

AT A REGULAR MEETING OF THE BOARD OF
COUNTY COMMISSIONERS, HELD IN AND
FOR GADSDEN COUNTY, FLORIDA ON
JANUARY 11, 2000, THE FOLLOWING
PROCEEDINGS WERE HAD, VIZ.

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

CALL TO ORDER

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

Chair Dixon announced that the regular meeting would take place prior to a workshop on the Future Land Use Map. He then announced that Items 22 & 24 (Fletcher Nursery) of the Workshop Agenda will not be heard as they will be sent back for review by the Planning Commission.

ADOPTION OF THE AGENDA

The agenda was amended as follows: DISTRICT 5 REPORT - ADD Resolution naming the TCC Building the W.A. Woodham Justice Center; COUNTY ATTORNEY'S AGENDA - DELETE the Lake Jackson Sediment update.

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

APPROVAL OF MINUTES

September 13, 1999 Budget Workshop
September 13, 1999 Tentative Budget Hearing
September 27, 1999 Final Budget Hearing
December 7, 1999 Regular Meeting
December 15, 1999 Special 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 MEETINGS.

COUNTY ATTORNEY'S AGENDA

Clarification of the RFP for Road Construction Paving

County Attorney Hal Richmond recalled that on December 7, 1999, a motion was made to seek a change order to the current contract with Roberts Construction to for the paving of Frank Jackson Road and Dupont Road. He stated that even though the motion did not pass, the Board did not go so far as to authorize a new RFP. He asked them to clarify how the Public Works Department should proceed.

COMMISSIONER WATSON MADE A MOTION TO EXTEND THE CURRENT CONTRACT WITH C. W. ROBERTS. THE MOTION WAS SECONDED BY COMMISSIONER ROBERSON.

Commissioner McGill stated that he understood Commissioner Watson's haste in continuing the contract but he asked that the motion be amended to say that at the end of the contract (as extended by the motion on the floor) that the Board would seek a new RFP.

Commissioner Watson would not agree to amend his motion.

Mr. Richmond told the Board that they need to be specific with regard to the length of the contract. He added that the Board has already extended the contract once because the County had such a good price break and the market conditions were such that the County really benefitted financially by the extension. However, he pointed out that the extension really needs to have a specific renewal time frame or be specific to a particular project.

COMMISSIONER WATSON AMENDED HIS MOTION TO STATE THAT THE CONTRACT SHOULD BE EXTENDED FOR ANOTHER YEAR FROM THIS DATE - JANUARY 11, 2000.

Chair Dixon stated that he recalled that the previous extension was not proposed by the year but by the project or job.

Public Works Director Robert Presnell clarified that the contractor will honor the contract prices (via change order extensions) until such time as the Board decides to seek a new RFP.

Chair Dixon asked Mr. Presnell to send him a copy of the contract that is currently in place with C.W. Roberts.

Commissioner Watson stated for the record that the extension of this contract would be consistent with how the Board has historically handled other contracts for services. He pointed out

that Reynolds, Smith and Hill were hired as engineers/consultant on August 5, 1997. It was renewed on September 5, 1998 and again in September of 1999. He rationalized that the paving contract would be no different than the engineering contract.

Commissioner McGill stated that he was not so concerned about consistency as he was with having a definitive end to the contract.

County Manger Howard McKinnon asked for clarification as to the time limit of the contract. It was confirmed that the renewal of the contract would be effective on this date, January 11, 2000 and extend for 1 year - to January 11, 2001.

THE BOARD VOTED 4 - 1 IN FAVOR OF THE VOTE. CHAIR DIXON CAST THE LONE DISSENTING VOTE.

2000 ANTI-DRUG GRANT AMENDMENT #2000-CJ-D8-02-30-1-164 - CONTINGENCY REQUEST

Sheriffs Captain Jim Godwin was to present to ask the Board to approve an increase to the Anti-Drug Abuse grant by \$33,779. By approving the increase to that budget, there would have to be a cash match of \$11,000. He asked the Board to fund the cash match so they could take advantage of the additional funds that are available through the grant.

Captain Godwin told the Board that the increase would be utilized to hire an additional full-time person.

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 4 - 1, BY VOICE VOTE, TO APPROVE THE INCREASE TO THE SHERIFF'S ANTI-DRUG ABUSE GRANT AND TO TAKE THE \$11,000 CASH MATCH FROM THE CONTINGENCY FUND. COMMISSIONER WATSON CAST THE LONE DISSENTING VOTE.

REFUGE HOUSE

____Ms. Kelly Otte, Executive Director of the Refuge House, and Dian Peacock, Gadsden County Program Co-ordinator, addressed the Board. She explained how the Domestic Violence Program already assists people in Gadsden County and how they envision their future role in the community.

Ms. Otte then asked the Board if the County has the ability to assist them financially.

Chair Roberson stated that she supports their efforts and would like for them to apply for funds from the County during the budget process next year.

Chair Dixon suggested that she also approach the Sheriff for funding. In addition, he stated that he had no problem with giving the county's grants department instruction to look into finding some additional grants that might assist them in their efforts.

COMMUNITY DEVELOPMENT

Deed Assignment of Land for New Construction- for the record

Community Development Director Edward Butler spoke to the Board. He stated that it became necessary for the SHIP program to close a deal on a house and land for Cedrick and Dee Akins during the time when no meetings of the BCC were held. (The second regular meeting was cancelled due to the Christmas holidays and the first meeting for January was postponed until this meeting on January 11.) Chair Dixon signed over the deed to the Akins to expedite the process and without the benefit of prior approval by the Board. He explained that the deed in on the agenda for formal approval - after the fact.

Commissioner Watson asked "How much did we get for the property?"

Mr. Butler replied that the property was sold to them for \$3,000 - exactly the price that SHIP paid for it.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE ASSIGNMENT OF DEED AS DESCRIBED ABOVE.

PLANNING AND ZONING (P & Z) ISSUES

Closing Date to Acceptance of New Applications for Land Use Amendments

Growth Management Director Bruce Ballister asked the Board to set a deadline date that the Department to accept applications for Land Use Changes that would be included current cycle of land use amendments which will be sent to DCA. He suggested January 31, 2000.

Commissioner Watson suggested that the Department continue to accept applications but inform the applicants (after January 31, 2000) that their application will not be acted on in this current cycle. There was a consensus among the Board to continue to accept applications with the understanding that applications received after January 31 will not be processed until the summer of 2000.

UPON MOTION BY COMMISSIONER ROBERSON AND SECOND BY

COMMISSIONER WATSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO SET A DEADLINE OF JANUARY 31, 2000 FOR ACCEPTING APPLICATIONS FOR LAND USE CHANGES TO BE PROCESSED IN THE CURRENT CYCLE. THE DEPARTMENT CAN CONTINUE TO ACCEPT APPLICATIONS WITH THE UNDERSTANDING THAT THE APPLICATIONS RECEIVED AFTER JANUARY 31, 2000 WILL NOT BE ACTED ON OR PROCESSED UNTIL THE NEXT CYCLE - PROBABLY DURING THE SUMMER OF 2000.

ABANDONMENT OF SPITZ FARM ROAD

Public Works Director Robert Presnell told the Board that Mr. Charles Livingston has requested to abandon a portion of Spitz Farm Road. He explained that the Board approved the abandonment of a portion of the road several years ago.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE ADVERTISEMENT FOR A PUBLIC HEARING ON THE ABANDONMENT OF SPITZ FARM ROAD.

COUNTY MANAGER'S AGENDA

Interlocal Agreements with Chattahoochee, Midway and Gretna for Unpaved Road Maintenance

County Manager Howard McKinnon told the Board that the last time there was discussion about interlocal agreements for road maintenance with the municipalities, it was decided that all the agreements should have the same ending date and also to charge a rate to cover the estimated cost.

Mr. McKinnon stated that each of the cities has been advised of the Board's intentions. He then asked for the Board to approve the new agreements at \$62.66 per hour. All agreements will expire on December 31, 2000.

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 4 - 1, BY VOICE VOTE, TO APPROVE THE INTERLOCAL AGREEMENTS WITH CHATTAHOOCHEE, GRETN AND MIDWAY FOR UNPAVED ROAD MAINTENANCE AT THE RATE OF \$62.66 PER HOUR. COMMISSIONER WATSON CAST THE LONE DISSENTING VOTE.

CONSENT AGENDA

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

- 1) Permission for plaques to be placed on county buildings

- honoring Judge Hugh Taylor on the courthouse; Dr. William Stevens to be placed on Stevens School. These are people being recognized by the Great Floridians Program as citizens who have greatly impacted the Gadsden County heritage.
- 2) Florida Rural Utility Financing Commission - Loan Policy change. Resolution and Interlocal Agreement
 - 3) Bid Extension - Harrison Uniform - extension of Bid # 98-023 pricing for uniform shirts and uniform trousers for EMS. Bid price will be extended through 11/30/2000.
 - 4) Municipal Services Group - restructuring of loan agreement # 1422-2
 - 5) Insurance Selection forms for insurance coverage for the County for 1999/2000. Florida Municipal Insurance Trust - uninsured motorists/underinsured motorists form and option form
 - 6) Approval of selection of Nanausa, Lewis & Dodson as architects for jail re-roofing.
 - 7) Department of Labor and Employment Security (DLES) Agreement for Recycling Services
 - 8) Lien Assessment - Virginia Wells and Cedrick L. & Dee Akins
 - 9) Approval of form - Affidavit Regarding Work of Improvement
 - 10) Contract - TDS Telecom Centrex Service Agreement - Library
 - 11) Proclamation - Proclaiming January 17, 2000 as Gadsden County Youth Appreciation Day
 - 12) Chamber of Commerce Activities Report for November & December, 1999
 - 13) Sheriff's Narcotic Grant 99-CJ-9M-02-30-01-097 Adjustment Notice
 - 14) Emergency Watershed Protection Project #68-4209-9-221 - \$155,722.00 final contract price from Roberts Sand Co.
 - 15) Audit Disclosure Letter - to Purvis Gray & Company
 - 16) Notice of termination of tenancy in Barnett Bank Building filed by Porter Law Firm

CLERK'S AGENDA

Inquiry from Sandra Harris to Purchase County Property

Clerk Thomas told the Board that he had received an inquiry from Ms. Sandra Harris about purchasing county property which is adjacent to her. The property is a 3-acre parcel on Mt. Pleasant Road in Mt. Pleasant, FL. It was purchased in 1984 for \$5,000 and was used as a sand/clay pit. Public Works Robert Presnell determined that the property no longer serves any useful purpose. He stated that he was not opposed the sale.

Clerk Thomas explained that the property is assessed at \$3,075 by the Property Appraiser. Traditionally, such parcels have sold at the assessed value. He then asked for the authority to begin the process of making a direct sale to Ms. Harris.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER ROBERSON THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO AUTHORIZE THE CLERK TO BEGIN THE PROCESS OF MAKING A DIRECT SALE OF THE PROPERTY DESCRIBED ABOVE TO MS. SANDRA HARRIS.

Budget Amendments 2000-01-11-01 through 2000-01-11-04

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

Ratification of Approval to Pay County Bills

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

DISTRICT 1 REPORT

Commissioner McGill recalled that at the meeting in December, he requested that the County look into passing an ordinance requiring companies hauling materials into the County to first notify the County in advance of such hauling. He reiterated his desire to have such an ordinance in place. He further asked that the County impose load limitations on certain roads where heavy trucks travel. He was asked to work with the County Attorney on the matter.

DISTRICT 2 REPORT

Commissioner Watson noted for the record that the courthouse clock is functional and chiming again after many years.

He then called attention to the fact that the County Manager - Howard McKinnon has received a Master's Degree in Public Administration. He commended him for his perseverance and achievement.

Chair Dixon added his congratulatory remarks to Mr. McKinnon.

DISTRICT 3 REPORT

Commissioner Roberson had no report.

DISTRICT 4 REPORT

Commissioner Fletcher had no report.

DISTRICT 5 REPORT

Anti-Affirmative Action Resolution

Chair Dixon presented two resolutions. The first one was a resolution opposing the initiative to place the anti-affirmative action question on the statewide ballot. Discussion followed.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 1, BY VOICE VOTE, TO APPROVE THE RESOLUTION. COMMISSIONER WATSON CAST THE LONE DISSENTING VOTE.

Resolution Naming the TCC Building the W.A. Woodham Justice Center

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO RENAME THE TCC BUILDING THE W. A. WOODHAM JUSTICE CENTER.

Chair Dixon announced that a Future Land Use Map workshop would follow after the meeting. However, there would be a brief intermission. He encouraged all interested parties to remain for the workshop.

ADJOURNMENT

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

Edward J. Dixon, Chair

ATTEST:

Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE BOARD OF
COUNTY COMMISSIONERS HELD IN AND FOR
GADSDEN COUNTY, FLORIDA, ON JANUARY
18, 2000, THE FOLLOWING PROCEEDINGS
WERE HAD, VIZ.

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

CALL TO ORDER

The meeting was called to order by Chair Dixon. 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 MCGILL AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE AGENDA AS WRITTEN.

COUNTY ATTORNEY'S AGENDA

____Mr. Richmond recalled that the Board had instructed him to find out what information he could regarding the sediment from Lake Jackson that was being hauled to a site in Midway by Mitchell Brothers. He called attention to a report which was an analysis of the sediments. It was performed by Northwest Florida Water Management District (NFWMD.) He then introduced Mr. Duncan Cairns who did the study.

Mr. Cairns stated that he has re-tested the sediments and the latest test confirmed the findings of the first tests. He summarized his remarks by saying that the test results fall far short of any toxic levels of the materials which were tested. He added that there was no reason for any concern based upon the most recent testing data.

There was a brief discussion regarding oxidation of the sediments. Mr. Cairns stated that oxidation would actually be better for the materials.

Commissioner Fletcher asked Mr. Cairns what part did NFWMD play in the Lake Jackson clean-up. Mr. Cairns replied that they were mostly just a support role but did do some permitting for it.

They also did some scientific studies. However, they were not responsible for the cleanup.

Commissioner Fletcher then stated that his concern was not so much with the sediment but the damage to the roads that was done by the trucks hauling the materials. He also said that Mitchell Brothers should have given more thought to how the material would be spread at the dumping site. He added that they had not exercised good stewardship of the land.

Mr. McKinnon stated that Public Works Director Robert Presnell and he had met with the City of Midway and Mitchell Brothers at which time Mitchell Brothers acknowledged some responsibility for the damage to the roads. They stated that they would get back with the County and Midway with an offer.

Marion Laslie voiced concern about the seed banks that may be associated with the sediments.

Mr. Cairns acknowledged that there would be some regeneration but they should stay in place. He added that Mitchell Brothers could eradicate any problem associated with regeneration.

There was a consensus of the Board that the above stated concerns should be discussed with Mitchell Brothers and the City of Midway in an effort to bring about a better resolution to all parties.

Commissioner McGill asked if the sediment nutrients had affected the fish population in Lake Jackson.

Mr. Cairns replied that a professor at Florida State University had made a connection between certain chemicals and dead fish. However, he quickly pointed out that there are other professors who have made opposing contentions - that there is no connection to the dead fish.

The main reason for removing the sediments is because it contains the nutrients nitrogen and phosphorus which have caused the soil to be over fertilized and too rich for the lake. Even though it is removed from the lake bottom, it is very desirable as top soil.

Mrs. Mary Lee Hill, Mayor of Midway, was present. She discussed the condition of the roads in Midway.

There was a consensus of the Board to impose a load limit on the county roads affected by the heavy hauling trucks.

PLANNING AND ZONING ISSUES (P & Z)

Lodestar Communications - Variance Request

Growth Management Director Bruce Ballister told the Board that Lodestar Communications is proposing a series of cellular towers to be located within the Interstate right-of-way. The applicant applied for the cell tower locations pursuant to an agreement with Florida Department of Transportation (DOT) that allows the location of free standing towers within the intersections of the Interstate highway system. They proposed to place towers at the four I-10 interchanges located in Gadsden County. (270A; SR12; SR 267; and US90)

They have determined that the locations at SR12, SR 267, and US90 are in conflict with Gadsden County's tower ordinance (Comp Plan Section 5807). "If a tower is to be located adjacent to the above referenced roadways, then the tower shall be subject to criteria F above and shall be located no closer than 2Xs the height of the tower to the leading edge of the ROW. Communication towers and communication antennas that are located in Industrial land use categories are considered a use-by-right and are not subject to the location criteria."

The following facts were determined from Ms. Jan Rybak who was present to represent Lodestar Communications. 1) Lodestar has a contract with DOT for 30 years whereby DOT has leased to Lodestar all of the right-of-way that they have control over for them to place their towers. 2) Lodestar is attempting to locate their towers only in the DOT right-of-way. 3) Lodestar will be making available three other spaces on the tower for co-location - something they are not required to do. That will result in fewer towers on private land in the County. 4) The towers themselves will be owned by DOT.

Thomas Smith was recognized for questions. He asked if the granting of this variance would be fair to those people who have had to come before the Commission to get variances to place towers. It was explained that DOT owns the right-of-way. The County's ordinance calls for set-back requirements from the point of the right-of-way. However that set-back requirement would not apply to the towers in question because they will actually be placed within the right-of-way which DOT already owns.

The chair recognized Marion Laslie for comments.

UPON A MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO GRANT LODESTAR THE VARIANCE REQUESTS (SEE ABOVE) FOR FOR

**PLACEMENT OF COMMUNICATION TOWERS EVEN THOUGH THE BOARD DEEMED
THAT THE VARIANCES ARE NOT NECESSARY IN LIGHT OF THE FACT THAT
DOT ALREADY OWNS THE RIGHTS-OF-WAY.**

Talquin Electric Co-op - Waste Water Treatment Facility

Mr. Ballister stated that Talquin Electric has made a proposal to construct a 250,000 gallon per day wastewater treatment facility along the northern limit of the City of Midway and the southern right-of-way of US 90.

The primary initial commercial target for the plant's service area is the already developed areas of the 10/90 Commerce Park. The area is zoned Agriculture 3. The proposed facility is a Class 2 Public/Utility use which is permissible in the AG3 district but must have approval from the P & Z Commission as well as the Board of County Commission.

The Land Development Code requires that if the facility is approved and constructed, that the land use be automatically revised to public upon the next amendment to the Future Land Use Map as a technical amendment.

The P & Z Commission recommended approval as did the staff.

Mr. Richmond asked the audience if there was anyone present who wished to speak in opposition to the Talquin Waste Water Treatment facility. There was no response.

Mr. Gene Laughlin spoke on behalf of the project. He told the Board that not only does Talquin propose to construct a waste water treatment facility but also a new electrical sub-station and overhead water storage tank. He then demonstrated where the plant will be located (west of the Truss Company near City Hall in the Midway area). He added that, in the future, the plant could be upgraded to handle up to 1 million gallons of waste water per day.

Chair Dixon remarked that he had met with the Talquin staff and James Harold Thompson, their attorney. While he did not totally agree with Talquin, he stated that they had come to a good understanding of each other's expectation for the Midway area. He stated that the 10/90 area has the potential to take Gadsden County to places that it has never seen before. It is going to be the economic comet for the next few years. He challenged Talquin to help move the entire County forward.

Mr. Richmond asked if anyone present had questions for Mr. Lofton.

Commissioner McGill asked Mr. Laughlin about how many gallons

of waste water the facility expects to process.

Mr. Laughlin replied that it will begin by processing 250,000 gallons and ultimately expand it to handle up to 1 million gallons per day. He explained that once they build the plant, when it reaches 70% of its capacity, plans will immediately begin to expand. Testing on site and permitting by DEP will impact the construction capacity.

Mr. Laughlin then explained that it might eventually get to the point (if they reach plant capacity at the proposed location) that they must look to another location for disposal.

Commissioner McGill asked Mayor Hill if the City of Midway had any problems with the proposed project.

Mayor Hill answered that the council has not met since the discussion with Talquin. She stated that it will be on their agenda for the first meeting in February. She added that she has a very clear understanding of the project.

Commissioner McGill stated that his only concern was that this type project has not been offered to other parts of the County. But he has received assurances from Talquin that when the "time was right" they would offer such services in other parts of the county.

Mr. Richmond administered an oath to Mr. Lofton and Mr. Ballister as to the testimony they had given in this hearing. Mr. Richmond is a Notary Public licensed by the State of Florida to administer oaths.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE TALQUIN ELECTRIC CO-OPERATIVE WASTE WATER TREATMENT FACILITY.

Mr. Armer White was recognized for remarks. He thanked the commisisoners for giving their cooperation in the hearing.

Comprehensive Plan Amendments

Mr. Ballister called attention to the latest revision of the Future Land Use Element and the Traffic Circulation Element of the Comprehensive Plan. He asked the commissioners to read it and review it in preparation for upcoming workshops dealing with them.

COUNTY MANAGER'S AGENDA

Mr. McKinnon had nothing to report.

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) Grant Adjustment Notice - Grant # 00-CJ-D8-02-30-01-164 - Sheriff's Narcotic's Unit V - for the record
- 2) Housing Rehabilitation Agreement Lien Satisfaction - Rosa Canon
- 3) Lynn W. Lutz V. Gadsden County Settlement Agreement and Waiver - for approval
- 4) CHARGE Grant Webmaster Selection - Bid #99-022 - Approval of Bid Committee Recommendation - Awarded to IntraTech Alliance of Tallahassee. The company will develop and maintain the website for one year for \$30,000

CLERK'S AGENDA

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

DISTRICT 1 REPORT

Commissioner McGill asked the Board to consider CR 268 in Midway when negotiations begin with Mitchell Brothers for repairing Palmer Road.

DISTRICT 2 REPORT

Commissioner Watson had no report.

DISTRICT 3 REPORT

Commissioner Roberson had no report.

DISTRICT 4 REPORT

Commissioner Fletcher had no report.

DISTRICT 5 REPORT

Mr. Don Gibson, Vice-president of Gadsden Men of Action, asked to speak to the Board. Chair Dixon told him he could speak, but the Board could not take any action because his request did not appear on the agenda.

Mr. Gibson told the Board that his organization was in the

planning stage for building a facility. In the meantime, they would like for the Board to consider allowing them to utilize the recently vacated mobile units at the Sheriff's Department.

Chair Dixon told him that his request will be given to the County Manager for consideration. At whatever point the Board entertains the future use of the units, he would be notified.

ADJOURNMENT

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

Edward J. Dixon, Chair

ATTEST:

Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE BOARD OF
COUNTY COMMISSIONERS HELD IN AND FOR
GADSDEN COUNTY ON FEBRUARY 1, 2000,
THE FOLLOWING PROCEEDINGS WERE HAD,
VIZ.

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

ABSENT: CAROLYN ROBERSON

CALL TO ORDER

The meeting was called to order by Vice-chair Fletcher in the absence of the Chair. County Manager Howard McKinnon led in pledging allegiance to the U.S. Flag and Commissioner Watson led in a prayer.

ADOPTION OF THE AGENDA

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

APPROVAL OF MINUTES

January 11, 2000 - Regular Meeting

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

COUNTY ATTORNEY'S AGENDA

Mr. Richmond had nothing to report.

KEN MONEYGHAN - FLORIDA ASSOCIATION OF COUNTIES TRUST

Mr. Moneyghan of the Florida Association of Counties Trust (FACT) explained that FACT is a self insurance program that provides the Gadsden County's general liability, public officials, employee, and employment practices liability coverage. He explained that FACT has been in operation for more than 10 years. It started in 1989 to provide coverages for just a few counties and it has now grown into 20 counties. Gadsden County has been a member of the FACT almost from the beginning.

Mr. Moneygham told the Board that the FACT Board of Directors (an 11 member Board made up of the member counties) desired to thank Gadsden County for its continued support and membership by awarding a ten-year anniversary plaque which states "From the Florida Association of Counties Trust 1989-1999 serving Florida counties liability and risk management needs for 10 years. FACT appreciates Gadsden County support and continued membership."

Vice-chair Fletcher accepted the plaque for the County and thanked Mr. Moneygham for his remarks.

COUNTY MANAGER'S AGENDA

Portable Buildings at County Jail

Mr. McKinnon told the Board that the Sheriff has now vacated the two portable buildings which housed his administrative offices and the Board needs to determine their future use.

He then called attention to a number of requests from organizations asking for use of the buildings. He pointed out that there is still \$22, 573 owing on one of the buildings.

The Sheriff has also requested continued use for the purpose of housing work-release inmates and trustees. That would free up some much needed space in the jail which has been at capacity for the last couple of years.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 3 - 0, BY VOICE VOTE, TO APPROVE THE SHERIFF'S REQUEST 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) **Appointment of Dr. David Stewart as the District Medical Examiner for this district**
- 2) **E-911 Road Name Change: Dusty Hunter Lane (new road) off Pat Thomas Parkway south of Cooks Land Road
Ben Brown Lane (new road) South off Glade Road, east of Mt. Zion Church Road**
- 3) **Gadsden Community Hospital A/C Chiller Replacement - approval of consultants recommendations to accept base bid and alternate # 1. The low bid was submitted by**

Keith Lawson Company for the amount of \$184,668.

- 4) Service Contract for Life-Pac 12 Cardian Monitors
- 5) Contract with Lee and Bridges for Renovation of existing County-owned space for new courtroom facilities. (old Barnett Bank Building)
- 6) EMS Write-off of Bad Debts totaling 99,596.61 Resolutions # 2000-005
- 7) Proposal for Lease Purchase Financing of Four Dump Trucks with - Approval to piggy back on Jackson County's Bid #9899-22 to be able to purchase trucks at 1999 prices and to finance the four dump trucks in the amount of \$146,000 after trade in allowances. Financing with Municipal Services at interest rate of 5.43%
- 8) Notice of Administrative Close out o Grant CDBG 97DB-1E-02-30-01-Y04
- 9) DCA Notice of Waiver of Review of Proposed Comprehensive Plan Amendment, DCA Reference No. 00-PSI
- 10) Notice from Mediacom and Notice of new rates for cable services

CLERK'S AGENDA

Financial Statements and Cash Report

Clerk Thomas called attention to the financial statements and the cash report for the first quarter of the fiscal year. The cash report showed \$12.6 million.

Budget Amendments 2000-02-01-01 through 2000-02-01-06

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

Ratification of the Approval to Pay County Bills

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

CHAIR DIXON ARRIVED AT THIS JUNCTURE OF THE MEETING.

DISTRICT 1 REPORT

Commissioner McGill reported that he had attended a meeting in Tallahassee regarding the costs of conflict attorneys in criminal proceedings. He stated that he thought they had found an avenue for reducing those costs and would keep the Board informed.

Mr. Richmond remarked that there seems to be an interest among all of the outlying counties about some of the issues regarding how conflict attorneys affect smaller counties. (The costs that are incurred by smaller counties.) He stated that within the next couple of years, the Legislature is expected to provide that the State of Florida will pick up most of the costs. As for now, a bad murder case can really hurt a small county financially. The on-going effort is to minimize that type of cost.

Commissioner McGill then reported that he had also attended the Apalachee Planning Council meeting. He stated that while at that meeting he reviewed the Leon County/Tallahassee joint comprehensive plan and found they had more zoning categories than Gadsden. He said that he would provide them with a list of things that Leon has included in their plan that might also benefit Gadsden County.

Commissioner McGill then turned his remarks to the possibility of offering ad valorem tax incentives to prospective businesses who desire to re-locate to Gadsden County. He stated that he would prepare something in writing for their consideration.

DISTRICT 2 REPORT

Commissioner Watson had no report.

DISTRICT 3 REPORT

Commissioner Roberson was not present.

DISTRICT 4 REPORT

Vice-chair Fletcher had no report.

DISTRICT 5 REPORT

Chair Dixon apologized for being late to the meeting explaining that he had been in a meeting with Governor Bush that did not begin until 4:00 p.m. He reported that the meeting included discussion of such matters as infrastructure for small counties. He added that the meeting went well.

