a total budget which totals about \$35,656.00 with a salary of \$26,000. (inaudible)

You have the budget before you, I move that we go ahead and approve the budget and authorize Commissioner Dixon to have the assistance that he needs to work as President of the Association. With the understanding that the position will terminate when he is no longer President of the Association.

Roberson: I was going to say, it would be an OPS position, not a permanent.

McGill: Yeah.

Watson: I just don't have enough emperical data to make this decision.

Laughter.

Watson: I've got no dates of employment, I've got no job description, what they're going to do and certainly if we need emperical data for \$10,000, we need it for \$36,000, wouldn't you say?

McGill: inaudible

Fletcher: Commissioner, don't you want to move that it be an OPS position?

McGill: Yes, then you wouldn't have to pay the health insurance, worker's comp and retirement, you see (inaudible)

McKinnon: Mr. Thomas, would you address the retirement. We are looking at a year and I am not sure about this, that is why I am asking this. Is there is, if a job is going to last more than four months, does retirement kick in. I am not sure.

Thomas: I am not sure. I think that OPS is usually six months.

McKinnon: Arthur is back there. O.K.

Lawson: You will be required to pay retirement regardless of whether you call it OPS or not.

Roberson: Excuse me just a moment. Arthur will you come forward for just a moment please.

Lawson: What if you do a position for six months and then at the end of six months, you

Dixon: Then that is intentionally avoiding the law.

Lawson: If you establish the position with the intent of it going beyond the six months, then

Roberson: Well, I am not saying that it is going beyond six months.

Lawson: If it extends beyond six months we don't have a choice.

Watson: Let's hire the person and just it falls wherever.

Roberson: Whatever the rules are - o.k.

McGill: I would want Commissioner Dixon to do the job description to make sure that there is no county commission business being done by that person who works for him.

Fletcher: Do you need a second to your motion? I second it.

Roberson: O.K. We have a motion and a second to hire an assistant for Mr. Dixon while he is President of the Association. All in favor?

All: Aye.

Roberson: All opposed.

Lawson: There is just one question. Is this person to be entitled to county benefits?

Dixon: You will have to determine that. I guess that is what we were trying to do.

Roberson: Within the letter of the law. I mean, whatever we have to do.

Lawson: I mean, you can give them, you have to give them retirement, but you determine what other benefits you give them.

Fletcher: I think it was Commissioner McGill's intent that it be a OPS position and we give them only what we have to give them. What we don't have to, we shouldn't give them.

Lawson: O.K. I just wanted to clarify that.



AT A BUDGET WORKSHOP OF THE BOARD  
OF COUNTY COMMISSIONERS HELD IN AND  
FOR GADSDEN COUNTY, FLORIDA ON  
AUGUST 24, 1999, THE FOLLOWING  
PROCEEDINGS WERE HAD, VIZ.

PRESENT: EDWARD J. DIXON, VICE-CHAIR  
W. A. (BILL) MCGILL  
STERLING L. WATSON  
HOWARD MCKINNON, COUNTY MANAGER  
MURIEL STRAUGHN, DEPUTY CLERK

ABSENT: CAROLYN ROBERSON  
E.H. (HENTZ FLETCHER)

CALL TO ORDER

The meeting was called to order by Vice-chair Dixon. He announced that the purpose of the workshop was to review budget requests made by county departments.

Commodities Budget Document - page 40

Mr. Herb Chancey told the Board he has not been informed by the State as to the exact allocation which would be received for the coming year. However, he stated that he anticipated no change.

Animal Control - page 65

\_\_\_\_Mr. Chancey reported that the animal shelter building was funded in the 98/99 budget but still has not been completed. The 99/2000 budget calls for four positions.

AT A BUDGET WORKSHOP OF THE BOARD OF  
COUNTY COMMISSIONERS HELD IN AND FOR  
GADSDEN COUNTY, FLORIDA ON AUGUST  
30, 1999, THE FOLLOWING PROCEEDINGS  
WERE HAD, VIZ:

PRESENT: EDWARD J. DIXON, VICE-CHAIR  
WILLIAM A. (BILL) MCGILL  
HAL RICHMOND, COUNTY ATTORNEY  
HOWARD MCKINNON, COUNTY MANAGER  
MURIEL STRAUGHN, DEPUTY CLERK

ABSENT: CAROLYN ROBERSON, CHAIR  
STERLING WATSON  
E. H. (HENTZ) FLETCHER

After a delay of more than 30 minutes, Vice-chair Dixon announced that the scheduled meeting could not be held due to lack of a quorum.

AT A REGULAR MEETING OF THE BOARD OF  
COUNTY COMMISSIONERS HELD IN AND FOR  
GADSDEN COUNTY, FLORIDA ON SEPTEMBER  
7, 1999, THE FOLLOWING PROCEEDINGS  
WERE HAD, VIZ.

PRESENT: CAROLYN ROBERSON, CHAIR  
STERLING WATSON  
BILL MCGILL  
E. H. (HENTZ) FLETCHER  
HAL RICHMOND, COUNTY ATTORNEY  
HOWARD MCKINNON, COUNTY MANAGER  
MURIEL STRAUGHN, DEPUTY CLERK

ABSENT: EDWARD J. DIXON  
NICHOLAS THOMAS, CLERK

CALL TO ORDER

Chair Roberson called the meeting to order. Commissioner Fletcher led in pledging allegiance to the U.S. Flag and Muriel Straughn led in a prayer.

ADOPTION OF AGENDA

The agenda was amended to include the appointments to the Value Adjustment Board.

The agenda was also amended to remove discussion of title loan interest from Commissioner Dixon's agenda. Discussion of the WAGES issues was moved to Commissioner McGill's agenda.

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

COUNTY ATTORNEY'S AGENDA

Midway Annexations

County Attorney Hal Richmond called attention to the law suits filed by the County against the City of Midway over voluntary annexation of property around Midway. He stated that there appears to be a pattern developing where county property is being voluntarily annexed to the city with the intent of changing the county's zoning requirements to meet whatever the City wants. He went on to say that there is an apparent attempt to get around the county's best interest.

Mr. Richmond said that citizens and the Board have expressed concerns to him and asked what measures could be taken to remedy the situation. He also said that there had even been some discussion about putting a ban on traffic bringing garbage into the County from another county. He acknowledged that he was unsure about what could be done to protect the County's interest, but asked for authority to pursue avenues and perhaps even draft an ordinance that would give the County some authority to take corrective measures.

**UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 4 - 0, BY VOICE VOTE TO GIVE THE COUNTY ATTORNEY THE AUTHORITY TO DEVELOP AN ORDINANCE AND ADVERTISE THE NOTICE OF INTENT FOR THE OCTOBER 5TH MEETING TO THE EFFECT THAT WHERE THE COUNTY HAS A VALID ZONING PROCEDURE AND WHERE THERE IS AN ATTEMPT BY PEOPLE TO CIRCUMVENT THAT VALID ZONING ORDINANCE THROUGH A VOLUNTARY ANNEXATION, THAT THERE BE SOME TYPE OF ILLEGALITY ATTACHED TO THAT. POSSIBLY THERE COULD BE SOME TYPE OF FINES AND AUTHORITY FOR THE COUNTY TO FILE LAWSUITS TO PROTECT ITS INTEREST.**

Commissioner Watson pointed out that the Mayor of Midway, Ron Colston, is an appointed commissioner to the County's Planning and Zoning Commission. He suggested that the County needs people on the P & Z Commission that will work to protect the County's interest - not the City of Midway. He questioned whether it is wise to continue his appointment in view of the recent annexation issues.

**Mr. Saad AM - Lawsuit Filed Against Gadsden County for Refusing to Sign Petitioner's Application to State for a License to Sell Beer and Wine for Off-site Consumption**

Mr. Richmond reported that a Petition for Writ of Certiorari was filed by Mr. Am following the Board's action of April 20, 1999 when it refused to sign an application required by the Florida Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco (DBPR), so that Mr. Am could apply for a state license to sell beer and wine for off-site consumption at his existing convenience store. (formerly known as Joe Butler's Store)

Mr. Richmond reported that Mr. Am received a judgement in his favor. The basis of the judgement was that the County Ordinance speaks to two issues with which to base a denial for a beer or wine license application. Those are 1) "within a thousand feet of a church" and 2) "within a thousand feet of a school."

The court ruled in Mr. Am's favor and the County's action was quashed.

Mr. Richmond told the Board that he did not feel that the matter would be worth pursuing an appeal. However, he recommended that the ordinance be amended to allow the the Board the authority to deny future applications in neighborhoods.

#### **EMERGENCY MEDICAL SERVICES (EMS)**

##### **Request to Advertise for EMS Billing Services**

EMS Director Tommy Baker asked the Board for authorization to advertise for a RFP for billing services for EMS. He stated that he wanted to look at it on a temporary basis until an anticipated employee vacancy can be filled. He stated his reason as being to avoid delays in the medicare and medicaid billing process.

**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO AUTHORIZE THE EMS DIRECTOR TO ADVERTISE FOR BILLING SERVICES FOR EMS DEPARTMENT.**

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

##### **Highland Lakes - Request for Extension of Preliminary Plat Approval**

P & Z Director Bruce Ballister told the Board he had received a request for an extension of the Preliminary Plat Approval for Highland Lakes. It was given it first approval on May 20, 1997 and another extension in September of 1998. He stated that the Department of Environmental Protection (DEP) permitting process had been very lengthy. He also stated that the developer has recently encountered major health problems that has restricted his ability to move forward with the project.

The staff recommended approval.

**UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE EXTENSION AS REQUESTED (12 MONTHS) BASED ON THE FACT THAT A HEALTH RELATED HARDSHIP HAD IMPEDED THE APPLICANT'S ABILITY TO MOVE FORWARD. IT WAS EMPHASIZED THAT UNDER OTHER CIRCUMSTANCES, THE REQUEST WOULD HAVE BEEN DENIED.**

##### **Comp Plan School Board Ordinance Public Hearing**

Mr. Ballister told the Board that the Florida Statutes requires that certain items be included in the Comprehensive Plan to ensure coordination with the School Board on planning for new facilities and co-location of other public use facilities in conjunction with the new facilities. It also requires that the future land use map shall allow for sufficient lands adjacent to existing residential areas for the location of new schools.

The Department of Community Affairs (DCA) comments on the Comprehensive Plan were received via telephone prior to this meeting. DCA requested that the County remove the Agriculture 3 from the current list of allowable zones for location of schools. The Comprehensive Plan currently lists all agricultural zones and rural residential areas as allowable zones for schools. DCA objected saying that was too broad a brush and recommended that schools be located within a residential area. They recommended the removal of Agriculture 3 zones from the allowable sites.

Mr. Ballister then stated that the School Board objects to the deletion of the Agriculture 3 zones. They desire flexibility in doing property acquisition siting.

Mr. Ballister explained that the staff is in a quandary with DCA objecting to the inclusion of Agriculture 3 zones and the School Board objecting to the exclusion of them. If the plan is submitted with Agriculture 3, DCA is sure to find the plan "Not in Compliance." He stated also that the matter needs to be brought to some resolution by the end of the month so that changes to the Future Land Use Map can move forward.

Mr. Ballister recommended that the Plan be submitted with the DCA recommended modifications and then meet with them along with the School Board to resolve the matter.

Mr. Richmond read the title of the Ordinance into the Record.

The Chair called for comments from the Public.

Mr. Ballister stated that the advertisement read that there would be two public hearings of which this one is the first. The second hearing will be held on September 21, 1999 for adoption.

**UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO CONTINUE THE PUBLIC HEARING ON THE ADOPTION OF THE DESCRIBED ORDINANCE UNTIL SEPTEMBER 21, 1999.**

**Land Use Map Change Ordinance**

Mr. Ballister recalled that the Planning Commission and the Board have approved several minor land use amendments in the past year they have been on hold pending the approval of the Evaluation and Appraisal Report (EAR) by DCA. With the determination in July that the EAR was sufficient, these are no longer impeded. The final act of confirming this amendment to the Future Land Use Map, FLUM is the advertisement and final vote to confirm the map change. As these have individually been approved and adopted in the past, this amounts to a formality to collectively adopt the individually approved changes to the FLUM. The effective date of the map change would be the effective date of the ordinance.

The changes are as follows:

Petrandis on McNair Road - 1.0 acres from AG 2 to RR  
Harris on US 90 West - 2.41 ac. from Commerce to Public  
Motorsports Travel Center - 10 ac. from AG2 to Commercial  
Suber on Strong Road - 10.0 ac. from Industrial to USA  
Kever on US 90 West - 1.87 ac. from AG1 to Commercial

Total of 34.28 acres.

Mr. Ballister stated that the County may change up to 80 acres at a time per FL Chapter 163.

Mr. Richmond read the Ordinance into the record by title.

Chair Roberson called for public comment.

Mr. Mike Sherman addressed the Board on behalf of Motorsports Travel Center to answer questions of the Board.

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

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

##### **Building Space Assignments**

County Manager Howard McKinnon presented a proposal for building space use and asked for its approval. See attached proposal.

**UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE BUILDING SPACE ASSIGNMENTS AS PRESENTED.**

##### **TCC Custodial Position**

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE ADDITIONAL STAFF PERSON FOR CUSTODIAL SERVICES AT THE TCC BUILDING. THE COST OF SALARIES AND BENEFITS FOR AN ADDING A CUSTODIAN WAS \$18,600.

Budget Workshop Date for Non Profit Agencies

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 4- 0, BY VOICE VOTE, TO HOLD A BUDGET WORKSHOP WITH THE PRIVATE NON-PROFIT AGENCIES FOR MONDAY, SEPTEMBER 13, 1999 AT 5:00 P.M.

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) EMS County Award Grant \$19,140.05. The application is for computers, software, internet connection and EMS Web page development, digital cameras for quality assurance use, public education and building improvements.
- 2) Authorization for the Chairman to write a letter to the local Transportation Disadvantaged Local Coordinating Board and to Apalachee Regional Planning Council requesting that they strongly consider non-emergency medical transportation services as part of the selection criteria for a Coordinator. The service is needed 24 hr. a day, 7 days a week.
- 3) Establishment of Visitor hours for non-campers at the Gadsden County Parks. Time set from 6:00 a.m. to sunset.
- 4) Gates Grant Agreement - Ratification FL-98-32351-01-A
- 5) Library Plan of Service 2000 - Approval
- 6) CHARGE Grant Agreement 99-LSTA-J-03 \$60,298
- 7) Born to Read Grant Agreement 99-LSTA-E-02 \$7,075
- 8) Modification to Agreement #98-LM-4H-0230-01-020 30 day extension to grant the American Red Cross time to complete project.
- 9) Recycling & Educational Grant Agreements SC00-09 October 1, 1999 through September 30, 2000 \$50,000;



- 10) Solid Waste Recycling and Education Grant RE00-18  
October 1, 1999 through September 30, 2000; \$89,682.
- 11) Waste Tire Solid Waste Grant WT00-20; October 1, 1999  
through September 30, 2000; \$21,322
- 12) Litter Control and Prevention Grant LC00-18; October 1,  
1999 through September 30, 2000; \$17,500.
- 13) Amendment to TEFAP Contract for Gadsden County Emergency  
Food Organization Contract No. 4626 \$14,000
- 14) Engineering Fees with Lee and Bridges for  
Agricultural/Multi-purpose Center Contract amount -  
\$80,000 Amended Amount - \$104,700.  
Due to change in the original scope of services.
- 15) Lease Agreement with James and Mary Auman for State  
Attorney's Offices - October 1, 1999 through September  
30, 2000 for \$1,055 per month.
- 16) Interlocal Agreement Pertaining to City of Quincy  
Juvenile Justice Programs for use of building at 221  
North Madison St., Quincy. Presently being occupied by  
Chamber of Commerce.
- 17) Letter to Governor Jeb Bush urging him to delay the  
reorganization plans for the River Junction Correctional  
Institution for a year.
- 18) Letter to Commissioner of Agriculture Bob Crawford  
supporting Soil and Water Conservation District's request  
for funding for an update to the County's soil survey.
- 19) Proclamation 99-016 declaring October Domestic Violence  
Awareness Month.
- 20) Contract No. 65534 and 65533 with Sonitrol for security  
services.
- 21) Elevator Maintenance Agreement with Miami Elevator for  
339 East Jefferson St. (TCC Building)
- 22) Crimestoppers Grant Application to Attorney General -  
Authorizing Tallahassee Big Bend CrimeStoppers, Inc. to  
act as Gadsden County's agent for the purpose of applying  
for and receiving moneys from the Crimestoppers Trust  
Fund.

- 23) Mosquito Control Annual Certified Budget for Total of \$54,495. Local \$28,282 and State \$26,213
- 24) Financing Proposal for Public Works Equipment. Approved in the 98/99 budget. 1999 International 4700 4 x 2 truck for \$37,693.13. To be financed with Quincy State Bank at a rate of 5.5% 5 Annual payments of \$8,828.33 to begin on October 5, 2000.

#### CLERK'S AGENDA

#### Budget Amendments 99-09-07-01 through 99-09-07-17

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

#### DISTRICT 1 REPORT

#### Big Bend Jobs & Education Council, Inc. Workforce Development

Commissioner McGill referenced three documents contained in the agenda packets. He stated that all three documents are related to each other. He explained the 1) Workforce Investment Act Plan; 2) Interlocal Agreement Affirming the Region 5 Workforce Development Consortium; and 3) Local Elected Officials Agreement. He then asked the Board to approve them.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE ABOVE REFERENCED DOCUMENTS.

#### DISTRICT 2 REPORT

Commissioner Watson had no report.

#### DISTRICT 3 REPORT

Chair Roberson had no report.

#### DISTRICT 4 REPORT

Commissioner Fletcher had no report.

**ADJOURNMENT**

**THERE BEING NO OTHER BUSINESS BEFORE THE BOARD, THE CHAIR  
DECLARED THE MEETING ADJOURNED THE MEETING.**

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**Carolyn Roberson, Chair**

**ATTEST:**

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**Nicholas Thomas, Clerk**

AT A TENTATIVE BUDGET PUBLIC HEARING  
OF THE BOARD OF COUNTY COMMISSIONERS  
HELD IN AND FOR GADSDEN COUNTY,  
FLORIDA ON SEPTEMBER 13, 1999, THE  
FOLLOWING PROCEEDINGS WERE HAD, VIZ:

PRESENT: CAROLYN ROBERSON, CHAIR  
EDWARD J. DIXON, VICE-CHAIR  
WILLIAM A. (BILL) MCGILL  
STERLING WATSON  
E. H. (HENTZ) FLETCHER  
HOWARD MCKINNON, COUNTY MANAGER  
MURIEL STRAUGHN, DEPUTY CLERK

**CALL TO ORDER**

Chair Roberson called the meeting to order. Commissioner Fletcher led in pledging allegiance to the U.S. Flag and Commissioner Watson led in a prayer.

**BUDGET**

County Manager Howard McKinnon pointed out the changes made to the budget as a result of the Board's last instruction: Assistant for Commissioner Dixon; Insurance coverage for the TCC building; Resurfacing project adjustments.

**TENTATIVE GENERAL OPERATING FUND MILLAGE**

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE GENERAL OPERATING FUND MILLAGE AT 10 MILLS.

**TENTATIVE HOSPITAL FUND MILLAGE**

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE HOSPITAL DEBT SERVICE MILLAGE AT 1 MILL.

**PUBLIC COMMENT**

Chair Roberson recognized Ms. Brenda Holt for comments.

Ms. Holt asked why the Chamber of Commerce is funded as a non-profit.

Mr. McKinnon clarified that the Chamber is categorized as industrial development in the proposed budget even though it is a non-profit.

Ms. Holt commented that she was astonished at the small amount of money that the Board funded for human services as compared to other programs. She stated that she believed that it is too limited. She compared the amount of money spent for an animal shelter to human service programs.

Commissioner Watson asked her what she perceived as the purpose of the animal shelter. He then explained that the purpose is for the public/human safety - not animal protection and care.

Commissioner Fletcher pointed out that the cost of the animal shelter is a one-time expense. It will not be re-occurring.

Ms. Holt then stated that she felt that the other programs should be funded equally and to the same extent that the animal shelter is funded.

#### **ADOPTION OF THE TENTATIVE BUDGET**

Mr. McKinnon told the Board that whatever they approve at this budget hearing will be advertised for a final hearing in two weeks. After the advertisement, if the budget is increased, there will have to be another advertisement and another public hearing in order to do so. However, if the budget is decreased, it will not require an additional advertisement or additional public hearing.

Commissioner Dixon reported that Gadsden County was approved for three road improvement projects by the State which amounts to almost a million dollars. The funding will become available on July 1, 2000.

**A MOTION WAS MADE BY COMMISSIONER MCGILL TO AMEND THE PROPOSED BUDGET BY INCREASING IT BY \$79,000 (TO BE TAKEN FROM RESERVES) TO BE ADDED TO HUMAN SERVICES, NON-PROFIT ORGANIZATIONS. THE MOTION WAS SECONDED BY COMMISSIONER FLETCHER FOR DISCUSSION PURPOSES ONLY.**

Commissioner Dixon spoke in support of a grant writer's position in the upcoming year. He added that the road money that the County will receive in 2000 is re-occurring money. He stated that the County must be on top and stay on top of the grants. It will require someone always being available to make a presence known on behalf of the County.