Chair Dixon, on behalf of the Board, expressed condolences to the family of Floyd Zellars - a long time employee of Gadsden County Public Works Department who died on January 31 of cancer.

ADJOURNMENT

THERE BEING NO FURTHER BUSINESS AND UPON MOTION OF
COMMISSIONER MCGILL, CHAIR DIXON DECLARED THE MEETING
ADJOURNED.

EDWARD J. DIXON, CHAIR

ATTEST:

NICHOLAS THOMAS, CLERK

AT THE REGULAR MEETING OF THE
BOARD OF COUNTY COMMISSIONERS
HELD IN AND FOR GADSDEN COUNTY,
FLORIDA ON FEBRUARY 15, 2000,
THE FOLLOWING PROCEEDINGS WERE
HAD, VIZ.

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

CALL TO ORDER

The meeting was called to order by Chair Dixon. Commissioner Fletcher led in pledging allegiance to the U.S. Flag and Clerk Thomas led in a prayer.

APPROVAL OF THE AGENDA

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

APPROVAL OF MINUTES

January 11, 2000
January 18, 2000
February 1, 2000

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 MEETINGS.

COUNTY MANAGER'S AGENDA

Repeal of Ordinance 98-001

County Attorney Hal Richmond asked for authority to prepare an ordinance repealing ordinance 98-001 as it relates to "Light Industrial Category" description. This matter is a part of the negotiated settlement with the Department of Community Affairs.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO AUTHORIZE MR. RICHMOND TO PREPARE AN ORDINANCE REPEALING A

PORTION OF ORDINANCE 98-001 AS IT RELATES TO "LIGHT INDUSTRIAL" LAND USE CATEGORY AND TO ADVERTISE IT FOR A PUBLIC HEARING IN MARCH.

Spitz Farm Road Abandonment

Mr. Richmond stated that the County has received a request to abandon Spitz Farm Road. It will be necessary to advertise the road closing and hold a public hearing. He asked for authority to begin the process.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO AUTHORIZE THE COUNTY ATTORNEY TO ADVERTISE AND HOLD A PUBLIC HEARING IN MARCH FOR THE PURPOSE OF ABANDONING SPITZ FARM ROAD.

PLANNING AND ZONING ISSUES

Lodestar Communications - Variance Request at SR 267

Growth Management Director Bruce Ballister recalled to the Board that Lodestar Communications is proposing a series of cellular towers to be located within the Interstate 10 right-of-way. The applicant applied for the cell tower locations pursuant to an agreement with Florida Department of Transportation (FDOT) that allows the location of free standing towers within the intersections of the Interstate highway system. They proposed to place towers at the four I-10 interchanges located in Gadsden County. (270A; SR12; SR 267; and US90)

LodeStar determined that the locations at SR12, SR 267, and US90 are in conflict with Gadsden County's tower ordinance (Comp Plan Section 5807). "If a tower is to be located adjacent to the above referenced roadways, then the tower shall be subject to criteria F above and shall be located no closer than 2 times the height of the tower to the leading edge of the ROW. Communication towers and communication antennas that are located in Industrial land use categories are considered a use-by-right and are not subject to the location criteria."

Mr. Ballister recalled that the Board approved the variance requests for the SR 12 and US 90 locations on January 18, 2000. The 270A interchange complies with all of the stipulated restrictions and will be permitted as a Staff Review as provided by the Code. However, the SR 267 is in conflict with a provision that a new tower location be greater than .50 mile from a Rural Residential Area. The proposed location in the southeasterly

corner of this interchange and is approximately 2,000 feet or about .38 mile from a Rural Residential zone protecting the Shiloh area. There is also a potential conflict with an existing residential use in the northeast quadrant of the interchange. Additionally, FDOT has indicated that the only quadrant available in this interchange is the southeast quadrant due to lighting plans for the interchange.

Mr. Ballister stated that ample public good is demonstrated by the applicant and the P & Z Staff recommended approval of the variance. The Planning Commission also recommended approval.

Chair Dixon 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 ABOVE STATED VARIANCE.

Draft Ordinance for Corridor Road Landscaping

Mr. Ballister told the Board that the P & Z Commission has been wrestling with a landscape ordinance for some time and has resulted in the proposed draft ordinance included in the agenda packets.

Mr. Trey Morgan, Chair of the P & Z Commission addressed the Board requesting their input to the proposed ordinance.

Mr. John Yerkes told the Board that there are a number of businesses that are interested in moving to the 10/90 interchange area but have been waiting until all of the infrastructure components are put into place. Since the Board approved the Talquin Electric Waste Water Treatment facility, those businesses will begin to develop rapidly.

Mr. Yerkes then stated that it would be prudent to put a landscaping ordinance into place before the inevitable development begins to occur. He said that he would not want US 90 to end up looking like US 27. He recommended that the Board include US 90 (the portion of US 90 that is in the unincorporated area from the Gadsden/Leon county line to the city limits of Quincy) and SR 12 in the ordinance.

Commissioner McGill stated that he thought all of US 90 from Leon County boundary to the Jackson County boundary should be included.

Chair Dixon asked Mr. Ballister how much money it would cost an average business to adhere to the proposed ordinance.

Mr. Ballister replied that the practical effect would be that it would insure at least some of the frontage vegetation would be saved on the undeveloped lots along US 27. Any existing vegetation at all would help buffer future impacts.

Mr. Ballister continued by saying that over time it is believable that the entire length of US 27 through Gadsden County would be zoned commercial. Without some measure of protection, it would become very unsightly from the highway. He then recommended that some visual green be maintained between the traveler and the buildings. He then said that there has been a disturbing tendency lately for development interests to erect a chain link fence on the right-of-way line making it look much like a prison. The proposed landscape ordinance would stop such plunder of the road frontage.

Mr. Ballister then stated that as far as costs to the applicants, the ordinance offers an incentive for developers to save whatever vegetation is already in place rather than to mow it flat prior to development. For lots that are virtually barren, the ordinance would require them to place a modest number of trees per 100 ft. of frontage. If the developer can save just one significant tree, it could possibly satisfy the planting requirement of the proposed ordinance. The applicant will have the option of keeping all of the existing vegetation or removing it and replacing it with a landscaped environment.

For those areas that are not subject to the intensive "save and protect" zone, 25% of the frontage will be available to the owner to do with as the applicant chooses - except for parking. Parking must always be at least 25 ft. away from the right-of-way line. 25% of the property will also be open for holding ponds, product display, etc. There will be some flexibility with the ordinance.

Mr. Ballister stated that the P & Z Department can work with applicants on a site-planning basis to explain how the ordinance will work. It can also be done during the pre-application process. The individual costs will depend on how large the property is.

It was determined that the entire landscaping could be put into place for approximately \$400 if the lot frontage was completely barren.

Chair Dixon stated that he was not certain that he could support the ordinance based on the facts presented at this meeting.

Commissioner Watson asked why couldn't the developer be restricted from cutting trees of a particular diameter. He then stated that the proposed ordinance is too bureaucratic and complicated.

Mr. Ballister stated that the ordinance is fairly easy to explain and fairly easy to administer. The ordinance is only 5 - 6 pages. He added that Leon County has 5 - 6 pounds of ordinance.

Commissioner Watson stated that he is not at all in favor of including US 90 as one of the corridors. He added that US 90 could be added later if a need arises. He explained that he did not want to throw up any road blocks to the on-going development in the Midway area until a need is demonstrated. He then said he was not willing to become too regulated and slow the growth down before it even starts. He said that he could go along with the ordinance for US 27 because there is an obvious problem there.

Commissioner Fletcher asked Commissioner Watson how he felt about the irrigation requirement.

Commissioner Watson answered that he is not in favor of it. He said you can require the owner to put it in, but if they choose to not save the trees, they will not turn it on.

Commissioner McGill asked what penalty will be imposed if the applicant doesn't comply with all of the ordinance.

Mr. Ballister answered that the ordinance goes into effect during the site-planning stage. In order for them to obtain conceptual approval, the landscape ordinance must be complied with at the conceptual stage. The remainder would be a matter of staff arbitration. He added that the idea behind the ordinance is to not have a continuous strip of products for sale, used cars, fences and buildings right at the edge of the roadway.

Commissioner McGill stated that he had insisted that the US 90 Corridor be included but he would prefer that the entire county be included rather than piece-milling. He explained that it could be done in totality now and avoid future problems all over the county.

Commissioner Watson stated that those businesses who are looking to move from Leon County into Gadsden County are not going to be interested if they move from a five-pound landscaping requirement to a four-pound landscaping requirement. He said "I want to encourage them to come and I don't really want to start

throwing things up until it starts happening - until there is a problem."

Chair Dixon asked Mr. Ballister to address enforcement of the ordinance. He also asked how many violations of development orders the county has written in the past concerning US 27 and US 90.

Mr. Ballister answered that he had revoked one development order just recently for Regency Motors for over-aggressive land clearing and inactivity.

Mr. Ballister then said he had interceded with the Bostick Road portable building sales lot in that they were locating a fence without site-planned permission. It resulted in having them move the fence back ten feet and buffered it with landscaping.

He continued that he has had continuing and frustrating experiences with the owner of Florida Auto. However, he pointed out that the Code has very little in the way of fines and penalties to assess against violators. He reiterated that there is no enforcement weapon in the Code and he can do very little other than write nasty letters. He emphasized that his only "hammer" and/or "carrot" is in the site-plan permitting process. This type requirement can be worked out with the developer in the process of getting the final site-plan approval.

Chair Dixon pointed out that the proposed ordinance has the same problem.

There was a consensus of the Board that the ordinance should be amended to include the following:

- 1) Provide some mechanism for enforcement - how to handle violations before and after
- 2) Remove the irrigation requirement.
- 3) Be very specific with simple succinct wording.
- 4) Enumerate what the added costs would be to an applicant
- 5) Determine the number of man-hours required to provide for enforcement of the ordinance.

The following people were recognized for comments:

Mike Dorian - in support of the ordinance
Marion Laslie - read letter of support into the record. (copy attached.
Diane Sheffield - in support of the ordinance
Kathy Grow - in support of the ordinance

Mr. Richmond told the Board of their options: 1) Send it back to P & Z Commission for further work based upon comments received at this meeting. 2) Conduct workshop 3) Do a "Notice of Intent" which would bring it to a formal public hearing 4) Pass it to a later meeting.

UPON MOTION BY COMMISSIONER ROBERSON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO HOLD A WORKSHOP ON MARCH 14, 2000 6:00 P.M. THE LANDSCAPE ORDINANCE.

Chair Dixon again asked that they define any additional costs to the applicant that will be associated with this proposed ordinance.

Bradwell Variance

The Bradwells own a parcel on Hogan Lane one lot west of the SR 267 right-of-way which is designated on the Future Land Use Map (FLUM) as "Commercial". That designation does not allow for new single family residential uses of the property. The applicants requested a variance.

Mr. Ballister stated that he felt that the parcel was wrongly designated on the FLUM when the map was adopted. The few lots with frontage could reasonably be expected to some day have commercial uses, but the remaining small acreage lots behind the frontage lots would not be expected to have commercial uses for many years.

Mr. Ballister continued by saying that an Urban Service Area designation will allow for the mixture of residential and commercial uses to change as the character of the properties along Pat Thomas Parkway change through time.

The P & Z Commission and the P & Z Staff recommended approval.
UPON MOTION BY COMMISSIONER FLETCHER AND COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO GRANT THE BRADWELL VARIANCE REQUEST.

Proposed Schedule for Comp Plan Amendments

Mr. Ballister told the Board that the final Land Use Amendments were accepted on January 31st. per agreement with the Board. These applications will be heard by the Board on March 1st.

However, prior to that time they will need to be heard in workshop sessions in each district prior to a discussion in a workshop session of the County Commission. He asked that District specific meetings be held between March 2 and March 13.

March 1 - P & Z Commission to hear remaining applications

March 2 - 13 - District specific workshops

March 14 BOCC Special Workshop to hear application and discuss policy related Land Use Amendments and Land Use Element and Transportation Element

March 21 BOCC to hold 1st Hearing on Resolution to Transmit

April 4 BOCC to vote on Resolution to Transmit

± April 25 Planning Dept. to Transmit Draft FLU map and 1st two elements to DCA

St. Francis Wildlife animal Hospital - Permit Waiver

The St. Francis Wildlife Hospital is proposing to construct a facility on their property near Dogtown. The structure will not trigger a storm water management permit. It would normally require a special exemption permit as it is a veterinary facility in an Agricultural Zone. The normal permitting process would take between 6 weeks to 2 months to bring it to completion.

St. Francis has located voluntary labor that can help with the construction of the building but it will only be available to them for a limited time. They requested a waiver of the development order and the special exemption process in order to take advantage of the voluntary labor offer.

It was determined the voluntary labor would not be available to St. Francis if they had to go through the normal permitting process and the loss would be considerable. It was also determined that St. Francis takes in wild animals and birds that are wounded and care for them until they are healed. The animals are eventually returned to their natural environment.

The Board determined that a public purpose would be served in that timely construction of the building would aid greatly in St. Francis's effort to protect wildlife.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO GRANT THE PERMIT WAIVER AS REQUESTED BASED ON THE BENEFIT IT WOULD SERVE IN PROTECTING WILDLIFE.

R.H. POUNSBERRY - COMPLAINT AGAINST W.M. KOHNKE FOR FIRING AUTOMATIC WEAPONS AND LARGE GUNS

Chair: Mr. Pounsberry.

Pounsberry:

My name is Ron Pounsberry. I, ah, we need your help. I have several other people who want to talk to this matter. And Mr. Kohnke's neighbor is here too and he probably wants to say something himself.

You have a copy of a petition and you have a copy of the letter attached to the petition. That is all that I have to say except for the fact that we have put up with this for quite a bit of time now, and it's intolerable. We can't accept any longer. And I'll turn the rest of my time over to Mr. Dick Locke. He is the deputy sheriff who was out there on the 31st of December and he has some things to say. I might think of something else in the meantime.

Locke: Mr. Chairman and members of the Board, my name is Dick Locke and I work for Sheriff W.A. Woodham. I received a call out to (inaudible) on the last day of December. Chris Jones had called about the shooting going on out there in that neighborhood. I went and located his house, which is back off Swift Street, and it winds back around in there. And you could hear the shooting. I went out and looked at Kohnke's gate and ah, there's a security gate on there. So, I started walking in there but the gentleman came up there (inaudible) to the combination. Again, I rode back in there. He has a club house back there on his property. There is a regular shooting line and covered firing line where you shoot your pistols and arms and he has berms and things set up and you can hear the weapons firing off real good out there in that neighborhood. And also, you can hear the fully automatic weapons.

Later that day, Mr. Pounsberry called and I went and stood in his back yard when they were somewhat firing some fully automatic weapons back in there. And it sounds, ah, in his back yard it sounds like it's in his back yard when you're standing there.

Any questions from anyone.

Chair: Thank you.

Locke: Thank you.

McGill: (inaudible)

Chair: Is there any issue which you are not a part of?

Laslie: I'm signed up for the year. (laughter)
I'm afraid this is in my back yard also.

Chair: Aren't they all?
(Laughter)

Watson: Where do you live?

Chair: I thought she was over in the Havana way.

Laslie: This is literally in my back yard.

Chair: All right. Let's get on with it. Please, Ms. Laslie, continue.

Laslie: I have a letter that I have written, myself, and my brother-in-law, Chris Smith, is

Chair: Well, you don't have to read it all.

Laslie: Well, ah,

Chair: The gist of the matter will suffice.

Laslie: The gist of the matter is that we are not talking about just trying out your 22. It's ah, sometimes it is hours. Sometimes, you know, it's days in a row, ah, for hours at a time. And they are automatic weapons, they are not just a little. There are 30, 40, 50 rounds at a time. So, this is not. And I also think that ah, this is the kind of facility that ah, shooting ranges, I think are permitted, I think, around in the area. People know they are there. They are designed correctly and they are not in the middle of residential subdivision. So, I think he's bordered on three sides by rural residential. And I think, that if, ah, I'm concerned that there is - ah, if there is not money changing hands, ah. Well, anyway, that is one issue. If there is a business going on - I'm tremendously concerned. And, if there is not, I don't think that if this came before the Board, that it would be acceptable.

McGill: That's my concern, Mr. Chairman. If he doesn't have a permit to operate a rifle range or a pistol range or shooting range.

Ballister: This site has been here for quite a while. It's prior to most of our land development code. There has been some on-going development but they aren't pervious or impermeable structures and they don't trigger development permit activity. I believe the neighbor is here to speak on his behalf if you would like to question him.

McGill: But even if it came before the Comp Plan came into existence, on our nuisance ordinance, could we

Ballister: Yes, this is, this is, ah, ah, a text book case of what a nuisance ordinance is. Ah, there is a potential case for diminution of value of the adjoining properties or ah, restriction or limitation on the ability to sell this properties if they were to be marketed. Ah, and in that case, you get into the zoning rights. It may be an activity that isn't ah, regulated. So, we have no regulation on it. Ah, but there is the nuisance ordinance that says that this is an activity on an adjoining property that may have an effect on property values on neighbors. Ah,

Richmond: If I could, just one thing, apparently, a letter has been directed to Mr. Kohnke from the Department of Growth Management, the Division of Code Enforcement to appear tonight. He has been placed on notice of the complaints ah, that there is a potential violation in Gadsden County Ordinance 91-003 and that there is a violation. So, it is formally before you for you to take action, consider what directions you want to give us to proceed, not proceed, or hear what Mr. Kohnke has to say, if he wants to say anything. He's here.

Chair: Mr. Kohnke?

Kohnke: Yes, I do.

Chair: Please come forth.

Kohnke: I'd like to give a little history on this if I could.

Chair: State your name for the record.

Kohnke: William Michael Kohnke.

Chair: Thank you.

Kohnke: The property in question has been in my family for about 25 years. We use it as a hunting lease for the local police department. We use it for our own hunting and we use it for recreational shooting.

Ten years ago I moved back to Gadsden County and decided that I wanted to develop a private shooting club on the property and I began that development about ten years ago. I did get building permits for the building. Originally, I wanted a permit for a simple structure but ah, but the folks down there at the Building Permit Office said it looks like you're building a house, so you might as well go the whole 9 yards and pay for a house. And I did.

I actually wound up building what looks like a house. I even lived in it for a few years and operated the club while I was building the house until I could build another home on another part of the property.

In the interim, I spent a great deal of time and money trying to build impact areas - covered shooting positions. Before I did any of this, I should add, that I did go to a number of the early Planning and Zoning meetings when they were trying to develop the interpretations and county rules for the comprehensive plan - the Growth Management Plan. And I worked with Mike Sherman on this.

I looked at the original plan that was that normal recreational outdoor activities would be included in agricultural designated areas. And I said "Well, I'm building an outdoor shooting range." He (Mr. Sherman) said that it sounded like that would fit in that description."

Chair: He told you that normal recreation activity was a shooting range.

Kohnke: That an outdoor shooting range would be considered an agricultural/forested related activity. Where else would you put a shooting range if not in an agricultural forested area?

The land that I own is an 82-acre tree farm. And it is zoned AG 2. When I put the facility in, of course I was concerned about the noise level and I was also concerned about safety. That is why I spent all the money putting in the berms.

The berms can only trap so much of the sound. Usually something like a 22 rifle doesn't generate a great deal of noise, even from the round itself goes supersonic.

A typical rifle cartridge such as a 3030 will go supersonic. It will go about 2200 ft. per second which is roughly twice the speed of sound. It generates a shock wave. Even though the bullet strikes the dirt berm, the shock waves travel on and actually rolls - actually expands and rolls away. Until that shock wave becomes subsonic again, it permeates. However, if you have ever noticed, sometimes when you shoot down into a valley or hollow, you can hear sounds like the constant cracking of the round. That is actually the shock wave bouncing off the trees and coming back to you.

Ah, we have tried to ah, encourage club members to use any type of sound suppression devices which they legally own. But, again, that won't do anything about the shock wave. It will eliminate a lot of the mobile blast. I have tried enlarging the berms as well and recently I have started redirecting some of the gun fire in different directions to try and compensate for that.

Ah, the ah, the fact of the matter is that there is a state law, and I want to site it here, and I sent a copy of it to the county when I received the first notice. It's Florida Statute 823.16. It prohibits any action be taken against a shooting range because of the noise it generates. So, I believe as it says in this county ordinance in the last paragraph that if there is any ah, changes to the county or state law that might involve a part or whole of this ordinance is that would apply.

I understand the concern for the possible devaluation or diminution of the property values. I have the same concerns. But, that is a very vague ordinance. This was written really as a trash ordinance. It is an all encompassing statement of the front.

Using the logic for that statement, anything that devalues the property can be held against you, then I would say that ah, the fact that we have wild dogs

running loose on neighboring property (that no one will spay or neuter - because there is so little interest in getting a human society going) devalue my property. People are constantly stopping and dropping trash off on my property - up to and including, as I have told you in the past, laundry machines and furniture. And sometimes they throw it in the creek. This devalues my property.

Right near I-10, I can hear the traffic on I-10. This is unpleasant and this devalues my property. I can hear gun fire ah, coming from the police academy range - the Pat Thomas Academy. I can hear what I assume is gun fire coming from the Joe Budd Wildlife Preserve nearby.

We have a lot of "crack heads," or at least that is what I assume they are, up at the corner every day dealing drugs. This devalues my property.

We can use this argument in many ways. Now, truthfully, I would like to work with these people if I can and try to appease them as much as I can. I can't eliminate the noise level. I will try to control it. We have strict rules and I would like to compare my rules with the rules of the Tallahassee Rifle and Pistol Club. I have 82 acres of land. The Tallahassee Rifle and Pistol Club has approximately half the land that I have. They also have mobile homes that you know, are near by. they have over 400 club members. I have fewer than 20 right now. Ah, they are open from sunup to sundown. I don't allow any shooting unless it's suppressed and quiet. I don't allow any shooting before 10:00 a.m. on any day. All shooting must cease at dusk.

Ah, we have people shooting, on average, one day a week out there. Sundays are the busiest days. There are people, sporadically that will come out there during the week. You might get 1 or 2 people that will come out during the week right now. Sometimes there are a couple of people on Saturdays. It's mainly Sunday.

Ah, usually they will start off by shooting their quiet stuff and progress up. Some of the guns are very loud. They are not all that powerful, but they are very loud. Ah, again, we try to suppress it as much as we can. If redirecting the gun fire, in some cases will help, we will do that. In fact, I was planning to put in a second shooting position that will be perpendicular to the one we have now.

The first that I was aware there was a problem with my neighbors, was a little over a year ago, we had a ah, this was probably the noisiest day we have ever had out there, it was New Years Day, 1999, we had about 20 people out because we were having a bar-be-que. Ah, we were firing a lot of rapid fire machine guns. I want to point out that these are all legally owned and registered by the federal government.

The people that do this are strictly hobbyist. This is a family oriented club. I actually built the club with a cowboy action theme, but a lot of people who come out there to shoot have personally owned automatic weapons that they like to play with on the weekends. They are big boys toys. Ah, there is nothing sinister at all in this.

Ah, that day we did fire quite a bit of ammunition. I think we fired something like a 1,000 rounds of ammo that day over a period of about 4 - 5 hours. Ron Pounsberry did call and tell me that the noise was scaring his cattle. So, we moved the guns over into another area that we call the pit which has berms on all 4 sides and try to redirect the fire. Since that time, that particular gun that was making all that racket, we haven't even fired out there partly and mainly because it does make a lot of noise.

We have had the Sheriff's deputies out, I think 3 times in the last few years. I wasn't present one time, my wife was. And, the other 2 times were more recently. The one on December 31st and there was a deputy out a few weeks ago on a similar complaint.

When I got the original complaint from the County back in December, I ah, wrote a reply in which I included a copy of the State Law and explained my position on all this. I thought that had resolved the matter. Then, a couple of weeks ago, I got this follow up letter and I sent a reply to that saying that I plan to be at the meeting to address the concerns. But, at no time had any of these neighbors whose names appear on this petition, contacted me to complain about the noise. I was not even aware of the petition until a few days ago. The only reason I got a copy of it was that I talked to Bruce Ballister about it and Bruce managed to locate a copy of it and faxed it to me.

If you folks had contacted me.

Unidentified

Audience

Member: How? I mean we can't

Chair: Your attention please. Please, Mr. Kohnke, please direct to comments to the Board.

Kohnke: All right. I'll be happy to talk to these folks. Ron Pounsberry has my number. I'll be happy to give my number to any of these folks that want to contact me. Ah, if Bruce wants to come out and examine the facility, Bruce is welcome to do so. We have actually tried to do that a couple of times, but. Ah, I don't want, ah, I want to maintain a good neighbor policy. I live closest to the range. My house is on the property. My wife works at home and lives at home and we have a new born as of last week. So, the sound is a concern to me too. Ah, if there is a problem, if I can go onto your property and take some measurements, maybe we can figure out a way to ah, deflect some of the noise or re-direct it.

I certainly won't promise that I can eliminate it. Ah, if you do shut me down, in essence, you deprive me of over half of my livelihood. So, I hope you will think this thing over carefully. This is a private club, it is not open to the public. Yes, people pay to come out there to shoot. They pay as members to come out there. And, I am zoned AG 2. I am not rural residential. This is a business. It's a business out there. Ah, a tree farm that I have out there, that's also a business. And as far as I know, it all complies with the zoning regulations.

This is the first time that it has been brought to may attention that I might be in violation of an ordinance, which again, I think the ordinance in this case is questionable. I believe that I am protected by State Law. But, I don't want to ignore my neighbors and earn their wrath. If there is something I can do to try and re-direct the sound, I'll do what I can. But, you folks need to work with me on this.

Pounsberry:

Can I say something more now?

Chair: Two minutes. Mr. Ballister, please return.

Pounsberry:

The first notice that Mr. Kohnke got on this problem was, in fact, in October. I got a copy of the notice on the same day and all hell broke loose that night. I mean, he shot everything he had down there.

And I invite all you guys out to my house. I live about 350 feet from his shooting range. You can stand in my back yard and hear them talking down there when they stop shooting. And we are not talking about 22 rifles. We not talking about a small pistol. We are talking about large guns. It sounds like Vietnam down there.

Like I said in the letter, (inaudible) And there are some other people here, there's a lady here that is 82 years old. She is scared to go outside to get wood. We hear them zinging through the air. We don't know where they are going to. And he is very well versed on all these weapons because he is an expert. We don't want to put up with it. If he, and he hasn't been there no 10 years either. It's been about 3 years that we have been putting up with this horse shit.

Chair: Hum. Thank you, Mr. Pounsberry.

Audience: May we say something?

Chair: If you are going to leave (inaudible) as it is home.

Mrs. Pounsberry:

I'm Mrs. Pounsberry. Mr. Kohnke did do some shooting there when we moved there about 7 years ago. But, it was up on the front of his property near the road and I guess that's when the Sheriff's Department was coming out there and doing some shooting.

And it was like somebody shooting a gun that they would hunt with perhaps. But, it has come to the point where it sounds like automatic weapons and it is bap,bap,bap,bap,bap. I have children 5 and 7 who like to roam the creek like children do and the creek bounds his property. Ah, sometimes I am with them and sometimes I can't be. And we have to run, we literally have to run because we don't know where those bullets are going.

Would you like for your children to live like that? My animals run. It is unbearable. And I would like to invite each and everyone of you or all of you to come and sit on my back porch and have Mr. Kohnke do some shooting

with automatic weapons. I am serious, I invite anybody because it is unreal. It makes me a nervous wreck and I shouldn't have to live that way. I love it here. I moved here and it is my home and I love it. I don't want to have to move.

Chair: Thank you Mrs. Pounsberry.

What are our options, Bruce?

Ballister:

Ah, you can find for either side. I probably would defer to the County Attorney on the applicability of the State Statute.

Richmond: Yeah. I have not had a copy of that correspondence and was not aware of specificity. That's a big word. 823.16 - whether it applies or not. How about that? I would like an opportunity to look at that. I think it is clear that it ah, if this is a private club, there are certain rights there. But if it is being maintained and money is being paid, then it obviously has not got a permit and there are things that need to be looked into.

Audience: Inaudible

Chair: Just one minute. Everyone will be given an opportunity to speak.

Are you through?

Richmond: Yes.

McGill: Mr. Chairman, I would rather, ah, I don't know. I'd like to see if the State Law in this case would take precedent over the local ordinance. The nuisance ordinance. I just don't know.

Dixon: The home rule might be questionable. Mr. Kohnke, you wanted to say something quickly.

Kohnke: Yes, with regard to permitting. Ah, there is no county permitting system, but I do have all the federal licenses.

Richmond: It is a question of land use.

Fletcher: The Board ah, why don't we let the county attorney look into this matter of law and bring this back to us at the next ah, earliest possible convenience, so we can get those people some relief.

Chair: Would that be the consensus of the Board?

Watson: Yeah, I'd like to go visit the site and I'm sorry I haven't already done that.

Fletcher: Yes, I am too.

Roberson: I'd like to visit also.

McGill: Well, I wonder though if, through the course of what (inaudible) until such time we can act on it.

Chair: He did say it was a business of life income, ah, of income, so. We would ask that you be mindful at least of your neighbors and cognizant of the fact that there is an on-going discussion about the matter.

Kohnke: Yes, now that I am aware of it.

Chair: O.K. Thank you very much, Mr. Kohnke.

Bruce, you and Hal look into it and get back with us.

Ballister:
Yes, sir.

Chair: Mr. Pounsberry, as soon as we get a report from the attorney, we will schedule another get-together.

Pounsberry:
In the meantime, is he allowed to continue?

Chair: He is allowed. I have asked him for his diligence on the situation and perhaps he will conform. Thank-you.

COUNTY MANAGER'S AGENDA

E-911 Road Name Changes

County Manager Howard McKinnon called attention to the attached correspondence regarding the re-naming of two county roads. He told the Board that he had determined that the portion of the road recently named Boutwell Road is actually on land owned by the M.H. Sadberry Estate. He stated that it has been the

County's policy to give road naming preference to the landowner. He went on to say that the Sadberry family has requested that the name Boutwell Road be eliminated and that the section of road in question merely become an extension of Sadberry Road.

He then told the Board that it has been requested that Christopher Place be changed to Brangus Lane and that a spur which runs north be named Christopher Place.

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

CONSENT AGENDA

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

- 1) Stormwater Permit Application for Livestock Pavilion Expansion
- 2) Resolution for the Financing of four dump trucks with Municipal Leasing - previously approved by the Board on February 1, 2000.
- 3) Livestock Pavilion Annex Lease Agreement - 5 year period with the option to renew for an additional 5 year period. Lease rate of \$1,920.00 per month or \$7.50 per sq. foot. for 3,072 feet. USDA Department of Commodity Credit Corporation
- 4) Resolution 200-006 - Protection and Preservation of Troy Angus Nicholson Live Oaks
- 5) Resolution 2000-007 - supporting a legislative initiative to provide a dedicated revenue source for the rural infrastructure fund created by Senate Bill 1566 of 1999
- 6) Grant 99-CJ-9M-02-03-01-097 Sheriff's Narcotic Grant Close-out
- 7) Library Patron Code of Conduct for Internet Users. State Library has advised that this policy is necessary in the event that we have misuses that would lead to disallowing a person from using the Library internet services.
- 8) SHIP Lien Satisfaction for James A. Andrews and Patricia G. Andrews
- 9) Chamber of Commerce January 2000 Activity Report
- 10) Workforce Development Board Members: Dr. Jesse Furlow, Janey Dupont, Dr. Harold Henderson, Mrs. Sherry

**Vanlandingham, Brenda Sunday, Rusty Black, Helen W.
Mahaffey, Neva Yarborough**

CLERK'S AGENDA

Direct Sale of County Owned Property

Clerk Thomas recalled that the Board had authorized him on January 11, 2000 to begin the direct sale of a 3-acre parcel of county-owned property in Mt. Pleasant. Ms. Sandra Harris and her brother Christopher Harris own property adjacent to the old borrow pit and approached the County saying they wished to purchase it. He added that it has been the practice of the Board to make such sales at the assessed value of the property.

Clerk Thomas advised that he had notified all the adjacent property owners by certified mail and has received no objections to the sale.

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE SALE FOR \$3,075 AND AUTHORIZED THE CHAIR TO EXECUTE THE ATTACHED DEED.

Tax Deeds

Clerk Thomas told the Board that there were 10 parcels of land and mineral rights that have been on the "List of Lands Available for Taxes" for the required time. He added that it used to be 7 years, but the Legislature just recently reduced the time to 3 years. He advised that he had deeded the 10 parcels/mineral rights to the Board of County Commissioners. He stated that if anyone wishes to purchase those parcels in the future must have permission from the County to do so.

Budget Amendments 00-02-15-01 Through 00-02-15-05

UPON MOTION BY COMMISSIONER FLETCHER AND COMMISSIONER ROBERSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE ABOVE LISTED 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 asked the Board if they had any questions regarding the copies he sent them which were contracts that Leon County uses with attorneys in cases where the Public Defender has a conflict of interest.

There was no response.

He then asked if they had questions regarding the specific language terms he had sent them which are what Leon County is using in their Comprehensive Plan for land use categories.

DISTRICT 2 REPORT

Commissioner Watson had no report.

DISTRICT 4 REPORT

Commissioner Fletcher had no report.

DISTRICT 3 REPORT

Commissioner Roberson had no report.

DISTRICT 5 REPORT

Chair Dixon reported that the Legislature has something they call "Mobility 2000" which channels about \$4 billion into transportation and \$3.99 million goes to Orlando and below. He said that it left him quite frustrated with the Legislature.

ADJOURNMENT

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

Edward J. Dixon, Chair

ATTEST:

Nicholas Thomas, Clerk

AT THE REGULAR MEETING OF THE
BOARD OF COUNTY COMMISSIONERS
HELD IN AND FOR GADSDEN COUNTY,
FLORIDA ON MARCH 7, 2000, THE
FOLLOWING PROCEEDINGS WERE HAD,
VIZ.

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

ABSENT: EDWARD J. DIXON, CHAIR

CALL TO ORDER

The meeting was called to order by Vice-chair Fletcher. Hal Richmond led in pledging allegiance to the U.S. Flag and Commissioner Watson led in a prayer.

Vice-chair Fletcher noted for the record that Commissioner Dixon was absent due to the death of his mother.

Commissioner McGill stated that the County Manager was making arrangements for flowers to be sent for the funeral and that each commissioner would be asked to make a personal contribution toward that cost.

ADOPTION OF THE AGENDA

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

APPROVAL OF THE MINUTES

February 15, 2000 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.

AGENDA CHANGE

Vice-chair Fletcher changed the agenda to include a presentation by Mayor Hill from Midway.

Ms. Hill stated that so many times leaders in the community do not take the time to publicly express appreciation to employees who make extra efforts for the public. She then stated that she was present at this meeting to extend a special appreciation to County Manager Howard McKinnon. She stated that he had intervened on behalf of the local Juvenile Justice Council and the District 2 Juvenile Justice Council and the Tallahassee Community College (TCC) Dual Enrollment Program. He was instrumental in making it possible for them to continue services at the usual location (TCC Branch Building) after the County took occupancy of the building.

COUNTY ATTORNEY'S AGENDA

Report on Kohnke Firing Range

County Attorney Hal Richmond stated that after the last meeting on February 15 he had been approached regarding a possible code enforcement issue on the Kohnke's firing range. He explained that Mr. Kohnke raised certain issues relating to Florida Statute 790 which takes from the local government the right to control the manufacture and possession of fire arms. It does not take from the community the right to deal with its own land use and ordinances relating to private land use and public land use as it relates to fire arms.

Mr. Richmond continued by saying that at the last meeting, it was brought to the attention of the Board by Mr. Kohnke that he had a firing range on his property where they were using automatic weapons as well as smaller weapons. Mr. Kohnke also stated that memberships were sold. That constitutes a land use which is taking place on the property since the adoption of the Comprehensive Plan in 1991.

Mr. Richmond continued by saying that the record of the February 15 meeting is quite clear that there is an on-going land use that is contrary to the spirit and intent of the Comprehensive Plan and there has been no permitting for it by the Board. He asked for directions - whether to proceed with injunctive relief or code enforcement?

There was a consensus of the Board for Mr. Richmond to write a letter to Mr. Kohnke informing him that he is operating without a permit and that if he wishes to continue the firing range as a business, he should submit to the County's permitting process.

Ms. Marion Laslie asked if area residents could be notified of any proceeding that might be held with regard to the permitting of Mr. Kohnke's firing range. She was told that a hearing will be held and everyone within 1,000 ft. will be notified via U.S. Mail automatically. However, he pointed out that individuals outside of the 1,000 ft. range could call the P & Z office and request to be notified and they will also receive written notice of upcoming hearings.

Lawsuit - Crowder Excavating/Construction vs. Gadsden County
98-52-CAA Rich Bay Road

Mr. Richmond told the Board that a Final Judgement and Supplemental Judgement was rendered by Judge Davey in the above stated case. Judge Davey ordered the County to pay Crowder \$64,305.23 for the road work and \$13,444.33 to Crowder's attorney, Frank Sheffied.

Mr. Richmond stated that there is no warranty on the road.

Mr. McKinnon stated that this was not budgeted in the current budget.

Commissioner Watson suggested that it all be taken from the general fund contingency.

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO PAY JIMMIE CROWDER EXCAVATING \$64,305.23 AND \$13,444.33 TO THE ATTORNEY (FRANK SHEFFIELD) AND TO TAKE THE MONEY FROM THE GENERAL FUND CONTINGENCY.

REYNOLDS, SMITH & HILLS

Roadway Design Proposal for DuPont Road

Mr. Bill Steves, engineer from Reynolds, Smith & Hills, addressed the Board. He reported on the progress being made on the paving of DuPont Road. He then explained how his firm got to the place where they are now with submitting a proposal for doing a full blown general permit on the DuPont Road project. He stated that most of the roadways they (Reynolds, Smith and Hills) have done for Gadsden County have been done under the swale exemption permit. That usually only requires a report showing the drainage calculations and demonstrates how a swale will work within a given right-of-way.

Mr. Steves said that the only time the Department of Environmental Protection (DEP) would ever get involved in a swale exemption permit is if someone made a complaint about the roadway. In that event, DEP would ask to see the engineer's calculations that show that it meets the criteria for a swale exemption.

Mr. Steves pointed out that DuPont Road does not meet the criteria for a swale exemption permit because it has steep banks and steep roadway slopes. Therefore, it could not qualify for a swale exemption permit. Because of that, the attached proposal was made to show the Board what is involved with doing a design under a straight-forward general permit.

The fees for the general permit seem excessive by comparison to the fees for a swale permit. For example: The Swale exemptions permits plus the cost for the construction administrative services on all of the other three roads (on the priority paving list) only amounted to \$15,000. The DuPont Road proposal includes the design, the surveying for the design, survey for the record drawings and the survey for right-of-way acquisition (There is not enough room with the existing right-of-way to put swales in place.) The survey fees alone account for about 1/3 of the entire contract amount. The geo-technical fees are about 6 - 7% of the contract amount. The design fees are just less than 2/3 of the contract price.

Mr. Steves pointed out that there are alternatives. He explained that a lot of counties assume that a roadway is impervious and place paving on it. If there are no complaints, nothing ever happens. There are a lot of counties in north Florida that do that as a routine thing. They never go to the trouble of doing the swale exemption reports or the criteria that is required toward those reports.

DuPont Road works out to about \$10.00 per foot for the design, survey and geo-technical survey fees. He said he was doing the same thing in Wildwood Subdivision in Leon County which actually has the right-of-way. It is running them (to satisfy DEP and Leon Growth Management) about \$15.50 per foot. He cited another project that he was working on that ran \$9.00 per foot without any surveying.

Commissioner Watson asked if there was an option to pave the road as it is.

Mr. Steves answered that it would be an illegal option. He clarified that the County has the option to pave the road without a permit. However, if it is ever brought to DEP's attention, they could come out and stop the work and require the County to get a permit.

DEP normally requires Wakulla, Jackson, Jefferson and Gadsden Counties to prepare the swale exemption calculations and have them on file. They never even look at them except when someone along the roadway makes a complaint. Then they will ask to see the swale exemption permit calculations.

Mr. Steves pointed out that many of the roadways in Gadsden County have been done with swale exemption calculations. Three of the roads on the priority list will be done that way as well. However, DuPont Road does not meet the criteria for a swale exemption. (DEP considers a swale to be a 1 - 2 ft. depression along the side of the road with a slight slope.) It will require a full blown set of plans, wetland delineations, geo-technical work to substantiate the calculations and then all of the survey work to demonstrate that the County does have the right-of-way.

Commissioner McGill stated that Lanier Road and Frank Smith Road have the same kind of problems. He concluded that all of the road paving money will be absorbed in paving just those 3 roads.

Mr. Steves said that he could go to DEP and walk the roadway with them and see if they would allow some kind of relief in the permit process. However, he emphasized that the minute you do that, you flag the roadway and they will be looking at every decision you make about the roadway.

Public Works Director Robert Presnell stated that the Board did not have to make a decision about DuPont Road at this meeting. There was a consensus of the Board to pass the matter.

Road Paving Priority List

Mr. Presnell reported that the Public Works Department is working on the roads listed on the priority paving list as outlined in the Comprehensive Plan. However, he pointed out that he could foresee that the Department will be getting bogged down in permitting etc. on the highest ranked roads and all work could come to a standstill. He suggested that Public Works Department be allowed to work on the next road on the priority list (that does not require design and permitting work) during the time that proper permitting is being sought for the higher ranked road.

Commissioner Watson stated that he felt that it would be appropriate to move to the next road on the list.

Commissioner McGill stated that he had no objection to doing that if at least some continual effort will be made toward moving the highest ranked roads forward in the process. He said he would not want to loose sight of the highest ranked road just because it got held up for some reason.

Mr. Presnell asked for a motion to that effect.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO AUTHORIZE THE PUBLIC WORKS DEPARTMENT TO WORK ON SUBSEQUENT ROADS ON THE PRIORITY PAVING LIST WHEN WORK ON A HIGHER RANKED ROAD IS HELD UP DUE TO DESIGN OR PERMITTING. IT WAS UNDERSTOOD THAT THERE WOULD BE CONTINUAL AND SIMULTANEOUS PROGRESS BEING MADE TOWARD GETTING THE HIGHER RANKED ROADS PAVED WHILE PAVING ON THE LOWER RANKED ROAD IS IN PROGRESS.

Gadsden County Utility Permit Form

Mr. Presnell called attention to the new permit form he proposed to use for persons who wish to do work on the county's right-of-way (phone lines, electrical lines, etc.)

Commissioner McGill noticed that the portion dealing with final inspection certification, the form asks for "Date Work Completed" before it asked "Change approved by:". He suggested that any change to a particular permit should logically appear on the form before a completion date.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE UTILITY PERMIT FORM AS AMENDED ABOVE.

PLANNING AND ZONING ISSUES

Preliminary Plat for Deer Ridge Subdivision

Growth Management Director Bruce Ballister recalled to the Board that the Deer Ridge Subdivision developers first came to the Commission last May for conceptual plat approval. He noted that they have experienced some extraordinary delays in getting a jurisdictional determination in their wetlands line. He reported that the soil boring test results indicate that the lots can have on-site treatment and disposal systems designed for them. The project was again before the Board for approval of their preliminary plat.

Mr. Ballister reported that the applicants requested a variance from the required 60 ft. road right-of-way. The applicant is proposing a 45' right-of-way with 7.5' utility easements on each side of the road. However the Land Development Code (LDC) requires a 60 ft. right-of-way. The proposed preliminary plan provides this in function but not in dimension.

The P & Z staff recommended approval with the condition that the proposed roadway be maintained as a private roadway due to the

45 ft. platted width and that the homeowner's covenant and deed restrictions be drawn to have no expiration date to provide on-going maintenance for the storm water facilities.

The P & Z Commission recommended approval subject to fencing to be located along the residential boundary as well as the commercial buffers and all other recommendations listed in the attached memo.

Commissioner McGill called attention to the fact that the County has a requirement that all roads have at least 60 ft. of right-of-way - county or private.

Mr. Ballister stated that if the Board approves the project as presented, it would be necessary to grant a variance on the 45 ft. right-of-way.

Commissioner Watson stated that it would not be wise to grant a variance for the right-of-way. He argued that it would just put the County in a bad position at some future point in time.

Commissioner McGill asked if the developer could be made to continue responsibility for the road if the variance is granted.

Mr. Ballister reasoned that it is very likely that the developer would no longer be around after the last lot in the subdivision is sold. A private road would have to be maintained by the homeowners association.

Commissioner Roberson stated that she had several calls about the placement of a fence around the wooded area that backs up to the existing subdivision.

Mr. Ballister stated that there are two commercial lots - north and south - that would require a buffer. There is also a residential lot to the south and the entire western boundary is residential. He stated that the Code does not require a buffer at the residential boundary. However, there has been a request for a fence between the new subdivision and the existing subdivision. That is not a code requirement.

Commissioner Roberson related that the existing residents were concerned that their property might be defaced by the new subdivision home owners.

Commissioner Watson reminded the Board that Commissioner Dixon has asked the County Attorney numerous times to find a way to go back and make a developer responsible for older subdivision roads.

Mr. Tom Lapier, engineer for the Deer Ridge Subdivision, addressed the Board. As to the fence in the back, he stated that there is not a code requirement for a fence and the developer is not inclined to erect one.

Commissioner Watson asked why would he not be inclined to deviate from the Code in reference to the fence requirement when on the other hand, he desired to deviate from the Code with respect to the road right-of-way.

Mr. Lapier said that the wetland area severely constrained the development of the property. That fact, along with the 10% open space requirement of the Code, made it necessary for smaller lot size. A variance from the right-of-way allowed for more acreage in the lots.

Mr. Guy Moore, developer of the subdivision, said that he would work with the gentleman asking for a fence. He then turned to the Board and asked "In residential to residential, do you require your neighbors to build a fence on their property because it's adjacent to your property and you're afraid they are going to throw garbage on your property. It just doesn't make sense to me. There is already a substantial woodland buffer - I think that is what you call it."

Mr. Mel Wiley, area resident, said he was worried about the new residents building trash piles and throwing the trash onto his woods. He reasoned that a fence would help to prevent such a thing.

Mr. Sid Gray who lives across the street from Mr. Wiley addressed the Board. He said that he also owns commercial property directly across the street from the proposed project. He said that the entire project caused him concern. He stated that soil tests done at the present are not indicative of the norm because of the on-going lack of rain. He said that he can foresee the future maintenance of the roadway becoming a nightmare. He also stated that the entire corridor along US 27 is going commercial and he cannot see this development being conducive to residential use. He opposed the project.

Mr. Lapier stated for the record that he sees the property as being transitional between commercial and residential. He said that if it is not developed as residential, it will surely go commercial. In that case, the wetlands are sure to be damaged.

Mr. Richmond clarified that the project has already had conceptual approval. The land is already designated rural residential and that issue was not before the Board. The issue that the Board must address at this meeting is whether to grant

preliminary plat approval and whether to grant the variance they have requested for the roadway right-of-way. He clarified the variance request - the developer would like to make the roadway right-of-way in a unique way (45 ft. roadway and 7 1/2 ft. easement on each side of the roadway.)

As to the issue of the variance, Mr. Richmond told the Board that they may: 1) Approve it as requested; or 2) deny it which would force them to go to the 60 ft. right-of-way.

As to the issue of the fence, Mr. Richmond told them that the fence is not a requirement of the Code - the Code requires buffering and adequate buffering is already in place. He continued by saying that if the developer chooses to agree to put a fence, it can be included in the development order. Otherwise, the fence is not an issue for the Board's consideration.

Vice-chair Fletcher interjected that Commissioner Dixon had voted on the prevailing side of the conceptual plat approval for this project. He went on to say that under normal circumstances, the Board would have eliminated all controversial issues from the agenda until the full Board is present. He added that since Commissioner Dixon was unable to be present for this discussion, he asked that the matter be tabled until the next meeting to allow input from the absent commissioner.

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER ROBERSON THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO TABLE THE ABOVE ISSUE UNTIL MARCH 21, 2000.

Tylear Sanders Grocery - Neighborhood Commercial

Mr. & Mrs. Robert Bryant propose to operate a grocery store to be located in an existing residential structure located on CR 267 just north of Shade Farm Road (CR483). The area is zoned Rural Residential which permits Neighborhood Commercial uses. The existing lot dimensions of 95' x 126' indicate a lot area of .27 acres. This is less than the maximum of 2.0 acres. The existing parking lot is a concrete paved front yard area which is paved all the way out to the road. It will need to be blocked off to prevent cars from parking on it. The Code says that you cannot back out onto a public road.

Mr. Ballister stated that he would work with the applicant to come up with a site plan that will allow for parking in a side yard.

The lot is located directly on a paved arterial and is located 1,000 ft. north of the intersection with Shade Farm Road. There is no specific locational criteria.

The P & Z Commission and the Staff recommended approval.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE NEIGHBORHOOD COMMERCIAL APPLICATION FOR THE APPLICANTS.

Community & Economic Development Organization of Gadsden County (CEDO) - Triple Oaks Apts II - Preliminary Plat Approval

Mr. Ballister presented the application for plat approval for the Triple Oaks Apts phase II. He explained that it will be 56 units and will be constructed in 14 one-story quadruplex buildings with approximately 2.2 parking spaces per unit. The site measures approximately 9.1 acres which calculates to a density of about 6.2 units per acre. The proposed site is designated Urban Service Area which allows 5 units per acre with water, central sewer and pavement. However, the Comp Plan urges the County to work with state and federal agencies on density in order to provide decent and affordable housing to low to moderate income families. See the attached memo for further detail.

Vice-chair Fletcher called for public comment. There was no response.

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

COUNTY MANAGER'S AGENDA

Request from Town of Havana for the County to Pay Cost of Sidewalk

County Manager Howard McKinnon reported to the Board that he has received a request from the Town of Havana for the County to re-imburse them for a portion of a sidewalk they recently constructed on 4th Street, S. W. next to Havana Elementary School. The sidewalk came about as a joint effort between the Town, School Board, Riverside Apartments and the County.

Mr. McKinnon then reported that the cost for paving the portion of the sidewalk that is in the County amounted to \$3,562.50. However, the County Public Works Department made a contribution of the fill dirt and the Town was asking the County to only pay \$1,875.00.

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE PAYMENT OF \$1,875.00 TO THE TOWN OF HAVANA. ALSO INCLUDED IN THE MOTION WAS TO TAKE THE MONEY FROM THE GENERAL FUND CONTINGENCY.

Demolition Order for Structures in Pinecrest Subdivision

Mr. McKinnon announced the opening of a public hearing for the purpose of ordering the demolition of 10 structures owned by Deryle F. Hinson and Mavis Hinson in the Pinecrest Subdivision.

Mr. Deryle Hinson was present and addressed the Board. He acknowledged that a problem existed in the area. He stated that he had exhausted efforts to keep vandalism out. He stated that he agreed with the county's assessment of all of the "B" parcels. However, he stated that he disagrees with the county's assessment of the "A" parcels. He asked to have those 3 parcels removed from the demolition order as he believes that they can be rehabilitated. He stated for the record that he does not own lot 13A and never has owned it. He also asked for additional time (for health reasons) to get them in better condition. He explained that he will be having open heart surgery within the next couple of weeks.

Commissioner Roberson asked Mr. Hinson how much additional time he would need.

Mr. Hinson stated that his doctor had told him to expect 60 days for recuperation. He asked to have an additional 6 months.

Commissioner Watson asked him how long it would take him to have the 3 parcels in code condition.

Mr. Hinson stated that he is in the permitting stage which has been stalled for some reason. He stated that he expects to begin work right away. He offered the "B" lots to the County for a park.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 3 - 0, BY VOICE VOTE, TO GIVE MR. HINSON UNTIL JUNE 15, 2000 TO HAVE THE PROPERTIES BROUGHT UP TO CODE OR OTHERWISE DESTROYED. IT WAS FURTHER MOVED THAT IF MR. HINSON HAS PROBLEMS GETTING THE WORK DONE BY JUNE 15, 2000 FOR HEALTH REASONS, HE MAY PETITION THE BOARD FOR AN ADDITIONAL EXTENSION OF TIME. COMMISSIONER FLETCHER DID NOT VOTE AS HE IS AN ADJACENT PROPERTY OWNER. SEE THE ATTACHED CONFLICT OF INTEREST FORM.

Road in Pinecrest Subdivision

Mr. McKinnon asked for permission to temporarily close the road in Pinecrest Subdivision. The road was built by the County but is now being used as a dumping area. He further requested that the County keep the road closed until such time as it is needed.

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

TEMPORARY CLOSING OF THE ROAD IN PINECREST SUBDIVISION. VICE-CHAIR FLETCHER ABSTAINED FROM VOTING AS HE IS AN ADJACENT PROPERTY OWNER. SEE ATTACHED CONFLICT OF INTEREST FORM.

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) Gadsden County Health Department Contract for 1999-2000
- 2) EMS Resolution of Write-off of Bad Debts totaling \$67,445.81
- 3) Thomas Technical Institute - EMS Student Agreement
- 4) North Florida Community College - EMS Student Agreement
- 5) Agreements for 1999 and 2000 with Department of Community Affairs regarding the expenditure of funds seized in narcotics investigations by the Sheriff's Department 99-CJ 9M-02-30-01-097 & 2000-CJ-D8-02-30-01-164
- 6) Amendment to Personnel Policy - Section 12.1.1 and 12.3.1
- 7) Waiver of Storm Water & Building Permit Fees for Deliverance Temple Church
- 8) Local Mitigation Plan Resolution # 2000-009
- 9) Right-of-way Easement for Frank Jackson Road
- 10) Road Name Change - Request to Change Reuben Clark Road to Fisher Road
- 11) Request to Name New Road - Brandi Boulevard - for approval
- 12) Letter to Library Commission Regarding Notice of Library Facility Problems
- 13) City of Midway - Interlocal agreement Regarding Unpaved Roads
- 14) Simon Scott Building Extension of Lease - one year extension
- 15) Selection of Judge Hugh M. Taylor and Dr. William Spencer Stevens as Great Floridians 2000+ for the record
- 16) Custodial Department Building Space - Request from Staff to house Custodial Department at 22 S. Madison St. (old Adams Funeral Home
- 17) 1998 Roadway Resurfacing Contract Change Order # 5 with C.W. Roberts Construction - amount of the change order - \$180,766.25 bringing the total of the contract to \$2,609,407.04. (paving of Frank Jackson Road - .7 mile; Jamieson Road - .75 mile; McNair Road - 1.5 miles
- 18) Contract for Professional Services for Architects for Courthouse and Jail - Manausa Lewis & Dodson Architects, Inc. for lump sum of \$18, 286.00; re-roofing of jail and roofing and building envelope study of the historic Gadsden County Courthouse

CLERK'S AGENDA

Budget Amendments 00-02-07-01 through 00-03-07-05

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

DISTRICT 1 REPORT

Commissioner McGill presented Resolution 2000-010 in support of Leon County Commissioner Rudy Maloy in his candidacy and election for the Second Vice President to the National Association of Counties (NACO).

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE RESOLUTION 2000-010 AS DESCRIBED ABOVE.

County Road 159

Commissioner McGill stated that CR 159 is in very bad condition. He stated that it is the most narrow road in the County and he requested that it be widened from US 90 over to US 27 (from Midway to Havana). He also reported that the Public Works Director Robert Presnell has inspected the road and concurs with the fact that it is in bad shape. He then asked the Board to consider getting it widened.