He also stated that he would like for the County to pull out those programs such as Legal Services, American Red Cross, Senior Citizens, Chamber of Commerce, DISK Village, Guardian Ad Litem and Big Bend Transit and fund them at a greater level because those non-profits have an integral direct affect on a great part of the Gadsden County population. All of them have clearly demonstrated

the need and the results that are brought about by their respective programs.

Additionally Commissioner Dixon suggested that the County make a lump sum grant to the United Way and then let the smaller agencies that apply to the Board for funds, apply to the United Way for those monies. The United Way already has standards in place by which the merits of their programs can be critique.

Commissioner McGill could not totally support Commissioner Dixon's suggestion. While he approved funding the six agencies at a greater level, he was opposed to making the donations for smaller agencies through the United Way for distribution.

Commissioner Watson was opposed to funding any more to private non-profit citing that many of the requests were for educational purposes. He stated that he felt that it is wrong for the Board to take County Commission money and put into educational programs when the people of the County are already paying for education. He said that he believed that it is double taxation and it is wrong. He added that it is the responsibility of the Board to provide the basic services - transportation, law enforcement, court system, etc.

Commissioner Fletcher asked to amend the motion to say "\$35,000 additional money be put in the budget for non-profits plus \$30,000 for the grant-writer position simply for the purpose of advertising the budget. Since we cannot increase this budget without advertising. Then if this Board decides that they want to decrease it, they can still do that. But, if we don't put it in there now, we can't put it in there later. And, my motion has a second."

**A MOTION WAS MADE BY COMMISSIONER FLETCHER AND SECONDED BY COMMISSIONER DIXON TO FUND AN ADDITIONAL \$35,000 FOR NON-PROFIT FUNDING AND \$30,000 FOR THE GRANT WRITER POSITION. THE BOARD VOTED 3 - 2 WITH COMMISSIONERS DIXON, FLETCHER AND MCGILL VOTING "AYE" AND COMMISSIONERS WATSON AND ROBERSON VOTING "NO."**

**COMMISSIONER MCGILL WITHDREW HIS PREVIOUS MOTION.**

**UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 3 - 2, BY VOICE VOTE, TO APPROVE THE TENTATIVE BUDGET AS AMENDED IN THE PREVIOUS MOTION. COMMISSIONERS MCGILL, DIXON AND FLETCHER VOTED "AYE" AND COMMISSIONER WATSON AND ROBERSON VOTED "NO."**

#### **ADJOURNMENT**

**THERE BEING NO OTHER BUSINESS BEFORE THE BOARD, THE CHAIR  
DECLARED THE MEETING ADJOURNED.**

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**CAROLYN ROBERSON, CHAIR**

**ATTEST:**

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**NICHOLAS THOMAS, CLERK**

AT THE REGULAR MEETING OF THE BOARD  
OF COUNTY COMMISSIONERS, HELD IN AND  
FOR GADSDEN COUNTY, FLORIDA ON  
SEPTEMBER 21, 1999, THE FOLLOWING  
PROCEEDINGS WERE HAD, VIZ.

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

CALL TO ORDER

Chair Roberson called the meeting to order. She then led in pledging allegiance to the U.S. Flag and Commissioner Dixon led in a prayer.

ADOPTION OF THE AGENDA

The consent agenda was amended by correcting the description of the tractor in the financing proposal for the public works equipment. The description should have read "7740 SLE Tractor/cab".

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

APPROVAL OF MINUTES

September 7, 1999 Regular Meeting

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

COUNTY ATTORNEY'S AGENDA

Second Judicial Circuit Conflict Attorney Committee

County Attorney Hal Richmond urged the Board to appoint a member of the Board to represent Gadsden County on the Circuit-wide Conflict Attorney Committee. He stated that counties have tried in the past to establish a right to have input into the selection of private attorneys who are appointed by the courts to represent indigent defendants when the public defender has a conflict. By appointing one of the commissioners to the committee, it gives the county a voice into issues such as how monies will be handled with



regard to payment and the selection process of attorneys on the conflict list. He emphasized that the appointment must be a commissioner.

**UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO AUTHORIZE THE CHAIRMAN TO APPOINT ONE OF THE COMMISSIONERS TO THE CONFLICT ATTORNEY COMMITTEE AS DESCRIBED BY MR. RICHMOND.**

**Gadsden County Lawsuits Arising from Midway Voluntary Annexation**

Mr. Richmond stated that certain parts of the annexed properties by City of Midway are not properly described in the legal ads and certain portions are not contiguous to the City of Midway. He requested authority to file lawsuits, if appropriate, with regard to the areas being annexed that are not contiguous as required by the Statutes and that those that are not properly described in the notices.

**A MOTION WAS MADE BY COMMISSIONER WATSON TO GIVE THE COUNTY ATTORNEY AUTHORITY TO FILE LAW SUITS AS DESCRIBED ABOVE.**

Dixon: What is our interest in suing Midway?

Richmond: The voluntary annexation implied that a land holder can petition the City of Midway to have its property included within the City of Midway. Once that is done, Midway acquires the rights to properly administer and determine planning issues and all other issues with regard to the property annexed. The Statutes are very specific and says that a voluntary annexation - by its nature and because it's voluntary - must be contiguous to the existing town limits and there also must be certain other procedural safeguards.

Dixon: What is our interest in suing Midway?

Richmond: If the County desires to maintain the County's planning and zoning rights on the property being annexed, it would need to contest the annexation. On the other hand, if there are no objections, the County can step aside and let the City of Midway annex the property without opposition. Then they can do whatever they want with the property zoning.

Dixon: Were there parcels annexed by Midway which are not contiguous?

Richmond: There are certain, on this map, certain blocks that are contiguous - in other words, they touch the City of

Midway - and I think that is within Midway and the property owners rights to go through a voluntary annexation proceeding. I think, under the Statutes, you have an interest in that, and I needed to call to your attention, there are also certain properties that they could not voluntarily annex without your just letting it happen."

Dixon: My concern is if these are voluntary annexations, while not being, you know, touching if this is the actual and true map, ah, I really don't understand your expression of what our problem is.

Fletcher: May I make a comment?

Dixon: Yes, sir.

Fletcher: The reason that these property owners want to have that property that is not contiguous to the City of Midway, the reason that they want, the reason they are voluntarily going along with this annexation is to get around the decisions that have been made by this board. That is the sole purpose in their voluntary annexation. The sole purpose of their voluntary annexation is to get around a decision that this Board has made. By becoming under the authority of the City of Midway rather than go through us. It's as plain as it can be.

Dixon: So, we're going to punish

Fletcher: We are not punishing Midway. But if you let Midway take over the governing authority of that property, then, some of the decisions that this Board has made are going to go away. Simply, just trying to get around what we have decided - nothing else.

Dixon: What are the issues, I mean, are we talking landfill, are we talking - what are we talking about?

Richmond: If I can, Commissioner, to explain what I'm looking at from a legal standpoint, that some of it is not contiguous. I call it to your attention.

Dixon: I understand that.

Richmond: The issues that, you know, have been discussed - and I don't know if you were here at the last meeting when some of this came up - was the potential use and the development. It is a question of whether the county wants to give up its zoning authority over this land when

it doesn't have to for potential development. That's not saying that improper decisions or improper things are going out there. It's a question of whether you want to maintain the control at a county level or not. All I can do is call it to your attention and then whatever.

McGill: But is there some kind of way that we can talk to the city attorney at Midway to see if he did follow all the Florida Statutes in doing this? He came in last time we met but he came in too late and I didn't recognize him.

Richmond: I met Mr. Howard. I, I had been asking to try and find out where these ordinances of city annexation were and getting them plotted so I could see if they were contiguous or not. That is the only basis under the Florida Statutes for a voluntary annexation - it must be contiguous. There is some argument that can be made that if there is a state property between the City of Midway and this property, that it may be legally contiguous.

I just wanted to call it to your attention that there are plans for some of this property. It has been speculated that the people that own the property feel that perhaps Mr. Ballister and the County would not recommend (at least that it's possibly the understanding) and therefore - they want to get it into the City of Midway where they feel the City of Midway wants to see it developed differently from the County. It is a question - if you want to allow the City of Midway to do that, you can.

Watson: My interest in it is part of what Commissioner Fletcher has said and the fact that we have something positive going on out there at that interchange. Midway, in its search for revenue, it appears is willing to entertain any kind of project anybody wants to put out there. Anything that will generate money. Projects that this Board is not in favor of. If they are successful in establishing these various projects in that area, it may well and probably will kill the growth that is going on out there, depending on what they elect to allow to go out there. That is my interest. We have something positive going on out there in Gadsden County. And Midway, in its search for revenue, could kill it. And I am opposed to that.

Dixon: Madam chair, may I?

Roberson: Yes.

Dixon: My concern, once again, as I stated earlier, is that this is - for lack of a better word, and excuse me if I offend anybody - a pissing contest with Midway and it is causing Midway harm and causing the County harm.

I was with some companies last week that have buildings out there and they were not talking about annexation issues. They were talking about "can they get central water and sewer?"

Now, if we want to help control what's happening in Midway, I think our best bet is to go get \$700,000 and run the water system to Midway and you won't have Midway doing these kinds of things that you say that we are afraid that are going to happen.

We understand what their motivation is. We also understand that we've got a good thing going out there. But even our good thing is going to come to an end if we don't get some central water and sewer out there. Now that ain't going to have nothing to do with the City of Midway.

It's going to have a lot to do with our bickering back and forth - attempting to stop Midway from doing whatever it is that she is trying to do. I mean, that's nowhere. That is absolutely zero. We're going to send somebody to court to file a lawsuit - lawsuits that we really fight hard on before we do about anything else. Because it costs so very much money.

No one has told me whether we have talked to Midway. Ah, have we tried to work something out - probably because what I am hearing is we don't want to work everything out. The deal is to get some water to Midway and you can control the growth that happens out there. Period.

Now, yeah! I can't go along with this kind of stuff for the simple reason that nobody wants to talk about running water. And that is what they need. But you want to talk about this big economic engine we have that you intentionally have been allowing to sit beside the road. I don't understand that. And the logic about that's in the interest of the County - that is not in the interest of the County. What is in the interest of the County is getting that economic engine up to full power out there.

Thank you madam chair, that's it.

McGill: Let me see if we can not act on that motion tonight and give us time to sit down and talk to the City of Midway and see what their motivations are. I've been doing some work for Midway in terms of getting some natural gas going out there. And I think I am almost there. I am still talking to people about a sewer system from Tallahassee. We know that is going to cost and I am still working on that. So, I would still like to know what is proper or improper (inaudible) but for different reasons. So, if we can hold off on that motion for two weeks to see if there is something we can work out.

Watson: We can't hold off. We can't hold off any longer.

McGill: He said he's got 30 days and the 30 days will soon be up.  
Roberson: October 2 will be the 30 days and we don't meet again until October 5th.

McGill: I will ask the city attorney to come in tonight. I asked him to come last time and he came in late and I didn't recognize him quite frankly. I thought he was somebody else. And we meet October 5th.

Roberson: October 5th and the 30 days are up on October 2nd. I think basically the motion was to give him the authority to check into it and file if

Richmond: If I can, and I apologize for lateness in this. I just got the maps and we have been working on this - the staff has.

Watson: Either way, whether you are for it or against it, if Midway is skirting the or breaking the rules, we need to call their hand on it, whether you are for them or against them.

Dixon: That also seems to be selective.

Watson: Well, still, that is the bottom line here. That is your interest, isn't it, Mr. Richmond?

Richmond: All I can do is call it to ya'll's attention. This is not, I'll do what ya'll tell me.

Watson: You know what I mean, commissioner.

Dixon: I know what you mean.

Richmond: Part of what, if I can by way of background, there is a law suit pending and I'm not sure if it includes parts of

this land or not. We still have to analyze that. On the prior ordinances where basically, they did not comply with the Statute and I discussed with their attorney then, "Look, if you go back and go through this, you know, in an appropriate fashion, if it is contiguous and what have you, the county is not trying to give ya'll a hard time. And this is what they brought back in and I have been trying to find out where it's at and we just got it this afternoon - just a few minutes ago. And it appears to be an issue that I've got to call to your attention. What ya'll tell me to do is up to ya'll.

McGill: But he said the law suit has to be filed by

Richmond: Well, we've got 30 days. It was passed the second day of September which means that basically by the second day, there may be, no 30 days in September, so by October 2nd, I've got to make a decision. I know we don't meet until after that. Ah, and without going to the other issues, you know, the issues that because you represent these people now, the people surrounding it and I just, whatever ya'll want.

Watson: I move that we give you that authority.

Dixon: There is already a motion on the floor.

Roberson: I think we already have a motion on the table.

McGill: Not very many years ago, Chattahoochee thought this commission treated it like a step child. Now Midway has the same feeling that they have been stepped on and stepped over and everything else. I had hoped we could come to a more peaceful resolution on this issue. I think the annexation needs to be legally done, but I hope

Watson: If it can be legally done, it would be done, correct Mr. Richmond?

Richmond: Yeah, there's nothing we can do about voluntary annexation. We are in the position

Roberson: Am I correct, the motion was just to give you the permission to file lawsuit and

Richmond: Yeah, when I look at them. I'm going to sit here and tell you - I don't want to mislead any of you - It appears that there is a gap between the City of Midway city limits, and the areas in red. There are two areas that are contiguous, that would not be my intent to file

on the areas that are contiguous cause I think they meet the Statutes. O.K?

But I'm talking about the block out there beyond the interchange that appears not to be contiguous. That's not saying that we can't sit down and work something out with the City and come to some interlocal agreement on the development or interlocal agreement on maintaining some rights or input in planning. I mean, I'm not saying we can't work something out with the City of Midway. If they want to work with us, or vice versa, that end of it is really ya'll negotiating that. All I am saying is this is what I've got to do if you want me to do it. I call it to your attention.

Dixon: But, what comes across to me is that that is always the last route we take - to talk and see if there is something possibly that we could agree on. You know, the first motion is to file a law suit. Correct me if I'm wrong, but you know, that sends a real "we don't want to work together message."

Richmond: I agree with you commissioner, I'm not trying to dodge that issue. The Statute imposes a 30 day limit on us and we have been working on this for the last 2 weeks, 3 weeks, trying to find out exactly what property is the subject and I just got it this afternoon. Yes, it sends a very chilling message - "We are going to sue you." Nobody likes to hear that and certainly nobody likes to ready about it - that doesn't mean that we can't try and sit down and have a joint meeting or something or trying to work something out. The question becomes, you know, if ya'll want to just let it go, that is fine too. And let the City of Midway develop that area out there. Because once that ordinance is not contested, it becomes a part of the City of Midway and we have no rights to go in and interfere.

Watson: But, is somebody is breaking the rules, they should expect to hear from us.

Roberson: We have a motion and a second on the floor on the floor. Is there any further discussion?

McGill: (inaudible) I would hope that we could sit down and work things out instead of going to court. (inaudible) if Midway is willing to work it out. That should be a last resort instead of a first resort.

**Roberson: All in favor?**

**Watson, Fletcher, Roberson: Aye**

**Roberson: All opposed?**

**Dixon, McGill: "No."**

**THE MOTION PASSED 3 - 2.**

Dixon: Madam chair, also on that issue, we do have 9 days and I would like to see what kind of discussion happens between now and then. I certainly would like to hear from the attorney before the law suit is filed as to the level and degree of that discussion.

McGill: Does that mean a special meeting?

Dixon: No.

Richmond: I will call Mr. Howard tomorrow and try and set up a meeting (inaudible) and report back.

Dixon: Also, Madam chair, if I may on that same issue?

Roberson: Yes.

Dixon: If we are so concerned about the growth and development of Midway, and I am very concerned about the growth and development of Midway, I think it is this county's potential bread and butter in terms of - not ad valorem tax or anything - but for opportunities for our citizens to find better jobs. I agree that it is this county's next life line.

What I would like to do in that vein or in the vein that if we are to really play a role in what happens in incorporated or unincorporated Midway, we need to stop sitting at the table doing nothing. So, in that vein, I understand that it is going to cost somewhere upwards of \$700,000, should the city of Tallahassee agree to run waste water and central water to that area, that we look into it. And if we are serious, ah, that we really look into it to see if we really want to be players - and I would like to flush it out - Do we really want to be players? Or are we just going to sit here and punish Midway?

Roberson: (inaudible)

Dixon: Madam Chair, if you will let me finish. All those business out there and potential businesses are saying



they need central water and sewer. Now, are you all hearing something different? They are all saying that. We have a golden opportunity. The City of Tallahassee is at least thinking about it. I propose that we take it to the table.

Watson: I bet none of them said they wanted to be annexed by Midway.

Dixon: We are not talking about annexation.

Watson: I thought that was what we were just talking about.

Dixon: No, no, I'm talking about the big picture here. Annexation is petty. Do we own a water system? If you want to help those people, then give them central water and sewer. I'm not talking about annexation. Midway doesn't have anything else to annex. If you give them central water and sewer. And that is what I am talking about, Commissioner. That's what I have been talking about.

**I OFFER A MOTION THAT WE PURSUE, THE COUNTY PURSUE, TALKS WITH THE CITY OF TALLAHASSEE ABOUT CENTRAL WATER AND SEWER FOR THE MIDWAY AREA. THAT IS MY MOTION, MADAM CHAIR.**

Watson: Don't we have plans up there that Talquin is going to do that?

Dixon: I don't care what Talquin is doing, Talquin ain't doing it. Now, if you are serious about

Watson: Why do you say that Talquin is not doing it?

Dixon: Talquin, remember now that Talquin ain't got nothing to do with annexation. If you want to control growth and development in Midway,

Watson: You said that Talquin is not going to do it, but we got plans upstairs.

Dixon: I know, we've got plans, but, have you seen any holes dug?

Watson: inaudible

Dixon: Exactly my point, exactly my point.

Watson: I haven't seen Tallahassee dig any holes either.

Dixon: That's it. They don't have a commitment of money to even talk about it. Now, I've got the motion on the table.

Watson: Well, I can't go along with the City of Tallahassee.

Dixon: I didn't think you would but the motion is on the table.

McGill: I will second that motion but let me say this. I have had one meeting with some city officials of Tallahassee and with the mayor and city manager of Midway regarding water, sewer and electricity. We ran into a legislative issue with the electricity, but water and sewer are still on the table and I have also talked to them about natural gas and (inaudible) so something is going to happen, even though it is not happening as fast as we would like them to happen. But, I will second the motion for the sake of getting it moving.

Roberson: O.k. we have a motion and a second. All in favor?

**DIXON, FLETCHER, MCGILL: "AYE"**

**ROBERSON: ALL OPPOSED?**

**WATSON & ROBERSON: NO.**

McGill: But if we are going to help Midway in some kind of way, I am not sure exactly what, but I do know and I talked to one company that they are going to use a lot of natural gas and (inaudible) Also, I am told by those who are in the market that the most profit making entity (inaudible) are users of natural gas. That is one reason I am concerned about that. I have talked to the City of Quincy, the City of Chattahoochee and I've talked to the Town of Havana and I've got some telephone numbers to call others. I even got a copy of Quincy's portfolio on natural gas. That is a profit-making entity. So we need to pursue that. I hope there is some way that we can get Midway into a position to distribute natural gas. It also means that some of the people who are using bottled gas can get rid of that and go to gas that is a lot cheaper and a lot safer. So, if we can do that, we can show Midway that we are concerned about their plight and try to help them resolve their problems out there.

But there is something that I still don't agree on. That ought not to happen, that might happen in Midway - that's why I want it on the record. I don't think that the transfer station ought to be considered in the negotiations. So, I'm glad Mr. Dixon didn't mention that

at the time. I think what we got out of the discussion was natural gas, water, electricity and sewage if that is possible.

Also now, while we are talking about that, talking about Talquin Electric, you must remember that Talquin Electric has a suit against Leon County over a franchise fee. So, my position is if a private entity is going to use public property for profit making, then Talquin can take its poles and (inaudible). They have no business taking public property and making a profit off of it. I just feel strongly about that.

Richmond: That completes my report.

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

#### **Comprehensive Plan Ordinance - Public Hearing**

P & Z Director Bruce Ballister reported that he had held discussions with the School Board representatives regarding the issues in the proposed amendment to the Comprehensive Plan as it deals with location and citing of future school facilities. The Department of Community Affairs (DCA) requested that the County remove the Agriculture 3 category from the current list of allowable zones for location of schools. The Comprehensive Plan currently lists all agricultural zones and rural residential areas as allowable zones for schools. DCA objected saying that was too broad a brush and recommended that schools be located within a residential areas only. They recommended at least the removal of Agriculture 3 zones from the allowable sites.

Mr. Ballister then stated that he again met with the School Board representatives who had originally objected to the deletion of the Agriculture 3 zones but ultimately they agreed to follow DCA's recommendation.

Mr. Ballister recommended that the Plan be submitted with the modification as requested by DCA.

Mr. Richmond read the title of the proposed ordinance amending the Comprehensive Plan into the record.