Request for Trash Receptacles

Commissioner McGill reported that there are several sites in District 1 where people dump their trash. He asked the Board to consider placing trash bins at those locations. (19th Ave. in Havana and also in Midway.)

Commissioner Watson stated that he would have to have more information before he could support doing such a thing.

County Attorney Hal Richmond stated that doing such a thing might violate the franchise agreement with Waste Management.

Commissioner McGill asked the County Manager and County Attorney to look into the matter.

Tax Incentive Program

Commissioner McGill recalled that he had asked the Board to look into the matter of offering tax incentives to businesses that might be interested in coming to Gadsden County. He added that he wants the County to seriously consider doing this.

Commissioner Watson stated that there would have to be a referendum to offer the kind of incentive which he described.

Mr. Richmond said that he would look into the matter and report back at the next meeting.

DISTRICT 2 REPORT

Commissioner Watson had no report.

DISTRICT 3 REPORT

Commissioner Roberson had no report.

DISTRICT 4 REPORT

Vice-chair Fletcher had no report.

ADJOURNMENT

**THERE BEING NO OTHER BUSINESS BEFORE THE BOARD, VICE-CHAIR
DIXON DECLARED THE MEETING ADJOURNED.**

**E.H. (Hentz) Fletcher
Vice-Chair**

ATTEST:

Nicholas Thomas, Clerk

AT THE REGULAR MEETING OF THE
CONSTRUCTION INDUSTRY LICENSING
BOARD HELD IN AND FOR GADSDEN
COUNTY, FLORIDA ON MARCH 13, 2000.
THE FOLLOWING PROCEEDINGS WERE HAD,
VIZ.

PRESENT: TONY COLVIN, PRESIDING
JOHN SAMFORD
BILL MCMILLIAN
MICHAEL FRANCIS
HENRY BLACK
ISAIAH COLE
EARL WILLIAMS, DEPUTY BUILDING OFFICIAL

ABSENT: DICK LEE
WALLACE ELLIS

CALL TO ORDER

The meeting was called to order by Tony Colvin. He led in a prayer then in pledging allegiance to the U.S. Flag.

APPROVAL OF MINUTES

February 15, 2000

UPON MOTION BY BILL MCMILLIAN AND SECOND BY ISAIAH COLE, THE BOARD VOTED 6 - 0, BY VOICE VOTE, TO APPROVE THE MINUTES OF THE ABOVE STATED MEETING.

APPROVAL OF APPLICANTS

Jeffrey Davis - Building Contractor Upgrade

Bill McMillan stated that Mr. Davis had passed the residential contractor and roofing licensing tests but he could see no evidence that he had taken a test for a building contractor's license. He asked how the Board was expected to approve the upgrade without proof a block exam or state certification. He stated that he was not comfortable in approving the application based on the information provided in the agenda packet.

Other members of the Board concurred with him.

UPON MOTION BY JOHN SAMFORD AND SECOND BY ISAIAH COLE, THE BOARD VOTED 6 - 0, BY VOICE VOTE, TO DENY THE APPROVAL OF THE LICENSE UPGRADE APPLICATION UNTIL MR. DAVIS HAS SUCCESSFULLY PASSED THE BLOCK EXAM FOR A BUILDING CONTRACTOR.

Thomas Kelly - Air Conditioning Contractor

Mr. Colvin called attention to the fact that there was no proof of worker's compensation insurance or an exemption certification for Mr. Kelly in the agenda packet.

John Samford stated that he has personally known Mr. Kelly for 30 years but the application package was not complete.

Bill McMillan stated that the Board continually runs into this problem. He added that if the applicant desires to work in Gadsden County they should at least be responsible enough to make a complete application.

UPON MOTION BY BILL MCMILLAN AND SECOND BY MICHAEL FRANCIS, THE BOARD VOTED 6 - 0, BY VOICE VOTE, TO DENY THE APPROVAL OF THE APPLICATION BASED ON THE FACT THAT THERE IS NO PROOF OF WORKER'S COMPENSATION INSURANCE OR AN EXEMPTION CERTIFICATION.

Gregory Washington - Residential Electrical Contractor

John Hodges - Residential Electrical Contractor

Tony Colvin pointed out that there is no evidence of a block exam or state exam of any kind for the above named applicants.

Earl Williams stated that Mr. Ritter suggested that the applicants fill out an application and bring them to the Board for approval even though they have not taken an examination. Mr. Ritter rationalized that if the Board would license them for residential purposes only, it would at least give him some control of them.

Bill McMillan stated that he knew both applicants and knows that they do good work. But he pointed out that it is not up to the Board to say that they are capable of doing the work. The Board's job is to make the determination that they have all the required paperwork and that they are qualified. He said that in order for the Board to do its job, the applicant must have proof of some kind of a test. He rationalized that if the Board approves the applicants, it would be setting a precedent for any "Joe Blow" to walk in off the street and request a license.

UPON MOTION BY BILL MCMILLAN AND SECOND BY ISAIAH COLE, THE BOARD VOTED 6 - 0, BY VOICE VOTE, TO DENY THE ABOVE STATED APPLICATIONS BASED ON THE FACT THAT THERE IS NO PROOF OF A BLOCK EXAMINATION OR STATE TEST.

Old Business

Reciprocal Agreement with City of Quincy for Licensing

Michael Francis asked what the City of Quincy's qualifications for a applicants are. He was told that they are basically the same as for the County.

Mr. Francis then asked as to the progress of a reciprocal agreement between the Board and the City of Quincy to honor each others licensing for applicants.

Bill McMillan recalled that the motion to approve a reciprocal agreement with them was based on the fact that their requirements must be at least as stringent as the county's.

ADJOURNMENT

**THERE BEING NO OTHER BUSINESS BEFORE THE BOARD, TONY COLVIN
DECLARED THE MEETING ADJOURNED.**

Tony Colvin, Presiding

ATTEST:

Muriel Straughn, Deputy Clerk

AT A REGULAR MEETING OF THE
BOARD OF COUNTY COMMISSIONERS
HELD IN AND FOR GADSDEN COUNTY,
FLORIDA ON MARCH 21, 2000, THE
FOLLOWING PROCEEDINGS WERE HAD,
VIZ.

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

CALL TO ORDER

Chair Dixon called the meeting to order. Commissioner Watson led in pledging allegiance to the U.S. Flag and Clerk Thomas led in a prayer.

ADOPTION OF THE AGENDA

The agenda was amended as follows: Delete Item No. 8 - Ed Butler CDBG Program Public Hearing; add Transportation Project Agreement to Commissioner McGill's agenda.

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

APPROVAL OF MINUTES

March 7, 2000 Regular Meeting

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

COUNTY ATTORNEY'S AGENDA

The Chair passed the County Attorney's agenda pending his arrival.

KIMBALL LOVE - APALACHEE REGIONAL PLANNING COUNCIL

Ms. Love submitted a list of 27 sites in Gadsden County which the Planning Council has inventoried for the "Visit Florida Eco Heritage Tourism Inventory." She said that the list is phase I of

a two-part project that they are working on. Once all the inventories are completed, they will put together a visitor's guide to the "Garden of Eden" based on the theory that was developed by Judge Galloway about the Apalachicola Basin being the "Garden of Eden." The guide will cover a 9-county region. She then asked for the Board's approval of the inventory.

Chair Dixon stated that he was astonished at the lack of Afro-American sites on the list.

She stated that if there are sites of particular interest that should be added to the list, they would be most happy to include them on the inventory. She explained that she did not have knowledge of them, but the Council definitely wants to be as inclusive as possible.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE INVENTORY LIST.

PLANNING AND ZONING (P & Z) ISSUES

Growth Management Director Bruce Ballister announced that discussion of Land Use Amendment M-27 will not be discussed at this meeting as it will be heard on March 28.

Barbara Guigliotte, 1496 Timber Run, Havana, FL. asked if the public will have an opportunity to speak on March 28. She was told that public comments will be heard on March 28.

Steve Glawson Re-subdivisions at Burt Ridge

Mr. Ballister told the Board that Steve Glawson has purchased a large block of properties from the Burt Ridge Subdivision located on the southern side of CR 270. This subdivision is one of four large tracts of property ranging from 10.46 to 25.02 acres. The variance requested would allow the creation of a five-lot minor subdivision which would combine Tract 4 and Tract 3 totaling 54.42 acres and creating a minor subdivision of five lots ranging from 6.0 to 18.4 acres.

Per county ordinance, any re-subdivision of a subdivision requires the Board's approval.

The staff recommended approval with deed restrictions prohibiting further subdividing of the new lots created.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER

FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE RE-SUBDIVISION AS DESCRIBED ABOVE.

Recision of Ordinance 98-005

Mr. Ballister stated that the Board negotiated with Mr. Jim Stiles and Guy McCord to change the zoning on a 21 acre parcel to industrial and it was adopted by Ordinance 98-005. The Department of Community Affairs (DCA) challenged the rezoning. A settlement agreement was reached. However, the acreage was later annexed into the City of Midway, making the ordinance mute.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO RESCIND ORDINANCE 98-005.

Deer Ridge Subdivision - Preliminary Plat Approval

Mr. Ballister recalled that the Deer Ridge Subdivision was discussed at the meeting on March 7 but was postponed until this meeting to get input from Chair Dixon. At that meeting there was discussion regarding 45 ft. road right-of-way. Since that time, the developer has agreed to 60 ft. right-of-way and the design now meets county road standards.

The developers were originally impacted by having to move the open space to the uplands. There is no statutorial responsibility to do so but they were doing it as a courtesy to the Board.

Tom Napier, engineer for the project, appeared before the Board. He pointed out that the revised plan does include 60 ft. right-of-way for the road.

Commissioner McGill recalled that the Board had also requested the developer to erect a fence along the boundaries that abut other residential properties.

The Chair called for public comments.

Mr. Guy Moore stated that he has met with Mr. Mel Wiley who requested a fence along his boundary. He pointed out that it is not required by any code or law. He stated that he would work with Mr. Wiley. He ultimately agreed to erect a fence.

Chair Dixon asked the commissioners what rationale would justify requiring Mr. Moore to erect a fence.

Commissioner Watson explained that his reason was based on the fact that the lot sizes are 1/2 acre and the increase in density

would greatly impact the other established subdivision - it would impact them in a way to which they were not accustomed.

Marion Laslie asked as to the size of Mr. Wiley's lot. She was told that it was 10 - 12 acres on two sides. She then stated that 1/2 acre lots are not compatible to the larger lots to which they are adjacent and she felt that Mr. Wiley should be given some consideration for that fact.

Mr. Moore stated that he did not want to set a precedent, but he wanted to do what is right.

Chair Dixon stated that it is one thing for him to volunteer to erect a fence, but quite another for the Board to require him to do it.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 3 - 2, BY VOICE VOTE, TO APPROVE THE PRELIMINARY PLAT FOR DEER RIDGE SUBDIVISION AND ACKNOWLEDGE THAT MR. MOORE IS ERECTING A FENCE ALONG THE BOUNDARIES BETWEEN RESIDENTIAL AND RESIDENTIAL ZONING VOLUNTARILY. COMMISSIONER FLETCHER, MCGILL AND ROBERSON VOTED YES AND COMMISSIONERS DIXON AND WATSON VOTED NO.

PUBLIC WORKS AGENDA

Resolution 2000-012

Joint Participation Agreement - Small County Assistance Program

Public Works Director Robert Presnell called attention to the joint project agreement with the Florida Department of Transportation (DOT). It entails CR 157 which was one of the roads on the Small County Road Assistance Program. He stated that the agreement would allow the County to proceed with work on CR 157. The County would be reimbursed after the July 1, 2000 - the State's new budget year.

Chair Dixon asked what progress is being made on the other two roads on the list.

Mr. Presnell answered that the County must pay for the road-paving and then get reimbursed and there isn't enough money in their budget to do the others in this budget year.

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER

WATSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE JOINT PROJECT AGREEMENT DESCRIBED ABOVE and ADOPT RESOLUTION 2000-012.

COUNTY ATTORNEY'S AGENDA

Trash Receptacles

County Attorney Hal Richmond told the Board that he had looked into the matter of potentially placing trash receptacles in Midway Area. He said he had reviewed the agreement with Waste Management and determined that Waste Management would have to agree to it. He stated that it could potentially have people leaving garbage at the receptacle and thus avoid paying Waste Management for pick up service. Any kind of open county containers for deposit of garbage must go through the approval process with Waste Management. It could also open holes in the contract that he was reluctant to address.

Chair Dixon asked why the County is still under mandatory garbage.

Mr. Richmond explained that the County has always had it, but in 1991 or 1992, the County renegotiated the contract with Waste Management. They took over the service and the collections.

Midway Settlement Agreement

Mr. Richmond reported that Midway has agreed to annex part of the State lands between it and the voluntary annexation parcels. He also stated that the County reached a separate agreement with the developers (Lex Thompson, Jim Stiles and Sid Gray) regarding the use of the land which they recently voluntarily annexed to the City of Midway. He stated that the agreement satisfied all of the concerns the County had regarding the use of the property. He then requested the Board's approval of the agreement.

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE SETTLEMENT AGREEMENT WITH THE CITY OF MIDWAY AND THE DEVELOPERS OF THE ANNEXED PROPERTY.

Ms. Marion Laslie was recognized for questions.

Lawsuits

Mr. Richmond reported that the County is being sued in Federal Court along with the Sheriff. It involves jail personnel and will take several months to develop. Federal Court 4:99CV483-RH

COUNTY MANAGER'S AGENDA

Florida Association of Counties (FAC)- County Rural Development Program Resolution 2000-011

County Manager Howard McKinnon told the Board that the County may apply for a County Rural Development Program grant that is being administered by the Florida Association of Counties (FAC). They received some federal money that they will be able to offer to 10 of the 33 small counties in the State of Florida for technical assistance in developing an economic development plan. He then explained that the County has a plan which was developed during the Enterprise Zone application process. He went on to say that the County can definitely ask for assistance in helping to refine the existing plan. He asked the Board to pass a resolution in support of the application for the technical assistance.

Commissioner Watson asked if it would cost the County anything or if it would require additional staff.

Chair Dixon explained that FAC went to the federal government and they were able to get \$1 million to do economic development for rural counties in Florida. The grant can be used for employees or anything needed to boost the economic development. The County will not incur any costs with the grant.

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE RESOLUTION AND APPLICATION TO THE FLORIDA ASSOCIATION OF COUNTIES FOR TECHNICAL ASSISTANCE IN DEVELOPING AN ECONOMIC DEVELOPMENT PLAN.

CONSENT AGENDA

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

- 1) Florida Library Literacy Grant Agreement 00-FLL-03 \$25,0000
- 2) Response to W.M. Kohnke Regarding Shooting Club
- 3) Work Authorization for Level of Service Study for SR 12, CR 159, and CR 270
- 4) State Aid to Libraries Program Grant Agreement 00-ST-10
- 5) Chamber of Commerce Activity Report for February 2000
- 6) State and Local Assistance Emergency Management Grant 00EM-D3-02-30-01-020 \$15,542
- 7) E-911 Road Names - Yolando Lane (S. off 17th Avenue E. off S. Main St. in Havana)

CLERK'S AGENDA

Budget Amendments 00-03-21-01 through 00-03-21-04

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

Ratification of Approval to Pay County Bills

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

DISTRICT 1 REPORT

Big Bend Transit - Transportation Project Agreement between the Florida Department of Transportation and the Gadsden County Board of County Commissioners

____Mr. Reed McFarland told the Board that Big Bend Transit has received a grant that will establish two bus routes running from Gadsden County to Tallahassee to join up with the Taltran system. He said that it is a pilot project and it will end in 3 years.

Commissioner McGill explained that the grant is for Big Bend Transit, but the Board of County Commissioners must be the conduit through which the grant is administered. The County must be responsible for the fiscal part of the grant. It will pay 1% to the County for administrative costs.

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

DISTRICT 2 REPORT

Commissioner Watson had no report.

DISTRICT 3 REPORT

Commissioner Roberson had no report.

DISTRICT 4 REPORT

Commissioner Fletcher yielded his time to Mr. Tom Howell.

Mr. Howell introduced himself.

Howell: Something happened here in Gadsden County that troubles every business man that I have spoken with. And it concerns \$184,000 bid on an air-conditioning unit that is going to be changed at the hospital. I found out in May or June of last year that the County Commission had appropriated approximately a couple hundred thousand dollars to do this work.

I never have had a good working relationship with Mr. Ritter and I was told that he had been put in charge of it. So, I knew it wouldn't do too well for me to communicate with him. So, I communicated my efforts with the County Manager Howard McKinnon and the purchasing agent, Mr. Lawson. Quite a number of phone calls, lots of phone calls and I guess to the point that they got tired of hearing from me. My concern was that Ritter was going to cut me out of the loop because of his political position towards me. But, I didn't come here to talk about that entirely.

Mr. McKinnon was not truthful with me. Mr. Lawson was not truthful with me. It was bid to four companies in Tallahassee, FL - four companies. No air-conditioning contractor in this county was allowed an opportunity to bid on that job, Mr. Chairman. This is why I am here tonight. I think there needs to be a complete audit of all purchasing procedures. There needs to be an audit on what happened on this particular case as to why no citizen, tax-paying citizen of this county, was allowed to bid on this job. It was awarded to Keith Lawson for \$184,000. That is what Mr. Lawson told me. The notice was placed in the Tallahassee Democrat alone.

I'm sorry, but I don't read the Tallahassee Democrat legal pages. And, I think that it's absolutely insidious. No contractor in Chattahoochee has ever been offered an opportunity to bid on any county work. Specifically Averett Wilson and Roosevelt Travis. Two A/C contractors in Chattahoochee. Mr. Culverson from Havana, Mr. Williams over there in Havana, John Jones in Havana, and others have never been allowed to bid on any county air-conditioning work, ever.

How is it that the county manager type system can allow somebody like Frank Ritter to control \$184,000? And I am asking you men to look into this thing. I was lied to by 3 officials in this county. Howard McKinnon, Arthur Lawson and certainly Frank Ritter. And when I confronted Frank about it, he laughed in my face and told me "I guess this makes us not friends anymore." Well, I can

assure you that I am no longer Mr. Ritter's friend for sure. They took money out of every businessman's pocket in this county. Everyone of them.

I have talked to people in the printing business in this town, people in the office supply business, they haven't received a bid invitation in years, Mr. Chairman. Something is not right.

I made it crystal clear to that gentleman sitting there that I wanted to bid on that job. And he promised me, gave me his word that I would be allowed to bid that job. And I wasn't. I did not receive a bid invitation.

There are other people here in the air-conditioning business. Is Mr. Culverson here? Mr. Culverson's there, Mr. Elbert Wilson from Chattahoochee, I'd like for you to hear from them if you would please. Thank you, Mr. Chairman.

Dixon: Thank you, sir. If you gentlemen are going to speak, please come forward.

Young: My name is Jimmy Young and I have been a part of this community since 1964 and I have been doing air-conditioner work for 10 years. And very seldom do I ever get a bid packet from the county. I pay my taxes like everybody else and I have my business in this county and I pay my license fees. And I really don't appreciate that we don't get a chance to bid on these jobs.

Dixon: Thank you, sir.

Culverson:

My name is Marvin Culverson and I live in Havana. And ah, I have been in the heating and air-conditioning business for 35 years. I have yet to get a bid, you know, for anything in this county. Never. And, ah, it's kinda funny when you fellows come around and want to be re-elected, you know, you always want our votes and we help ya'll. How about helping us keep the money in this county so the people in this county can ah, make money off of it, cause I do all my business in this county. I do advertisement and I just think it would be fair if ah, we kept our money in this county. Now, if we are not qualified to do a job, at least give us the opportunity to tell you that we are not qualified and to get somebody else. And I think it is only fair that other people in this county - advertisement or anything - and it all falls back to the county elected officials. Like I say,

ya'll all come to us when election time comes around. So, how 'bout ya'll helping us out on some of the bids. That's all I got to say.

Dixon: Thank you, sir. Let me hear the other gentleman before you speak please.

Wilson: Mr. Commissioners, my name is Everett Wilson. I own E.R. Wilson Service Company in Chattahoochee. I have been there since 1949 and I have been in the heating and cooling business since 1967. And I have never received an invitation to bid any type of air-conditioning for the county. I discussed this the day before yesterday with Ms. Roberson and she assured me that there was something being done to correct the situation. But, this is all in the past and I can understand the other contractors ah, viewpoint on this. Even if we don't feel like we can handle the job, at least give us an opportunity to bid, if we so desire, which I have never had that opportunity. Thank you.

Dixon: Thank you, sir. Will there be others before I bring Mr. Howell back again? Please come forward Mr. Howell.

Howell: Thank you, Mr. Chairman. One other thing that I want to bring to the attention of the commission. I put 13 units over there in that courthouse. And the way I got the contract to do so was because I was mailed a bid. I got a bid in the mail to come and bid the job. I bid the job, Mr. Suber bid the job, and I don't know who else, but several contractors in the county bid the job. I had the low bid and I got the job. On at least 5 or 6 other occasions in the last 6 or 7 years, I have received a written bid notification from the county purchasing office and was allowed an opportunity to bid. But, in this particular case, and I even went to the extra length, all the extra trouble, to see if I could get the bid. I didn't get a chance to bid. It just simply doesn't make any sense. This is pretty hard, but I'm going to say this while I am here, then I am going to get on out of here and leave you fellows in peace.

Dixon: Please be nice.

Howell: I am. It has come to my attention and I know it to be pretty well true or I wouldn't bring it up, that the county building inspector has been carrying a loaded gun in his pocket on the county job and I want something done about it. That is all I got to say.

Roberson: Mr. Dixon, now may I speak?

Dixon: Yes, ma'am.

Roberson: I would like to see the staff bring back maybe a change to the bidding rules and regulations that we start out.

Dixon: Before we make a change, Madam, Mr. Lawson, would you or the county manager like to address this?

McKinnon: Yes, Mr. Lawson will have, you know, the process. He'll explain the process and the policy that we follow at this time.

Lawson: Mr. Chairman, members of the Board, the county's procurement process, ah, requires that when we do a bid advertisement that the ad be put into a paper of general circulation. This particular project that ah, Mr. Howell is alluding to was handled by a consultant. When the consultants do the project, they do the bid in accordance with county bidding procedures, which in fact, this was.

They advertised the required time that ah, ah, the bid should be advertised. The bids were sent to our office. They were opened by the bid committee. They were reviewed by the consultant and the consultant made a recommendation to the Board for approval.

We have handled numerous bids like this in the past. The nurse call station as an example at the hospital. Ah, we've done work at the courthouse that was handled by consultants, the renovation of this building, Lee and Bridges handled the bidding. It was bided out the same way. So, there is nothing, as has been eluded to, that is, any impropriety, in the procurement process. It was put in the paper of general circulation, it was advertised in the Democrat. The consultant who handled the bid utilized the Democrat because he lives in Leon County and he made an effort to get qualified bidders to bid on this project. He solicited some on his own accord. None that the county solicited. The consultants handled the project from beginning to end and that is the way, whenever we have a consultant doing our projects, they handled the projects and we just make sure that they are in accordance with procurement policy. That's the way this was done and the consultant will attest to that fact.

Dixon: Do I understand you to say that there is no conspiracy on the part of the manager, yourself and Mr. Ritter, to keep

these gentlemen out of this bid. Do I understand that to be your position?

Lawson: That is certainly my position.

Fletcher: Mr. Chairman. Did you know that Mr. Howell, Did you know that Mr. Howell desired to bid on this project?

Lawson: He had called and indicated that he wanted to bid on the project.

Fletcher: Then why wasn't he sent a bid invitation?

Lawson: I didn't send out any bid invitations, Mr. Fletcher.

McGill: Mr. Chairman. Ah, can we say paper of general circulation - is that to be considered a local paper of general circulation - or regional paper of general circulation?

Lawson: A paper of general circulation, period. That is how the policy reads.

Dixon: So, what. Ah, Madam, you were going to suggest to the Board.

Roberson: I would like to see that the staff make a change to where when we let a bid like this, that it be advertised in all three of the local papers - that is general circulation.

McGill: I would like to go one step further if I could. I would like to see if we could provide some kind of language that will give our local contractors a 5 or 6 points advantage for being local. Is that legal? I'm not sure on that. Sophistication in Tallahassee is far superior to that in Gadsden County and they have all kind of sophisticated use to outshine a local contractor. So, if we are going to be on an even basis, I was looking at this like I do veterans preference. Are you familiar with that? Ah, because I am a veteran, I get a 10 pt. advantage over anybody that might apply for the same job unless there is another veteran applying for it. I would like to see us have some kind of point advantage for local contractors.

Dixon: Did you want to finish up or did you?

Roberson: I just want them to bring back, you know, something, you know, that we recommend that we use local papers and not just the Tallahassee Democrat.

Dixon: Let me, let me comment that it appears that every time ah, we get a problem, we want to change the bid procedures. That the 10 points that you reflected about, Commissioner McGill, for a percentage to local contractors, while I don't have a problem with that, we generally go to the local contractors, no matter what the bid is and give it to them anyway. Thousands of dollars higher than the local. How do you all want to do this? You certainly can't do it henny-ninny and change it every time we feel like something went wrong.

Now, if it was properly advertised and what we see the problem here is that perhaps it was not advertised in a local paper - does that justify a conspiracy? I don't think so and I don't believe that most of you think so. Ah, some folk have been given local contracts - have been given Gadsden County contracts. Doesn't mean that they should always get the contract. It doesn't work that way. Not always going to be the low bidder. But, I don't think there was any unintentional unfairness given here. If you want to say to contractors in our statements that not only should we advertise in a local - in a paper of general circulation, but also a local paper in addition - if it is not the one chosen, then that seems fair. I mean, that makes good sense to me. Ah, but, I, if Mr. Lawson and the manager is saying, and if there is any body I trust implicitly at this, in county government, it is certainly the manager, who is never given me any reason to doubt his veracity about anything, and Mr. Lawson. So, I certainly don't believe that there is any conspiracy. And I don't think anybody at this table who knows those gentlemen believe that there is a conspiracy on their part.

We've done some things that certainly make them look bad, ah, taking things out of context. When they tried to be fair, we certainly upset the apple cart for them many, many times. But I certainly would not want to sit here and brow beat them for doing and performing their jobs as they should have.

If we need to tweak the system, then please, let's tweak the system and make that change. If the general paper of circulation is not a local Gadsden County paper, then mandate that it also be advertised in a local paper. I mean, that is very simple to do. But, I would not want to go to a system where we lock out all people who just happen not to live in Gadsden County.

Remember, 40% of Gadsden County citizens work in

Tallahassee. So that money that we like to circulate comes from Leon County. So, let's not be closed eye with tunnel vision here thinking that we work and live on our own. We don't. We are an integrated economy and we kinda need each other. So, you know, lets find a way to fix this if it is your intent to get it fixed.

I don't think there is anything we can do about the past contract. Ah, but I certainly would want to give every local business the option of doing business with Gadsden County. Now, I'm through.

Fletcher: I have nothing else.

McGill: We understand you very well.

Dixon: Thank you. There being nothing else to be said, then we stand adjourned.

Edward J. Dixon, Chair

ATTEST:

Nicholas Thomas, Clerk

AT A SPECIAL MEETING OF THE
BOARD OF COUNTY COMMISSIONERS
HELD IN AND FOR GADSDEN COUNTY,
FLORIDA ON MARCH 28, 2000, THE
FOLLOWING PROCEEDINGS WERE HAD,
VIZ.

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

ABSENT: E. H. FLETCHER, VICE CHAIR

LANE SMITH M-2 & BOBBY CARNES M-29

McGill: Both the chairman and the vice-chairman have not arrived yet. It's going to be a long night, so we are going to have the pledge by the county manager, Howard McKinnon and the prayer by Commissioner Watson.