The Chair called for comments from the public. There was no response.

**UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO TRANSMIT THE COMPREHENSIVE PLAN WITH THE MODIFICATION TO DCA**

**FOR THEIR APPROVAL. THE PLAN AMENDMENT WOULD THEN BE BROUGHT BACK TO THE BOARD FOR ADOPTION BY ORDINANCE.**

**MAJOR LAND USE AMENDMENT +11.5 ACRES AGRICULTURE 2 CHANGED TO RURAL RESIDENTIAL CATEGORY - JOHN LYNN - Lake FRANCIS**

Mr. Ballister explained that Mr. John Lynn desires to change the land use category of 11.5 acres of his land to rural residential. The parcel will be subdivided into 4 lots. Lake Francis is a metes and bounds subdivision created in 1979 with deed restrictions. Mr. Lynn agreed to incorporate the current deed restrictions into the minor subdivision.

The P & Z Commission recommended approval.

The P & Z staff recommended approval.

**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE LAND USE AMENDMENT AS DESCRIBED ABOVE.**

**COUNTY MANAGER'S AGENDA**

**Interlocal Agreement with City of Quincy to Extend Byrd Landfill Agreement**

County Manager Howard McKinnon told the Board that the City of Quincy has requested a 5-year extension to the Byrd Landfill Interlocal Agreement.

Commissioner Watson referenced Item 3 F and asked if there is an accounting of the Byrd Landfill account and if the money is being used appropriately.

Mr. McKinnon stated that the City has supplied cost data to all the participants of the landfill and at this point they are close to a break-even point and no surplus of funds were reported as of 09/30/98.

Commissioner Watson stated that he was reluctant to approve a new agreement until he has some assurances that the money paid into the fund is being used as it should be used.

**THERE WAS A MOTION BY COMMISSIONER DIXON AND A SECOND BY COMMISSIONER MCGILL TO APPROVE THE LANDFILL INTERLOCAL AGREEMENT.**

Discussion followed.

Commissioner McGill referenced item 3 E and asked if language could be added so that the "landfill transfer station will not be increased in size to cover additional waste material from surrounding areas."

THERE WAS A MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER FLETCHER TO AMEND THE ABOVE MOTION TO ADD THE FOLLOWING STATEMENT AT THE END OF 3-F "AT NO TIME WILL THE SIZE OF THE LANDFILL/TRANSFER STATION BE INCREASED TO COVER ADDITIONAL WASTE MATERIAL FROM SURROUNDING AREAS. THE BOARD VOTED 4 - 1 IN FAVOR OF THE AMENDMENT. COMMISSIONER DIXON CAST THE LONE DISSENTING VOTE.

The Chair then called for a vote on the original motion plus the amendment to it.

THE BOARD VOTED 4 - 1, BY VOICE VOTE, TO APPROVE THE MOTION AND THE AMENDMENT. COMMISSIONER WATSON CAST THE LONE DISSENTING VOTE.

#### Engineering Services Contract - Reynolds, Smith and Hills

Mr. Bill Steves, Kim Wood and Rasad Stinson, engineers, were present to request that the Board renew their contract to serve as the county's engineers.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO RENEW THE CONTRACT WITH REYNOLDS, SMITH AND HILLS.

#### Escambia County Housing Finance Authority, Single Family Mortgage Revenue Bonds, Series 2000

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO SET A PUBLIC HEARING FOR OCTOBER 5, 1999 AND TO GIVE AUTHORITY TO ESCAMBIA COUNTY HOUSING FINANCE AUTHORITY TO PROVIDE SINGLE FAMILY MORTGAGE FINANCING FOR QUALIFIED, LOWER TO MODERATE INCOME FIRST TIME HOME BUYERS.

#### CONSENT AGENDA

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

- 1) Interlocal Agreement with the City of Chattahoochee to provide ambulance services for FY 1999-2000
- 2) Library State Aid Application

- 3) Fiscal Year 1999/2000 Pay Plan
- 4) Agreement for Interlibrary Delivery Services
- 5) Financing Proposal Quincy State Bank for Public Works Equipment 7741 SLE Tractor/Cab with air in the amount of \$34,564.00 @ 5.5% (to replace Boom-mower.)
- 6) Article V Grant in Aid Agreement and Request for release of funds
- 7) Jail Physician Agreement with Gloria Ramos for \$15,278.12 per year.
- 8) Emergency Food Assistance Agreement with USDA - \$12,667.44
- 9) Appointment of Commissioners Sterling Watson and E.H. (Hentz) Fletcher to Value Adjustment Board for 1999
- 10) Sonitrol Agreement for Governmental Complex Elevator Alarm System
- 11) DUI Enforcement Grant Application
- 12) Ecotourism/Heritage Grant Application
- 13) Commissioner Dixon's Travel as President of FAC
- 14) Chamber of Commerce Activity Report
- 15) Construction Industry Licensing Board Minutes of April 12, 1999; May 10, 1999 and July 12, 1999

#### CLERK'S AGENDA

##### County Deed to Gary Clary

Clerk Thomas recalled that the Board had given him authority to begin the process of making a direct sale of a county-owned lot located on Kent St. just inside the city limits of Quincy. He then told them that pursuant to FS 125.35(2) all adjacent property owners were advised of the sale and he received no objections from any of them. He then asked that the Chairman be given the authority to execute a county deed to transfer the property to Mr. Clary upon his payment of \$895 - the assessed value.

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 COUNTY DEED TO MR. GARY CLARY.

##### Budget Amendments

##### 99-09-21-01 through 99-09-21-26

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 of Payment of County Bills

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

**DISTRICT 1 REPORT**

Commissioner McGill had no report.

**DISTRICT 2 REPORT**

Commissioner Watson called attention to a memo the commissioners received from Bruce Ballister regarding appointees' attendance to the P & Z Commission meetings. He encouraged each commissioner to be cognizant of that fact when making appointments and re-appointments to that Commission.

Commissioner Watson then questioned if there were attendance guidelines that should be followed by those appointees.

Mr. Ballister answered affirmatively.

Commissioner Watson then stated that he would like to see the P & Z Commission have more authority in order to speed up the process time for having issues resolved.

Mr. Ballister was asked to put together a model of expanded authority for the commission and bring it back for the Board's consideration.

**DISTRICT 3 REPORT**

Chair Roberson had no report.

**DISTRICT 4 REPORT**

Commissioner Fletcher had no report.

**DISTRICT 5 REPORT**

**Title Loan Ordinance**

Commissioner Dixon called attention to the Florida Title Loan Act of 1995. He asked that the Board consider an ordinance that would limit the interest rates that title loan companies can impose.

**UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 1, BY VOICE VOTE, TO PUBLISH A NOTICE OF INTENT FOR THE PURPOSE OF HOLDING A PUBLIC HEARING**

TO CONSIDER THE ADOPTION OF AN ORDINANCE THAT WILL LIMIT THE INTEREST RATE THAT A TITLE LOAN COMPANY CAN IMPOSE. THE HEARING WAS SET FOR OCTOBER 19, 1999. COMMISSIONER WATSON CAST THE LONE DISSENTING VOTE.

**Garbage Contract**

Commissioner Dixon suggested that the County should consider doing an RFP for county-wide garbage pick-up services.

**ADJOURNMENT**

THERE BEING NO FURTHER BUSINESS BEFORE THE BOARD, THE CHAIRMAN DECLARED THE MEETING ADJOURNED.

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Carolyn Roberson, Chair

ATTEST:

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Nicholas Thomas, Clerk



AT A FINAL PUBLIC HEARING OF THE  
BOARD OF COUNTY COMMISSIONER HELD IN  
AND FOR GADSDEN COUNTY, FLORIDA ON  
SEPTEMBER 27, 1999, THE FOLLOWING  
PROCEEDINGS WERE HAD, VIZ:

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

CALL TO ORDER

Chair Roberson called the meeting to order. County Manager Howard McKinnon led in pledging allegiance to the U.S. Flag and Commissioner Dixon led in a prayer.

Chair Roberson then turned the meeting over to County Manager Howard McKinnon.

Mr. McKinnon reported that the roll-back rate is 9.59 mills - it is a increase of 4.59%. The new 1999/2000 Budget proposes a millage rate of 10 mills for the County General Operating Account and 1 mill for the hospital. The total budget amount as proposed previous to this meeting was \$24,612,535.00.

Mr. McKinnon recalled at the tentative budget hearing, the Board approved some monies for non-profits and a new grant writing position.

Chair Roberson called for public comments. There was no response.

ADOPTION OF GENERAL OPERATING MILLAGE

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO SET THE GENERAL OPERATING ACCOUNT AT 10 MILLS.

ADOPTION OF HOSPITAL MILLAGE RATE

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO SET THE HOSPITAL MILLAGE RATE AT 1 MILL.

**ADOPTION OF THE 1999/2000 BUDGET**

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE BUDGET AS TENTATIVELY ADOPTED WITH THE FOLLOWING CHANGES: ADD A GRANT WRITER POSITION ADDED; INCREASE AMERICAN RED CROSS BY \$3,000 ADDITIONAL; INCREASE SENIOR CITIZENS BY \$10,000 ADDITIONAL; INCREASE LEGAL SERVICES BY \$ 4,000 ADDITIONAL; INCREASE DISK VILLAGE BY \$ 5,000 ADDITIONAL; INCREASE BIG BEND TRANSIT BY \$10,044 ADDITIONAL (Total \$32,044 additional FOR NON PROFITS); PLACE ALL OTHER MONIES SET ASIDE IN THE TENTATIVE BUDGET NON PROFITS INTO THE GENERAL FUND CONTINGENCY. THE TOTAL OF THE AMENDED PROPOSED BUDGET WAS FOR \$24,612,535.00.

Commissioner McGill proposed an amendment to the above stated motion but it (the amendment) died for lack of a second.

Discussion followed among the Board.

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

**ADJOURNMENT**

THERE BEING NO OTHER BUSINESS BEFORE THE BOARD, CHAIR ROBERSON ADJOURNED THE MEETING.

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Carolyn Roberson, Chair

ATTEST:

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Nicholas Thomas, Clerk

AT THE REGULAR MEETING OF THE BOARD  
OF COUNTY COMMISSIONERS HELD IN AND  
FOR GADSDEN COUNTY, FLORIDA ON  
OCTOBER 5, 1999, THE FOLLOWING  
PROCEEDINGS WERE HAD, VIZ.

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

CALL TO ORDER

Chair Roberson called the meeting to order. County Attorney Hal Richmond led in pledging allegiance to the U.S. Flag and Commissioner McGill led in a prayer.

ADOPTION OF THE AGENDA

Commissioner Watson asked to amend the agenda by removing the Purchasing Card Policy from the consent agenda and placing it under the County Manager's agenda for discussion.

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

APPROVAL OF MINUTES

September 21, 1999 Regular Meeting

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

GORDON JERNIGAN, ESCAMBIA COUNTY HOUSING FINANCE AUTHORITY

Resolution 99-024

Interlocal Agreement

Mr. Gordon Jernigan, Executive Director of the Escambia County Housing Finance Authority, addressed the Board. He explained that his agency has issued tax exempt bonds on behalf of Gadsden County for several years. He stated that the earlier bond issues were not very successful. However, after an advertising campaign of radio and television, the last issue was very successful. Gadsden

residents utilized the entire \$1 million allocation. He then requested that the Board pass a resolution and enter into a new interlocal agreement allowing the County to participate in the new 2000 bond series.

Mr. Jernigan stated that the purpose of the program is to provide safe, affordable and decent housing to persons of moderate and lower income. He then opened the floor for questions from the Board and the audience.

**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE RESOLUTION AND INTERLOCAL AGREEMENT AS DESCRIBED ABOVE.**

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

County Attorney Hal Richmond had nothing to report.

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

##### **Deer Ridge Subdivision**

P & Z Director Bruce Ballister recalled to the Board that the Deer Ridge Subdivision was first brought to the Board in May of 1999. The Board had questions about the soil analysis and there was some concern expressed by nearby residents about the use of so many septic tanks. Mr. Ballister reported that the applicants have performed soil analysis and made some modification to the design lay-out of the proposed mobile home subdivision.

Mr. Ballister pointed out that the new lay-out proposes 24 lots on the 25 acres. He added that everything below the 100 yr. flood plain is not included in the subdivision but will be common open space. Ten percent of the shaded area on the proposed map will also be used as open space - above the wetlands line. Soil analysis of 25% of the lots (per the code) revealed that most of the lots do not reach the definition for a mounded septic tank. There was one boring on lot 2 that found a water table depth that would be border-line for a mounded septic system.

Mr. Ballister recommended that all lots be tested and approved for septic system prior to the sale of the lot.

Chair Roberson called for questions from the Board. There was no response.

Chair Roberson then called for questions from the audience.

Commissioner McGill asked how much of the land was set aside for road right-of-way.

Mr. Guy Moore, developer, addressed the Board.

Commissioner Watson asked Mr. Moore to described the difference between the plan presented at this meeting as opposed to the plan presented in May.

Mr. Moore recalled that the County would not allow incorporation of the green space into the wetlands so they expanded the line for the wetlands further back - based on the Corps of Engineers findings. He also stated that they lopped off a lot and made 10% green space. He added that previously, some of the lots were actually slightly bigger than .50 acres. The road was moved slightly. The lot sizes remained the same.

Commissioner Watson stated that his original concern with the development was that it is too dense for a mobile home subdivision.

Mr. Moore pointed out that the State requirement for septic tanks is .25 acre. The proposed subdivision exceeds that requirement.

Engineer Tom Napier stated that a .5 acre lot is a good size for any subdivision, much less a mobile home subdivision. He stated that most subdivisions are built on lots that are 1/3 acre or less.

Commissioner Watson asked the Board to consider the future tax generation ability of the development. He said that 1/2 acre lots will not help bring the value of it up and would do nothing to increase tax revenue.

Chair Roberson revealed that she had a few calls from the folks who live behind the proposed subdivision. She stated that they were concerned with the potential contamination to their water supply from so many underground septic tanks.

Mr. Napier stated that the back side of the subdivision is actually the higher side. Everything slopes toward U.S. 27.

It was determined that the development meets all county requirements of the code.

**A MOTION WAS MADE BY COMMISSIONER FLETCHER AND SECONDED BY COMMISSIONER DIXON TO APPROVE THE DEVELOPMENT AS DESCRIBED IN THE ATTACHED MEMO.**

Mr. Mel Wiley, an adjacent property owner, addressed the Board in opposition to the development. He was concerned about the effect that so many septic tanks would have on the quality of the well water in the surrounding areas.

Commissioner Dixon stated that if they have complied with all the county's requirements, he felt that the Board should approve it or else change the requirements.

Ms. Diane Sheffield, a member of the P & Z Commission, was asked to come forward and answer questions regarding their decision to approve the development. She responded by saying that the Commission had considered the fact that the location of the proposed development which is very near a cement plant. It was the consensus of the Commission that a site-built community would not likely become a reality there. It was their feeling that with this proposed development, at least the wetlands will be protected. If an industry should locate there, the wetlands would be at risk. The Commission saw this project as a lesser of evils. She did add that she would personally like to see fewer lots.

Commissioner Watson stated that historically, mobile home subdivisions with this density have not appreciated in value.

Mr. Bruce Pelham was recognized by the Chair for comments. He supported the proposed development.

Mr. Mike Dorian spoke in support of the subdivision but was in favor of larger lots.

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

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

\_\_\_\_Mr. Moore stated that he was preparing deed restrictions. He said that he really wanted to work with the County to ensure a nice neighborhood.

#### **George Coaker Family Subdivision**

Mr. Ballister stated that Mr. George Coaker owns a 5 acre lot in the Springbrook Farms Subdivision. He wishes to deed 1/2 of his lot to his son. Mr. Coaker expects to build another home on the parcel. The subdivision covenants provide for lots of no less than two acres. Mr. Coaker's request is in compliance with the covenants.

Chair Roberson called for public comments. There was no response.

**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE SUBDIVISION OF MR. GEORGE COAKER'S LOT INTO 2 LOTS.**

**Rural Residential Density/Immediate Family Exemption Ordinance**

**UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO CONDUCT A WORKSHOP ON THE ABOVE STATED ORDINANCE.**

\_\_\_\_\_Hal Richmond told the Commissioners that it would be necessary to re-advertise the proposed ordinance before bringing it back to the Board for action.

\_\_\_\_\_Trey Morgan, Chair of the P & Z Commission, spoke to the Board. He stated that the P & Z Commission has had concerns about the rural residential density for the last 4 years. He pointed out that the Board, through its action at this meeting, just added another 2 months to allowing them to continue. He urged them to move on the Rural Residential Density/Immediate Family Exemption Ordinance rather than send it back to a workshop.

**Road Paving Priority List**

Mr. Ballister pointed out that the County's Road Paving Priority List was prepared several years ago and was included in the Comprehensive Plan. Bell Road is now at the top of the list of 31 roads - ranked in the order of the previous criteria. However, it has been determined that the criteria itself should be amended and a new road priority list made. He asked the Board to conduct a workshop on the matter. Prior to that workshop he will gather new data and identify issues that will have bearing on the ranking criteria.

**UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO CONDUCT A WORKSHOP ON OCTOBER 26, 1999 AT 5:30 ON THE ABOVE STATED ISSUE AND THE RURAL RESIDENTIAL DENSITY/IMMEDIATE FAMILY EXEMPTION ORDINANCE.**

Mr. Ballister advised the Board that the County would soon be getting into the map amendment phase of the Evaluation and Appraisal Recommendations. He said that he had distributed each commissioner a copy of the zoning map for his/her district. He then stated that he had assembled a wall-map sized copy of the plat map which was taken from the Chamber of Commerce's plat book. He said he will also be getting copies of those to each commissioner

as well. He explained that those maps demonstrate which areas of the County are already dense. He asked each of them to look at specific parts of their districts and have recommendations to make about down-zoning or increase-zoning for their respective districts.

\_\_\_\_Mr. Ballister then reported that the Planning Commission will be scheduling workshops in November to make recommendations for the Comprehensive Plan Revision 2000. He said that it would speed the process considerably if the Board of County Commissioners would have joint workshops with them.

One way to speed things along would be to deal with the land use changes which have accumulated. He stated that hea has received about 25 requests for individual land-use changes since last December. If the Board will consider those map changes and confirm what the County will be submitting to DCA in that regard, it will aid in the overall Comprehensive Plan Amendment process. (The map changes will slow things down more than text changes.) He targeted the summer of 2000 as being the date to have the Comprehensive Plan 2000 Revision and the associated map completed.

Mr. Mike Dorian was recognized for questions.

### **Tree Ordinance**

Mr. Ballister asked the commissioners to review the proposed tree ordinance and make their specific objections known to their appointments to the Planning Commission.

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

#### **Waste Management Contract** (attached)

County Manager Howard McKinnon called attention to the information demonstrating comparisons of Gadsden County Waste Service charges to those in the surrounding counties.

Mr. Ralph Mills, District Manager for Waste Management of Leon County was present.

Commissioner Dixon said that the data was not what he had hoped to see.

**A MOTION WAS MADE BY COMMISSIONER WATSON AND SECONDED BY COMMISSIONER FLETCHER TO APPROVE THE PROPOSED AGREEMENT WITH WASTE MANAGEMENT OF TALLAHASSEE FOR FIVE YEARS.**



Dixon: What are we doing, what are your proposals to improve the service that you give us or do you feel that the services are at peak performance?

Mills: Commissioner, of course you know, doing the number of services that we do, you are from time to time, going to have a problem. We don't really get that many service problems. I know Commissioner McGill mentioned the other day that he had a problem with, you know, the guys throwing some garbage cans, but ah,

Dixon: That's generally because they don't know who to talk to.

Mills: Yeah. Well, I'm kinda glad you brought that up. I mean, I am new here as I think most of you know, but, I hope to be here for the long term and I want to be able to you know, to work with them. I want people to be able to call me in the office if they have a problem. Ah, but, you know, I mean, you are only as good as, you know, I think sometimes your manager who is representing you. And you know, I am committed to doing the right things to make sure that the service level is going to be there.

Dixon: Let me share with you some of the problems that I get - from the City of Quincy as well as out in the rural area. Ah, one - they don't know who to talk to. Two, when they do call someone to talk to, they don't get any response and three, if they do get a response, it's a month later.

Mills: O.K. All right.

Dixon: Ah, or, the gentlemen on the delivery truck, gentlemen or the ladies on the delivery truck, ah, they come home in the afternoon, they are liable to find their garbage cans a mile down the road - it's just depending. Forget about picking up anything that might have spilled out as they dump. How do you perceive remedying some of those situations?

Mills: Commissioner, I mean, I am open to suggestions. I mean, we can, I mean if people call, we log in calls and we had a meeting with the City of Quincy probably three or four weeks ago on some of the same issues - to make sure that we are getting the calls logged in and responding to them in a timely fashion. But, I can certainly sit down with the County Manager or I am open to anything that you think, you know, that you feel that there is that bad of service problem, I am open to anything as far as trying to improve the quality of service.

Dixon: Have you all considered cans?

Mills: Yes, sir.

Dixon: Is that financially unfeasible?

Mills: No, that is not out of the ordinary. Ah, again that would be something that we would need to talk to staff about. But, that is not out of the realm of possibility for sure. That is something that we do provide in other communities. You kinda get a mixed bag. Sometimes you have people say "I don't want the big can". I don't think you are going to have anybody 100% for it or against it. But that is something, if you would like, we can look at certainly.

Dixon: Thank you Mr. Mills.

McGill: I have one question. Item Number 4 - on their letter - they say bi-annual clean-up. Ah, that is every two years.

Mills: Oh, no, sir. That's twice a year. Twice per year.

McKinnon: It should say semi-annual.

Watson: He meant bi-annual. (laughter)

Mills: No, that's every six months.

McGill: I guess we will have to work together to decide when that is going to be and when so that people out there will know.

Mills: Yes, sir. We can work with some advertising there so that everybody is aware of it and you know, take advantage of that service.

Roberson: So, you are willing to advertise that because I think that is necessary - to put it in the paper and let the people know.

Watson: Don't ya'll have little stickers ya'll put on the cans?

Mills: Yes, sir, we sure do.

Watson: Do ya'll have your number on it?

Mills: You know, I don't know. I am not sure, I can check on that for you commissioner, but I believe it is on there.

McGill: You need to change that word from bi-annual to semi-annual. If not you are going to have one heck of a pick up.

McKinnon: Yes, sir. We won't let him forget it, I promise you.

Roberson: We have a motion on the floor and a second. All in favor?

All commissioners: Aye

Dixon: Commissioner, I would like for the County Manager to be diligent in this argument for a contract, that we try and do some of those things that look out for the consumers that we represent. Because we are going to get the calls. There is no vehicle that we may check on to insure that services are being rendered, all that kind of stuff that we look into certainly. If we want to continue of with this contract.

Mills: Thank you very much.

### **2000 FAC Annual Conference**

Mr. McKinnon asked for authority to make reservations for the annual conference to be held at the Peabody Hotel in Orlando.

**UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0, TO AUTHORIZE THE COUNTY MANAGER TO MAKE THE RESERVATIONS FOR THE 2000 FAC CONFERENCE.**

### **Meeting with City of Tallahassee and the City of Midway**

Mr. McKinnon reported that the City of Tallahassee is interested in extending their sewer and water lines to the Midway area. The cost is estimated at \$1.25 million. That amount of money would have to given to them up front before they would begin work on the project. He asked for directions.

Commissioner Dixon stated that would be the best investment that the County has made in the last 20 years. He said it is guaranteed. He called attention to the impact that Flying J has made already. He went on to say that the County has the ability and the opportunity to bring those type businesses on line in Gadsden County. He said that the County should not pass up the opportunity.

Commissioner McGill asked from where the \$1.25 million would come. He then added that he is trying to track down the natural

gas representatives in Orlando to see if they would be willing to put in a gate in that area.

Mr. Ballister reported that Talquin Electric has approached the P & Z office with a proposal for a treatment plant immediately west of Midway, located just south of US 90 running back toward the I-10 right-of-way. The County will be one of the major recipients of a treatment plant in that area. He said he thought it was only fair to examine all opportunities.

Commissioner Dixon then remarked that while it is important to consider all options, the Board also needs to consider the fact that at no point did Talquin Electric say they were willing to allow the citizens of Midway to hook up to their facility. He reminded the Board that the Board of County Commissioners serve a public purpose. Talquin will apply for the grant in the name of Gadsden County but still will not hook up the residents to their system. He said that he had a basic fundamental problem with Talquin because of that.

Mr. Ballister stated that he had advised Talquin to find some mechanism to make it financially palatable to both governments.

Mr. John Yerkes addressed the Board. He stated that he had attended a meeting with the City of Tallahassee along with Commissioner McGill on the subject. He stated that a number of questions were presented at the meeting. One question that he asked was "Whether the plans that would be put into place (as far as Midway is concerned - the sewer services to be provided almost to I-10) would include providing sewer services to Midway?" Tallahassee's answer to that question was "no."

Mr. Yerkes advised the Board to do a strong study of each proposal. He said that he had received a two-page document from Wendy Gray, Director of Planning for the City of Tallahassee, where she pointed out 7 or 8 serious problems that they would have to contend with in providing water and sewer service to I-10/US 90 area. What came out of one meeting was that there are numerous planning and technical issues that must be addressed and worked out. Talquin will also have similar issues to resolve. But, if both entities were asked to bring a business case to the table, there are questions and issues to which the Board needs to become knowledgeable.

#### **Champion Community Designation**

Mr. McKinnon called attention to the booklet sent to each commissioner about the "Champion Community" designation. He said the committee is close to finalizing matters relating to it. He

encouraged them to review it carefully. The packet includes a Memorandum of Agreement that goes with the designation. He asked that they make their comments known to Dr. Grant or himself. He went on to say that it will be presented for approval on October 19 and there will also be a signing ceremony with all parties involved in the Memorandum of Agreement.

Dr. Grant addressed the Board. He said the time-line will depend on when the Board can come to an agreement on the language contained in the Memorandum of Agreement with all of the cities involved.

Commissioner McGill had several questions. Mr. McKinnon stated that he would meet with him and explain the agreement in detail.

### **State of Florida Purchasing Card Policy**

Commissioner Watson stated that when the Board discussed the purchasing card on August 17, 1999, he was under the impression that it was only going to be used for hotels and travel for Commissioner Dixon during his tenure as president of the Florida Association of Counties.

General Services Director Arthur Lawson was asked to answer questions regarding the card.

Lawson: Arthur Lawson, ah, I understand that and that is the initial intent. But, if once we have reviewed the program, Commissioner, ah, the, the, the, overall use of this card can be extremely beneficial in the future for the other county departments and uses with designated restrictions.

This card, ah, and I wasn't aware of all of the implications of it until I actually started filling out the application and dealing with Bank of America. You can make it do as much or as little as you want. You can control the limits, you can even control ah, who uses the card down to a certain dollar amount. And, I think that for future purposes, this is the way that purchasing is going - the technology of purchasing.

I think it would just be counter-productive if we would delete the card after Mr. Dixon's tenure. I think the County could find much more efficient uses of this card in the future in addition to what we are doing. The card is strictly set up now just for what you asked for. There are all kinds of vendor lists that the card could be utilized for that will certainly make for - and I am

just speaking from a purchasing standpoint - doing county business extremely efficient and much more expeditious.

Watson: But before we adopt this, I would like to see exactly what all it is you are talking about explained better than what I've got here.

Lawson: All right, I can go over the, if you have the time, come by my office and I will go over the entire application process with you.

Watson: I think you can put it in writing, can't you.

Dixon: Put it in writing because you are right, in terms of Department Management Services, which my agency is attached to, ah, has gone strictly to this. You do not submit printed vouchers, they got to go through too many people, so on and so forth. And what I have is what they call, we call, a "P" card. Ah, as a manager, I have a different level of spending. I can do different things with my card. Ah, but, as supervisors, they have a smaller level of spending, a smaller level of spending per day and limited options. I cannot, they cannot take their card and walk into a mall. It will not work. Travel - there are people whose card is limited to travel only. You may access a rental car, you may purchase an airplane ticket, you may buy gas. But, it does not work for food. It does not work for anything in a hotel other than room - those kinds of things. So, if you present that to them.

Lawson: All right, I will write you up an explanation. Our main purpose for the policy was ah, normally when we get a new item, ah, we're always asked by the finance department for the policy that goes along with it. So, in order to expedite payment of any invoices when they come in, when they ask for the policy, we were going to have a policy in place to go along with that.

McKinnon: Plus another reason for it, and I want to point that out, is this does spell out what we understood your intentions were when it was passed. For everybody to see and understand.

Watson: Our intentions were not to make this county-wide. I don't where that got in here because we never talked about it becoming county-wide. So, I do not think this reflects our intention from that meeting that night. I disagree with that.

Dixon: Madam Chair, I move to table this until

Fletcher: I second the commissioner's motion to table.

McKinnon: So, we table this or that is the motion.

Roberson: So, we have a motion to table until further information is received. All in favor?

All Commissioners: Aye.

#### **CONSENT AGENDA**

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

- 1) 1999-2000 Small County Coalition Participation Resolution
- 2) Gadsden County Local Housing Assistance Plan
- 3) SHIP Subordination Agreement: Joylyn P. Salters
- 4) SHIP Annual Report & Certification
- 5) Settlement Agreement: Gadsden County vs. Ford New Holland of Tallahassee - for the record
- 6) Resolution NO. 99-21: Appointment of Commissioner McGill to the Circuit Conflict Committee - for approval
- 7) Proclamation No. 99-22: Proclaiming October 1999 to Celebrate the International Year of Older Persons - for approval
- 8) Road Name Change: May Farm Road to May Farm Lane - for approval

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

Budget Amendments 99-10-05-01 through 99-10-05-37; & 45 old year; 99-10-05-38 through 99-10-05-44

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

#### **DISTRICT 1 REPORT**

Commissioner McGill reported briefly about his efforts in trying to help the City of Midway obtain utilities including natural gas.

He then reported on things he had learned at a workshop in Orlando. They discussed possibilities for future revenue sources which included additional ad valorem taxes; surcharges and sales taxes.

Commissioner McGill then stated that he had been disturbed that the Board did not give the City of Quincy and Havana any consideration for recreation. He pointed out that those cities serve children in the County and asked them to seriously consider them in the next budget year.

#### **DISTRICT 2 REPORT**

Commissioner Watson had no report.

#### **DISTRICT 4 REPORT**

Commissioner Fletcher had no report.

#### **DISTRICT 5 REPORT**

\_\_\_\_\_Commissioner Dixon had no report.

#### **DISTRICT 3 REPORT**

Commissioner Roberson reported that she received a call from Tom Hacksby who is with the Forestry District Headquarters on Getty Road. He asked the Board to appoint someone to the Lake Talquin Management Plan Advisory Group. She announced that she appointed Commissioner Watson to represent the County Commission.

Chair Roberson then reported that Howard McKinnon had attended a meeting with Beverly Kilmore in her place. She asked him to relate to the Board what the meeting was about.

Mr. McKinnon stated that eight counties were qualified to receive funding for the Rural Economic Development Initiative (REDI). Gadsden County is one of the eight counties. Ms. Kilmore has asked to meet with the Board regarding that possible funding.

It was the consensus of the Board for the County Manager to arrange a time for the meeting.

Commissioner Dixon asked why the Board voted to close the Hopkins Landing gate at dusk when there is a park manager who lives there.



Mr. McKinnon stated that the reason for the recommendation of that policy was because there has been some vandalism. Some of the campers had raised security concerns as well. Also, the state parks close the camp grounds to incoming visitors at dusk.

Commissioner Dixon stated that he has a real problem when the Board is paying someone to be on site, and there has to be a policy about closing the gates.

Commissioner Watson asked if fishermen have to be out of there by 8:00 p.m. He was told no. He said that the curfew is intended to keep visitors from coming into the park.

Commissioner Dixon explained that the policy only refers to folks who are not staying at the camp ground.

**ADJOURNMENT**

**THERE BEING NO OTHER BUSINESS BEFORE THE BOARD, THE CHAIR  
DECLARED THE MEETING ADJOURNED.**

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**Carolyn Roberson, Chair**

**ATTEST:**

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**Nicholas Thomas, Clerk**

AT A REGULAR MEETING OF THE BOARD OF  
COUNTY COMMISSIONERS, HELD IN AND  
FOR GADSDEN COUNTY FLORIDA ON  
OCTOBER 19, 1999, THE FOLLOWING  
PROCEEDINGS WERE HAD, VIZ.

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

CALL TO ORDER

The meeting was called to order by Chair Roberson.  
Commissioner Watson led in pledging allegiance to the U.S. Flag and  
County Manager led in a prayer.

ADOPTION OF THE AGENDA

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER  
FLETCHER, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE  
AGENDA AS WRITTEN. (Commissioner Fletcher was not present for  
this vote.)

APPROVAL OF MINUTES

October 5, 1999 Regular Meeting

\_\_\_\_ UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER  
WATSON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE  
MINUTES OF THE ABOVE STATED MEETING. (Commissioner Fletcher  
was not present for this vote.)

COUNTY ATTORNEY'S AGENDA

Public Hearing - Title Loan Ordinance

County Attorney Hal Richmond stated that proper notice was  
given to hold a public hearing for the purpose to consider adopting  
a Title Loan Ordinance that would limit the interest rate that  
businesses can charge for title loans in Gadsden County.

Mr. Richmond disclosed that he had represented some of the  
people who are involved in the title loan business. He then stated  
that the proposed ordinance is an exact duplicate of the Leon  
County Ordinance and there did not appear to be a conflict of  
interest.

Mr. Richmond opened the floor for comments.

Discussion followed.

Commissioner Dixon reported that the Florida Legislature failed to address this issue in the last session making it necessary for individual counties to intervene with measures of its own. He proposed that the interest rate be limited to 2 1/2% per month or 30% per year.

Further discussion ensued.

Comments were heard from Craig Waldrop of Speedy Cash who opposed the ordinance.

Commissioner Watson spoke in opposition to the ordinance.

Commissioner McGill spoke in support of the ordinance.

**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 3 - 2, TO NOT PASS THE ORDINANCE. COMMISSIONERS WATSON, FLETCHER AND ROBERSON VOTED "AYE". COMMISSIONERS MCGILL AND DIXON VOTED "NO."**

**THE ORDINANCE DID NOT PASS.**

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

**Major Land Use Amendment Changing +61 Acres from AG3 to Rural Residential - East of Selman Road on US 90 - Armer White**

**Major Land Use Amendment Changing +369 acres from Mining to Rural Residential and 104 Acres from Ag 3 to Rural Residential North of US 90 - Ray Sheline**

P & Z Director Bruce Ballister addressed the Board. He introduced the above stated land use amendments. See attachment for details and description of the property.

Ms. Irene Ford was recognized for questions and comments.

Mr. Sheline was questioned by the Board. He stated that he would stipulate that only site built homes would be built along Selman Road. He added that it is possible that he would place manufactured homes on the back side of the property. He also stated that he expects the density ratio to be one house per two acres but some of the lots could be one acre lots with shared open space.

**UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE ABOVE STATED LAND USE AMENDMENTS.**

**Sawdust Community Grocery - Neighborhood Commercial**

Mr. Ballister told the Board that Mr. Gary Murray filed an application for a neighborhood commercial use for his property located on Ridgewood Road in the Sawdust Community. He desires to open a community grocery store there. He explained that Mr. Murray was actually permitted in 1984 and partially constructed a store. His permit expired prior to completion of the structure. He has now re-applied and is subject to the new code in place at this time.

Attorney Marva Davis addressed the Board representing Mr. Murray. She summarized her remarks by asking for approval for Mr. Murray.

**UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE NEIGHBORHOOD COMMERCIAL USE OF THE ABOVE DESCRIBED PROPERTY.**

**Gadsden Commercial Exchange - Commercial Subdivision**

Mr. Ballister stated that Mr. Gene Smith has applied to the County for conceptual approval for a commercial subdivision located at the intersection of CR159 and Merritt Lane. It wraps around the back of Ironwood Construction. It runs from Merritt Lane to the CSX railroad tracks and from CR 159 to the Kennel. It is currently zoned industrial. However, Mr. Smith anticipates using it only as "light industrial". It proposes 10 lots varying from 2.15 acres to 4.17 acres. For further details, see the attached documents.

Mr. Smith agreed to change the land use to light industrial if the Board would grant him a variance allowing 18-wheel trucks in and out of the property and also allow open storage on the site. Mr. Smith also agreed to only access the property from CR 159.

Ms. Kathleen Shirah addressed the Board representing Mr. Smith. She encouraged the Board to approve the commercial subdivision.

**A MOTION WAS MADE BY COMMISSIONER FLETCHER AND SECONDED BY COMMISSIONER DIXON TO APPROVE THE COMMERCIAL SUBDIVISION AS DESCRIBED ABOVE AS A LIGHT INDUSTRIAL SUBDIVISION AND TO GRANT THEM A VARIANCE TO ALLOW 18-WHEEL TRUCKS ON THE PROPERTY AND ALLOW FOR OPEN STORAGE ON THE PROPERTY AS WELL.**

The Chair called for public comments and questions. The following people were recognized in opposition to the project:

Clyde Bennett  
Gail Baxley  
Stormy Doyle

Mr. Smith spoke on his own behalf.

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

**COMMISSIONER MCGILL MADE A MOTION TO PLACE A MORATORIUM ON INDUSTRIAL DEVELOPMENT ON MERRITT LANE UNTIL THE BOARD CAN STUDY IT FURTHER. THE MOTION DIED FOR LACK OF A SECOND.**

#### **PURCHASING CARD POLICY**

Mr. Arthur Lawson presented a proposed policy for a purchasing card.

Commissioner Watson thanked Mr. Lawson for the information that he had provided to him regarding the possible uses for a county purchasing card. However, he pointed out that the Board's intention in approving the card initially was to limit it to use for Commissioner Dixon in making travel arrangements - hotel, airline tickets and car rentals during his tenure as President of FAC.

**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 3 - 2, TO LIMIT THE USE OF THE PURCHASING CARD AS IT WAS INITIALLY INTENDED AND NOT TO EXPAND ITS USE FOR OTHER COUNTY PURPOSES. COMMISSIONERS WATSON, FLETCHER, ROBERSON VOTED "AYE" AND COMMISSIONERS DIXON AND MCGILL VOTED "NO".**

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

##### **Champion Community Designation - Conceptual Approval of Memorandum of Agreement**

Mr. McKinnon told the Board that the County is still in the process of trying to become designated as a Champion Community. In order to get that designation, the County must have a Memorandum of Agreement (MOA) to create Gadsden County as a Champion Community in the State of Florida between USDA - Rural Development, Gadsden County and the municipalities located in the qualifying census tracts. He asked for authority for the Chair to execute the agreement on behalf of Gadsden County.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO AUTHORIZE THE CHAIR TO EXECUTE THE ABOVE DESCRIBED MOA.

#### **CONSENT AGENDA**

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

- 1) Notice-of-close-out of FEMA 3131-EM-FL Grant for the record.
- 2) Notice from DCA to find Plan Amendment in Compliance - County Ordinance 99-002 - for the record.
- 3) Division of Forestry, Fiscal Year 98-99 Annual Report - for the record.
- 4) Chamber of Commerce September Report
- 5) Resolution 99-024 - Recognition by Gadsden County Men of Action and County Commission - for the record
- 6) Resolution for Appointment of Members to State Housing Initiatives Partnership - for approval
- 7) Receipt of Service Confirmation Form - Universal Service for Schools and Libraries - for the record.

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

##### **Cash Report**

Clerk Nicholas Thomas reported that as of October 13, 1999, the Board had \$10.1 million in cash in all funds.

##### **Financial Statement**

Clerk Thomas referred to the attached financial statement. He informed them that it is not the final statement for the year, however.

##### **Tax Collector's Year-End Report**

Clerk Thomas filed the Tax Collector's year-end report with the Board along with a check for \$51,541 in excess fees.

##### **Budget Amendments**

**99-10-19-01 THROUGH 99-10-19-03**

\_\_\_\_ 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.

**Codification of the County Ordinances**

Mr. Thomas called attention to the attached proposal by Municipal Code Corporation which outlines the steps they will be taking in the process of codifying the County Ordinances.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE PROPOSAL TO HAVE THE COUNTY ORDINANCES CODIFIED.

**Ratification of Approval to Pay County Bills**

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

**DISTRICT 1 REPORT**

Commissioner McGill recalled that he had asked the Board at the last meeting to consider adopting a resolution in support of Leon County and their battle with Talquin Electric over franchise fees. He asked the Board to direct the county attorney to find out what this Board can do to join forces with Leon County in their battle with Talquin Electric.

Commissioner McGill reported that he has asked Commissioner Dixon to take a proposal for a half-cent Indigent Health Care tax to the FAC to see if they can support the proposal. Such a tax will help toward the County's indigent health care costs which just continue to rise each year.

Commissioner McGill then reported that he is still attempting to help Midway get utilities within their city. He stated that a workshop will be taking place to talk about municipal services and public/private partnerships in providing municipal services. He stated that he will be contacting Commissioner Julia Johnson on October 20 at the Public Service Commission to see if the county can still pursue sewer and electricity from Tallahassee or if that will be encroaching on Talquin's right to provide utilities in the same area. He noted that he will report on this matter at the next meeting.

He also stated that he is still pursuing getting a natural gas gate installed in the city of Midway.

**DISTRICT 2 REPORT**

Commissioner Watson had no report.

**DISTRICT 4 REPORT**

Commissioner Fletcher had no report.

**DISTRICT 5 REPORT**

Commissioner Dixon reminded the Board of the upcoming Legislative Day at the Florida Legislature.

**ADJOURNMENT**

**THERE BEING NO OTHER BUSINESS BEFORE THE BOARD, THE CHAIR  
DECLARED THE MEETING ADJOURNED.**

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**Carolyn Roberson, Chair**

**ATTEST:**

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**Nicholas Thomas, Clerk**



AT A REGULAR MEETING OF THE BOARD OF  
COUNTY COMMISSIONERS HELD IN AND FOR  
GADSDEN COUNTY, FLORIDA ON NOVEMBER  
2, 1999, THE FOLLOWING PROCEEDINGS  
WERE HAD, VIZ.