(Pledge and Prayer)

McGill: O.K., Mr. Ballister.

Richmond: Here comes Commissioner Dixon.

McGill: We will wait until he gets here.

Ballister:

This special session of the Board of County Commissioners is called to hold and take final testimony and to take action on whether to include these applications on a draft submission to the Department of Community Affairs for the Comp Plan amendment for this year - in this Comp Plan cycle. This is, I guess, setting the short list for applications that will be seen by DCA. An affirmative or negative vote tonight drops it off the list and an affirmative vote does not necessarily mean that DCA will agree with our intentions.

This is formulating the list of amendments that we will be submitting to DCA late in April for a review session. There are, I believe 29 applications on the list. Some of them are adjacent to each other and will be talked about in a group mode.

The first one of these is like that. Lane Smith has 132 acres on CR 159. The request is from Agriculture 3 (which is 1 unit for 40 acres) to Ag 1 (which is 1 unit per 5 acres.) We're going ahead to discuss the other Tract too because it is across the road. That is Mr. Carnes Property. He has an assemblage of properties that total about 412 acres. On both of these tracts, there are wetlands and other factors that will prevent total use of the property. But, they are large tracts and have been requested to be re-zoned to a 1 unit per 5 acre density which will allow a fairly large lot subdivision.

It is open for discussion.

McGill: Does this represent the only time that we will hear land use adjustment this year?

Ballister: Yes, we will be adopting in a week or two, the 4 land use amendments that we approved last October. That will be 00-1. This comp plan amendment will be 00-2. That will be the last of the land amendments this year. When we approve this map.

McGill: Do you know if there is a possibility that some other major property holders may want to come in but did not get their paper work in time to do so?

Ballister: It would be hard to get in the process at this point. We have already gone through an awful long series of public meetings to get to this point.

I think we had agreed back in January when we set the cut off date that applications could come in and we would hold them until we had received some definitive comment from DCA about this set of amendments to know where we were headed. But, we would hold them on file until later this summer or fall. We can prepare a submission in the fall that will be adopted next year after the lengthy submission process.

McGill: I remember that discussion but I just thought maybe if we were talking about a major property owner, someone who owned a 1,000 acres, might want to come into this window, but I guess not.

Ballister:

Well, a thousand acres or something will probably end up being a (inaudible) review and would end up in a different chapter and probably the closing on that wouldn't be until next year anyway.

McGill: O.K.

WATSON: I MOVE APPROVAL OF THIS.

MCGILL: SECOND.

RICHMOND: WAS THAT FOR BOTH?

WATSON: SIR?

RICHMOND: THEY ARE BOTH BEING CONSIDERED AT THE SAME TIME, COMMISSIONER. I'M JUST TRYING TO CLARIFY.

MCGILL: ARE WE TALKING ABOUT M2 NOW?

BALLISTER:
M2 IS ACROSS THE STREET FROM M29. IT IS FURTHER DOWN IN YOUR PACKAGE OF INFORMATION THERE.

RICHMOND: I WASN'T SURE IF YOU WERE CALLING THEM BOTH UP AT THE SAME TIME OR NOT.

BALLISTER:
WELL, I WAS DISCUSSING THEM BOTH AT THE SAME TIME BECAUSE THEY HAVE THE SAME REGIONAL IMPACT.

WATSON: YEAH, I'LL AMEND MY MOTION TO APPROVE MR. SMITH AND MR. CARNES.

MCGILL: I SECOND THAT MOTION.

Richmond: Thank you.

Dixon: We have a motion and a second. Will there be further discussion?

Lasley: My name is Marion Lasley. I wanted to mention to Mr. McGill that there 2 or 4 other projects that are going to be discussed next week that are also applications for rural residential and they do involve a lot of land.

Watson: Why are we not talking about them tonight?

Lasley: Well, they are major land use changes, I believe, is how it is termed.

Ballister:

They have been approved by the this Board last year. They have been approved by DCA and we are getting around to the adoption. We have to formally adopt them now.

Lasley: But, they're, but they also, I mean, if you add them all together, you know, it's 1500 acres or something like that, that is being changed to rural residential.

MCGILL: QUESTION CALLED, MR. CHAIRMAN.

DIXON: WILL THERE BE FURTHER DISCUSSION.

THERE BEING NONE, ALL IN FAVOR, A SIGN OF "AYE."

ALL: AYE.

DIXON: OPPOSES?

PLEASE MAKE IT UNANIMOUS.

Dixon: Let me just say something. I apologize for being late. I took this today and I appreciate the cold shots. They made a real difference. But, I can tell you now, I'm going to be hard pressed to vote for anything that does not have a development order or a development plan with it.

You know, I looked at these things over and over again, and I looked at planning and why we have planning and so on and so forth. Basically, it told me that we are doing things and we are basically going through wishful thinking about what might be there or what the property owner might put there.

On a lot of these pieces of property, that seems to be the case. Instead of it being something that fits the need of the county, we appear to have gone through "willy - nilly" and said "Anybody who wants to can" which we did say. But, furthermore, there's no reason to do it other than someone wants it done.

I don't know what's going there and I have no way of explaining to anybody who lives there what's going there. None of the other commissioners may feel like that, but that leaves me a little, no, a lot uneasy. It may be o.k. if you're from 40 to 1 or from 5 to 1 because those

are minor impacts, if you will. But, if you're going down to R1, rural residential or 1 to 1 or you're dropping down to commercial or dropping down to industrial or urban service area, that's going to be a very different can of worms.

The drop from 1 to 40 and 1 to 5, you didn't see them in the beginning and you're probably don't see a neighbor now. There is really no great impact there. But, I just wanted to make, ah, say that because, and I guess I didn't really feel like that until today when I kinda got into the gist of this stuff here.

Watson: Commissioner, I will agree with you 100%. I feel the same way. I feel this process is flawed in that we are being asked to make zoning changes when we have no idea what's going to go there.

Historically, since I have been on this board, we loose every law suit somebody brings up on us. Because if it is in the books, they can do it. And if we approve some of this stuff, then it is in the books and we will not have any control then as to whether they are mobile homes or site built homes. And I am going to be very reluctant myself to go down to 1 to 1.

Richmond: That is a very valid legal point, Commissioner. Once you approve the change, if they meet or request for development that is in that particular change to rural residential, you are hard put to say "Oh, no. We don't like what you're going to do." Once you take this step, you've created legal rights in the land owners that you don't control as much as you used to.

Roberson: Exactly.

Watson: I think that the process needs to be changed in that the zoning change come with something that is going there. Now, that's just the way I feel about it.

McGill: So, do you suggest that we stop this at this point?

Watson: No, there are a lot of them in here that I can agree with. You know, the 1 to 5's.

Ballister: If I may respond to those comments. They are very valid comments. The DCA view of a land use change is that they recognize too, that a development plan isn't binding in a land use change. They don't care if you've got a

detailed subdivision plan with all the ordinance issues taken care of. They multiply acres time density and look at and evaluate those impacts. They will accept for conceptual review, a concept plan. But since they know that a development plan can change or an ownership can change on a parcel. When they evaluate our package, they will evaluate it on the maximum impacts.

I am sure acreage, even though we have wetland protections and open space requirements and rights of way and holding ponds, we know they won't yield these densities. 70% of the density yields is probably a good fit in a lot of these cases. They review these applications based on if it is a 1 unit per acre zone; 40 acres of it for 40 units impact. That's how they review them.

They don't require and don't really want to see building applications. I understand that it gives a lot more feeling of comfort at this level, but it's getting the cart before the horse to do a development order prior to a land use change. The investment required to do all the planning and engineering of a development plan before you have a zoning change.

McGill: Suppose we go to a, just suppose, and I am not suggesting that they will, and approve every land change that we have before us now, what does that do with the balance of AG 2 and AG 3 compared to residential and commercial? Aren't we required to keep some kind of balance or relationship or ratio?

Ballister: There isn't a requirement to have a relationship one to the other. The lowest density acreage is a land for future use. You don't want to squander them. You don't want to assign higher densities where they aren't wanted necessarily, cause it might be a very long time before those are used or deeded.

One of the things that does come with a land use change is a change in market value. In the case of one of the applicants, they are trying to market their property and they have no value to assess a market value to those properties if they don't have a marketable designation.

Dixon: But, is that our concern?

Ballister:

To the extent that that property is unmarketable when it has an unknown future, it would be hard to tell.

Dixon: It is a known future.

Ballister:

Well, you could say, "You can sell it and mine it." For instance in the case of Englehard Properties, like 5 tracts, they have a certain market value as mining property. They have a very uncertain and unaccessible market value in any other category. Because no buyer would know what they might get.

McGill: But is that our concern at this point?

Ballister:

It isn't your concern, but, like I said, how would that property, If you were to try and sell that property, how would you set a market value on it? How would a buyer know he was getting a quantifiable value.

Watson: The difference is going to be if he buys it at the present zoning, he's going to pay a lot cheaper price. That's the give-back here.

Ballister:

Anybody could buy those properties and mine it.

Watson: Well, he could take the chance then in coming through the process.

Ballister:

Now, one thing we could do with those properties that are not in our comp plan, some jurisdictions do it, they say when mining property goes back to another productive use, it would go to whatever the majority of it's borders. If it is surrounded by AG 2, it would go to AG2. If it is surrounded by AG 1, it would go to AG1. You just figure out what was the common border relationship and change it to that zone. That is truly compatible with the neighborhood.

But, we don't have that in our comp plan.

Dixon: In all those pages?

Ballister:

In all those pages, it is not in there.

Dixon: There just seems to be so many things missing in our comp plan. But, not to delay. I just needed to make that point. As the young folks say, "I'm just not feeling it."

Ballister: At face value, you could accept that each of these have the appropriate multiplier value. 10 divided by 5 is 2 units. 10 divided by 1 is 10 units. It's just how you look at it.

Dixon: Bruce, do you have an inventory of residential subdivisions. And say parcels remaining.

Ballister: What lots are available in what subdivisions?

Dixon: Yes.

Ballister: No, sir. I'm sorry, I don't. Unfortunately, quite a few of the subdivisions in the County are not platted and I don't have a map of them.

Dixon: I mean in the last 10 years. 15 years. I ask because there must be some relationship to supply and demand. Or supply and need. At what point do we stop approving subdivisions? Do we even know if they are necessary?

Ballister: In the late eighties, as the comp plan process was impending, the County created a lot of subdivisions, especially in the Havana area. Also in other parts of the County also. Reston, for instance. A lot of subdivisions were created and it's my empirical feeling that most of them are at 80% or 90% buy-out.

Since the comp plan, we have created fewer than 300 lots in the traditional major subdivision process. Right now, our department is very active in the minor subdivision process. We get maybe one a month. The 5 lots a month doesn't meet the demand. So, there will be a need for many subdivisions in the future.

Some these applications have communicated an indication that they wanted to created major subdivisions. Some of them want it for future use and then they buy in the plan.

McGill: But, why would they want to create a major subdivision if the ones we have not are not being fully utilized?

Ballister: Well, I guess on the basis of market and demand, there is a very low supply and the price would be very high. If you want to keep available lot market portable, you would have more lots available. It's like used cars. If there are a lot of used cars out there, you can get them cheap.

Dixon: But that is a chosen philosophical understanding, right? I mean, you make that choice.

Ballister: Yes. I mean, the County can restrict the availability of new lots. It will just make it harder to find home sites.

Dixon: I'm not talking about necessarily restricting the number of homes sites as much as taking an inventory of what it is that we have, where it is, where it is. Because I would not want all of any certain or particular kind of thing happening in any certain particular part of the County.

I don't know that for sure. I don't know what is happening where because there is no large picture for me to see.

Ballister: One of the things in our GIS function is to map all the rural residential lands and physically use our aerial photographic background and map out which parts of those are platted. Now, there's rural residential land that is platted but not available. Then there is rural residential land that is not platted, not subdivided and is available for subdivision. I don't know the percentages.

Dixon: Let me, I don't want to delay things. We have a lot to do here. So, if we can, let's ah, let's move on.

M-3 DERRELL COLGROVE

Ballister: The next applicant, Derrell Colgrove would like to rezone the 7 acres that form the eastern extremity of his property. It is immediately adjacent to Cypress Circle

which is a paved local road. Each of the 7 lots would have access. The remainder of his, I think it is a 40-acre or 80 acre tract, would remain in AG 2. So, we are looking for 7 acres to rural residential from AG 2.

There was little or no discussion in the Planning and Zoning workshop. There was 1 negative comment at one of the P & Z meetings. There was no negative input in the file.

The P & Z Commission did approve rural residential.

McGill: How many acres will remain in AG2.

Ballister:

The remainder of the tract. I'm not sure, but I think it was 40 or 80 acre tract. But they would be unaffected. It's just this eastern boundary. We took that eastern dimension and divided until we got a dept that would make 7 acres. The length with Cypress Circle there is just short of a quarter of a mile and it's, however deep it would need to be to make 7 acres.

McGill: This says it is 1300 ft. wide and 235 ft. deep.

Ballister:

Correct.

McGill: If these 7 lots sell, the owner is going to come back and want to take the balance of that property to do 5, 10, 6 lots later.

Ballister:

He would have to do more either land use changes or restrict it to 10 acre lots.

McGill: I wonder if we should make him go through a land use amendment again.

Ballister:

We could certainly. That will be up to him. That will be another process.

Dixon: Are there those to speak for or against?

Are there those to speak for or against?

What is the will of the Board?

Watson: You had no opposition to this?

Ballister:

We had 1 person who spoke against any new rural residential over in the Providence area. It was when we had a packed house at our December meeting. The Providence people.

McGill: The 7 acres there would be 1-acre lots, right?

Ballister:

Yes, sir.

McGill: What are the size of the lots right now, the rural residential south and east of that? Or would that be compiled (inaudible)

Ballister:

South on Pine Cone St. and Carolina, there are a lot of 1/2 acre smaller lots. Further up on Edwards Road there are numerous 1 acre lots. There are still a great number of larger acre parcels, larger acreage parcels in the area. But, 1 acre is not a typical lot size for this area. It is adjacent to rural residential across the street.

WATSON: MR. CHAIRMAN, DUE TO THE FACT THAT THERE IS NOBODY HERE IN OPPOSITION TO THIS, I'M GOING TO MOVE APPROVAL.

MCGILL: I'LL SECOND.

DIXON: THE CHAIR HAS A MOTION AND A SECOND. WILL THERE BE FURTHER DISCUSSION?

ALL IN FAVOR, SIGN OF "AYE."

ALL: AYE

Dixon: Next issue.

M-4 ST. JOHNS CHURCH

Ballister:

I hope the galley can see because we went to some effort to make these. Look for the shaded darker areas on the maps. They should be readable to about 30 ft. back. At least with my glasses they were.

Lasley: Can I borrow your glasses?

Ballister:

Sure.

The next applicant is the St. John's Church. We discussed before. This applicant wanted to

Dixon: Bruce, I think this is an easy one for the Board.

MCGILL: I'M GOING TO MOVE APPROVAL.

WATSON: SECOND.

DIXON: THE CHAIR HAS A MOTION AND A SECOND. WILL THERE BE ANY DISCUSSION? THIS IS THE ONE WHERE THE CHURCH'S - AH, SOMEONE GAVE THE CHURCH 10 ACRES, 8 ACRES.

MCGILL: THEY WANT TO DEED BACK 2 ACRES.

DIXON: DEED BACK 2 ACRES.

I THINK I NEED TO ABSTAIN SINCE MY BROTHER-IN-LAW IS THE PASTOR.

RICHMOND: YEAH.

DIXON: WILL THERE BE ANY DISCUSSION?

ALL IN FAVOR, SIGN OF "AYE."

ROBERSON, WATSON & MCGILL: AYE.

DIXON: 1 ABSTAIN.

Watson: You're beginning to sound like Commissioner Fletcher now.

Dixon: I think in eight years I have never had to abstain.

Please continue Mr. Ballister.

M-5 MALCOLM AND AUGUSTINA HINSON

Ballister:

O.K. The next applicant is Malcolm and Augustina Hinson. They have two parcels that total 34.9 acres up near the GA line on CR 157. The larger tract, I think is about 25 acres, excuse me, yes, 25 acres and the other one is about 10 acres.

They are requesting to go from AG 2 to Rural Residential. It was indicated, I think, that the back parcel is for family use and they intend a small lot subdivision along 157.

McGill: Are you really expecting that we are going to have that much residential development in Gadsden County over the next 2 - 3 years?

Ballister: Right now, the Shemberg Center in Gainesville sets our estimated population at about 50,800 or so. Just over 50,000. They are looking for it to be about 60,000 in 10 years. So, that is a 20% growth rate over 10 years. That is based on housing starts, utility receipts, and other ways that you can verify households without counting people.

McGill: What affect would that air strip have on changing from AG 2 to rural residential?

Ballister: Not much. They would have, ah, it's a private air strip. They do, I think, sky diving and sport flying or lighter (inaudible) that kind of thing. It is not a commercial strip by any means. It is a private air strip.

McGill: I understand. But, once we make those 34 acres residential and houses are built on each of those 34 acres, then how many times are we going to get complaints from people about the airplanes making too much noise?

Ballister: Don't know. This is not the kind of airport that is regulated by FAA for noise etc.

McGill: (inaudible) O.K.

Dixon: Are there those to speak for or against this project?

Please come forward, ma'am.

Bowman: My name is Heather Bowman. We own about 9 acres bordering the back of the larger piece of property here and I am very concerned about having, I am assuming it is going to be 24 homes, it's going to be 1 acre lots, Is that correct.

Dixon: 34.

Bowman: Right, but I am talking about this one particular piece. Are they going to put 34 mobile homes in my back yard? I am a little bit concerned about that.

I also understand that there is a pond and some wetlands back down in there. Ah, I'm not real happy about this. I just want to let you guys know.

Dixon: Thank you. Will there be others?

Ballister: Some of you are here for the first time. Although the Department of Community Affairs does the math problem of dividing 34 by 1, we have codes that protect our wetlands and protect open water that require open space, roadways, easements etc. It would be very hard for somebody to get 34 lots on 34 acres. If they didn't specifically request clustering. In our proposed wording of our Comp Plan, clustering will not be available unless you build a site built house. So, we've got that in our proposed Comp Plan text. So, the yield of 34 units per 34 acres is not likely. I have no idea what that number will be. Each property will be assessed based on its wetlands and other subdivision criteria that we have in our code. That will pertain to all properties on the discussion tonight.

Dixon: You see, Bruce. This is the kind of project that I am talking about. It has no nexus. It's not near anything. I mean, give me a nexus like the first project or the second project we just discussed. At least, right there across the street, was somebody who looked like them. I don't have that here.

Ballister: I can tell you that in the area immediately to the north is Quail Ridge.

Dixon: Yeah, but you got to get by a few acres there.

Ballister: Right. There is ah, access would have to be acquired for the rear drive. And the, and I will say this, the proposed text for the Comp Plan, when we get that adopted, there is language that says that rural residential and/or new commercial land to be considered for land use amendments, they should be adjacent to those land uses. Rural residential should be adjacent to rural residential. It isn't in our Plan right now.

Dixon: I mean, I'd rather see if, and I know this is not the proper vernacular, but I would rather see creeping land uses as opposed to leap-frogging.

Ballister:
You would rather see an area spread.

Dixon: Right.

I am sorry. Are there those to speak for this project?

Against this project?

No response.

All right, we have number 5. What is the will of the Board?

WATSON: MR. CHAIRMAN, THIS IS THE ONE THAT I FEEL COULD CAUSE A LITTLE MORE OF AN IMPACT TO AN AREA THAN WHAT THE SURROUNDING PEOPLE WOULD WANT TO DO. SO I AM GOING TO MOVE THAT WE DENY THIS.

MCGILL: I HAVE SOME OTHER KINDS OF PROBLEMS WITH IT. I'M GOING TO SECOND THAT MOTION. I JUST HAVE A PROBLEM WITH SAYING WE'LL TRACK OFF SOME NOW WITH THE POSSIBILITY OF FUTURE SUB-DIVIDE. THAT DOESN'T SET TOO WELL WITH ME. I WILL SECOND THAT MOTION.

DIXON: THE CHAIR HAS A MOTION AND A SECOND. WILL THERE BE FURTHER DISCUSSION?

ALL IN FAVOR, A SIGN OF "AYE".

ALL: AYE.

DIXON: OPPOSES?

NO RESPONSE.

Dixon: O. K.

Mr. Ballister, next project please.

M-06 BETTY BARNETT COWEN

Ballister:

The next applicant is Betty Barnett. The application, I think is in the name, Betty Cowen. She has approximately 5 acres on the south side of US 90 midway between Mt. Pleasant and Chattahoochee. I understand that she wants to sell off a 3-acre parcel in the back and zone 2 1-acre parcel on the north. There is no development plan. This is a change of about 5 acres from AG 2 to Rural Residential.

Roberson: I don't think that is exactly her intent. She is in the audience, so,

Ballister:

Did I get that wrong?

Roberson: Yes, sir.

Ballister:

I remember it from a month ago.

Would you like to speak?

Dixon: Please come forward ma'am. Good evening.

State your name for us please.

Cowen:

All right, I am Betty Cowen, now. When I applied for this, I was Betty Barnett. My late husband and I bought this property we bought about 7 acres out there in 1959 and we had a little house there. In 1982 we built a nicer home there and we developed all that property. I think it is very pretty. I am sorry I don't have pictures to show you. And, this little lane that comes down and there are only 3 families down that lane. The woods section over there, which is the one I want to sell, because my house is one about 3 acres. I can see it, there's no problem there. But, you see, the acreage across the lane, there's a, I am in an area where I am told a home cannot be built in. Yet, there are homes all around us. I would like permission, so if I sold this acreage across the lane to someone, they could build a house there. It wouldn't be fair for me to try to sell it without it. I don't think anybody would want it for anything other than that. I have planted azaleas in there, I staked all the dogwoods in there and magnolias. It is a lovely piece of land. It even has a grass area

in front of it as you come down the lane. Lots of dogwoods have been planted in there down that lane. But, see, if I moved to town, which I may have to, you know, age gets up with all of us. I am thinking of moving into Chattahoochee and I will see my house, the side that it is own. But, then there is that acreage cross the way. And I would like permission to sell that. I would really like to sell it to one person. But, if not, I would like to divide those little over two acres - you would have 1 1/2 each to two people. Whoever might want to buy it. Am I making myself clear?

Dixon: Very much so.

Cowen: It's been unclear to me why in that whole area out there, there have been lots of houses, mobile homes, or modular homes, they're nice, that has been built on property that supposed to be zoned the same way mine is. I just don't understand why other people are building all around me. But I am doing what is right and if it's not pleasing and not correct, then I will abide by whatever you tell me.

McGill: So, are we talking about 5 acres or two acres?

Cowen: We are talking about a little over 2 acres on the opposite side of the lane. Do you see, there are two sides there. I own the lane, too, but there is an easement for people to go down.

Roberson: The drawing looks a little, you know, like I showed you, it looks like it was the other way around.

Cowen: Right. But there is nothing over on that west side. It is all on the east side.

Dixon: Will there be others to speak?

Will there be others to speak?

You all can hear me?

McGill: Mr. Chairman, an adjacent neighbor to the east of that section, what objection did they have?

Ballister: They didn't want to see mobile homes next to his property.

Roberson: I spoke to him this afternoon and he

Ballister:

I can't remember his last name.

Roberson: Owens.

Ballister:

Right, he came in and talked to me in December, I believe, or November before the first series of land use amendments.

ROBERSON: I SPOKE TO HIM THIS AFTERNOON AND HE DIDN'T HAVE, AH, HE SAID THAT WITH MS. COWEN'S WORD, HE DIDN'T HAVE ANY PROBLEM WITH IT.

ON THAT BASIS, I MAKE A MOTION TO APPROVE.

MCGILL: SECOND.

DIXON: WE HAVE A MOTION AND A SECOND TO APPROVE. WILL THERE BE FURTHER DISCUSSION?

ALL IN FAVOR, A SIGN OF "AYE."

ROBERSON

MCGILL: AYE.

DIXON: OPPOSES, SAME SIGN.

WATSON

DIXON: NO.

DIXON: 2 - 2.

BALLISTER:

WHO GETS THE DRAW?

DIXON: NOBODY GETS THE DRAW.

BALLISTER:

A TIE IS A DENIAL. O. K.

Watson: A tie is a denial?

Ballister:

Yes.

Dixon: Yes, a tie is a denial.

Richmond: It is not an approval.

Dixon: It is a rejection. It is not an approval.

Richmond: It takes three votes for a majority to approve.

Dixon: You are the attorney, you need to earn some money tonight.

Cowen: What was your objection?

Dixon: Well, my objection is the leap-frogging of zoning.

Cowen: Well, sir, it is done all the way down the road. I can take you and show you. I don't understand why other people have been able to do it. Now, I am not asking that. I just wish you could see the property and where it is. There is nothing but houses in that area and people do want to move to that area. And they are moving, I just don't know how they are getting there.

Dixon: I understand.

Cowen: There are 2 modular homes right down the road from me on Highway 90. I don't know how they got it in there. It looks like our area is where people really want to move. And there are a lot of homes out that way.

M-7 ENGLEHARD

Ballister:
Move on?

The next several applicants are all from Englehard Corporation. This is a case indicator where there is a questionable or unknown marketable value at this point.

This first tract, I believe, has a contract pending. The proposed buyer and his wife spoke to me at length in December about retaining the back 40 or 50 acres for themselves and doing a minor subdivision of fairly large lots with access to 268. It is a reclaimed mining area. There are 2 ponds that form the old excavation. And the only snag in the closing was DEP takes a long time to approve a reclaimed mining area. There are 2 ponds that form the old excavation and the only snag in the closing was the DEP takes a long time to approve a reclamation.

Lasley: Would you state the acreage please.

Ballister:

It is 94 acres from mining to AG 2.

Dixon: Anything else you want to say, Bruce?

Ballister:

No, sir, that is about all I know about it.

Dixon: Will there be those to speak for or against?

Please come forward.

Ballister:

Oh. I got a faxed letter from (inaudible) and a neighbor apparently got a late notice. It is in your package. I think it proposes that doing this land use change would create a potential risk for (inaudible) plague and consequent use of anti-bug chemistry in contrast to the preservation of the following (inaudible) in North Florida. Ah, I am sure he was serious but I found the letter humorous.

McKinnon: Bruce, they've got a copy of the letter. It's in the packet.

Lasley: Marion Lasley. This is one of the parcels that is adjacent to the Quincy City limits, is that right?

Ballister:

Yes.

Lasley: And the potential for, Is there a potential for water and sewer extension for this property?

Ballister:

The extension from the City for the present moment is subject to the City of Quincy, obviously. The City of Quincy is working through the procedures to develop a new well field north of the City. North of Mount Pleasant. Before they can do any major connections to their system. As far as sewer, they need as a city to make a determination as to whether they are going to invest in sewers. This application is for AG 2 which is 10 acres. It is the same as the adjacent land use of the north. It does have Quincy Creek to the south at the border.

This change will isolate a very small piece of private property to the very east which will stay mining unless we want to also make it AG 2. It is owned by a third party who has not responded to any of our mail outs.

I went back and checked the 91 map and is colored correctly. It goes to the corner - mining.

Dixon: O. K. What is the will of the body?

McGill: Look at the second sentence on the, I guess it is the applicant's proposed amendment, "proposed buyer proposes 10 acre minor subdivision holding a large remainder" - that is confusing to me.

Ballister: O. K. The buyers, the people that I have talked to who are at least in contract before December, wanted to hold the 40 - 50 acre piece of the back. The remaining they want to do a minor subdivision and sell 4 other lots of 10 acres along the front.

McGill: It says here that the maximum yield would be 9 units.

Ballister: That's if you divided 94 by 10.

McGill: So,

Ballister: If you do the DCA calculation.