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

CALL TO ORDER

The meeting was called to order by Chair Roberson. County Manager Howard McKinnon led in pledging allegiance to the U.S. Flag and Muriel Straughn led in a prayer.

ADOPTION OF THE AGENDA

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

APPROVAL OF MINUTES - October 19, 1999

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

COUNTY ATTORNEY'S AGENDA

County Attorney Hal Richmond reported that during the last two weeks he has been approached by representatives who had applied to the City of Midway for voluntary annexation. He explained that those persons would like to meet with members of the County Commission to discuss the county's purpose in the law suit (Gadsden County v. City of Midway) regarding the voluntary annexation and to see if matters can be resolved. He then stated that Chair Roberson, County Manager Howard McKinnon and he met with those representatives and came to the conclusion that the differences can possibly be worked out through via a development order. The developers have requested that the County not do anything that will jeopardize or prolong the economic development that is going on in and around Midway.

Mr. Richmond also stated that he has tried to meet with the City of Midway but they have declined.

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

**Beaver Lake Road, Partial Right of Way Vacation - Dixie Oil Company**

Planning and Zoning Director Bruce Ballister addressed the Board. He stated that Dixie Oil Company has requested the vacation of part of the right-of-way for Beaver Lake Road. He explained that there is a building encroachment of .8 ft. on the right-of-way as it is presently surveyed. Mr. Ballister recommended approval.

Chair Roberson called for public comments. There was no response.

**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE VACATION OF THE ABOVE DESCRIBED RIGHT OF WAY.**

**Comprehensive Plan Amendments - for information only**

Mr. Ballister stated that the P & Z Department will be trying to get two more plan amendments processed before the end of the calendar year. One being the School Board Ordinance and the other being a compilation of the major land use amendments that have been passed over one and one-half years. The land use amendments will also include the rural residential re-write ordinance.

**Revision of the Land Development Codes**

Mr. Ballister called attention to the attached proposed land development code changes. He said that they have been discussed in workshops and other board meetings.

**A MOTION WAS MADE BY COMMISSIONER FLETCHER AND SECONDED BY COMMISSIONER DIXON TO ONLY CHANGE THE ORDINANCE TO RESTRICT THE RURAL RESIDENTIAL CATEGORY LOT SIZE TO ONE ACRE. (ONE ACRE DENSITY LOT SIZE) THE IMMEDIATE FAMILY EXEMPTION WILL REMAIN AS IT IS - SUBJECT TO FLORIDA STATUTES.**

**DISCUSSION FOLLOWED.**

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

**THE BOARD VOTED 3 - 2, BY VOICE VOTE, TO APPROVE THE MOTION ABOVE. COMMISSIONERS FLETCHER, DIXON AND MCGILL VOTED "AYE". COMMISSIONER WATSON AND ROBERSON VOTED "NO".**

Mr. Ballister was instructed to advertise only the proposed ordinance approved by the above stated motion.

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

#### **Road Paving Prioritization List**

A MOTION WAS MADE BY COMMISSIONER FLETCHER AND SECONDED BY COMMISSIONER WATSON TO ACCEPT THE ROAD PAVING PRIORITIZATION LIST AS PRESENTED TO THE BOARD BY THE GROWTH MANAGEMENT OFFICE.

Commissioner Dixon was opposed to the list. He stated that density should be included in the criteria for establishing the prioritization list.

QUESTION WAS CALLED BY COMMISSIONER FLETCHER. THE BOARD VOTED 4 - 1 IN FAVOR OF THE MOTION. COMMISSIONER DIXON CAST THE LONE DISSENTING VOTE.

#### **Moratorium on New Paving of County Roads**

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 4 - 1, BY VOICE VOTE, TO LIFT THE MORATORIUM ON ROAD PAVING.

#### **Better Roads Committee**

Commissioner McGill asked that the Board re-activate the Better Roads Committee and ask them to make an official recommendation as to whether to place a referendum on the ballot next year to impose additional gasoline taxes.

Commissioner Watson stated that he would be opposed to any tax increase.

### **CONSENT AGENDA**

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

- 1) Mowery Elevator Agreement - County Government Office Complex
- 2) Local Union 2152 Labor Contract
- 3) EMS Inventory Items - Declare that the EMS Inventory Items (old cots) no longer are of any value to the EMS Department and approval to sell them as surplus/salvage.
- 4) DUI Enforcement Grant - DOT \$80,855 Contract No. AH684

- 5) Road Name Change - Jacksonville Lane changed to B & M Lane. New road name of Sleepy Hollow Trail.
- 6) Sheriff's Narcotic's Unit V Grant \$100,070.
- 7) Gadsden County Emergency Management Strategic Five Year Plan
- 8) Emergency Preparedness and Assistance Base Grant Contract no. 00CP-05-02-30-01-020

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

#### **Clerk's Year End Report**

Clerk Thomas presented the Clerk's Year-end Report and told the Board he would be returning \$5, 859.08 to them.

#### **Budget Amendments 99-11-02-01 through 99-11-02-05**

UPON MOTION BY COMMISSIONER WATSON 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 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**

Commissioner McGill reported that he had attended the Apalachee Regional Planning Council Meeting. He stated that there will be a number of issues coming before the Florida Legislature upon which the Counties will need to act expeditiously. He told them that he would send them a summary outlining those matters.

#### **DISTRICT 2 REPORT**

Commissioner Watson asked the Board to send a letter to the City of Tallahassee voicing the County's displeasure with their talks of possible placement of a transfer station in Gadsden County.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO AUTHORIZE THE CHAIR TO SEND A LETTER TO THE CITY OF TALLAHASSEE NOTIFYING THEM THAT GADSDEN COUNTY IS OPPOSED TO PLACEMENT OF A TRANSFER STATION WITHIN ITS BOUNDARIES.

#### **DISTRICT 3 REPORT**

Commissioner Fletcher had no further report other than his opposition to the placement of a transfer station within Gadsden County.

#### **DISTRICT 5 REPORT**

Commissioner Dixon stated that the County needs to be aware that there are changes being proposed to the FL Comprehensive Plan. He explained that part of the legislative leadership would like to overhaul the State Comp Plan in the upcoming session. However, Governor Bush and the Department of Community Affairs (DCA) would rather overhaul it as the EAR Reports come in next year. DCA Secretary is a former county commissioner and is caught in the cross-fire along with the Florida Association of Counties (FAC).

Commissioner Dixon then went on to say that FAC is not certain what counties stand to gain from the leadership - it could be what the counties want. Regardless, he urged them to stay aware of what will be going on during the next few months.

Commissioner McGill recalled that he had received a memorandum from County Manager Howard McKinnon regarding the Havana Library. He asked if the Board needed to act on it at this meeting.

Mr. McKinnon replied that the memo was merely for their information and no action is necessary at this point.

#### **DISTRICT 3 REPORT**

Chair Roberson remarked that this meeting is the last meeting at which she would preside as the chair since the Board will hold it's new organizational meeting on November 16, 1999.

**ADJOURNMENT**

**UPON MOTION BY COMMISSIONER FLETCHER, THE CHAIR DECLARED THE  
MEETING ADJOURNED.**

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**Carolyn Roberson, Chair**

**ATTEST:**

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**Nicholas Thomas, Clerk**

AT A REGULAR MEETING OF THE  
BOARD OF COUNTY COMMISSIONERS  
HELD IN AND FOR GADSDEN COUNTY,  
FLORIDA ON NOVEMBER 16, 1999,  
THE FOLLOWING PROCEEDINGS WERE  
HAD, VIZ.

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

CALL TO ORDER

Chair Roberson called the meeting to order. Commissioner Fletcher led in pledging allegiance to the U.S. Flag and Commissioner Dixon led in a prayer.

ADOPTION OF AGENDA

The agenda was amended to include the Sheriff's Year End report for FY 98/99 and to hear a request from Cross Roads Academy.

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.

ELECTION OF NEW OFFICERS

A MOTION WAS MADE BY COMMISSIONER FLETCHER TO NOMINATE COMMISSIONER DIXON TO BE THE NEXT BOARD CHAIRMAN.

COMMISSIONER MCGILL ASKED THAT THE MOTION BE AMENDED TO INCLUDE COMMISSIONER FLETCHER AS THE VICE CHAIRMAN AS WELL. COMMISSIONER FLETCHER AGREED TO THE AMENDED MOTION.

THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE COMMISSIONER DIXON AS THE NEW CHAIR AND COMMISSIONER FLETCHER AS THE NEW VICE-CHAIR.

Commissioner Dixon presided over the meeting beginning at this juncture.

**APPROVAL OF MINUTES**

**November 2, 1999 Regular Meeting**

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

**CROSSROADS ACADEMY**

Crossroad Academy Principle Johnnie Preston addressed the Board. He requested that the Board allow his school to adopt Strong Road as a community service project. He stated that they would help the County keep the road litter free. He then asked that the County provide them with trash bags.

**UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE REQUEST BY CROSSROADS ACADEMY TO ADOPT STRONG ROAD AS THEIR COMMUNITY SERVICE PROJECT.**

Mr. McKinnon told the Board that the staff is currently working on a proposal that will include 45 roads that will be available for a "Highway Adoption Program".

**CAL DUKES & ASSOCIATES**

Mr. Cecil Strickland of Cal Dukes & Associates spoke to the Board concerning the Gadsden County Magazine. The Chamber of Commerce has just awarded the production of the magazine to Cal Dukes & Associates. He asked the Board to participate in the magazine by purchasing an add on behalf of county government.

Following discussion, the Board reached a consensus that it should not purchase an add in the Chamber's magazine since it already funds the Chamber \$40,000 per year to promote the economic opportunities of Gadsden County.

**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO NOT PARTICIPATE IN THE MAGAZINE.**

**FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) - US 90 BY-PASS ALTERNATIVE PUBLIC MEETING**

\_\_\_\_Ms. Rosemary Woods, PBS&J Project Manager for the FDOT for the above stated project, spoke to the Board. She told them of the three corridors which are being proposed by FDOT as possibilities for a by-pass linking US 90 to SR 12. A summary of her remarks is listed below:



Three corridors were brought forward as a result of a previous study - US 90 Corridor Study.

A Citizens Advisory Committee was formed through appointments of the Board of County Commissioners. They have held 3 meetings at which each of the proposed corridors was studied.

Corridor # 3 was determined by the Citizens Advisory Committee and FDOT to be the most feasible corridor to use in establishing the by-pass (beginning at Strong Road and crossing over to C & E Farm Road - see attached map.)

The critical issues to be confronted with Corridor #3 are as follows:

- 1) Wetlands
- 2) Regulatory flood ways
- 3) Topography of the area
- 4) Relocation of homes
- 5) Existing routes & re-design possibilities

Alternative 1 - begins at Strong Road and follows the parcel line and crosses Quincy Creek perpendicular to the flood way, curves back and ties into SR 12 west of C & E Farm Road. The proposal includes re-alignment of C & E Farm Road entrance to SR12.

Alternative 2a - Begins at Strong Road, follows the parcel line, crosses Quincy Creek at an angle and ties back into SR 12 West of C & E Farm Road which will be re-aligned. This alternative bridges the flood-way.

Alternative 2b - same as 2a except that it bridges the wetland area.

There will be another public meeting on December 6 at Stewart Elementary School beginning at 6:00 p.m. She invited the Board to attend.

The entire process is expected to take seven years - design, right-of-way acquisition and construction.

Discussion followed from the Board. A number of questions arose concerning re-routing traffic all the way over to CR268 via C & E Farm Road. There was a consensus of the Board that C & E Farm Road would have to be paved in order for the by-pass to be of value for re-routing truck traffic.

Ms. Woods stated that paving of C & E Farm Road was not a part of the present project. However, she said that it might be

possible as part of another phase in the future.

Commissioner Fletcher stated that perhaps Senator Thomas could assist the County in pursuing state funding for upgrading C & E Farm Road.

**GADSDEN COUNTY SHERIFF'S DEPARTMENT - ANTI-DRUG ABUSE GRANT FUNDING**

No one was present to speak on the above matter; therefore, no action was taken.

**COURTROOM RENOVATIONS - ARCHITECT SELECTION**

Mr. Arthur Lawson told the Board that his department had advertised a RFP for an architectural firm to design the renovation of the courtroom facilities. Three proposals were received. The selection committee reviewed and ranked them. The recommendation of the selection committee was to negotiate with Clemons, Rutherford & Associates.

Commissioner Fletcher disagreed with the committees ranking of the three firms. He stated that Lee & Bridges was severely penalized because they have a limited number of architects on staff. He rationalized that they are a smaller firm, but they would also have less work than larger firms and could likely be more spontaneously available. He pointed out that they are very familiar with Gadsden County's courtroom needs and the condition of the county buildings. He also pointed out that they have experience in courtroom design.

**A MOTION WAS MADE BY COMMISSIONER FLETCHER TO NOT ACCEPT THE SELECTION COMMITTEE'S RECOMMENDATION BUT TO AUTHORIZE THE PURCHASING DIRECTOR TO NEGOTIATE WITH LEE & BRIDGES ARCHITECTURAL FIRM TO DESIGN THE NEW COURTROOM FACILITY. THE MOTION WAS SECONDED BY COMMISSIONER WATSON.**

Chairman Dixon stated that new companies will never have the opportunity of doing business in Gadsden County if the Board continues to award contracts based on a firm's proximity. He suggested that Tallahassee could also be considered as "local" since 40% of the people in Gadsden County work in Tallahassee. He stated that it is bad for competition for the Board to "meddle" in what is set up to be an objective process.

Commissioner Watson stated that the local factor is important to him. He also stated that as long as the local businesses are doing a good job, it is hard for him to not support them.

**COMMISSIONER FLETCHER CALLED THE QUESTION. THE BOARD VOTED 3 - 2 IN FAVOR OF THE MOTION. COMMISSIONERS WATSON, FLETCHER**

**AND ROBERSON VOTED "AYE" AND COMMISSIONERS MCGILL AND DIXON VOTED "NO."**

**PLANNING AND ZONING ISSUES**

**Sportsman's Resort Club - Variance to Zoning an Subdivision Code**

Planning Director Bruce Ballister told the Board that Talquin Resorts Subdivision Lot # 33 was divided into two lots, recorded and given parcel numbers after the adoption of Gadsden County Comprehensive Plan. The property is currently zoned as Agriculture 3 category which allows one dwelling per 40 acres. If the lots were to be rezoned as Rural Residential, they still would not be large enough to subdivide since the minimum lot size for Rural Residential is one acre. The subdivided lots are therefore, illegal.

Mr. Ballister told the Board that Mr. Max Robinson, the owner, has requested a variance from the 1:1 subdivision requirement and allow the two lots. Mr. Ballister then stated that he could find no reason for hardship in this matter and recommended denial of the request. He added that he had received 1 letter and three phone calls from residents opposing the variance.

Mr. Robinson was present and appealed to the Board for the variance. He stated that the original lot size is actually 2 acres and they were split prior to the adoption of the Comprehensive Plan. He demonstrated the lots on a survey which was prepared by Tommy Skipper - there were separate septic tanks, water supply and electricity for both lots. A mobile home is now on one lot and nothing on the other. He stated that he would like to sell the unoccupied lot. He argued that it would not increase the density of the area because most of the lots in the subdivision are 1/2 acre lots.

The date of the survey could not be readily determined. Further discussion ensued.

After having examined the survey, Mr. Ballister determined that the lots were more nearly conforming lots.

**UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0, TO AUTHORIZE MR. BALLISTER TO GRANT THE VARIANCE WHICH MR. ROBINSON HAS REQUESTED IF PROPER DOCUMENTATION CAN BE EVIDENCED.**

**Amendment to Land Development Code - to revise minimum lot size in Rural Residential to one acre** (attached)

**Revision to the Comp Plan to revise Future Land Use Policy 1.1.5  
(Rural Residential)** (attached)

Mr. Ballister called attention to the two above stated proposals which have been discussed extensively with the Board at previous meetings and revised per the Board's instructions. He stated that they will be advertised for adoption at the December 7, 1999 meeting.

**Public Comment**

Mrs. Rosemary Banks was recognized for comments. She posed several questions:

**1) What is the logic for making the minimum lot size one acre?**

Answer: A recent study and report revealed that with no new infrastructure, there would be the possibility of 20% more lots than what there is now with the current zoning. There will be more one acre lots available.

**2) Has the Affordable Housing Advisory Council reviewed and made recommendations as to the one-acre density?**

Answer: No. It was given to Mr. Butler who is the director of Community Development.

Mrs. Banks read from the Affordable Housing Incentive Plan which was adopted by the Board. "The advisory committee shall review the established policies and procedures, ordinances, land development regulations and adopted local comprehensive plan of the County and shall recommend specific initiatives to encourage or facilitate housing by protecting the ability of property to appreciate in value. The recommendation may include modification or repeal of existing policies, procedures or ordinances, regulations or plan provisions. As a minimum the allowance of increased density, the establishment of a process by which the county considers before adoption procedures and policies that have a significant impact on the cost of housing." "An on-going process of review of local policies, ordinances, regulations and comp plan provisions that significantly impact the cost of housing."

Mrs. Banks stated that if the Advisory Committee has not met and reviewed the proposed changes, that the Board should instruct them to meet with Planning and Zoning and review it from the prospective of affordable housing.

Mrs. Banks then urged the Board to reconsider it's position regarding the one acre minimum lot size because it does

significantly impact the lower income homes. She also urged them to "go back to the drawing board with the comprehensive plan and do whatever it takes to get it right for Gadsden County."

Chair Dixon asked Mr. Ballister to prepare some written comments in response to the questions raised by Mrs. Banks regarding how the Board's actions will affect the affordable housing program.

### **Schedule for District Specific Workshops**

Mr. Ballister stated that he would be arranging to advertise and conduct workshops for Future Land Use Map changes in each district.

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

Mr. McKinnon referenced a Growth Management Survey from the Department of Community Affairs (DCA). He stated that he had completed the survey subject to their input and approval.

There were several changes suggested by the commissioners.

Mr. McKinnon then asked for authority for the chairman to sign it as amended.

**UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO AUTHORIZE THE CHAIRMAN'S SIGNATURE ON THE SURVEY DESCRIBED ABOVE.**

### **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) Award of bid for county fire truck to American LaFrance, Inc. of Ocala, FL for \$118,462.00
- 2) Keep Florida Beautiful Grant (\$22,500 grant with \$45,000 match in-kind or cash)
- 3) Interdepartment Agreement between Gadsden County Cooperative Extension and Gadsden county Community Development Administration through SHIP
- 4) Addendum to Loan Agreement - Centennial Healthcare & Gadsden County
- 5) E-911 & Bell South - Approval to increase down payment on Bell South Equipment installation to \$83,756.00
- 6) Waste Management Contract - 5 years beginning September 1, 1999 through August 31, 2004
- 7) Notice of TRIM Compliance for FY 1999-2000 Budget

## **CLERK'S AGENDA**

### **Sheriff's Year End Report**

The clerk filed the Sheriff's Year-end report for the record.

### **Budget Amendments 99-11-16-01 through 99-11-16-04**

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

### **DISTRICT 1 REPORT**

Commissioner McGill reported that he received a call from Midway residents regarding their concerns about Mitchell Brothers hauling big loads of materials from Tallahassee to Midway. The citizens questioned if the materials were environmentally safe. He asked the County Manager to look into it.

\_\_\_\_Commissioner McGill then reported that he has had meetings with several of the non-profit agencies in Gadsden County. There is an effort to find a way to fund those organizations which the commission will not or cannot fund. He said they expect to found a Gadsden Community Foundation. They are looking at potential funding sources.

He then stated that Linda Harris, a county employee, has been assisting him and has applied for comp time for the time she has spent thus far. He asked the County to either grant her comp time or other means of compensation.

Commissioner Watson was opposed to allowing county employees to do work for private non-profit organizations.

COMMISSIONER MCGILL MADE A MOTION TO ALLOW A COUNTY EMPLOYEE TO ASSIST HIM IN HIS EFFORTS TO ESTABLISH A FOUNDATION THAT WILL SEEK FUNDS FOR PRIVATE NON-PROFIT ORGANIZATIONS. THE MOTION WAS SECONDED BY COMMISSIONER FLETCHER FOR PURPOSES OF DISCUSSION.

QUESTION WAS CALLED BY COMMISSIONER MCGILL.

**COMMISSIONER FLETCHER AND MCGILL VOTED "AYE." COMMISSIONERS ROBERSON AND WATSON VOTED "NO." COMMISSIONER DIXON COULD NOT REACH A DECISION.**

**COMMISSIONER MCGILL WITHDREW HIS MOTION. COMMISSIONER FLETCHER WITHDREW HIS SECOND.**

Mr. Richmond stated that he needed to do some research to determine if it would be legal to ask a county employee to do work for an outside organization on county time.

#### **DISTRICT TWO REPORT**

Commissioner Watson had no report.