McGill: So, the 9 is not relative to the 94, is that what you are saying?

Ballister: That is how DCA will calculate it. 9 units for 94 acres. But, what the applicants told me, or the buyer told me, that they wanted a 40 acre piece on the left side and 10 acre lots or bigger along the front.

WATSON: MR. CHAIRMAN, I WILL MOVE APPROVAL.

DIXON: WE HAVE A MOTION.

ROBERSON: I'LL SECOND.

DIXON: WE HAVE A SECOND. WILL THERE BE ANY FURTHER DISCUSSION? ALL IN FAVOR, SIGN OF "AYE."

ALL: AYE.

DIXON: OPPOSES?

NO RESPONSE.

DIXON: MAKE IT UNANIMOUS.

Mr. Ballister, please continue.

M-08 ENGLEHARD

Ballister:

For the gallery, the first one we will be discussing is north of Quincy Creek. Number 8, Number 9 is on the eastern side of the Quincy City limits and Number 10 is across from Circle Drive off US 90. Those are the access points. There is a very large mining tract that Quincy Creek runs through. What doesn't get changed to one of these zones, the department will change to conservation through the rest of the wetlands. Quincy Creek has a very wide flow through here.

These are also the affected parcels that would have a majority of the proposed Quincy By-pass routed through it. That would go along the east side of sections 9 and 10 - looking at your map.

The first application is 125 acre tract on the north side of Quincy Creek. The request is for AG1. One unit per 5 acres.

In this case, there is a strip of land about 300 feet wide with the City of Quincy has and they will have to pursue zoning there if they haven't already.

Dixon: Is that a strip that allows them to access the airport?

Ballister:

It's their property, but in terms of zoning, we only change what is the County's.

Dixon: Right. But, that allows them to access the airport and annex it.

Ballister:

Yes, sir.

McKinnon: Bruce, did you say the request was for AG 1.

Ballister:

Yes, sir.

Richmond: It says rural residential here.

Ballister:

Oh. When they first came through, they had requested rural residential and the Planning Commission recommended AG 1. There was a notice from them saying they had no problem with that determination of AG 1. That was comfortable and that is their current request now - to AG1.

Roberson: Now is that on all three of those?

Ballister:

No, that's on Number 8. The portion north of Quincy Creek.

As you look through your packet, the commissioners have a map with each. What the gallery is seeing a map of the composite of the 3 drafts. This is the one we are talking about right now.

McKinnon: So, you are saying that 9 and 10 are not AG 1?

Ballister:

Nine and ten are for rural residential. A portion of the property that they are describing as 9 is already rural residential. 9 is 70 acres.

Dixon: Where is 9? Tell me, what is this road - GF&A Drive where the treatment plant is?

Richmond: There is 8, 9 and 10.

Do you want to take them up individually?

Dixon: All right.

Ballister:

I'll go ahead and introduce 9 and 10 too. We can act separately on them.

Nine is adjacent to the east side of Quincy. The portion of County lands that are up hill from a strip of land that Quincy has going out to G F & A Drive. There is rural residential of about 27 acres that is already rural residential. The remainder constitutes a hillside, I suppose, that runs uphill from G F & A Drive to a bluff that has 2 fairly different styles of housing. There is a small lot subdivision on the southern side of that city limit and a large lot subdivision on the northern end of that city limit.

Looking at the exhibit that we got, I am sure that is the intended limit. The actual developable limit will be 50 ft. They will have to move back 50 ft. from the wetlands line where ever it is. In that area, it is fairly flat, then it becomes quite steep. They will have their issues getting the plan done.

Dixon: Let's vote as we go through them.

Ballister:

O.K. Do you want to go ahead and do eight?

Dixon: Yeah, let's go back to eight.

Now, here we see where it says mining on each side of those pieces of property. They know that they will revert to conservation?

Ballister:

Yes, that is lowlands and is not developable land.

Dixon: So, it's not developable.

Ballister:

I think they wanted to limit the impact of what they were changing so that the impact would be less strenuous in DCA's mind. There is actually a stretch of land on the northern side of 9 that is also restrictive due to wetlands.

Dixon: So, in essence, what we have is, to be colorful, a yellow strip running in behind right there where we see Searcy and Henry Street.

Ballister:

Actually, that is an AG 1 strip, so it will be a light green. This is a 5-acre zone.

DIXON: WHAT IS THE WILL OF THE BODY?

WATSON: I MOVE THAT WE DENY IT.

ROBERSON: I SECOND.

DIXON: WE HAVE MOTION. WE HAVE A SECOND. WILL THERE BE FURTHER DISCUSSION? ALL IN FAVOR, SIGN OF "AYE."

ALL: AYE.

DIXON: DENIED.

Mr. Ballister.

***** M-8 was later reconsidered in this meeting. See page 26.

M-9 ENGLEHARD

Ballister:

Moving on to Item 9. It's for rural residential. Access to the property could be either from the existing on the hilltop or from G F & A Drive. Also, it could also be from US 90. They own that property too. It's just that our zoning change will only affect the County.

Lasley: It is 170 acres?

Dixon: 70 acres.

McKinnon: Somebody in the audience raised their hand a while ago.

Dixon: I am sorry.

Williamson:

On the area acreage,

Dixon: Sir, I need you to state your name for the record.

Williamson:

David Williamson. I am with Talquin Commercial Real Estate. We work with Englehard and we represent them and their properties. Are we not going to discuss? We were denied this far as the area 5, so it will stay mining, I mean area 8. Is that what I understand. So, we are not getting any type of zoning recommendations to go to a higher or lower density or it is just strictly denied?

Dixon: If you want to offer us one, I will open the floor. But, the Commission

Williamson:

Well, what we tried to do is go into the area was. We looked at the zoning maps and tried to go basically to what everything was around it. And go from there. I mean, we are not, we just, people want to be able to build houses. I mean, we are looking at trying to be able to sell the property where people can put homes in. We would look at area 2, I mean AG 2.

Dixon: Since we have already voted, let me put it on the table and see if there is a will to open it up again.

Williamson:
There just wasn't any discussion.

Dixon: I think I asked for discussion, didn't I?

Williamson:
If you did, I didn't hear it.

Dixon: I am sorry. I know it was my intention, though.
If the Commissioners would move a motion to rescind.

McGill: I think it should be to reconsider.

M-8 ENGLEHARD

DIXON: RECONSIDER, I AM SORRY, ITEM NO. 8, THE CHAIR WILL ENTERTAIN.

WATSON: TO AG 2?

DIXON: YES, SIR. THAT WAS THEIR OFFER.

WATSON: I WILL SO MOVE.

ROBERSON: SECOND.

**DIXON: WE HAVE A MOTION AND SECOND TO RECONSIDER.
ALL IN FAVOR, A SIGN OF "AYE".**

ALL: AYE.

Dixon: Now, are there those who would like to speak for or against. Please forgive me and if I don't, please remind me.

Remind me. I'm trying to keep a step ahead and keep things rolling. But, Mr. Williamson, you wanted to make a request of the Board.

Williamson:
We would like to be able to put some type of ah, to be able to sell the property. I mean, it's a, we're trying to go in and work with the people and take the growth from the city limits out. That is why we put the higher densities in this area. To try and keep the City growth coming out from the city instead of going high.

Watson: Now, do we want to get into the negotiation?

Richmond: Can I speak to that for just one moment.

The purpose of this is to rezone, change the land use classification on the future land use map. There are no proposals before you as to how it is to be developed, what's to be placed there or anything like that.

What we are hearing, and I am not picking on Englehard when I say this, people are making requests to change the land use to market the property. What is a better way of doing this perhaps, and I don't presume to tell the Board anything about this, if somebody wants to buy a piece of property, they can go sign a contract on it, put a contingency in it that they want to come to the county and see if they can get a land use changed with a more specific proposal for you to consider. Right now, you are writing blank checks.

Excuse me.

McGill: Well, why would we be so concerned about whether the City of Quincy is going to grow or not? That is not our concern is it?

Richmond: Well, the City of Quincy has their own land use problems and criteria in that it is different from ours. This is only as it relates to the county property.

But what I am hearing is that people want to change the land use, just because we can sell it better. Well, when you make a land use change as we discussed earlier, it's done. And there is a lot of gray in our Land Development Regulations that allow different things to go into rural residential, AG 1, AG2, or AG 3 and you have given up certain rights. You have the absolute right to do it if you want to give Englehard or anyone here the right to develop their property and put it in rural residential, you can do it. But, you are being asked to do it without a specific proposal before you for what type of subdivision or what type of homes are going to be placed there and you are being asked to guess. All I am telling you is when they come back in with a proposal that you may not like later (that is legal), I'm going to sit here and tell you folks, when you made that decision, you gave them right to do it.

What I am trying to do is cover myself for when it comes back later and I have to tell you something you don't want to hear.

Watson: My question is that "Do we want to get into negotiating these tonight or do we want straight up and down with what they have requested?"

Dixon: That is the will of the Board.

Watson: I am not inclined to get into negotiating these things. I mean they come in with a specific request and I don't want to sit here and dicker back and forth.

Dixon: You are in charge, sir. You don't have to dicker.

Watson: Oh, no. That is just my opinion.

Dixon: Whatever you say is fine. Your opinion is one that counts.

McGill: It says here that "the property is subject to corporate sale to investors." So, what happens if we through this and you don't get an investor?

Williamson:
All we are trying to do is basically get it to a place where you can sell it.

McGill: We can't sell it, you can sell it.

Williamson:
Whether it is 1 to 5, 1 to 10, you get up to 1 to 40 and you are right there, you know, you own farm land, basically on a AG 3 status. So, I mean, it's a 1 to 10, AG 2, we don't have a problem with that which is what ya'll were talking about earlier. Where there are houses aren't built right on top. We are not trying to cram them in. We're just trying to help, you know, trying to help the City of Quincy be able to grow outward and we thought this was a good place to do it.

There is a lot of wetlands in the bottom. They have taken those out.

Dixon: Will there be others to speak?

I did say it. Will there be others to speak?

Audience: Mr. Chairman, are we still on 8?

Dixon: Yes, sir, we are re-considering. I don't have a problem with folk going to a lower density as long as that density is compatible. It's the leap-frogging that I am really concerned with. Show me some nexus that I can work with that shows orderly growth.

Ballister: From a planning director's prospective, and I am not trying to sell Englehard at all

Dixon: That's all right. I think you'll have a hard time tonight either way.

Watson: An awful lot of folks think you are. A lot of folks wonder who you work for.

Laughter.

Dixon: But, Bruce, we are going to give you the benefit of the doubt for the next 2 minutes. Go ahead.

Ballister: I'm just saying that from a planning director's prospective, you would want to assign your higher densities near your existing cities, population centers and utility providers. It would make more sense for those higher densities to be adjacent to the City of Quincy. When they work out their utility issues, whether they are available to the City of Quincy. They are the providers for this area. It makes more sense here than in the "boonies". Because that is not leap-frogging the area that is adjacent to a city. It is with the, if they asked for 70 acres of this to be AG 3, then the city would be surrounded by AG 3.

Watson: Well, I'll move that if Englehard wants or will go along with an AG 2, is that what I am hearing?

Williamson: We will go along with that on that, yes.

WATSON: I MOVE THAT WE TAKE IT TO AG 2.

McGill: What happens if you go to the City of Quincy and we have made some available to you, a 125 acres under the AG 2 category, would you annex? When you say to them "Will you do that?" and they say "No." What will you do then?

Williamson:

All we are trying to do is get it to where we're getting the densities in line with what is already there. That is where we are trying to go.

Watson: He'll never go to the City of Quincy because he is trying to sell it.

Laughter.

McGill: I think that the City of Quincy wants to expand their utilities. If the City of Quincy doesn't want to extend utilities out there, what will you do with it then?

Williamson:
People can go out and if it is AG 2, then they can build one house per 10 acres.

McGill: Will Talquin supply the water?

Williamson:
You have the city sewer sitting at the bottom of the hill and you have the hospital sitting on top of the hill.

McGill: Nobody wants to sit at the top of a sewer system.

Watson: Yep. They can make that determination when they go to buy.

MCGILL: I SECOND THE MOTION. AG 2.

DIXON: WE HAVE A MOTION AND SECOND. COMMISSIONERS, I WANT YA'LL TO GET SERIOUS ABOUT THIS STUFF, HERE. YOU ARE SITTING HERE JOKING WITH THESE PEOPLE. WE HAVE AG 2 FOR NUMBER 8. AM I CORRECT?

**WILLIAMSON:
RIGHT.**

DIXON: WE HAVE A MOTION AND A SECOND. THERE BEING NO FURTHER DISCUSSION, NOBODY WANTS TO TALK. ALL IN FAVOR, SIGN OF "AYE."

ALL: AYE.

DIXON: MAKE IT UNANIMOUS, PLEASE.

M - 9 ENGLEHARD

Ballister:

Moving back to Item 9 again. This is the approximately 70 acre tract. It is immediately east of the city limits of Quincy. It occupies a bluff, it drains downhill.

In terms of a nexus, if you will, there is a large lot subdivision on the southern portion of that property, excuse me, northern portion of that property and a dense neighborhood on the south portion of that property. Along G F & A Drive, there are approximately 2 - 3 acre lots.

Roberson:

Bruce, turn your mic around, they're having a little problem hearing you.

Ballister:

Oh. That's right. Yeah.

McGill: Are you saying that there already 2 1-acre lots on G F & A Drive already?

Ballister:

There is a band of properties along that street that are moderate size. They happen to have the city limit running through their back yard.

Dixon: I really don't have a problem with this. I see the nexus, I know there is a crop of subdivisions right here. And I see how you get there.

McGill: I don't see what you're saying. Will you show me?

Dixon: Do you see those little lines right there? That is Shaw Quarters.

McGill: Oh. O.K. O.K.

Dixon: Shaw Quarters, I am sorry. Shaw Quarters.

McGill: O.K. Now, we are together.

But I would want rural residential. But P & Z approved AG 1.

Dixon: Is there anyone in the audience who would like to speak? Help me out now.

Parramore:

I am Arlis Parramore. I live at 821 Jette in Quincy. We live within this 1,000 ft. boundary that is referred to in the letter. I spoke back when you had an earlier meeting. I asked questions and there were a lot of variables that you didn't have answers to. And it seems that those variables are still there. I would like to re-state our opposition to this. I believe I am also speaking for Mrs. Lillian Weaver Parcell who lives in the area also and is present in this room. And there is another individual, at least one, that may want to speak on it.

Mr. Chair,

Dixon: Yes, sir?

Parramore:

Looking over the room, I would say about half of us in here are senior citizens and we are having trouble hearing. If everyone would speak into the microphone, I think it would be helpful.

Audience: Amen. I'm getting frustrated back here. I want to know what's going on. I am Everette Williams and I am out at Dogtown.

Dixon: Thank you, sir. I am sorry. If you can't hear, please just, feel free to do like Mr. Williams. Just let us know. We'll be glad to - Nobody around this table is shy.

O.K. We have

WATSON: I MOVE DENIAL.

ROBERSON: I SECOND.

Dixon: We have a motion and a second to deny.

Richmond: Now, be specific. They are requesting rural residential?

Dixon: Right.

McGill: But P & Z recommended AG 1.

Richmond: Yeah. I mean, I need to know what you are moving to deny. What the request is. Otherwise, we'll be

Ballister:

As I understand it, the Planning and Zoning Commission's recommendations are that only. The applicant restated their request to be considered for rural residential only.

Richmond: That's why I wanted to make sure as to where we are.

Dixon: Mr. Williams?

Williamson:

Back again. Ah, we'll move this density up. We are just looking to see it out of the mining category. That's ah, AG 1 or AG2. We're trying to keep the urban sprawl right there together.

Dixon: And I appreciate your sincere cooperation. (laughter)

But, we have a motion and a second to deny. Will there be others to speak?

McGill: Mr. Chairman, could we, do we need to go through the motion to deny it and then come back and make a motion to?

Dixon: Commissioner Watson can change his motion at any point. The Chair will entertain.

McGill: O.K.

Massey: Mr. Chairman.

Dixon: Yes, sir?

Massey: I am Terrance Massey and I, like Mr. Parramore, know that there are several others in the audience who live in the neighborhood. My concern is, you know, just like what was voiced earlier, we, you know, want to know specifically what is coming in our back door. You know, just a few feet away, they are wanting to change the zoning category, we want specifics, we want to know exactly what is going in there before we say "yes, we'll agree to it." Do I speak for you, is that correct?

Dixon: Thank you. Thank you.

Watson: I've just heard enough opposition to this particular thing til I'm not interested in entertaining any other density.

Dixon: Nor the second, I take it.

Will there be further discussion.

McGill: Question.

DIXON: QUESTION HAS BEEN CALLED. ALL IN FAVOR, SIGN OF "AYE."

ALL: AYE.

DIXON: OPPOSES?

NO.

Number 10.

Mr. Parramore, it failed. Yes, sir.

M-10 ENGLEHARD

Ballister:

Parcel NO. 10 is an 84-acre tract. Ah, on the northeast side of US 90. The parcel is roughly across from the Circle Drive neighborhood. It is adjacent to the Sheline sand pit to the east and drainage to the northeast, excuse me, northwest, and US 90 to the southwest.

There is a, ah, I guess Circle Drive is about a 1-acre size subdivision. Again, there is about 300 ft. wide strip of the City of Quincy between us and the US 90 right-of-way. Any changes there will be up to the City of Quincy.

Dixon: I am trying to remember where New Bethel Road is.

NO, that is the wrong road.

Ballister:

The Church is at the corner of Selman and ah, right across from the hospital.

Dixon: It doesn't have, I thought the name something to do with the property strip, but, it doesn't.

Ballister:

Oh.

Dixon: Will there be those to speak for or against?

McKinnon: I guess Mr. Williamson's offer is still on the table.

Dixon: Mr. Williamson, are you going to try again.

Williamson:
No, ya'll know my position, or our position.

Dixon: You don't know when you might win one around here.
Will there be those to speak for or against.

McGill: Specifically, where is this located, Mr. Chairman?

Dixon: It is specifically right across the street from what we now know as Circle Drive. The neighborhood called Circle Drive.

McGill: O.K.

Dixon: It is directly opposite.

Watson: No opposition here to AG 2? If there is, let me know.

Dixon: This is for rural residential.

Watson: Oh, that was out a long time ago.

I mean, that didn't have a chance.

Dixon: The Commissioner is offering AG 2, did I understand that to be so, sir?

Watson: If there is no opposition here to it, I don't have a problem with it.

Dixon: Well, we have a taker.

McGill: The P & Z commission recommended AG1 which amounts to a denial. The applicant reiterated that his request was for rural residential. So, if he went with, or stayed with rural residential against AG 1, I feel confident that he's going to object to AG 2. It amounts to a denial for this one.

Ganus: My name is Larry Ganus. I live over on Frank Smith Road. I would just like to ask a question maybe directed toward the members here from Englehard.

Would it be proper for Englehard to petition the City of Quincy to annex their property that is right adjacent to the city limits and that way, they could deal with a different board and might get a different answer. All

three of these pieces of property are connected to the City of Quincy.

Watson: That is what he is getting paid to do. He is getting paid to tell them that kind of stuff.

Ganus: Well, we seem to be beating it back and forth and nobody is able to say "yes" or "no" to we want it to be rural residential. If it is inside the City, then the City can deal with it and they can extend the infrastructure and develop it. I don't know how their codes look and what you can put on the property, but it is just a suggestion to get away from this stalemate position we are in.

Dixon: I don't think we are in a stalemate.

Watson: I don't think we are either. I mean, all

Dixon: Thank you, Mr. Ganus.

McGill: I asked the question "Have you talked to the City of Quincy?" I raised that question.

Dixon: That is a very good suggestion. It's a very good suggestion.

WATSON: I MOVE TO TAKE IT TO AG 2.

MCGILL: SECOND.

DIXON: WE HAVE A MOTION FOR AG 2. WILL THERE BE FURTHER DISCUSSION. ALL IN FAVOR, A SIGN OF "AYE."

ALL: AYE.

DIXON: OPPOSES?

PLEASE MAKE IT UNANIMOUS.

Ballister:

From my notes, we have an AG 2 motion for M8; a denial for M9; and AG 2 for M10.

McKinnon: That's correct.

M-11 ENGLEHARD

Ballister:

The next application is M11. It is on the southern boundary of the city limits of Quincy. Bounded on Strong Road, runs through the southern portion of it, it extends actually south of that. It backs up to, I believe, the Niagara property which is located on High Bridge Road. The request here is for urban service area. It's about 70 acres. Most of the land on the western boundary is currently undeveloped, but it is zoned USA. The area on the eastern boundary, north of High Bridge Road is being developed as the CETA Housing project, a fairly high density development.

McGill: That is Urban Service though, right?

Ballister:

Yes, sir. On both sides of this property, east and west, it is urban service area.

McGill: How far is that from the Sheline Property we approved a couple of weeks back?

Ballister:

Sheline, ah, it is about 1 mile west.

McGill: And the density in an urban service area is how much?

Ballister:

Without sewer, it is just like rural residential. With sewer, it is 5 to 1.

Urban service areas, you remember, will have a potential for mixed uses. It can be developed as rural residential density or it can be, with sewer, up to 5 to 1 residential. It can be used for light industrial or commercial purposes on a site by site basis.

Dixon: Now, Bruce, I know this coloring takes into account those folks down on Joe Knight Street. And, I know there are houses all along there.

Ballister:

There may be some slight shifting of boundaries as we transferred the road map image to the section line image, so there is the occasional adjustment to position, but Joe Knight Street, I believe, runs along the section line.

Dixon: O.K.

Ballister:

This is aerial photographic data and it is not perfect survey information.

Dixon: Now, go with me on this. If, you see, I don't have a problem with this nexus. I don't. But, I know there are people already in there that will need protection from this urban service area. How do you do that?

Ballister:

At the site development stage. That is the normal place that it would occur. As you are approving these development applications in the future, ah, that is when you have the opportunity to impose restrictions as you see fit or as the Code allows, provides for. There wouldn't necessarily be required between 2 urban service area boundaries because that is pretty much our highest impact use other than industrial.

McGill: And we have urban service activity out there already, right? Didn't you say it was about a mile away? Which way was it about to come - toward Triple Oaks or going away from Triple Oaks?

Ballister:

This would be adjacent to the new section of Triple Oaks that is up for consideration right now. There is an application that is in site planning right now to do another 30 or so acres on the eastern boundary of this property. This would border that.

McGill: Why did the P & Z Commission recommend rural residential as opposed to urban service area?

Ballister:

I think they were trying to insure a lower density. If the City expands its plant and it can extend sewer service to this area, then they would have a higher density possible.

McGill: But they have not talked to the City of Quincy yet to see if they would do that.

Ballister:

We had some preliminary discussions with the Quincy Planning and Engineering Department as to what they can extend. They have indicated that they will talk to the applicants applicant by applicant as they come in and discuss it with them. Now, whether or not they can serve water or sewer. I know that in the present instance,

they cannot do water connections but I'm thinking that they will have their well field issue solved by the time this gets to an application stage.

McGill: Mr. Chairman, is it permissible or acceptable to make a motion to pass it under USA contingent upon whether or not the City of Quincy will or will not extend their sewer lines, ah, sewage lines out there? Is that permissible?

Ballister: Sir, it amounts to the same thing. If they don't provide sewer, they wouldn't get the higher density. If they, you know, if the sewer is not available, it will have the same density as rural residential.

McGill: If we approve it as USA now, the developer may come in thinking that "I can do that because I am approved for that." But if Quincy denies it, then they'll have to come back and say "I want to change that from USA to rural residential or some other category."

Ballister: Well, it's a mixed use category and the mixed use depends upon, to some extent, the availability of that sewer. If it's not there, it is, in fact, rural residential.

Watson: If the sewer doesn't come through, they don't have to come back for rural residential.

McGill: It just goes to that automatically?

Watson: It's automatic.

Ballister: That would be how we would examine the criteria for residential development.

MCGILL: WELL, BASED ON THE FACT THAT IT'S ALREADY LOCATED OR IS SUPPOSEDLY LOCATED NEAR SOME THAT IS ALREADY USA, I AM GOING TO MOTION FOR APPROVAL.

WATSON: I WANT TO HEAR IF THERE IS ANY OPPOSITION TO IT BEFORE I DO ANYTHING.

DIXON: IS THERE ANY OPPOSITION, WILL THERE BE OPPOSITION TO THIS?

IS THERE ANYONE ELSE WHO WOULD LIKE TO SPEAK TO THIS ISSUE? FOR OR AGAINST?

MCGILL: I LET MY MOTION STAND, THEN.

WATSON: SECOND.

DIXON: THE COMMISSIONER HAS OFFERED A MOTION AND THERE IS A SECOND. ALL IN FAVOR, SIGN OF "AYE."

ALL: AYE

DIXON: PLEASE MAKE IT UNANIMOUS.

M-12 ENGLEHARD

Ballister:

The next Englehard property is M12. It is right here. It lies north of the CSX southeast of the City of Quincy. It does not touch the city limits of Quincy. To the north and east of this property is currently zoned industrial. To the west, there is a rural residential area. To the south, actually beyond this little widget of mining that would be left over, is AG 2 lands.

In the last discussion, we had the neighborhood on the south voiced approval for urban service area designation. I believe at that time, the Planning and Zoning Commission was discussing or considering changing it - what their recommendation was for rural residential.

In a situation like this, the mixed use of the urban service area, makes it a transitional zone between the rural residential on the left and industrial on the east. Because it could be either, depending on what a potential buyer would go. It does have access to a railroad spur to the south. Any development on this property would be contingent upon access. There is no current access. That's a future development issue.

Dixon: Now, here's my problem with this, Bruce. While they are asking for urban service area here, between that area and the already built urban service area is mounds of property.

Ballister:

It is industrial.

Dixon: Yeah and I'm sure those folks don't know that their property is zoned industrial.

Ballister:

They truly don't.

Dixon: I am really sure that they don't. And we are gonna have to help them there, too. I think that is wrong. I think that's the wrong place. I know the railroad spur is good for industrial. But, we have railroad tracks running down the middle of town and they all have urban service area built next to them. But, that's, that leap-frogs too much property. And for what, I really don't know. And plus, all the accesses that I see here, Bruce, will bring you through already established neighborhoods.

Ballister:

Well, the access, as I see it, in terms of working out the geography of it, will likely be to the west of High Bridge Road. A rural residential would not be adjacent to that zone.

WATSON: I MOVE DENIAL.

DIXON: WE HAVE A MOTION.

MCGILL: CAN THEY ACCEPT ANOTHER CATEGORY OTHER THAN URBAN SERVICE AREA?

DIXON: MOTION DIES.

McGill: I have a question. Could they accept some other category other than what they are saying?

Dixon: That is strictly up to the Board.

Mr. Williamson, you are feeling better, obviously.

Williamson:

Not yet.

This area, Ranch Road, is the access for the (inaudible)

You go down Ranch Road and it actually dead-ends at this piece of property. To be sold to an industrial park purposes, that would be, We've talked to people, their thing is, we tell them right off the bat "Those roads would have to be upgraded at their costs." So, to bring in, that's the developer paying that cost to pave those two roads, plus bring in their sewer, water, whatever the cost is to bring their plant up to, to bring that plant in. That is their cost to upgrade the road. It's not up to the County to come in and pave their access. So, what you are getting out it is free paved road with utilities.

Dixon: I can tell you now, that the next time we do this map, I'm going to be fighting to change that industrial because it should not be.

Williamson:

We were asking for the urban service, we had talked about the industrial. We went from heavy industrial - we understand the concerns that ya'll had on that. You can't go back once you get there. The urban service area took in residential, it takes in office buildings, you can pull the office part back and you have room for that. Plus, the light industrial. It's the three things that we have talked about, trying to be in there.