#### **DISTRICT 4 REPORT**

Commissioner Fletcher requested that the Public Works Director be given authority to spend \$10,000 to drain the pond that is bounded by Bostick Road on the West, Atlanta Street on the South, and Frank Jackson Road on the North and East. The pond is filled with water from the county's ditches and when there are severe wet spells, it floods the homes of the people in the area.

Commissioner McGill asked him how he arrived at the figure of \$10,000.

Commissioner Fletcher responded that the owner will not allow the County to drain the pond with an open ditch. It would require about 500 ft. of 24" pipe to get across his land. The water could be emptied into an existing draw that drains to other property.

Commissioner Watson stated that he did not think that the County should do it. He argued that if the county would not dig dirt out of ponds that have filled with county dirt, it should not be doing this.

Commissioner Fletcher argued that the two situations are entirely different. He also stated that the Board has traditionally drained ponds where flooding occurred.

Public Works Director Robert Presnell stated that they had begun working on the first road on the priority list - Frank Jackson Road when they discovered that the pond is a closed basin pond without any relief. When there are large rainfall events, water collects in the pond and cannot get out. By providing a pipe for "pop-off" relief, it will keep the entire area from flooding. Without providing flood relief, the new road would be in jeopardy of flood damage.

Commissioner Roberson stated that she would like to inspect the site prior to making a decision.

The matter was tabled until the December 7, 1999 meeting.

### **DISTRICT 3 REPORT**

Commissioner Roberson stated that she had enjoyed serving as the Chair for the last year and thanked each of them for the opportunity. She then announced that she held a community meeting on November 10 where 23 adults attended. She added that she will hold another meeting in December at the fire station in Sycamore.

### **DISTRICT 5 REPORT**

Chair Dixon reported that the FAC Legislative Day activities will begin on November 17. A big area of concern will be the comp plan issues. The Florida leadership wants to fast track the comp plan revision during the next session. The governor's office wants to hold off the revision for another year. Chair Dixon asked each of the Board members to attend and participate in the process.

He then reported that the leadership is looking at a process that will limit the number of dollars that small counties can have for large infrastructure projects. Instead of granting a county the money, they will require equal matching funds.



**ADJOURNMENT**

**THERE BEING NO OTHER BUSINESS BEFORE THE BOARD, THE CHAIR  
ADJOURNED THE MEETING.**

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**Edward J. Dixon, Chair**

**ATTEST:**

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**Nicholas Thomas, Clerk**

AT A REGULAR MEETING OF THE BOARD OF  
COUNTY COMMISSIONERS HELD IN AND FOR  
GADSDEN COUNTY, FLORIDA ON DECEMBER  
7, 1999, THE FOLLOWING PROCEEDINGS  
WERE HAD, VIZ.

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

**ABSENT:** E. H. (HENTZ) FLETCHER

**CALL TO ORDER**

Chair Dixon called the meeting to order. County Attorney Hal Richmond led in pledging allegiance to the U. S. flag and Commissioner Watson led in a prayer.

**ADOPTION OF THE AGENDA**

The agenda was amended as follows:

- 1) Authorization for the new chairman to sign the Quincy State Bank Corporate Resolution and signature cards
- 2) Delete the H. Maxwell Fletcher Issues Item No. 22, 23, & 24 in the agenda packet. The items were withdrawn.
- 3) Table the Spitz Farm Road Abandonment issue

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

**APPROVAL OF MINUTES**

**November 16, 1999 Regular Meeting**

Commissioner Roberson called attention to an error in the minutes of the above stated meeting - page 9 under District 4 Report. The amount discussed by the Board should have read \$10,000 rather than \$2,000.

**UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE ABOVE STATED MINUTES AS AMENDED.**

### **PRESENTATION BY SENATOR PAT THOMAS**

Senator Thomas addressed the Board. He stated that his purpose for appearing before the Board was to pay special recognition to Chairman Dixon for his leadership and visibility he has brought not only to Gadsden County but to all small counties as a county commissioner and as president of the Florida Association of Counties. He then presented Chair Dixon with a gavel that read as follows: "To Edward J. Dixon, Millennium President 2000."

Chair Dixon thanked Senator Thomas for his remarks and his attention to Gadsden County.

### **PLANNING AND ZONING ISSUES**

Growth Management Director Bruce Ballister introduced the Amendment to the Land Development Codes that would revise the minimum lot size in Rural Residential Categories to one acre.

**A MOTION WAS MADE BY COMMISSIONER WATSON AND SECONDED BY COMMISSIONER ROBERSON TO APPROVE ORDINANCE 99-005- AN ACT AMENDING THE LAND DEVELOPMENT REGULATIONS CODE AND TO AMEND THE DENSITY REGULATION FOR RURAL RESIDENTIAL CATEGORY TO ONE UNIT PER ACRE MAXIMUM DENSITY.**

Chair Dixon asked Mr. Ballister if he had responded in writing to the questions raised by Mrs. Rosemary Banks as to how this amendment will affect affordable housing.

Mr. Ballister answered that he had been scheduled to meet with the Affordable Housing Committee but he was called away with a family emergency and was unable to attend. However, he said that he is scheduled to meet with them at their next meeting.

Mr. Ballister pointed out that the Code has a provision that allows for an exemption waiver and other considerations for projects designated for low and very low income families. However, he added that it doesn't completely address total availability. Any concerns and comments voiced by the Affordable Housing Committee at their next meeting will be forwarded to DCA as a comment.

Commissioner McGill stated that he had some real concerns about how this ordinance might affect the cost of homes for low income families.

Chairman Dixon stated that he really wanted to have answers to the questions raised by Mrs. Banks before proceeding on the ordinance. He asked the Board to table the issue.

Commissioner Watson was opposed to tabling the issue.

**QUESTION WAS CALLED BY COMMISSIONER MCGILL.  
THE BOARD VOTED 2 - 2 ON THE MOTION. COMMISSIONERS WATSON AND ROBERSON VOTED "AYE" AND COMMISSIONERS DIXON AND MCGILL VOTED "NO". THE MOTION TO APPROVE THE ORDINANCE DID NOT PASS.**

#### **Resolution to Transmit Land Use Amendment 99- 2**

**UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE RESOLUTION TO TRANSMIT LAND USE AMENDMENT 99-2 TO DCA FOR THEIR APPROVAL.**

#### **Future Land Use Map Amendment Workshops**

Mr. Ballister stated that meetings have been scheduled for Future Land Use Map workshops throughout the County. The dates, times and locations are as follows:

District 1	December 8th	6:00 p.m.	Midway City Hall
District 2	December 13th	6:00 p.m.	BOCC Chambers
District 3	December 9th	6:30 p.m.	Sycamore Fire Station
District 4	December 8th	10:00 a.m.	BOCC Chambers
District 5	December 6th	6:00 p.m.	BOCC Chambers

#### **Scarborough Feed and Seed - Neighborhood Commercial**

Mr. Edgar Williams was required by FEMA to relocate his feed and seed business due to previous flooding. The site is 5.3 acres but can be easily modified with a fence to isolate only a one acre parcel where the business is located.

Mr. Ballister pointed out some minor modifications that Mr. Williams will need to make such as ADA access ramps and improvements to the existing parking lot.

The P & Z Commission recommended approval. The P & Z staff recommended approval.

**A MOTION WAS MADE BY COMMISSIONER WATSON AND SECONDED BY COMMISSIONER ROBERSON TO APPROVE THE ABOVE STATED PROJECT.**

Chair Dixon called for public comments. There was no response.

There was brief discussion among the Board regarding the fence requirement but no additional recommendations were made.

**QUESTION WAS CALLED BY COMMISSIONER MCGILL. THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE MOTION.**

**Pride's Upholstery - Neighborhood Commercial**

Mr. Clarence Pride requested approval to relocate his upholstery business from Earline Hobbs Road to CR 274 across from the intersection with Union Chapel Road. The new location is a 5-acre parcel but a fence will be erected to restrict the commercial activity to only one acre.

Mr. Ballister noted some recommendations for a gravel parking area and drive-way as well as compliance with ADA access requirements.

Mr. Ballister stated that the P & Z Commission recommended approval as did the staff.

**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE ABOVE STATED PROJECT.**

**Latheria's Beauty Salon- Neighborhood Commercial**

\_\_\_\_The Latheria Charleston resides on CR 161-A just north of the intersection with 161. She has requested to add a 20' x 20' beauty shop to the rear of her property. The P & Z Commission and the staff recommended approval.

**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE ABOVE STATED PROJECT.**

**Barbara Cox - Hardship Density Variance**

Ms. Barbara Cox has requested to place a mobile home on her sister's property so that she can care for her sister who suffers from a past trauma and requires close supervision and assistance. The lot is less than two acres and this request would require Board action to either subdivide the property or grant the density variance.

The staff recommended that the Board allow the co-location of Ms. Cox's mobile home but not sub-divide the lot.

Ms. Cox was questioned by the Board as to the nature of the hardship. It was disclosed that Ms. Cox is responsible for her sister's financial affairs and day to day care but she had no physical limitations. The Board determined that the hardship as stated was not sufficient for them to waive the practiced policies of the Board.

Chair Dixon called for comments from the public. The following people spoke to the Board in opposition to the placement of the second mobile home on the property.

Ms. Glorida Lurry  
Mr. Wade Jones  
Ms. Sareta Till

Mr. John Cox, husband of Barbara Cox, spoke to the Board. He told the Board that he and Ms. Cox were just married three weeks ago and they desire to have their separate home but feel obligated to live close enough to care for the sister. He asked the Board to grant the waiver and allow the placement of the second mobile home.

**COMMISSIONER WATSON STATED THAT THE HARDSHIP STATED BY MRS. COX WAS NOT SUFFICIENT TO GRANT A VARIANCE. HE THEN MADE A MOTION TO DENY THE VARIANCE REQUEST. THE MOTION WAS SECONDED BY COMMISSIONER MCGILL.**

Chair Dixon recognized Ms. Cox for further comments.

**THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE MOTION AS STATED ABOVE.**

#### **Future Land Use Map - Requested Amendments**

Mr. Ballister stated that he had received several requests for land use changes over the last year which will be incorporated into the next major revision to the land use map as a part of the EAR based amendments. He noted that the P & Z staff had placed half-page advertisements in each of the three county newspapers and posted notice signs in the affected right-of-ways where possible as notice to the public. He stated that the signs had generated good response. He pointed out that the described notice was not legally required but was done as gratis notification to the public and the adjoining property owners.

Chair Dixon challenged Mr. Ballister about the procedure of notification commenting that he was under the impression that the County made a practice of notifying adjacent property owners within 1000 feet of a proposed land use change by mail.

Mr. Ballister explained that it has been the practice of the P & Z Department to follow the legal requirements for notices. At the stage of this particular process, it is not required to have individual notices mailed. He went on to say that the signs were posted as a result of the previous directions from the Board.

Dixon: I am not buying that the Board required that of you.

Ballister:  
No, the Board requested that as did the citizens.

Dixon: I don't recall requesting that and I don't recall anybody here requesting that we don't do these 1000 ft. mail-outs anymore.

Ballister:  
Nobody requested that we don't do the mail-outs. It's just that has been a statutory requirement and that is all we have been doing. That has been the procedure for land use amendments. When we advertised Sheline and White and Lynn, they were all newspaper adds notices.

Dixon: Then we have a faulty procedure.

Ballister:  
Well, we can amend the procedure, but

McGill: I was looking at the legal size page and I saw that Planning and Zoning had taken some actions going back to January. What kind of notice was given prior to that particular action as to legal adds - January 9th?

Ballister:  
Oh, oh, no, that's the date of application. This action was all last week.

McGill: So, P & Z acted on all this last week?

Ballister:  
This was all last week, yes sir. We haven't been acting of these for over a year and saving them up. This was ah, we had a marathon meeting last week at P & Z.

McGill: Then, what information was given to the Planning and Zoning Commission to help make these decisions here on the list that we don't have available to us to make the same kind of decision?

Ballister:

Mostly, I briefed the Commission and the assembled public on the nature of the request that we had on file. Ah, and, like I said, this is the first shot at trying to recognize those properties that are available for change in land use because we recognize that there are going to be some changes. This is a less formal process than if someone came in when it wasn't a comp plan amendment time and wanting to do it.

In a good number of these cases, they are not major land holders. These are people with small stakes in the county.

McGill: You said that the Planning Commission acted on these last night?

Ballister: Last week. Last Wednesday night.

McGill: Oh, o.k. I thought you said last night. Ah. I guess. So, if Planning and Zoning Commission denied, for example, number 1 on the legal page -

Ballister: Right.

McGill: How would that

Ballister: These are all recommendations. As I see this process. Let me go ahead and reduce, ah, map out this process.

Most counties are going through this for the first time themselves. There is not a lot of track record out there for re-doing it. Cause, other counties like us are in the stage of re-addressing their comp plan for the first time. They had it approved back in 90 or 91 and 92 and they are now going through the revision process. There isn't a cut and dried method for identifying which properties might become available. And it is very difficult for staff to ah, just know which properties might become available in the next planning period.

Ah, this process identifies in a very simplistic way that there are certain property owners who are willing to have their land use changed from one category to another. There's no solicitation involved. I made a point of not advertising this process. These were all people who came in and made inquiries. Ah, some of these are very modest



proposals. Ah, it allows staff at least a starting point when we recognize that there be a need for new residential and new commercial lands - that here are some people who want that to happen. Ah, that is why this does not have the full level of scrutiny at this point.

When we get our assembled ah, list of proposed land use changes ready to transmit to DCA, staff will have to do a fairly large lengthy summary analysis of all of the changes and they will all come back before the Board.

At that time, we will have the same requirement to advertisement and do public hearings and public notice and notice to transmit. This is somewhat a less formal first shot because we are going to have to identify some places on this map for some change. Some of citizen directed, some of it staff directed and some of it Board directed.

Dixon: Mr. Ballister, I, we will have to talk to the other commissioners, but I have gone through this process and we met last night and even up until last night, I was under the impression, and I guess that is my own short-coming, that we have given the notice and I am uncomfortable at this point, in transmitting. Because transmitting says

Ballister:  
This isn't. This isn't transmitting.

Dixon: What is transmitted?

Ballister:  
What we were transmitting earlier in the first vote or in the second vote this evening, was the last four land use amendments that we had previously approved last year.

Dixon: And what are we doing with these?

Ballister:  
These are a first cut of the beginnings of the overhaul or change to the land use map for the Comp Plan amendments - the EAR based amendments. These are not being transmitted tonight.

Dixon: At some point in the future, they are coming back here?

Ballister:

Oh, yes, sir. These will be combined with the recommendations that come out of the citizens groups, that come out of further Planning and Zoning Hearings and further Board Commission meetings. I mean, this will still have full light of disclosure.

Dixon: Am I to assume that some projects did not make it here? They were killed in Planning and Zoning.

Ballister: There are few of these that were killed in Planning and Zoning.

Dixon: Now, don't, there are some good projects in here. The one we talked about last night with the lady donating the property to the church. Great project. Folks want to lessen the density of their property - great project. Don't have a problem with it. But, there are some people here, in here, that are asking for industrial - heavy industrial development. And those neighbors have no idea.

Ballister: Those neighbors will have, you know,

Dixon: But they've already got Planning and Zoning's blessing, this Board's blessing and I have been here long enough to know that we generally don't take back what we have already given.

Ballister: My conception of how we will handle this process - anything that gets killed tonight is shot in the foot - it is gone. Anything that survives tonight only makes the working list. I don't see this tonight as a guarantee - All I am looking for tonight is that we will have a consensus to put these on a list of considerations. Cause as we add the land use pluses and minuses, we find out that we have way too many acres reassigned to rural residential, then we'll have to pick from among this list or from some other candidates plus what to change and what not to change.

Dixon: But not even tonight do I have the whole story. All I've got is "whomever wants that land change" story. That's all I've got here before me.

Ballister: Well, we have an awful lot of public here too.

Dixon: But they are here, even if they are here, they don't know. They have no idea. They saw a sign - they don't know what it means and they were curious enough to make their way and come. They have no idea what is going on and I know they don't.

McGill: Mr. Chairman, looking at the workshop mode, what was the intent behind that language?

Ballister: That this is a workshop mode, this is not, that's why I suggested that we might want to move it to the end of the meeting. It is a workshop mode, exactly that. A vote tonight would not be a binding approval of a land use change. When we start calculating what we are going to do with our future land use map. We still have a lot of work to do on our future land use map.

McGill: So, there is really no approval needed here tonight.

Ballister: We are getting a list of properties that will be not even sanctioned but allowed to move forward. Now, if somebody wants to lessen their land use, that's probably got a good chance of sticking, but, for somebody

McGill: But let's get back to Commissioner Dixon's position. What happens if there are other people who want to get their land on this list and they have not been notified.

Ballister: They have every opportunity to come to one of the workshops. Now, we try to get as public as we can. Ah, without going over and getting on the morning radio show.

Dixon: Commissioner Roberson.

Roberson: Bruce, wouldn't it be better to wait for our decision on this until after we have the workshops in our districts - the district workshops? I know we had the, the, the meeting, was it last Wednesday night that ya'll met, and they set up these workshops and I am just asking the question - Would it not be better to give the people opportunity to attend these or do you have to have something on this?

Ballister: I don't have to have anything tonight. I am just trying to get this process rolling ma'am. I am not trying to

steam roll anything. I am trying to get as many opportunities for the public to show up, be heard, be seen, get notified, be educated,

Roberson:

Well, that is some of the concern that has reached me. You know, why are you even hearing this before the workshops? You know, before they have the district workshops - that was some of the concerns that came to me.

Ballister:

Right. Ah,

Dixon: I know we need to move on this, Bruce, but I would really like to see us give some notification of these and I am sure we can find some money. I don't want money to be the cause of a fire storm of people in here.

Ballister:

Right. I can do thousand feet notices, but it will take some warning. If you want, we can hold a separate meeting, not on a regular scheduled Tuesday night. On an unscheduled Tuesday and have a combined workshop after we have held the district meetings.

Dixon: I have no problem with that.

Ballister:

And it will probably be sometime, ah, the second week or so in January. We will have had time to compile several hundred letters. If you want to go that extra step, we will do that. We will notify by mail in the future.

Dixon: I have no problem telling folks "yes" and "no" in their face. It's when they come in here and tell me that "we didn't know" that I have a problem.

Ballister:

I understand. It's just that we have been following, you know, - I would make a point of trying to look at the Statute because during my first couple of months here, people kept telling me that "I wasn't properly notified." So, I had, I got put into the cold water fast. Ah, so, I have been checking the Statutes requirements. Due notice for land use changes is an advertisement in the paper of general readership. We don't pick the general readership, we advertised in every paper in the county

and posted the signs. We can go still another extra step and do mail-outs too if that is the Board's wish.

Dixon: Commissioners, do I have a motion to table?

McGill: I move to table until at least such time as we have held the district specific meetings.

Ballister: Well, lets have the district specific meetings and I will pick a Tuesday in January to have a special workshop.

Dixon: I would like to see those mail-outs though.

Ballister: Yes, sir.

Dixon: I have a motion, do I have a second?

Roberson: Second.

Dixon: Will there be any discussion? Yes, sir - in the back.

McGill: Question is called.

Dixon: You'll have to come down and state your name for the record.

Robert Soffis: Robert Soffis. My question is "Does the Planning Board have the authority to alter that which the advertisements state - the ad in the paper - ah, does it have to be adhered to? Can our Planning Board alter that is my question?

Dixon: I think they can.

Soffis: I believe they can. Well then, that's your answer for notification - for proper notification. I had to go around and I saw these signs and I didn't know anything about it and you are absolutely right, so you do have that empowerment.

Dixon: Did you state your name? Yes, you did. O.K.

Audience: Would you repeat the motion?

Dixon: The motion is that we table until the district meetings and proper notification is given. Probably the second week in January.

McKinnon: We might just clarify that "proper notification" means mailing out to each property owner within a thousand feet of the land that is requesting the land use change or the property that is requesting the land use change. Ah, each person that lives within a thousand feet of that will be mailed a notice of the request to do that and when the meeting will be.

Dixon: You know the process.

Larry Ganus:

I am Larry Ganus. Question on the notification of the pieces of property. Now, the Planning and Zoning Commission last week denied some of the requests. Will they also still remain in this package and will a notification be given to those adjacent to those pieces of property.

Ballister:

In all fairness, those should go on the list with a recommendation from Planning and Zoning.

Dixon: I agree.

Watson: Yeah.

McKinnon: Agreed.

Dixon: We will entertain one more question and then we will call

Audience member:

Will you repeat the motion again, there were two or three conversations going on and I didn't understand.

Dixon: The motion is that we table.

Audience Member:

I understand that. I didn't understand the list.

Watson: The Planning Commission recommendation to deny does not kill the project.

Dixon: There was some, Commissioner, I got this.

Watson: ... asking a question.

Dixon: These projects have gone, just one moment, these, ah, some projects have gone through Planning and Zoning and were denied. What we are saying is that those projects need to be notified as well.

Ballister: In response to the audience's question, the, this does not affect the scheduling of the district wide, district specific workshops. The district list that I read out loud earlier will be held tomorrow mornings - District 4 meeting will happen here at 10:00 o'clock as well.

Dixon: Yes, sir. Will you come down here? Anyone else with a question on this matter, will you please come down please that we may be quick about this?

Rudd: My name is Willard Rudd.

Dixon: Good evening Mr. Rudd.

Rudd: Good evening. Ah, I don't think notification of someone within a thousand is adequate for some of these large acreages which affect the whole community. When you only got about four people that would live around that project there are within a thousand feet. So, these larger tracts of land would affect a whole, you know, like Providence or Sawdust or Gretna or whatever. I don't know the vehicle that you would use, I understand that an individual mailing would be not only expensive but how do you identify those people without going through a whole lot of extra effort. But, I don't think that a thousand feet limit is adequate.

Dixon: Thank you.

McGill: But, in additional (inaudible)

Dixon: Yes, Ma'am.

Holt: Yes, my name is Brenda Holt. District 4 will be at 10:00 o'clock in the morning. Most people work at 10:00 o'clock in the morning. I am wondering how do you meet with someone when most people are working. So, how do we go about scheduling it so that more people can come to that meeting?

Watson: Call your commissioner.

Dixon: Call your commissioner.

Holt: O.K. I didn't know anything about it being at 10:00 o'clock in the morning. Someone will have to answer the phone, you are right.

Dixon: Thank you.

Stockwell: Hi, I am Mary Stockwell. I am District 4. I am still very confused about what is going on here. O.K. Did the State, in some way, say that we have to change. We have to change the Comp Plan or, you know, can we just go case by case, it's going to be sweeping changes? I am very confused and alarmed actually. Ah, I am all for a simpler process for, you know, making it for people to be able to change without hiring a special consultant and all that, but there is no procedure. Has a procedure been sent from the State? Are we going to set up the procedure? What's you know, what's what. I am very very confused.

Ballister: If I may answer a part of that question. The County and all local governments are required to update their comprehensive plans every 5 - 7 years based on a schedule set by the Department of Community Affairs.

Ah, Planning and Zoning, ah, Commission and the Department have been working on the beginnings of text amendments and this is the beginning of a map amendment. The two major changes will constitute our comprehensive plan amendment per Statute requirement. And what is at issue tonight is that the Board would like us to pursue extra effort in notification, you know, above and beyond what is required by Statute.

Barnes: Good afternoon, my name is Marilyn Barnes and I just want to know when does this train stop? It's like we are backing up. Then we get a date, I just want to know the bottom line, When are we going to get an answer. I know now we are going back to, we are going to have to do notifications all over, we are going to have to do some other stuff district by district. When? Do we have a date that we can say that we are going to present this to the State?

Dixon: Those district meetings are going on as we speak - this week. Ah,

Barnes: Oh, they are already going on?



Dixon: Yes, Ma'am. We had one last night. Ah, Mr. Ballister will move forthwith to get those notices out. Ah, there, ah, should your project pass, ah, it will be as he stated, the second meeting in January.

Ballister: Right, we will have to transmit a preliminary amendment probably in late spring. We have to have our next plan adopted by late July. We have one year after the adoption of the Evaluation and Appraisal Report (EAR) which was last July. So, we have to have it done by late or rather mid-summer. We hope to get a preliminary transmission to the State by late spring so we will have some dickering time.

Black: Yes, my name is Rutha Black and I only have one question with regard to the notices that we're saying will be sent out. Is there going to be an indepth notice to explain to me what is happening or is it going to be a picture of a sign that went up on a pole that says somebody is trying to change the land use.

Because as the other lady stated, I am very confused. To tell me that somebody is going from Ag 1 to Ag 2 doesn't tell me anything. But if you explained to me that somebody is trying to build - tomorrow you might wake up and see a coal mine planted in your back yard, then I can understand that. Just to tell me that something is going from Ag something - that lingo is way above my head. And, that, if you are not a computer person and I come and start talking computer jargon to you, you're going to say "Hey, hey, slow down." Tell me in plain English what's happening. That is what is happening in communities.

A sign on a pole does not tell me anything. If I am driving by real fast, I don't have time to stop in the middle of the road and read the sign that is on the pole. And, if the notices are going to be just the same thing that is on the pole, I am going to be honest with you, people are not going to read it. But, if you tell them that something is going to happen to your neighborhood that can impact you and the future of your land that is around this particular project, who knows, somebody's changing the land use that might impact the road that I use to go home. And those are the types of things that people want to know. I don't want big trucks driving down my road and if that is going to happen, I want to know that. Don't just tell me that Niagara Wires is

getting ready to change the land use. Tell me what they want to do with it. Because I am quite sure in their application, they have to state what their intent or what their goal is or their projection of this particular use or else they wouldn't change it. Those are the types of things that I would like to see happen. I don't know that they will happen, but that is what I would like to see happen. I am not sure about these workshops because I didn't know anything about them. But now that I know, I don't know if those are the types of things that are discussed in the workshops or not. It is just a point that I wanted to make to you. Thank you.

Ballister:  
Right.

Dixon: Thank you Ms. Black.

Laslie: It is my understanding

Dixon: State your name please.

Laslie: Excuse me, Marion Laslie. It is my understanding that the notices were going to come in this process but just not at the beginning, is that correct?

Ballister: These notices would have had to go out when we get ready to have our meeting that says "This is the recommended map change." There will probably be a final series of public workshops first. Then we will have a another set of public hearings - a formal hearing with Planning and Zoning, then another formal hearing at this Commission. And those will all have notice requirements. Ah, it will be an additional requirement, if this Board pursues it to do thousand foot notices for all those parcels - and there will be a lot of parcels.

But yes, there is, we have not yet got to the point where I would have had to have done a mail-out notice. We have tried and done our best to put a lot of notification out there. I understand that the signs draw attention. That is why they are fire engine red. They are designed to draw attention. We have made every attempt to make people notice. That is the first word on the sign - NOTICE. Ah, they have been very effective and actually I am proud of the results that I have gotten.

Ah, it is not possible to anticipate what every action might be on each one of these individual tracts other than to anticipate the maximum load. If there is 52 acres in rural residential, that might mean 52 lots. And that is all that DCA looks at. And so in this grand puzzle, that is the only calculus that DCA will be judging us by. What is the total land use change and the total density impact.

Laslie: The other thing that I wanted to say was that before I started coming to these meetings, I felt like the thousand foot notice was not really going to reach very many people. And, dealing with this two years in a row, I wrote letters to the budget committee requesting that Planning and Zoning have money to have signs made and posted on the lots and Bruce has done that. And, I think a good job. I am hoping that a good many you people are out here because you saw the signs and I think that if we are limited to a thousand feet then, ah, I think that the signs are a tremendous asset.

Dixon: No one is doubting the credibility of the signs.

Laslie: Oh no, no. But I think they are important also. I mean,

Dixon: Any notice is important.

Laslie: The other thing is - I don't know how many people read the paper, but, ah, there is an awful lot of information in there and unfortunately that is the only place you can get it - for Gadsden County politics. And ah, if you care about what's going on, you need to read the paper.

Dixon: Thank you Ms. Laslie. The papers happy tonight.

McCloud: My name is Ron McCloud and I am the pastor of St. John Church of God in Christ. One of those areas that we are talking about is where we submitted a request for a change in the zoning. And, we submitted this request in January of last year. So, it's been there now for the whole year and nothing has happened.

I don't have problems with the fact that people need to be notified and that is fine. But, I do have a problem if this process continues to linger on. We've got a congregation of people that are ready to do something. We are talking about building a church and the whole congregation is ready to move but we can't do anything until you all say "Yea" or "Nay" or whatever to the land.

Dixon: You don't need our blessing to build a church.

McCloud: Well, we have a problem on the land. On that side also, we have a two acre portion of land for residential. We are under the impression that we need your approval to go on with the residential portion of that land.

Dixon: Yeah, that's a different story.

McCloud: So, it's all tied up in the same acreage. There was a commitment that was made when we purchased the land. We purchased it jointly with an individual and the agreement was that when we get the land, because of them bringing the land to us,

Dixon: Reverend?

McCloud: Yes, sir?

Dixon: For the Board to know, this is my brother-in-law. We don't need to be made to feel bad tonight.

McCloud: And I am supposed to be in a pulpit in about 10 minutes. So,

Dixon: Don't warm up on us.

McCloud: But, what I am asking for is that, Is there something that although this process, it seems like it has to take place, that's fine, but we want to make sure that whatever we do that we can get on the agenda - fast track- so we can move and not hold up the congregation that is waiting to do something. Also, maybe we can do something for the land owner - this young lady who is waiting to do something with her property. She is also being held up.

Watson: Your brother-in-law just slowed it down tonight.

McCloud: Yeah, we'll talk after the meeting on that.

Dixon: Hey, Hey, He married my sister, I ain't even worried about it. Thank you Reverend.

All right, let's move on. We have a motion and a second on the floor. Will there be further discussion from the commissioners? All in favor sign of "aye".

All Commissioners:  
Aye.

Dixon: Opposes?

No response.

Dixon: Let's make it unanimous.

Ballister:

Before I finish, I would like to thank the powers-that-be for the new podium. Thank you.

## **PUBLIC WORKS**

### **Frank Jackson Road & Flood Alley**

Public Works Director Robert Presnell recalled that at the last meeting Commissioner Fletcher requested that the Public Works Department be given authority to spend \$10,000 to drain the pond that is bounded by Bostick Road on the West, Atlanta Street on the South, and Frank Jackson Road on the North and East. The pond is filled with water coming from the county's ditches. When there are severe wet spells, the pond overflows and floods the homes of the people in the area.

Commissioner Watson stated that he was given the impression at the last meeting that this work needed to be done before the paving of Frank Jackson Road should continue. He asked Mr. Presnell if that was correct.

Mr. Presnell responded that it is not necessary for the pond work to be done in order for the road work to continue.

Chair Dixon stated that he had expected to get a report or at least hear the opinion of the county's engineers - based on topography. He asked if the engineers had been contacted on the issue.

Mr. Presnell responded that he did not contact the engineers. He added that there is an eleven foot difference in elevation between the level of the road and the proposed drainage structure. The last time the pond overflowed, it did not flood the road but some homes were in jeopardy.

Commissioner McGill asked what would happen if the paving project should continue without addressing the problems associated with the pond.

Mr. Presnell stated that the Department was presently working road drainage features. He explained that the pond is situated between two roads - Frank Jackson Road and Flood Alley. It is a

natural depression pond and it has filled up in the past. (When there are large rainfall events, water collects in the pond and cannot get out. By providing a pipe for "pop-off" relief, it will keep the entire area from flooding.) He quickly pointed out that the issue with the pond is a flood control project and has nothing to do with the road project.

Commissioner McGill asked Mr. Presnell if a flood of the pond would destroy the road or if there would be damage to the road if the flood control measures are put into place after the road is completed.

Mr. Presnell answered that the pond issues could be resolved at any time after the road is completed without damage to the road. However, in order to place a culvert under the road, two feet of the paved road would have to be removed and replaced.

Mr. Richmond asked if the land owners that would be affected by placement of the pipe would expect payment for the right-of-way. Mr. Presnell could not answer Mr. Richmond's question.

**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, NOT TO INSTALL THE INLET BOX AND CULVERT PIPES TO PROVIDE FLOOD PROTECTION FOR THE POND ON FRANK JACKSON ROAD.**

#### **Road Paving List**

Mr. Presnell reported that the Public Works Department has begun working on Roads 1 & 2 of the road paving priority list (preparing the sub-base and base.) He asked the Board if they would like to effect a change order to the existing contract with C.W. Roberts Construction or proceed with a new RFP.

**A MOTION WAS MADE BY COMMISSIONER WATSON AND SECONDED BY COMMISSIONER ROBERSON TO SEEK A CHANGE ORDER TO THE CURRENT CONTRACT WITH C.W. ROBERTS CONSTRUCTION COMPANY FOR THE PAVING OF FRANK JACKSON ROAD AND DUPONT ROAD.**

Chair Dixon expressed that he is opposed to continually extending any contract. He stated that he was in favor of going out for bids and give another company an opportunity to make some money in Gadsden County.

Commissioner Watson stated that his goal is to provide a good quality service to the people of the County - not to spread the money around.

Chair Dixon stated that there are qualified vendors who will not even come to Gadsden County or even bid because the County has practiced this kind of business for so long.

**THE BOARD VOTED 2 - 2 ON THE MOTION STATED ABOVE. THE MOTION TO SEEK A CHANGE ORDER TO EXTEND THE CONTRACT DID NOT PASS. COMMISSIONERS WATSON AND ROBERSON VOTED "AYE" AND COMMISSIONER MCGILL AND CHAIR DIXON VOTED "NO."**

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

##### **Grant Writer Position**

Mr. McKinnon told the Board that the current budget did not include adequate funds for the new position for the county's grant writer. He asked for an additional \$4,125.00 and recommended that it be taken from the general fund contingency.

Community Development Director Edward Butler introduced Grant Writer Reed McFarlin.

**UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 3 - 1, BY VOICE VOTE, TO APPROVE THE ADDITIONAL FUNDS FOR THE GRANT WRITER'S POSITION FROM THE CONTINGENCY FUND. COMMISSIONER WATSON CAST THE LONE DISSENTING VOTE.**

##### **Materials Being Hauled to Midway**

Mr. McKinnon called attention to a memorandum to the Board from him which is a report on the materials being hauled by Mitchell Brothers from Lake Jackson to a borrow pit in Midway which is owned by Mitchell Brothers. He also called attention the analysis done on the material that is being hauled.

The following portion of this meeting has been transcribed verbatim upon request.

McGill: I would like for Dr. Arnold to address this issue, Mr. Chairman, if it is all right. And I have some more comments I would like to add to it before we leave.

Arnold: Thank you, Commissioner McGill. I'm, ah, ah, Tony Arnold. I am a professor of Geology at Florida State University. And I want to talk to you strictly about scientific issues right now, so that you are up to speed on those.

Ah, the Northwest Florida Water Management District ran their tests, ah, took their samples and EPA ran a test based on guidelines that are used on materials being dumped in landfills. Now, this site doesn't have the protection that a normal landfill would have. It doesn't have a liner and it doesn't have monitoring wells. So, that is something to keep in mind as you go forward with and consider what the tests mean and whether they are applicable in this situation.

Having said that, this doesn't address the issue of toxicity. Ah, and ah, what that report means. To understand that, you have to go back to previous work that has been done in McGinnis Farm by two professors at Florida State - Landon and Livingston back in 88 to 1991. Livingston tested for ah, ah, heavy metals and water called polynucleated aromatic hydrocarbons or PAHs, I'll call them. They are basically the run-off from ah, parking lots and the kind of things that you would expect in that kind of situation. Gasoline, ah, ah, motor oil, transmission fluid, a mixture of that kind of thing. Ah, He also tested for heavy metals and ah, Dr. Livingston found both. What we are looking at here is the run-off from the Waucamaw and Tallahassee Mall parking lots. They are big parking lots.

Ah, Professor Livingston looked at, when he found these PAHs, which are pretty potent carcinogens, he then decided that he had better look at the fish in the lake and he did that. He told me that he was unable to find any fish that were not diseased. So, ah, ah, apparently PAHs cause a syndrome that causes a breakdown of the immune system - sort of like AIDES - it's not AIDES but it has that kind of effect.

Professor Landon looked at heavy metals, ah, I don't think he looked at PAHs. They ran different kinds of tests and came up with results that conflicted somewhat on heavy metals. That is where it was left at that point. Now, we, ah, ah, well, Tallahassee and Leon County responded to that situation by cleaning up the lake. I don't know where they dumped the materials that they moved at that point, but they did clean it up. They also found that it wasn't contaminated at that time, but they cleaned it up anyway.

Ah, now as we, so, as we talk about this, ah, as you talk with whatever experts you talk with in the future, keep in mind that there are two sets of tests that have been



run some eight years ago and some just now. It's easy to get confused between those. There has been eight years of accumulation since that first set of tests was done, so keep that in mind as you talk with you talk with various people about this.

Ah, O.K. so the next question is about these tests. How were they done? My conversations with Dr. Livingston said that they ah, ah, they didn't test for zinc and copper which were present in the tests they did eight years ago. He was surprised that they didn't look for zinc and copper - that's point number one.

Point number two has to do with the way the test is done. There is a question as to whether they test the soil or the sediment directly or whether they test ah, what's called an alcherate - where they percolate water through the soil and then test the water. It appears from the test that Mr. McKinnon is referring to that they did the latter. They tested the alcherate, the water that had been percolated through. Ah, and that presents a kind of a problem.

Heavy metals are often complex with the particles in the sediment and they don't come out with the water that is percolated through it. They stay in the sediment so you don't detect them in your tests. O.K. Ah, they only come out if you change the chemistry, so there are tests that you do directly on the sediment subjected to acids and so forth that would leach out the heavy metals.

The third point, ah, the PAHs, these polynucleated aeormatic hydrocarbons, were not, as far as we could tell in this test and they are the critical thing that ah, ah, that are the potent toxins. Ah, Dr. Livingston also had a question about the number of tests that were done and where the samples were taken from. That wasn't made clear in the report. So, he concluded that ah, the report doesn't tell you what you need to know in order to make an informed decision, if you want to do anything about what is being done up there. O.K.

Ah, now there is another point that is important. Moving the sediment from where it is now in an unoxygenated lake bottom to its new site in Midway where its going to be exposed to highly oxygenated rain water percolating through it, is going to change its chemistry and may leach out toxins that we don't know whether they are there or not - because of the results of this test. We

just don't know if they are there. So, you want to keep that in mind. If you have testing done, you want to make sure that you also know what's going to happen to it in its new site - not just in the old site.

If I have a recommendation to make, it would be that you get a consultant to examine the report in detail. Ah, I would recommend that you not use Woodward & Clyde - not because they are not reputable but because several of their members have a potential conflict of interest - one of them is a member of the Friends of Lake Jackson and another one is a consultant to Leon County Science Advisory Boards - so they have a conflict of interest there. I don't, you would have to find your own consultant.

Based on what your consultant says, if you hire one, I would say do a pilot study on the various samples because these tests can be expensive. Maybe one, two or three thousand dollars per test. And you'll want probably \$60,000 worth of work done to do it right. Ah, I would do a very small pilot study and then present Tallahassee and Leon County with the bill for more extensive testing if your pilot study suggests that it needs to be done. Then you decide whether you want to do something about moving it or not.

Ah, I should warn you, that if you follow that route to do enough testing to protect the citizens in Midway, you are opening a very big can of worms for Tallahassee. Because they have been scraping this same kind of stuff off the bottom off the bottom of their storm water holding ponds for a long time and dumping it into Wakulla County. If it is discovered that this kind of stuff, ah, that the PAHs are there, they are not going to be happy about it. Ah, then they might have to do something about it.

Ah, I am not making any recommendations about what you do, I am just telling you the situation. I recommend that you talk to Dr. Livingston at Florida State. He is not going to be able to give you a definitive answer until more complete tests are run.

That's all I have to say.

McGill: Regarding the nutrients, I think anybody who has any feel for botanical chemistry will understand that nutrients can become toxic given the right environment. I guess

what I am trying to come from is that "What can this Board do to limit the hauling of these kinds of materials from other counties into Gadsden County without our knowledge?" This goes back to the situation we have with the transfer station. They come in and negotiate and then we find out after the fact.

I understand the Mitchell Brothers were hauling like two or three hundred loads a day. They have torn up Palmer Road in Midway. They are beginning to tear up 268 from Palmer Road back to 90. It's beginning to be a real problem.

Leon County don't think people in Gadsden County are worth a nickel. And, I am tired of that attitude that people in Leon County have toward residents of Gadsden County. We are just as human in Gadsden County as they are in Leon County, regardless of the economic situation, regardless of the fact that they have two universities and a major junior college. We don't have those kinds of business, but we are still just as human. And I think we need to get that message to them in some kind of way.

I am going to recommend that the county attorney and the county manager take a look at whether Mitchell Brothers can be made to resurface the road in Midway. I don't know if they can. But, this County Commission paid for Palmer Road and I think Mitchell Brothers owes us some reparation for that as well as 268 back to Highway 90. I am also going to recommend that we, as much as we can, try to find somebody to check the nutrients out there to make sure that what they are bringing, keep in mind now, they are cleaning out Lake Jackson, hauling the trash over here. Let it go back to where it's coming. If they don't want their own trash, what makes them think that we want it. We don't want their trash any more than they do.

Audience: Toxic sludge killed Lake Jackson.

Dixon: Sir, if you have a comment?

McGill: I hope this can be conveyed to the powers that be as they are in Leon County and Tallahassee as well, and the Mitchell Brothers, that we deserve some consideration for Palmer Road in Midway and 268 from Palmer Road back to Highway 90 and that they discontinue bringing those sediments from Lake Jackson and McGinnis Arm as well as anything they want to clean up in Leon County to Gadsden County. Those are my comments, Mr. Chairman.

Dixon: Thank you, Commissioner McGill. Please state your name for the record.