McGill: One concern I have with urban service area is that it could potentially make room for 650 residential units out there at 5 to 1. That is pretty heavy. When all the public around that is like 1 to 5 and 1 to 1.

I WOULD LIKE TO OFFER A MOTION THAT WE CONSIDER AG1 AS OPPOSED TO URBAN SERVICE AREA. IN FACT, I MOVE THAT WE DO THAT. IF I CAN GET A SECOND TO THAT MOTION.

WATSON: I'LL SECOND THAT.

DIXON: WE HAVE A MOTION AND A SECOND. WILL THERE BE FURTHER DISCUSSION.

FOR AG 1.

ALL IN FAVOR, SIGN OF "AYE."

ALL: AYE.

Dixon: Please make it unanimous.

M-13 ENGLEHARD

Ballister:

The next application is also from Englehard. It is a 52 or 53-acre parcel on Salem Road. The original application was for rural residential. The Planning and Zoning Commission recommended AG 2. The applicant has written the Department and indicated that they are happy with the designation of AG 2. So while we still say rural res, they are happy with that nomination from the Planning and Zoning Commission.

WATSON: I MOVE APPROVAL.

MCGILL: SECOND.

Unidentified Audience:

Mr. Chair, what was the designation that was said?

Dixon: You need to come down. AG 2.

Unidentified:

It went from rural residential to 1 to 10.

Ballister:

Yes, sir. 1 to 10. AG 2.

Dixon: All right. Yes, sir.

Unidentified:

All right. I'll have a half mile boundary on that on the back. That was where my concern is. And my property is about 20 - 25 ft. slope also. Thank you.

Dixon: Let us get your name for the record, sir.

Unidentified:

Bill Wiggins, W.C. Wiggins from Dogtown.

Watson: Do you have any problem with AG 2?

Wiggins: I beg your pardon.

Watson: Do you have a problem with AG 2?

Dixon: He wants to know if you have a problem with AG 2?

Wiggins: I have no problem with AG 2. I addressed all the commissioners and gave them some pictures. The notice that was put out there was put on the wrong piece of land. It wasn't on the 53 acres. It was on a 6-acre parcel and it's still sitting out there.

Watson: Will you take it up for us?

Wiggins: I haven't had any response from anybody except for lawyers.

Dixon: Thank you Mr. Wiggins.

Wiggins: It's par for the course, I suppose.

Dixon: Will there be others to speak?

MCGILL: CALL THE QUESTION.

DIXON: QUESTION HAS BEEN CALLED.

ALL IN FAVOR, SIGN OF "AYE."

OPPOSES?

PLEASE MAKE IT UNANIMOUS.

M-14 BUTLER

Ballister:

This next piece is this little dark spot right here. It is a very small piece. This applicant is Joe Butler. The property requested constitutes the BP Gas Station at the corner of Shiloh Road and 267. We have a letter in the file that indicates the request is a clarification of a scrivener's error. The letter from David Theriaque dated May 25, 1999 indicates that statement of request.

Dixon: Now, as I have stated on occasion and I'll state again, I am not under the impression that this was scrivener's error. I am under the impression that: 1) The County Commission has already given him the ability to be a commercial business. If I am correct.

Richmond: He has been there since before the Land Use Program.

Dixon: What did we give him? At our last

Watson: Rural

Dixon: Neighborhood commercial?

Richmond: Neighborhood commercial, that's what it was. That is correct.

Dixon: Now, as you can see, the reason for neighborhood commercial is that there is a neighborhood all around it. Now, as I understand this, they want to go now and make that whole acre and make it commercial. This property has been reluctant to put a fence up to separate it from the neighborhood, to put a holding pond up to keep the water off the neighbors behind him. I mean, we have had this discussion many times. I am sure, that the Board

knows how I feel about it. And I think that the Board has bent over backwards to help him to get what he wanted. That is fine. But, I think it is wrong to continue to disrespect the home owners out there and to allow this to happen. End of my speech.

McGill: Mr. Chairman, can you tell me why, if he is already doing commercial activity, why would he want to change from that to strictly commercial anyway?

Ballister: There are a few more rights that accrue to being a commercial entity.

McGill: But, isn't that further encroachment upon an existing neighborhood?

Ballister: Ah, I guess that issue was less allowable in the Code with the commercial designation as opposed to less allowable with a neighborhood commercial in our rural residential classification.

MCGILL: I MOVE DENIAL.

I MOVE DENIAL.

Dixon: There is a motion. Is there a second?

Motion dies.

Watson: I believe this was a scrivener's error, myself. I believe this property was commercial. It has been operated as commercial and I don't know how it became rural residential to start with on the map. I do think it was a honest error when this began.

I am going to move approval.

Dixon: The Chair has a motion for approval, will there be a second?

Roberson: I'll second it.

Dixon: We have a second.

Will there be further discussion?

Yes, sir.

Holt: My name is Harry K. Holt. I agree with what several of you have said tonight about granting permission for changing use of the land and not knowing what is going on. We have been throwing this land around for several months now and it has been denied. Several things that were wanted to be used on this land have been denied.

First of all, when the store was put there, from the understanding that was printed some weeks ago in the paper, that there was an error put in a residential area. Somebody made an error in putting it in a residential area. I don't think the residents there should have to pay the price for an error of somebody placing property in a wrong area.

Secondly, we have had fuel spills. As the commissioner said, several things have been requested by the Board and none have been completed. The people in the neighborhood, property owners around there, just do not want that. If he is granted permission to come in there and develop that property commercial, he's going to end up being able to put anything he wants in there. And I think that it is a slap in the face to the people in the neighborhood to do search, the grant search.

First of all, you said several months ago, that the store was fine. He couldn't do anything in addition, in expansion, or anything to do. That is what you said, sitting right here. Now, are we going to come back tonight and you are going to O.K. him to go ahead and do that - then you are backing up from what you said. And we just don't agree with it. We think it needs to be denied. We don't see this property becoming commercial so that any and everything can be put in there. And if I am wrong, I'll stand corrected, but I believe they did say that the property should have been on the other side of the road to be in their commercial zone. They ended putting it up in a rural residential area. Is that correct.

McGill: What other side of the road?

Holt: On the north side. On the north side of Shiloh Road which would be commercial. It's on the south.

McGill: Who owns the property on the other side of the road.

Holt: Who owns it, I don't know. Mr. Mac owned it years ago, I don't know who owns it now.

McGill: It just (inaudible)

Holt: I don't know who owns it now.

Dixon: Thank you, sir.

Will there be others to speak? If there are others, please come on down.

Ms. Lasley.

Holt: My name is Charleston Holt. And I voiced the same sentiment that my brother just voiced. It is difficult for me to realize when you do one thing and you back up and change to another one. It is very difficult. And I object to this commercial because you have two houses adjacent. One on each side. Number 1, the property was secured by taking advantage of people out there in that area. Going back to my boyhood, first, there was a road left through there. That was taken from us. And now, we are going to grant him the privilege to go commercial in there. I whole heartedly disagree. Thank you.

Dixon: Thank you.

Lasley: Marion Lasley. I see on Bruce's map that there is not a nice color for neighborhood commercial. And I am a little concerned with the gray area - the grayness of the neighborhood commercial. This is sort of another example of what the limitations may not be for that. So, I would much rather see us come up with the neighborhood commercial designation for our map so that it can be distinguished.

Dixon: O.K. Thank you.

Will there be others?

THERE IS A MOTION BEFORE THE BOARD. AM I CORRECT?

MCKINNON: YES, SIR.

DIXON: MOTION TO APPROVE. ALL IN FAVOR, SIGN OF "AYE."

WATSON & ROBERSON: AYE.

DIXON: OPPOSES?

DIXON & MCGILL: NAY.

DIXON: DENIAL.

Dixon: Let's continue, Mr. Ballister.

M-15 MERRITT LANE

Ballister:

O.K. The next application M15 is from the petition from the citizens of Merritt Lane. They are petitioning to take the zoning from rural residential to AG 1. AG 1 is a closer fit to the average lot size along Merritt Lane. They have experienced some subdivision of individual lots in the neighborhood and they wanted to add this further protection to maintain that lot size as it was platted.

Watson: This Dr. Dillon? Is that how you pronounce that?

Ballister:

Yes, sir. Dr. Dillon was on the original list of property owners compiled. He contacted us and said he would not like to be in that. His property is the little yellow wedge immediately across from the light industrial area.

Watson: So, a motion to approve this would not include his property?

Ballister:

Correct. He is not included in the shaded area.

WATSON: I MOVE APPROVAL.

MCGILL: I AM GOING TO SECOND THAT BUT I WOULD STILL LIKE TIME FOR MS. JOHNSON, MRS. MARY JANE JOHNSON.

Dixon: We have a motion and a second to approve. Just one second sir. If you will just hold on one second, the chair will entertain you.

WE HAVE A MOTION AND A SECOND TO APPROVE THE DESIGNATION MINUS THE DILLON PROPERTY. DO I UNDERSTAND THAT? AND BRUCE, YOU DO HAVE APPROVAL FOR ALL THOSE WHO ARE COVERED UNDER THIS PROPERTY CHANGE?

Ballister:

I have a petition that has about 68% of those property owners. There are some scattered lots throughout the

neighborhood that they were not able to contact. Some of them are unoccupied. This kinda conformed to our ordinance that says that subdivisions can't be further subdivided.

Dixon: I've got a real problem changing folks property who have not agreed to have it changed.

Watson: Well, I don't want to do that either. I sure don't want to do that.

Ballister:

The largest other land owner in the area would be Mr. Bert to the south and he is on that list of signatures. In terms of acreage, it is closer to 85% of the ownership of that area.

Dixon: Yeah, but that is saying that the little guy who has a lot, don't get no respect. And I don't want to do that either. I have a real problem with that. We discussed this at the meeting the other night.

Audience: What area are we talking about?

Dixon: Merritt Lane, which is near Havana. Did that come out right? Ya'll excuse me, I've been discussing the Elian Gonzales situation all day.

McGill: Is Ms. Johnson in the audience?

Ballister:

Yes.

Dixon: Ms. Johnson. Let me recognize the gentleman who was standing here first. Sir, would you come up and then you, Ms. Johnson.

Davis: My name is Dick Davis. I just talked to Dr. Dillon twice this week. As a matter of fact, we were discussing me buying his property just about a week or so ago. What you are just talking about here now, my understanding is that you are going to remove his property, and if you do that, you see, then you've got me surrounded by commercial property. I've got 5 acres right next to Mr. Jones and I am right across the street from industrial park you are putting in. That's going to put me just about surrounded. My property is grandfathered in. I've got 6 homes on my property which has been there for 20 years. I just don't feel like being surrounded by industrial property - on one side the road and then on

the end below me. I don't really care to have mine commercial or anything like that, but I

Dixon: We're actually downgrading the zone from rural residential to AG 1.

Watson: We're going from rural residential to AG 1.

Davis: No, I am talking about on the corner, Dr. Dillon's property. You are pulling his out of the zoning. That is what you just said.

Watson: His will remain rural residential.

Richmond: 1 to 1.

Watson: His property will remain rural residential.

Dixon: It will not become industrial or anything like that.

Davis: It will remain rural residential. That is what I didn't understand. I didn't want you to wrap me with commercial. That is fine with me.

Watson: This is going from a 1 to 1 to a 1 to 5.

Davis: I understand.

Dixon: Glad we could answer.

Yes, sir.

Thompson: My name is Jamie Thompson of Commerce Blvd. of Havana and also a property owner in this area. I would just like to state my opposition to the proposed zoning change. For one thing, at a quick glance, 33 of the 38 pieces of property are all under 5 acres. And secondly, the County spent a bunch of money paving Merritt Lane to provide the infrastructure for rural residential zoning. Now, we're going to throw all that out the window because a few folks out there don't want any more neighbors. I don't quite see the logic in it.

McGill: Well, I am not sure that we paved it just to satisfy rural residential. I think we paved it because of the need for it. For the people living out there, not just because it was rural residential.

Watson: We paved it because it was dirt.

McGill: Yeah.

Dixon: Miss Mary Jane, did you want to speak?

Thank you Mr. Thompson.

Johnson: Hi. My name is Mary Jane Johnson. And the reason we started this project is what Jamie said, a lot of the lots might not be more than 5 acres, but, like mine is like 4.91. And the neighbor beside me is 4.2. So, it's not really accurate to say that this lots are all 1 acre. There are very few 1-acre lots out there. A few, I would say 3 perhaps, of the 5-acre lots have been subdivided into 1-acre lots and it was a long time ago. The reason we did the petition number 1 we were told that that is how we were suppose to do it and we abided by the rules we were given, is because we want to maintain the character and integrity of our neighborhood. It's an old neighborhood that has been this way for 30 - 40 years and we would just like for it to stay the way it is.

McGill: Ms. Johnson, those, according to Mr. Ballister, you missed contacting, were not able to reach some people, so you don't have 100%. Is that going to be a negative imposition on those people who you have not contacted or do you know?

Johnson: As far as I know, it will not have an effect on them. Whatever their lot size was, it's not going to change that and it's not going to change the property value and it's not going to change their tax assessment.

McGill: But would they allege that you did something without their knowledge and just took advantage of the fact that they were not available.

Johnson: We made every effort to contact every property owner in the neighborhood. There were very few that we could not contact. And like Bruce said, the ordinance that does not allow division of a lot in a platted subdivision takes effect anyway. It is actually kind of a mute point because no one in the neighborhood would be allowed to divide their property without coming before Planning and Zoning.

Dixon: Thank you, Ms. Johnson.

Roberson: How many of the landowners were you not able to contact?
And were all that you contacted in favor of it?

Johnson: This black line shows the area that is rural residential right now. All the surrounding property is either AG 2 or AG 3. These are Mr. Thompson's 5 lots. This property is being sold and they were in the process of selling it. They did not want to sign it because they were in the process of selling. These people were sent Federal Express packets. He is on his death bed and he said he did want to sign it but he just didn't get around to it. (remainder of her conversation was inaudible)

McGill: Mr. Chair, where are we? Do we have a motion to approve.

Dixon: I am not accepting requests right now. What else.

Did we have a motion? I was going to stop taking requests.

Roberson: Will you repeat the motion to me?

Dixon: The motion and second is to approve. I would still like to state my concern. I have a real problem with changing folk property without them having at least an opportunity to say "yes" or "no". There is no government, no county reason to do this. I mean, it makes you all feel good and I really have a little problem with that.

McGill: Well, they have made every effort to contact persons and the person were not available.

Dixon: Ms. Johnson?

Johnson: As you notice, this process has taken a very long time and all the property owners were notified at least 3 times by the County for every single one of the hearings. Either the workshops, the Planning & Zoning Commission meeting and for this meeting tonight. They were contacted by myself. So, they have had every opportunity to come forward and say

Dixon: But, does that give us the right to do it because they chose not to come?

Diane

Sheffield:

Obviously, they don't care. (inaudible)

Dixon: Does it mean they don't care.

Sheffield:

That's what I would say.

Dixon: Why would you say that?

Sheffield: Because they have been given plenty of opportunity to respond and they haven't.

Dixon: But, it's their property.

Sheffield: (inaudible)

Dixon: You know, I have a real problem with that when, you know, what ever happened to property rights? I understand when there is a government purpose to doing something. But it is quite something very different when your neighbors come and tell you "We want it to be something else" and they, in essence, have the right to not have it.

Johnson: Well, this is before the ordinance was in place that we were presented with subdividing within a subdivision.

Dixon: Well, I know. But, I think we have fixed that.

Sheffield: Well, yeah. I know. But we were put into this process and we have just been following the code as to what we were suppose to do.

Dixon: I am not saying that you don't have the right to do it for your property. I am just not sure that you have assumed the right to do it for everybody else's property.

Johnson: I was told how to go about this and that is what I did.

Dixon: But those were your personal purposes as a group.

Johnson: And the majority of the neighborhood out there.

Dixon: But they are still personal property rights.

Johnson: Oh, I'm sure.

Dixon: And what you are asking us to do is to take those away from.

Johnson: Well, basically what I am asking you do, the neighborhood could be zoned in a more compatible manner with the

surrounding land. Right now, we are chopped up into 3 or 4 different zones.

Dixon: So is every other neighborhood in this County. And that is why we are suppose to be fixing that with zoning.

Johnson: That is what we are trying to do.

Dixon: But, I am not sure this is the way to do it. Don't get me wrong, you have every right to do it.

ALL RIGHT. WE HAVE A MOTION AND A SECOND. WILL THERE BE FURTHER DISCUSSION?

MCGILL: QUESTION.

DIXON: THERE BEING NONE, THE QUESTION HAS BEEN CALLED.

ALL IN FAVOR, SIGN OF "AYE."

ROBERSON, WATSON, MCGILL: AYE

DIXON: OPPOSES?

NAY.

Motion passes. Thank you.

Mr. Ballister, please continue

M-16 THOMPSON

Ballister:

The next applicant Gerald Thompson proposes a land use change from AG 3 to rural residential. The property is 28 acre piece located in the bend or the elbow of Cook Landing Road. It is adjacent to rural residential to the south. The eastern boundary is State lands. The area inside the elbow of Cooks Landing Road has been purchased by the State and will go to conservation soon. There are quite a few tracts of land to northwest and on the northern side of Cook's Landing Road that are smaller than - I forget the average size but they are 3-5 acres or more. There are varying sizes of property over there. They are smaller than these. We do have small lot development on the Yates Street and Alma Yates Street to the south. And, oh. The applicant in previous P & Z

meetings and workshops indicated the intent to build approximately 1 1/2 acre lots and build site built homes. He was going to control that development himself. He was not going to sell lots without homes on them. That was his stated intent.

Dixon: Are there those to speak for or against this particular project?

Please come forward.

Lasley: Marion Lasley. Again, my only question is "What is really going to happen there?"

McGill: Do you mean what is going to happen now?

Lasley: What really will happen? He is stating that he is going to build site built homes there himself.

Dixon: I have actually seen the mark up for these.

Lasley: You mean a plan?

Dixon: Yes. At a Planning meeting. Yeah.

ROBERSON: I MAKE A MOTION FOR APPROVAL.

DIXON: THERE IS A MOTION FOR APPROVAL. WILL THERE BE A SECOND?

MCGILL: SECOND.

DIXON: THERE IS A SECOND.

THE CHAIR WILL ENTERTAIN FURTHER DISCUSSION. ARE THERE THOSE WHO WOULD LIKE TO SPEAK?

MCGILL: IN THAT, MR. CHAIRMAN, SINCE HE HAS ALREADY STATED THAT, I WOULD LIKE TO SEE SOMETHING IN HIS DEVELOPMENT ORDER THAT HE WILL STICK WITH SITE BUILT HOMES.

DIXON: KINDA GIVE HIM A NEXUS (INAUDIBLE)

ALL IN FAVOR, A SIGN OF "AYE."

**DIXON
MCGILL &
ROBERSON: AYE.**

DIXON: OPPOSES?

WATSON: NO.

DIXON: PLEASE MAKE IT 3 - 1.

Watson: What is a nexus?

Ballister:
Actually, it

Dixon: It's the same thing as (inaudible)
University of Florida Grad.

Watson: Florida State too and TCC.

Dixon: Me too. Me too.

I didn't know he had the TCC connection. I'm gonna have to start treating him decent now.

Laughter

Mr. Ballister, please continue.

Ballister:
The next applicant, Ruby Mitchell has a 6-acre tract that is surrounded by the property owned by the St. Johns Elementary School. When the zoning map was colored in, this is a fairly small scale drawing, the corner lot that she owns was colored lavender with the school. She feels that was a scrivener's error. It restricts her right to do much of anything with her property. She is in the shade area at the corner. This is another request to correct a scrivener's error.

Watson: Mr. Chairman, I believe that this is another error that was made years ago and I'm going to move that we approve.

Roberson: I second.

Dixon: We have a motion, we have a second. I will concur that this is a scrivener's error.

Watson: You think it was? I think that this is clear that it was.

Dixon: The chair will entertain discussion.
All in favor, a sign of "aye."

All: Aye.

Dixon: Please make it unanimous.

All right Bruce, come on. I am feeling better now.

Ballister:

O. K.

M18 is owned by Ruby Francis. She has 9.67 acres at the end of Erleen Hobbs Road in Sawdust. The applicant proposes subdivision of this property. I have several letters on file which you have copies of that this property not be changed. This constitutes the neighbors to the north and west. The Sheffield family owns the land around there and have requested that it not be changed.

WATSON: I MOVE DENIAL.

MCGILL: SECOND.

DIXON: THERE IS A MOTION AND A SECOND FOR DENIAL. ARE THERE THOSE WHO WILL SPEAK FOR OR AGAINST PRESENT?

ARE THERE THOSE WHO WOULD LIKE TO SPEAK?

ALL IN FAVOR, A SIGN OF "AYE."

ALL: AYE.

DIXON: OPPOSES?

NO.

DENIED.

M-19 RUSHING

Ballister:

The next applicant is Thomas Rushing. He has 3 acres located on State Road 12 just past the fork with 270A. He just misses being adjacent to rural residential land. He is at AG2 now. He is requesting that the 3 acres be changed to rural residential. In lots, he will be 3 lots. Back in December, I had 1 neighbor who voiced objection to the tenant more so than to the land use change.

Dixon: The tenant?

Ballister:
Yes, sir.

McGill: It says here that no reason was given for the request.

Ballister:
Well, it was my understanding that he would like to sell
2 more lots out of the 3 acres there.

Dixon: Are there those who would like to speak for or against?

Please come forward, sir.

Rushing: There is a man that has been living there on that
property for over 20 years.

Dixon: State your name for me for the record.

Rushing: Thomas Rushing.

Dixon: Thank you, Mr. Rushing.

Rushing: Ah, his boss is wanting to buy the land from me. But, he
don't want to kick the man off. He wants for him and his
wife to move on it. To do that, there's got to be 1 more
piece of property. Whether there would be any more or
not, I don't know. He wants to buy the land and him and
his wife move on it. But, he don't want to kick the man
off that has been there for 20 years.

Dixon: Thank you.

Rushing: So, I need it rural residential. Thank you.

Dixon: Sometimes this is a compassionate group. Will there be
others? Will there be others, please?

**WATSON: THIS WOULD BE AN INSIGNIFICANT IMPACT ON THOSE AROUND IT,
SO I WILL APPROVE IT. I MOVE APPROVAL.**

MCGILL: (INAUDIBLE) THERE IS ENOUGH TO SPOT ZONE, THOUGH.

WATSON: YEAH, BUT.

ROBERSON: I'LL SECOND IT.

DIXON: THE CHAIR HAS A MOTION AND SECOND. I TOLD YOU WE CAN BE COMPASSIONATE SOMETIMES.

RICHMOND: THE VOTE IS NOT IN.

DIXON: ALL IN FAVOR, A SIGN OF "AYE."

ALL: AYE.

DIXON: OPPOSES?

MOTION PASSES.

M-20 HULSEY

Ballister:

The next applicant is Eddie and Charles Hulsey. They own 7.5 acres on Ball Farm Road at Pt. Milligan. The 7.5 acres is in a commercial zone. It's got a small lot mobile home development to the north on Ball Farm Road. There is a junk yard to the south. I had spoken with his agent on several occasions last spring as he tried to market it different ways as commercial property. He was unsuccessful marketing it as commercial. It doesn't have enough access to SR 12. He is requesting to change it to rural residential so that he can put a small lot subdivision in there.

Dixon: Would there be those to speak for or against.

Audience: Do you know what they want to put out there?

Dixon: No, ma'am.

Ballister:

My impression is that they are looking at a subdivision for 5 - 6 lots, depending on how they could fit it. There is limited frontage along Ball Farm Road. I don't believe that they are intending to build any roads into the interior, so that would limit them to the frontage for lots.

Dixon: He actually, in commercial development, could put just about anything there now.

Ballister:

He could put a mobile home park there. That's designated for commercial uses.

Dixon: He can do that now, regardless of whether we change this or not. He will actually be going down in zoning.

WATSON: I MOVE APPROVAL.

ROBERSON: SECOND.

DIXON: WE HAVE A MOTION AND A SECOND FOR APPROVAL. WILL THERE BE FURTHER DISCUSSION?

Ms. Lasley?

Lasley: A mobile home park is rental units. Is that correct?

Dixon: Generally.

Lasley: O.K. A subdivision would mean that the lots would be sold.

Dixon: Correct.

Did I carry the motion?

McKinnon: No, sir.

Dixon: I'm loosing it.

WE HAVE A MOTION AND A SECOND. ALL IN FAVOR, A SIGN OF "AYE."

ALL: AYE.

DIXON: OPPOSES?

Ballister:

Was that for approval?

Dixon: Yes, for approval.

Ballister:

O.K. Thank you.

Watson: What density can it be as mobile home park?

Dixon: Between a park and a subdivision?

Watson: In a commercial?

Dixon: I don't know.

Watson: Bruce, what density can they do - a subdivision and a commercial?

Ballister:
Can't. We don't have residential placement in a commercial zone.

McKinnon: He was talking about in a mobile home park.

Ballister:
Oh. Mobile home park. That's whatever you can site per health department rules.

Dixon: Whatever you can handle.

Ballister:
You could go down to a quarter acre with a central water system.

You will get lower density with rural residential than with commercial.

Watson: So, that would apply to Ms. Chukes that we have talked about in the last couple of weeks.

Ballister:
Which property?

Watson: Ms. Chukes.

Ballister:
Oh. Yes, yes. If she has central water system.

Watson: O.K. Good enough.

M-21 DYSON

Ballister:
The next applicant, James Dyson, has a 5.95 acre parcel located on Lake View Point Road. The parcel is currently leased to a person who would like to have her daughter move onto the property with her. Since it is not owned by her and it is zoned 1 to 40, we couldn't approve the concurrency application. The owner, Mr. Dyson, doesn't live in Florida, but his has allowed this application to

proceed and would result in the property being split in half. He would still, I understand that he would retain both parcels, but, it would allow the daughter to move onto the other half of it.

Dixon: Are there those to speak for or against?

I am not exactly thrilled with that.

Ballister:
Do you want the planning perspective?

Dixon: Nah.

**WATSON: I GO BACK TO MY OTHER STATEMENT. DUE TO THE LIMITED
IMPACT THAT IT WILL HAVE IN THE AREA, I'LL MOVE APPROVAL.**

MCGILL: (INAUDIBLE)

ROBERSON: I'LL SECOND.

**DIXON: THERE IS A MOTION AND A SECOND. IT IS OPEN FOR
DISCUSSION. I THINK IT AMOUNTS TO SPOT ZONING AGAIN.
I MEAN, IT SHOWS ONCE AGAIN THAT THE NEXUS IS NOT THERE.
IN ESSENCE, YOU HAVE JUST CARVED OUT A PLACE THAT IS
GOING TO BECOME RURAL RESIDENTIAL.**

SO, I WILL HAVE TO VOTE AGAINST THAT.

WILL THERE BE OTHERS TO SPEAK?

WE HAVE A MOTION TO APPROVE. THE CHAIR IS SUPPOSED TO.

ALL IN FAVOR, A SIGN OF "AYE."

**WATSON,
MCGILL,
ROBERSON: AYE.**

DIXON: OPPOSES?

NO.

**BALLISTER:
THAT WAS 3 TO 1?**

Dixon: Yes, sir.

M-29 JOHNSON

Ballister:

The next parcel M25 is George Johnson who owns a 4.5 acre tract along the western city limit of Quincy. The area around it is rural residential. This request is for urban service area, which in this case, without sewer, will allow mixed use on the site. It is adjacent, again, across the street to the City of Quincy.

WATSON: I MOVE APPROVAL.

BALLISTER:

WE GOT NO NEGATIVE COMMENTS ON THIS APPLICATION AT ANY OF THE MEETINGS.

DIXON: THE MOTION DIES FOR LACK OF A SECOND.

ROBERSON: I'LL SECOND IT. YOU DIDN'T GIVE ME ENOUGH TIME. I WAS TRYING TO CATCH UP.