Willis: Good evening commissioners. My name is Chuck Willis. I am a city commissioner candidate for Midway District 4. Ah, it's just like Commissioner McGill was saying, Ah, the people in Midway is having a very concern about this toxic waste. Trucks has been running seven days a week, sometimes at night and they are tearing the roads. Also the site where they are dumping the toxic waste is where homes is near the pit. So, I ask that the County Commission please look into the people's safety. And also, the children can't come outside and play no more because the big trucks are running the road. Ah, I am suppose to have a meeting with Tallahassee Mayor Maddox tomorrow morning and discuss some issues, especially the transfer site and the toxic waste that is coming from Tallahassee.

The people of Midway want a clean community. They don't want no dirty business. The peoples are fed up. We ask the County Commission to please, and I am going to give my effort if I am elected to office, to clean up this business that is coming into Midway.

Thank you, sir.

Davis: My name is Flolisa Davis. I live in Midway. I, ah, Councilman McGill has really covered everything I wanted to say and Mr. Willis also. I am really concerned about my health and everyone that lives there. I have small kids there also. I would really appreciate it if ya'll will look into it. That is a serious matter out there.

Dixon: Thank you.

Bennett: I am Verda Owens Bennett and I am also a candidate for Midway City Commission District 6. The smell is terrible from the dumping that they are doing. The trucks are speeding excessively in the neighborhoods just like the gentlemen said, the roads are torn up. I am concerned about the water, I am concerned about my drinking water, I am concerned about who is going to clean up if there is some nutrients that is in this soil. Who is going to move us out and I have very, very great concerns about it. I have hundreds of phone calls about it. We need to do something immediately. It's just like if they're not dumping garbage on us, they're dumping some other kind of toxic waste in our neighborhood. I want to know who gave

them permission to even start dumping it, cause we didn't know what they was dumping or bringing into our community. Ah, enough is enough with Leon County.

Dixon: Thank you ma'am.

Barber: I am Ella Barber and I live in Midway. I grew up there from 1930. I married out there and went to college and went away and retired and came back here. When I came back, I found Midway was gone as a beautiful little community and it had turned into a city where the officials were greedy and grasping for garbage or whatever. To the extent that we can't get any real clean industry to come in here.

Mr. McGill, I appreciate what you said and I feel real good knowing that we have somebody who is going to bat for us. We grew up together, I was a little older than he was. But, I appreciate that.

Ah, on the week of the 22nd, I was out in the community because a man had given some money to buy turkeys and whatever for people to have a good Thanksgiving. He does that. It's the second year he had done that. So, I was in the community that week of the 22nd getting my people together when I saw all these trucks coming down the road. I started to talk to a lady and she said "You had better get out of the way because they might run over you." I didn't realize what was going on and I drew myself in and I moved over the side. I finished with her and I proceeded to go into the community up there where they are dumping that. It's on Palmer Road, you come down off 268 and you go up in there and that is a pit where since I was a girl, they had it wide open. They used to have a mine, a fullers earth mine or whatever. I think they had a little tram where they would haul whatever they were hauling, fullers earth or whatever. But that opening has been there for years and years. Just wide open. And now, while I was in there, I just parked beside the road because the trucks were coming in there so fast. I would park at different intervals to keep them from knocking my car off the road because they were coming down the highway. I immediately went home and then and I feel like that is when Midway City people first realized it because I talked to one of the commissioners there. I called her and I told her what I had found. And she said "Oh, that's been going on, that's been going on." I said "Well, I don't think ya'll know exactly what's happening. She said, "I guess we

will wait until the next commissioners meeting." I said, "I think we need to have something done immediately because we have had two kids killed in Gadsden County and we don't want to wait until something tragic happens here then." She said, "Well, I'll get on it right away."

I told the Chief of Police, "While they are down there and giving tickets (some of them have a speed trap or whatever) he can get out there now and check as see what is going on."

So, different ones started calling in the community. By the next week, we had a council meeting on that Thursday night, we talked about it and we found out that Dr. Arnold had done some research on it. They didn't even know what was happening out there. They didn't know that the dirt was coming from Lake Jackson. We informed them of that. He did the study. And an investigator had different ones in the community, those people who are working with me, and we found, like he was saying, Dr. Livingston or whatever.

I would really appreciate it, we reported to them that they could do something to stop that. But, they said "We are not going to bother with it." They told me to talk with the city attorney. The commissioners said "It's out of our hands. Turn it over to the city attorney."

So, at this point. Now when I heard about this meeting tonight, it did me good to know that it is on the agenda, and that somebody's going to take note of it and is going to come to our rescue hopefully. We do appreciate that so much.

Dixon: Thank you ma'am. Is there any problem with accepting Commissioner McGill's recommendation that we have the County Attorney and the Manager to look into this matter for us. Do I have the Board's consensus.

Your time is up. I am just teasing you.

Laslie: My name is Marion Laslie. I just, If you're going to check into it, check into the chinese tallow seed bank that is probably in that. It is probably loaded with chinese tallow.

Dixon: What is that?

Laslie: It is a very invasive tree. It is all over Lake Jackson. Pop-corn tree. It's real bad.

McGill: Mr. Chairman, while they are bringing through whatever it is that they are bringing through Midway to dump it into the pit - the pit is actually in the County. That gives us direct responsibility to respond to that.

Richmond: No question about it.

Dixon: Do you gentlemen understand the consensus of the Board?

McKinnon & Richmond: Yes, sir.

#### **DOT - US 90 By-pass Project & C & E Farm Road**

Mr. McKinnon reported that Florida Department of Transportation (FDOT) has expressed interest in funding the paving of the C & E Farm Road section of the proposed by-pass from U.S. 90 and Attapulugus Highway. However, they would like for it to be listed on the County's road paving priority list. He stated that he will present a proposed policy dealing with the road paving priority list when outside funding is available.

#### **CONSENT AGENDA**

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

- 1) Response from City of Tallahassee Regarding Transfer Station Site Location - for the record
- 2) Chamber of Commerce October 1999 Activity Report - for the record
- 3) Visit Florida Grant - Contract with Apalachee Regional Planning Council to provide services - for approval
- 4) Memorandum of Agreement to Create Gadsden County as a Champion Community - For the record
- 5) Payment Request # 4 - 97DB-1E-02-30-01-Y04 Small Cities CDBG Program - for the record
- 6) Library UMI Proquest Agreement for Internet-Based Magazine Article Subscription Service - For approval
- 7) SHIP Lein Satisfaction Agreement - Mattie Gunn - for approval
- 8) Notice of Name Change on Addendum to Loan Agreement from Centennial Healthcare Management Corp. to Ashford Healthcare, a Florida Not for Profit Corporation - for the record

- 9) Request for Letter of Commitment for Town of Greensboro -  
For approval
- 10) 2000 Holiday Schedule - For approval

#### CLERK'S AGENDA

#### Quincy State Bank Resolution and Signature Cards

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE BANK RESOLUTION WITH QUINCY STATE BANK AUTHORIZING THE NEW CHAIRMAN'S SIGNATURE ON THE BANK ACCOUNT AND THE SIGNATURE CARDS.

#### 1998-99 Financial Statements

Clerk Thomas reported that the Board had a really good year during 1998-99. Revenues were good and the expenditures were held in check.

#### 1998-99 Interest Report

Clerk Thomas reported that the Board earned \$515,537 in interest during the past fiscal year.

#### Cash Report

Clerk Thomas reported that the current cash in all funds totals \$10,900,000.00 - both restricted and unrestricted.

#### Budget Amendments

#### 99-12-07-01 through 99-12-07-10

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE ABOVE STATED BUDGET AMENDMENTS.

#### DISTRICT 1 REPORT

McGill: Mr. Chairman and Commissioners, I have before you a second time, a request for staff assistance to work with me as I work with non-profits. Keep in mind, they will not be working for- that person or persons will not be working for the non-profits, but will be working with me as I try to find a way to bring about some financial relief. I don't see this project being any different than if someone was stuck in a hole on a rainy day and had to call public works to get pulled out. I don't see



that it is any different than ah, somebody going out to make (inaudible) a special project that would affect the County. To put it very brief, I put it into your packets, and I am just going to ask for your approval.

Again, it will not impact on the out-of-cash money. The meetings will not be held that often. When we really get rolling, I might not need that person but once every two or three months. But, during the formative stages, we will need that person pretty frequently, but the meetings will be held no more frequently than once a month if I have any control over that. That chair will have control over that. But, initially, we will be meeting, hopefully, at least once a month to try and get organized. And when we are forming what I am calling, what I call a community foundation that will go out and seek funds to be brought into Gadsden County hopefully.

(There was conversation between unidentified parties at this point that was not audible to the public or to the recording secretary. Neither was the conversation audible on the taped recording of the proceedings.)

McGill: O.K. I withdraw the request at the request of Commissioner Dixon and I will be holding him to that.

Dixon: My Ma-ma always said "If you ain't got no money, make sure your word is good." Anything else, Commissioner?

McGill: No, except, I'm making a special plea. Don't forget the problem in Midway.

## **DISTRICT 2 REPORT**

### **December 21, 1999 Meeting**

Commissioner Watson requested that the December 21st meeting be cancelled.

Chair Dixon requested that the meeting of January 4, 2000 also be postponed.

It was determined that there are no pressing matters that would be ill-affected by cancelling the December 21st meeting.

**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO CANCEL THE**

**DECEMBER 21, 1999 AND POSTPONE THE JANUARY 4, 2000 MEETING  
UNTIL JANUARY 6, 2000 AT 6:00 P.M.**

**DISTRICT 3 REPORT**

Commissioner Roberson had no report.

**DISTRICT 4 REPORT**

Commissioner Fletcher was not present.

**DISTRICT 5 REPORT**

Dixon: Commissioners, it was brought to my attention that my assistant does not get paid for holidays. Ah, I don't know if that was the Board's intentions. It certainly wasn't mine because there are no other benefits there. And I would certainly like to request of the Board that she be paid for holidays.

Watson: I think the intention was that this be an OPS position and the decision was whatever we are supposed to give OPS we do and that that we don't we don't. I think, ah, from listening to the tape, that was the understanding that I thought everybody had that night.

Dixon: Well, Commissioner, with OPS, they don't have to work. If she has to work, she has to work. Whether it is week-ends or whatever, she has to work.

Watson: But, our agreement that night was, in doing this, was that she would get whatever OPS people always get. That was my understanding.

McGill: Could we amend that to insure that that person is being paid properly. I understand what you are saying about OPS, but could we amend that in this particular case.

Watson: Well, I think that, I mean, even after we voted, Arthur came up and asked "Does this mean she gets benefits?" And what was understood was she gets, this is an OPS position, and she gets what OPS employees get. Now, that was the understanding. Ya'll can listen to it if you like, but that is the way the discussion went.

Dixon: Well, Commissioner, I am sure that this didn't come up and it certainly wasn't my intention. Yes, that is what we discussed, you are absolutely correct. You are absolutely correct. But, I think that this is a hardship

and you know and, h, it is a couple of days and I think she deserves to get paid for those days.

McGill: All I am saying, Commissioner, even if that was the understanding, that we put our OPS and not subject to benefits, I am asking can we amend that or suspend that rule in this particular case and move forward.

Roberson: The problem with that is what come-back are you going to have from the other OPS positions?

McGill: Well, I don't know that you will ever have another similiar situation like this, I don't envision Commissioner Dixon being President of the Florida Association of Counties after this year. I don't know that Commissioner Watson or Commissioner Roberson will have any interest in becoming President and I don't, so, I don't know that we will ever have another situation just like this one.

Roberson: I understand that, but, I mean, we don't have any other OPS positions?

Dixon: Yes.

McGill: Yes. That is what I am saying. I am asking that we waive the rules in this particular case because of the uniqueness of what she has to do with him as the President of the Association. I think that is grounds right there to waive the rules.

Dixon: I'm going to say this and this is my last comment, I think that this is a totally separated and isolated situation. It is not, it is unlike most OPS positions where people work a few hours a week, ah, a few hours a day and a few days a week. This is a very different situation. Ah, and so, that is what my request of you all is based on.

McGill: Well, I move that we waive the rules in this case and allow the person to receive holiday pay. That is my motion.

Dixon: The chair is entertaining. We have a motion. Do we have a second?

Roberson: I have a question.

Dixon: Yes, ma'am.

A cell phone rings at this point of the conversation.

Roberson: Is that him? Mine goes off and I never know. The question is - Is she salary or is she paid by the hour.

Dixon: She is considered like an OPS person meaning that she is paid by the hour basically.

Roberson: O.K. If she works extra hours, does she draw overtime?

Dixon: No. No one has ever told me that she is due any overtime. So, that is not

Roberson: That is what I am saying, is there not, if she has to work odd hours and all, if she works them, wouldn't she draw the same amount of pay by just making up her time some other way?

Dixon: I don't know.

McGill: That is an idea. That is a good question. Is she salaried or is she a wage per hour person?

Watson: Whatever OPS is.

McKinnon: We need to have Arthur address that.

Lawson: The way this position is set up is it's a salary basis. I mean she gets paid a certain amount bi-weekly. It doesn't matter whether she works on Saturday or Sunday, it is a flat bi-weekly salary.

McGill: Is that the same way that other OPS people are paid?

Lawson: No, most other OPS people are paid hourly.

McGill: That's what I thought. That's a difference right there.

Roberson: So, basically, what you are saying is that

Lawson: Well, the reason it was set up this way was because of Commissioner Dixon's request, there are sometimes that this person will work late afternoons, on the week-ends or whatever. So, rather than try and keep up with the actual hours that this person works, we just set it up as a salary bi-weekly.

Roberson: Well, if she is salary, she gets the same thing if she works

Lawson: Not for holidays, she wouldn't. Because you all said specifically that she does not get paid for holidays, ah, benefits. A holiday is a benefit.

Watson: We made this decision, that's why I don't know why we are talking about it tonight. We made this decision two weeks ago or three weeks ago.

Dixon: Well, Commissioner, when we talk about benefits, we were discussing benefits such as health plan and those kinds of things. Not whether or not, because if she is a salaried employee, then why doesn't she get paid that amount.

Watson: But it was agreed that she would be an OPS position and that she would receive benefits that OPS employees get, no more, no less. That was what the agreement that we all made when we all voted on that.

Dixon: Well, Commissioner, we can bring this to a vote. This is certainly not worth it to us

Watson: No, it's not. I mean, I think that it is unfortunate that it was even brought up, that we even have to talk about it. I thought it was settled three weeks ago.

Richmond: You got a motion on the floor.

McGill: inaudible

Lawson: Well, this position is treated a little differently than our regular OPS positions. Ah, the nature of what it does and it is a unique position basically, because we have never had one that ah, has to perform during the regular hours that this particular position does so, from an accounting standpoint, in terms of time keeping, ah, we set it up where this position is based on a 40 hr. week; 80 hr bi-weekly and it gets "x" dollars. But, the question then arises from the finance office. They say Well, this is an OPS position and an OPS position does not get benefits so therefore, technically, they will not pay unless the Board authorizes, being that it is OPS, get paid for the holidays.

Dixon: Does she get overtime?

Lawson: Well, no. If you want us to change from the way we pay the strict salary bi-weekly, then we base it on hours worked per week, then yes, she would get overtime. If

that is the way you want to pay. But ours is, ah, we based it on a certain amount that you all budgeted for the position and certain amount of time.

Dixon: Let us move on. I didn't get a second to Commissioner McGill's motion so, the table is open.

Watson: I move that this position be treated as other OPS positions in the County.

Dixon: We have a motion, do we have a second?

Roberson: I second it.

Dixon: We have a second. All in favor in the motion, signify by saying "aye."

Watson & Roberson: Aye

Dixon: Opposes?

Dixon and McGill: No.

Dixon: Nothing changes.

Watson: I move we adjourn.

Dixon: Is there anything else to come before this body?

Audience: What was in the agenda about the transfer station?

Watson: Read that letter and there is nothing in there. I mean that is a politicians letter there if there ever was one.

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Edward J. Dixon, Chair

ATTEST:

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Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE CONSTRUCTION  
INDUSTRY LICENSING BOARD, HELD IN AND FOR  
GADSDEN COUNTY, FLORIDA ON DECEMBER 13,  
1999, THE FOLLOWING PROCEEDINGS WERE HAD,  
VIZ.

PRESENT: TONY COLVIN, PRESIDING  
DICK LEE  
MICHAEL FRANCIS  
HENRY BLACK  
ISAIAH COLE  
BILL MCMILLAN  
EARL WILLIAMS, DEPUTY BUILDING OFFICIAL  
MURIEL STRAUGHN, DEPUTY CLERK

ABSENT: WALLACE ELLIS  
JOHN SAMFORD

CALL TO ORDER

Tony Colvin called the meeting to order. He then led in pledging allegiance to the U.S. Flag followed by a prayer.

APPROVAL OF MINUTES

October 12, 1999 Regular Meeting

UPON MOTION BY ISAIAH COLE AND SECOND BY DICK LEE, THE BOARD VOTED 6 - 0, BY SHOW OF HANDS, TO APPROVE THE MINUTES OF THE ABOVE STATED MEETING.

November 8, 1999 Regular Meeting

The meeting which was scheduled for the above stated date was not held for lack of a quorum.

REVIEW AND APPROVAL OF APPLICANTS

Patrick M. Egan - Alarm Contractor

UPON MOTION BY BILL MCMILLAN AND SECOND BY DICK LEE, THE BOARD VOTED 6 - 0, BY SHOW OF HANDS, TO APPROVE THE APPLICATION OF PATRICK M. EGAN AS AN ALARM CONTRACTOR. (APPLICATION ATTACHED)

James A. Flanagan - Electrical Contractor

UPON MOTION BY BILL MCMILLAN AND SECOND BY DICK LEE, THE BOARD VOTED 6 - 0, BY SHOW OF HANDS, TO APPROVE THE APPLICATION OF JAMES A. FLANAGAN AS AN ELECTRICAL CONTRACTOR. (APPLICATION ATTACHED)

OLD BUSINESS



Earl Williams told the Board that he had researched the matter of "grand-fathering" contractors without requiring them to take competency exams in order to get a license. He reported that the window of opportunity for contractors to be "grand-fathered" has expired and there will be no more grand-fathering.

**NEW BUSINESS**

It was suggested that copies any and all documents that are required of a contractor prior to issuance of a license should be included with the application in the agenda packets for the Board's review. It was further suggested that there should be some written clarification as to what is required of an applicant.

**ADJOURNMENT**

**THERE BEING NO FURTHER BUSINESS BEFORE THE BOARD, THE PRESIDING CHAIR DECLARED THE MEETING ADJOURNED.**

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Tony Colvin, Presiding Chair

ATTEST:

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Muriel Straughn, Deputy Clerk

AT A SPECIAL MEETING OF THE BOARD OF  
COUNTY COMMISSIONERS HELD IN AND FOR  
GADSDEN COUNTY, FLORIDA ON DECEMBER  
15, 1999, THE FOLLOWING PROCEEDINGS  
WERE HAD, VIZ:

PRESENT: E. H. (HENTZ) FLETCHER, PRESIDING  
STERLING WATSON  
CAROLYN ROBERSON  
HAL RICHMOND, COUNTY ATTORNEY  
HOWARD MCKINNON, COUNTY MANAGER  
MURIEL STRAUGHN, DEPUTY CLERK

ABSENT: EDWARD J. DIXON, CHAIR  
WILLIAM A. (BILL) MCGILL

CALL TO ORDER

In the absence of the Chair, Commissioner Fletcher called the special meeting to order stating the purpose of the meeting was to reschedule the January 4, 2000 regular meeting; authorize the chairman's signature on the Florida Enterprise Zone Program Application and pass the associated Resolution # 99-027; and authorize the chairman to sign a letter to the Emergency Management Director for the State of Florida requesting that the County be notified of any issues resulting from Y2K.

RE-SCHEDULE JANUARY 4, 2000 REGULAR MEETING

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 3 - 0, BY VOICE VOTE, TO RE-SCHEDULE THE JANUARY 4, 2000 FOR JANUARY 11, 2000 AT 6:00 P.M.

FLORIDA ENTERPRISE ZONE PROGRAM APPLICATION AND ASSOCIATED RESOLUTION # 99-027

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 3 - 0, BY VOICE VOTE, TO PASS RESOLUTION # 99-027 FINDING THAT POVERTY CONDITIONS EXIST IN GADSDEN COUNTY AND THAT REHABILITATION AND REVITALIZATION ARE NEEDED AND TO AUTHORIZE THE CHAIRMAN'S SIGNATURE ON THE FLORIDA ENTERPRISE PROGRAM APPLICATION FOR FUNDS.

LETTER TO EMERGENCY MANAGEMENT RE: Y2K

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 3 - 0, BY VOICE VOTE, TO AUTHORIZE THE CHAIRMAN TO SIGN A LETTER TO THE EMERGENCY MANAGEMENT DIRECTOR FOR THE STATE OF FLORIDA REQUESTING THAT THE COUNTY BE NOTIFIED OF ANY ISSUES RESULTING FROM Y2K.

**ADJOURNMENT**

**THERE BEING NO OTHER BUSINESS BEFORE THE BOARD, THE CHAIR  
DECLARED THE MEETING ADJOURNED UPON MOTION BY COMMISSIONER  
WATSON.**

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E. H. (Hentz) Fletcher, presiding

ATTEST:

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Nicholas Thomas, Clerk