Dixon: You'll have to get me again.

I mean, what's the proposal?

Ballister:

There was not a specific use proposed.

Dixon: You see, I could end up with another gas station.

Ballister:

You could end up with a number of things in the urban service area. It allows light industrial, commercial and residential.

Dixon: In what we have clearly zoned as a residential neighborhood - rural residential - clearly. And there are no other commercial entities around there. Cause if I am correct, you've got the park here and there may be a commercial Barkley's Store or something down near the railroad tracks.

Ballister:

Barkley's is further up by the tracks. To the south is the lounge, if you can call it that.

Richmond: It used to be Book Woods. I don't know what it is now.

Dixon: What do you know about Book Woods?

Laughter

Richmond: I was a prosecutor once.

Dixon: Yeah. O.K. All right.

Back to the subject at hand.

I am reluctant to do that. The neighbors have no idea what that might potentially go in there. And as you eluded, it could be anything from some clustering of some residences to a gas station to a - what's light industrial? Storage facilities. That is just too wide open. It's just too wide open without a plan.

Will there be those to speak?

WE HAVE A MOTION AND A SECOND TO APPROVE WHICH I AM AGAINST.

MCGILL: DOES HE MAKE THAT PERFECTLY CLEAR?

WATSON: WE HAVE NO DOUBTS.

DIXON: ALL IN FAVOR, LET IT BE KNOWN BY A SIGN OF "AYE."

**WATSON
ROBERSON**

MCGILL: AYE.

DIXON: OPPOSES?

NAY.

O. Z. Lawson M-26

Ballister:

The next application is from O. Z. Lawson from AG 1 to Commercial. The property is located on US 27 north of the - on the frontage is a large Baptist Church, a few houses. To the rear and the south are the Choctaw Estates, Ocklochnee Estates, excuse me. Ocklochnee Estates. To the north, ah, one AG 1 land, and then you get up to the John Yon and Sandy Creek neighborhood.

The proposal - you've got packets in your boxes delivered that show a site plan. Ah, the proposal of mixed commercial on the frontage, ah, some larger warehousing

along the central southern third. Mini-storage to the rear and some 6 one-acre lots on the northeast corner.

Chair: O.K. Will there be those to speak for or against?
Will there be others? Please come down.

Lawson: My name is O.Z. Lawson III. First off, the two parcels have over 550 feet of highway - four-lane highway frontage with a cut in the median for south bound traffic. A cut in the median directly across from the already existing entrance. There is an existing road that you can see on the site plan. And the first holding pond is existing. It is there. It was done 12 years ago. We have had this land for that amount of time trying to do this.

Ah, we've already talked about the ah, we've had some conflicts with the ah, landscaping, the new landscaping ordinance that are being passed. We have no problems with that. We meet or exceed all Gadsden County Landscaping ordinances in the front and down the sides. And there is plenty of space here for buffers.

As you can see, the Sandy Creek, if I can come up there please. On the site plan, it shows - in your packet -

Chair: We don't have the site plans.

Roberson: Yeah, there was a packet, ah, I had one.

Pause

Lawson: I made a packet for everybody. But if everybody doesn't have one, let me know so I can get all of you the same stuff here.

The ah, as you can see, the Ocklochnee Estates lots are there on the back and on the sides. But, if you will take a look, it's a little bit misleading because if you take a look at the aerial view picture that is also in the packet. There it is right there.

Ah, can I, This is the - ah, All these lots here, which are all right here - This neighborhood is over 20 years old. They are not developed. The only houses that are in there are right in this little area right here and there are maybe one or two back in the back. And as I told ya'll at the last workshop, I can stand in the very back of my property at night and not see a light anywhere. That's because there is nothing back there.

There are lots there that have been there for a long time but there is very little back there.

Ah, I know there is also concern of zoning this commercial and then us taking it and selling it off, you know, and not having any control over what is put in there. You have said that several times tonight. I personally put a lot of time into this and this is something we've been wanting to do for a long time - for 12 years and it's for my father's retirement more or less. Something that I will manage all by myself personally.

As you see, we do have a proposal and an idea and everything included in the information on that. Ah, The land use ah, this has been approved by the Planning or the P & Z, yeah, it was recommended for approval by P & Z. And we also had a letter which was also in that packet that we got sometime several years ago from the existing principal planner - I don't know her name but I guess there was a scrivener's error - which ya'll were talking about earlier. We were proceeding with commercial development because we were told, and it is on one of your maps somewhere, that it was commercial and we had the letter and it was sealed and everything. We were going on and then we were told that it was not. So, I'm trying to go through the correct channels to do it - to get it to what we thought it was.

And it does have Talquin Utilities - water and sewer on the highway frontage. And also the next - what you are talking about, the comparable commercial zonings up and down Highway 27, there is another Map - Map # 2. That is all the existing commercial land use up and down Highway 27 which to my belief will be eventually commercially zoned. There is no opposition from the people on the front that I know of. The only opposition is from a person who does not even live in Ocklochnee Estates. She lives in Sandy Creek. Not even there. But, that is the only opposition I have heard so far.

Diane

Sheffied: Diane Sheffield. The problem I have with this and my little map might be little bit off - but there's 4,332 lineal ft. of Mr. Lawson's property that's on three sides. The commercial zonings that he butts up to is at the maximum 400 ft. All the rest of it - that's the green - is all residential. These are all homes here. People live there. So, it's got 400 ft. This is 200

here, so it's a little over 400 ft. So, 4,332 lineal ft. that borders residential. Only about 400 ft. borders commercial. I just think that's a lot to put into peoples back yards.

This is the first that I have known of an actual plan of what he was intending to use it for. Ah, prior to that, who knew what it was going to be. But you are putting a lot of commercial into people's back yards. And that is the problem I have with it.

Dixon: Yes, Ma'am.

Kathy
Grow:

Kathy Grow. I'd like to first of all, reiterate everything I said the last time we did this. Ah, Bruce's own 1,000 ft. letter that he sent does show quite a few people in Ocklochnee Estates will be affected by this. So, it's not just one or two places that have never been developed. There are houses all through there. I don't think there are any lots back there that have not been developed - that about this property. And, I am overwhelmingly against it. It is not the way we want Highway 27 developed. Thank you.

Dixon: Thank you.

Ballister:

There's also in your packet a letter concerning the statements made earlier.

Ah,

Watson: Bruce, is this a scriveners error or not?

Ballister:

I couldn't tell you sir. It was commercial on - Well, we have no maps that are - that I know of in the department - that show what was drawn prior to 1991. We did find the approved 1991 map. But I haven't got anything deeper in the past. I can't attest to any scriveners error.

Dixon: Sir.

Cobb: I am Larry Cobb. I'm a surveyor and I am also working on this project. I had seen a map prior to the date of that letter on this property. It was showing the designation of commercial property at that time. I had requested one of the maps. I don't have that with me here tonight. I

am not sure that I even have that map, but I have seen the map with that designation on it prior to the date of that letter.

McGill: Inaudible

Dixon: You can be nice Commissioner.

Cobb: There has to be a map somewhere - somebody's got one. I didn't get one at that time, but I know that there was one. I saw it.

Lawson: I, personally, saw it on the day that that letter was printed. She typed that letter and I was standing right there in the Planning Department. I saw the map. I made sure of it. And that is when I asked her to type the letter so we could proceed with what we were doing.

Also, back to the opposition from Ocklochnee Estates, I haven't had any opposition from Ocklochnee Estates. It's just from people who don't live, you know, in the area.

Grow: (inaudible)

Lawson: You live - anyway, you don't live anywhere in the immediate proximity.

Dixon: Mr. Lawson, you want to keep your comments to your proposal? We will appreciate it.

Lawson: Like I said, I haven't had any opposition from the people that this would be affecting or that I think would be affecting. It's just from people that are living in the next subdivision - the neighborhood over.

McGill: (Inaudible) That does say that.

Dixon: O.K. Mr. Lawson, could you walk me through exactly what it is you have out here on the map.

Lawson: O.k.

Dixon: Your proposal.

Lawson: Tell you what these are?

Dixon: Yes.

Lawson: Alright. These are, what, ah, if this were to be approved, we would, this is where we want to start -

right here. This is going to be office and warehouse - office in the front (glass front) and warehouse in the back.

This right here would probably be a shop - Lawson and Lawson Electric, right here. We were going to put up that. Then, once that leased out we were going to do it this way. The front - we were going to leave alone. This, we would probably cut up into one-acre commercial lots after we pave the road and run the sewer and everything down. This holding pond is existing - it's there. (inaudible) As we come down we would have to have that put into place. All stormwater retention will be held on site. These are all the same - office/warehouse basically. We are not going to build them all starting out. Only as needed over the next 5 - 10 years.

Like I said, these people don't oppose. People ah, it won't even be seen from the road or from back here. Like I said, I can stand back here at night and not see one light from a house any where back there. As you can see right here, there are very - the only people that actually live there is a little cluster right there.

Watson: This is commercial - this piece of property is commercial along here?

Grow: We can't hear you.

Sheffield: One more thing I'd like to point out to ya'll if you don't mind.

Dixon: State your name again.

Sheffield: Diane Sheffield.

While there is a lot of commercial zoning there, ah, I don't how much of it is, but, on a lot of it, people are living in houses there. Right next door on both sides, people have homes there. That's where they live.

Now, you can talk about buffers, you can build a nice buffer where people can't see your operation, but you can really buffer out commercial sounds and noises.

Lawson: It's a four-line highway - it's not a residence.

Sheffield:

I'm talking about behind, I'm not talking about across the street. I just wanted to make sure that is clear.

Dixon: Mr. Lawson, please. Thank you Ms. Sheffield.
Will there be others to speak?
Mr. Ballister, will there be anything else?

Ballister:
I think I have picked up papers from other people who have been to the podium.

Dixon: There being nothing else to be said, the chair will entertain a motion.

MCGILL: I MOVE TO DENY.

DIXON: WE HAVE A MOTION TO DENY. IT DIES FOR LACK OF A SECOND.

WATSON: I MOVE WE APPROVE IT.

DIXON: THE CHAIR HAS A MOTION TO APPROVE.

ROBERSON: I'LL SECOND THAT ON THE GROUNDS OF THIS LETTER.

DIXON: WE HAVE A SECOND.

McGill: Mr. Chairman, if I am allowed to talk a little bit.
I, ah,

Dixon: Didn't I just say if anybody else has anything to say?

McGill: I've got something to say. I am somebody. We heard two gentlemen say there was a letter written but we don't have copies of it and all that kind of thing. I go back to my statement earlier - I scream murder - but you don't find a body and don't find a weapon -

Watson: We've got a letter.

Roberson: I've got a copy of it right here.

Richmond: There is a letter.

McGill: I thought he said there was a letter prior to that one. O. K. Now we got a body, but we don't have the weapon that killed the body. Nor do we have the person who pulled the trigger to shoot the body.

I think this is further encroachment of a residential neighborhood and I am opposed to that. Now, just because Mr. Lawson could not see the light, it might be that he didn't have the money to pay the utility bills and no lights are out there, but the reason - It seems to me that it is an opportunity for a commercial development to simply encroach on a residential community and probably for no good reason in my judgement. I know he wants to make money and whatever, but, that is not a very good reason to encroach on a neighborhood. I maintain (inaudible) and I'm going to vote against it. I know the motion is to approve but I'm going to vote against it though. End of comment.

Dixon: I do have one problem in that I really don't think you should build up to the neighborhood that is directly behind you. And because I don't know what kind of distances these represent, I do know that you have a lot 5, Lot 6 that runs right up to the border of that property. That is very concerning to me.

Lawson: Do you want me to put a buffer there? I'll do whatever it takes. If you will look at the aerial picture, there are no houses back there. That is what I was trying to show you better from the

Dixon: This is a recent aerial?

Lawson: Yes, sir it is. I got it from ya'll.

Laughter

McGill: That's enough to deny it right there.

Dixon: I don't remember funding no air plane shots. That doesn't tell me how old it is. How old is it?

96.

Lawson: As far as encroaching, like I said, those lots have been there for over 20 years and they are not, houses are not on them. I don't think there are ever going to be.

Dixon: I understand, but it is zoned that they might be one day. And that is the whole thing. When we can take care of the future now, perhaps we can take care of the future now.

McGill: Mr. Chairman

Dixon: If it passes.

McGill: If there is a perception of a problem, there is a problem. I perceive there is a problem with this.

Dixon: Yes, sir.

Grow: Kathy Grow. You said it tonight that this is just losing control. He says he'll put a buffer up. How many before him have said the same the same thing. I won't clear cut it. You know, how many times have we heard that? And once it goes commercial, you have no more control over it, just like Mr. Richmond said.

McGill: And buffers aren't going to solve all the problems either.

Watson: What I am basing my decision on is he has been told that it is commercial by this Board. This county government has told him, and I have a letter here stating it is commercial,

McGill: From who?

Richmond: Miate Bright from Planning and Zoning.

Watson: He has been told in the past, and we have corrected errors - that's what we have been doing here tonight - he's been told that this is commercial property by this Board. I feel like we should honor what we have told him.

McGill: But you've also said to some people "It's residential" but denied them to build a house too.

Watson: Yeah, but, he's been told this is commercial.

McGill: So, you're saying that every time this government tells somebody something that we must honor that regardless of whether it is right or wrong? Is that what you are saying?

Watson: Yeah.

McGill: I hope it does. I'm going to find that body one day.

Grow: What is the date of that letter?

Dixon: May, 1996.

Grow: And how long have these people owned this property? 14 years. It was what it was when they bought it and they have owned it all that time. It's not like they bought it in 1996 and got that letter the day before they purchased the property.

Watson: But understand, I'm basing it on the fact that this county government has told them (and we've got documentation here) that this is a commercial piece of property. We've got it right here and it's hard for me to ignore this. I just can't. I mean, we're backing up and we're telling him "No, that's not the case."

They have gone out there and they have spent money on a couple of things thinking that's what they had. And I think it would be wrong of us tonight to go against that.

Grow: I think it's wrong to go and put commercial property next to all those people.

Watson: But it was already there. I do not consider myself deciding tonight to put commercial property by residential. What I am deciding tonight is affirming what he has already been told by this Board.

Grow: In my mind the whole Board is doing just exactly what you said they are. They are determining tonight to put a commercial development where there was not supposed to be one.

McGill: Well, a buffer will take care of that. (Inaudible)

Grow: Don't start me on the buffers, Bill. The buffers don't work. They are never in place because have no enforcement.

Dixon: Sir, did you have something to say?

Audience: I'm going to pass.

Lawson Sr.

After the zoning is either approved, if it is approved, our next step then will be to get a site plan approval before we go into process of building. At that time, those site plans will have to be - they will be reviewed by the staff or also they will be reviewed. I'm not sure exactly what level this one will get reviewed - it will either be a staff review or it may come back to you or it may go to Zoning. It just depends on how the ordinance is read. But, I know that once, if it is approved here

tonight, then the next step is to prepare - not a preliminary, but a final plan that will show the exact dimensions of the buffers, whether they will meet the ordinances as they are written or exceed them. What we are planning on doing is exceeding all of these because it is something they want to look good and it will be something the community will be proud of.

I just know that this is not the final step. It never has been.

Dixon: Come on down, sir.

Jerry
Fitzgerald:

Do we have a legal responsibility, I just want to know, to honor the letter that Mr. Watson is speaking of? That's all I want to know.

Dixon: It's got our name on it.

Richmond: It certainly is evidence that it was at some point in time that it was viewed as commercial by the Board before. And the people that owned the property had a right to rely on it because it was directed specifically to that. What those rights are or anything, I don't want to get into tonight. O.K?

Dixon: Will there be others? I'm going to give you five cards. You gotta choose 5 issues.

Lasley: I'm sorry. There is no doubt

Dixon: Excuse me. This is Marion Lasley.

Lasley: Marion Lasley, I am sorry. I forgot. I remembered all the other times.

It seems by the map that I can see that the front part of this could very easily have been designated commercial but I would question the back part. You know, does that letter, is the property, I mean, Is there any doubt that the back part is also zoned commercial by that letter.

Dixon: The dimensions are listed.

Ballister:
The parcel ID number includes the whole thing.

Richmond: Yes, it covers the whole thing.

Lasley: O.K.

Dixon: Ms. Lasley has no more. (Laughter)

Will there be any other discussion Commissioners?

**THERE BEING NONE THE CHAIR HAS BEFORE HIM A MOTION AND A
SECOND TO APPROVE. ALL IN FAVOR, SIGN OF "AYE".**

WATSON, ROBERSON, DIXON: AYE

DIXON: OPPOSES?

MCGILL: NAY.

**DIXON: THE VOTE IS 3 - 1. I WOULD LIKE TO SEE THAT REAR BUFFER
- ANY WHERE IT BUTTS UP TO A NEIGHBORHOOD, I REALLY WOULD
LIKE FOR YOU, BRUCE, TO TAKE A LOOK AT THOSE BUFFERS.**

McGill: Because we do believe that buffers will solve all problems.

Ballister:
This will probably end up in a Class II Review - P & Z and the Board inputs. Ah,

Richmond: All that is before us tonight is the designation of Commercial.

Ballister:
Right, all I am saying is that in due time we will be looking into those decisions.

Dixon: That's all right, Mr. Attorney. You are going to mess around and earn your money tonight.

McGill: I see a hand in the back, Mr. Chairman.

Ballister:
The next applicant

Dixon: Hold on one minute, Bruce.

Audience: My name is Barbara Gugliotti. I reside at 1400 Timber Run, Havana. I noticed that the next application is M28, it skips over M27?

Dixon: There is no M27.

Gugliotti:

The Notice of Intent stated it.

Dixon: Oh.

Richmond: It's gone.

Gugliotti:

What became of it?

Dixon: Maybe we threw it out.

McKinnon: They withdrew it. Bruce, explain what happened.

Ballister:

That was Pepper Land Company.

Gugliotti:

I have questions.

Dixon: Yes, Ma'am. I'm sorry. Please forgive me. I need for you to come down.

Gugliotti:

You've got my name?

Straughn:

Would you spell it please.

Gugliotti:

G u g l i o t t i My question is - We are in the transmittal phase right now for the Comp Plan and there's going to be an adoption phase later. Mr. Ballister eluded to it early on this evening but I didn't hear a clear answer. Is it possible that this parcel will come back again for the adoption phase. There's no way that can happen?

Dixon: No. No.

McGill: Not this year.

Gugliotti:

All right, then briefly

Dixon: Are you trying to extend my meeting?

Gugliotti:

No, I'm not and I know it's late and I am tired too and I haven't had dinner either. Real quick - Our

neighborhood Reston is a modestly affluent neighborhood
and

Dixon: Say it ain't true.

Laughter

Gugliotti:
Modestly. In order to

Dixon: Is that the new term? Is that the politically correct
term for rich now?

Gugliotti:
No, we're not that but we are comfortable.

Dixon: Upper class?

Gugliotti:
Middle class, upper middle class.

Dixon: Upper middle.

Watson: You are digging a hole way too deep. You shouldn't have
brought that up.

Dixon: I am sorry, go on.

Gigliotti:
To appropriately inform ourselves, we spent in dollars,
approximately \$50.00 not including time off of work, not
including in-kind professional services which ranked in
the neighborhood of \$600 - \$1000 to inform ourselves so
we could address this issue appropriately. I would bring
to the Commission's attention that not everybody has
those resources.

Dixon: Can we tap yours? I have some neighborhoods who would
really like to

Gugliotti:
The point I am making, Mr. Chairman

Dixon: I am sorry.

Gugliotti:

This makes government inaccessible to a lot of the
residents and perhaps the reason that a lot of folks
aren't here is because of that. Additionally, very early

on in the process, there would be the appearance that we were being discouraged from participating. In the initial letter that come to the P & Z Commission indicated that some folks were saying "There's nothing we can do. It doesn't make any difference."

As we became more informed, we realized that we could make a difference. Ah, my concern here is that representation not, you know, be apparent because we are not done with this process. And even though M27 has been withdrawn, you've got a number of them on this piece of paper that will come back before you again. It needs to be available to everyone and people need not to be discouraged.

Dixon: I agree.

Gugliotti:
Thank you.

Dixon: Thank you. Very well said. And I am sorry for hassling you. It's this water.

Gugliotti:
That's all right.

Laughter

Dixon: Not that you may construe that this is anything but water. Mr. Ballister.

M28 LORENZO AND PHYLLIS MOORE

Ballister:
Moving right along. The next applicant is Lorenzo and Phyllis Moore. They have 15 1/2 acres of Ag 1 and AG 2 property on the southeast side of US 27 North of Havana. The intent is a low to medium family subdivision. We have had no negative comments to date from neighbors or P & Z.

McGill: Could we dispense with the comments. May I move for approval, Mr. Chairman.

Dixon: Sir?

MCGILL: COULD I STOP MR. BALLISTER'S EXPLANATIONS AND MOVE FOR APPROVAL?

Dixon: If you have a second and after I take public comments. Do you have a second?

McGill: I'll buffer it.

DIXON: WE HAVE A MOTION, DO WE HAVE A SECOND?

Roberson: Well, I was still looking at it.

DIXON: MOTION DIES FOR LACK OF A SECOND.

Roberson: Wait.

McGill: Well, now it's not buffered.

Roberson: I was just trying to figure out where the piece of property was. I mean, I see it on the map. I just want to know what the ramifications are.

Dixon: We will take public comment while they are in debate. Is there anyone to speak for or against this project? Speak now.

Pause

Dixon: Bruce, do you want to talk while they get their facts together?

Ballister:
Like I say, this is just east and across the street from the Peavy property, that industrial gray zone right next to it. I'm trying to think what else is immediately near there. You remember, Ancient Oaks Drive is just up the road from there. It is between 12B and McNair.

Dixon: The chair will entertain.

MCGILL: I MOVE APPROVAL.

DIXON: WE HAVE A MOTION, DO WE HAVE A SECOND?

WE HAVE A MOTION, DO WE HAVE A SECOND?

THE MOTION DIES FOR LACK OF A SECOND?

THE CHAIR WILL ENTERTAIN ANY OTHER MOTION THE BODY HAS.

WATSON: I MOTION FOR DENIAL.

DIXON: WE HAVE A MOTION FOR DENIAL.

ROBERSON: I SECOND.

DIXON: WE HAVE A SECOND. WILL THERE BE FURTHER COMMENT?

ALL IN FAVOR, A SIGN OF "AYE".

WATSON & ROBERSON: AYE

DIXON: ALL OPPOSES?

MCGILL & DIXON: NAY

Dixon: Next project, please.

BALLISTER:
TWO TO TWO.

DIXON: TWO - TWO. IT FAILED.

BALLISTER:
TWO - TWO IS A DENIAL.

McGill: No, in this case, two passes. The motion was to deny.

Dixon: No.

Richmond: (Inaudible)

Dixon: Don't be giving a bad name to him. He's got enough people beating up on him.

Ballister:
That was a failure of a motion to deny. O.K. So, that's an approval?

McGill: Yeah.

Ballister:
It is a double negative.

Dixon: I am sorry.

McGill: The motion to deny failed.

Dixon: Please forgive me.

Ballister:

It's a double negative so,

DIXON: YEAH. THE CHAIR WILL ENTERTAIN ANOTHER MOTION.

Sheffield:

What changed?

Dixon: Nothing changed. Nothing happened.

Richmond: For purposes of discussion, there needs to be a motion to approve that dies or is a tie.

McGill: I move that, ah, well, let me see now. There are just four of us here.

Richmond: Yes, sir.

McGill: It's hard to say who is on the prevailing side.

Dixon: No, it's not.

McGill: So, a motion to reconsider could still be a

Dixon: There is nothing to reconsider.

MCGILL: CAUSE I WOULD LIKE TO OFFER A MOTION TO APPROVE NOW.

WATSON: I'LL SECOND IT BUT MY VOTE IS NOT GOING TO CHANGE.

Dixon: For procedural.

McGill: If you make a motion rather if you second my motion and it's not buffered, you've got to vote for your second.

Watson: No. I have heard you say how many times "I'll make the second just for discussion purposes only?" I have heard you say that a bunch of times.

McGill: But that was, but you didn't say for discussion only. You didn't say that.

Dixon: Ya'll see it's getting late. The Chair has a motion.

McGill: Can I make a motion to table that for reconsideration later on?

Watson: Now, I don't think that would be right. We haven't done that before.

Richmond: Commissioners, I think we'd have to send notices.

Ballister:
The last thing that I think happened was that a motion to deny it failed.

McGill: Failed. Yeah.

Ballister:
Does that constitute an approval in the same way that a motion to approve fails.

Richmond:
It takes an affirmative act to for that.

Ballister:
O.K. It takes an affirmative act.

McGill: It's got to be brought, that's all there is to it.

DIXON: DO I, AH, SO, IS THE CHAIR TO UNDERSTAND WE HAVE A MOTION AND A SECOND TO PASS FOR DISCUSSION?

MCGILL: YES, YOU HAVE A MOTION AND SECOND FOR DISCUSSION.

Dixon: And does the Chair understand that there really is no other discussion?

McGill: Pretty much.

DIXON: PRETTY MUCH. THE THINGS YOU DO TO GET ALONG. ALL IN FAVOR, SIGN OF "AYE".

MCGILL & DIXON: AYE.

DIXON: ALL OPPOSED?

ROBERSON & WATSON: NAY.

DIXON: MOTION FAILS.

McGill: I understand that now we have another motion in almost the same position don't we? Where it failed on 2 - 2. The M6. The other was 2 - 2 as well.

McKinnon: Yes, M6 and M14 also.

Richmond: They were 2 - 2 but they were affirmative action. They were both for approval and we denied them.

Dixon: We'll go back to those at some

McGill: It's M6 and M28.

Richmond: Well.

Watson: We'll won't go back M28. We just corrected it.

McGill: What did we do?

Dixon: We just corrected M28 on an affirmative motion.

Richmond: An affirmative motion that did not pass.

Dixon: Did not pass, so it is a denial.

Watson: And your motion to pass it failed.

McGill: And my motion to pass died, failed.

Richmond: Correct.

McGill: And it wasn't buffered now.

Dixon: Can we, let's just go back with those two - which one did ya'll say?

Ballister:
M6 - Barnett was a motion for approval that died.

Richmond: Yeah.

Roberson: It was a motion for approval. So, it was not the same situation.

Dixon: Well, who told me they were?

Roberson: Not me. He did.

McGill: I did. My motion to pass it didn't get a second. His motion to deny was 2 - 2. So, I don't see the difference in that and M6.

Roberson: M6 was a motion to approve.

Dixon: Yeah.

Roberson: So, it was not like what we just had.

Richmond: Muriel, is that what your record says?

Straughn: Yes.

McGill: It seems to me that 2 and 2 would be the same no matter what the situations are.

Dixon: No, the question is important. The question that is asked is important.

McGill: I've got 4 quarters. I give you 2 and I keep 2. What does that give you?

Dixon: I've got 2 of your quarters.

McGill: Do you have more than I've got? You've got 2 quarters.

Dixon: We'll take the quarter situation up shortly.

McGill: O.K.

Watson: Ya'll talk about that later.

Dixon: Next Project.

M29- CARNES

Ballister:

We discussed M29 at the very beginning with M2.

McGill: Who is this?

M-30 EVANS

Ballister:

We'll move on to M30. Ah, M30 is Maurice Evans application and has approximately 16 acres. Ah, Ah, on the east side of McNair Road. It is across the street from rural residential land. The proposal was for 9 homes to be built fronting McNair road.

Dixon: Are there those to speak for or against? Will you come down, sir?

Evans: I am Maurice Evans. We would like to put 9 site built homes in the lower to middle class range and we would also like to donate some property for a park there as well. The County does not have a park on that side of the County. And we would like to donate some property along with this. We were only planning on using the 947 ft. that fronts McNair Road for these houses and the back we would donate some for a park.

Dixon: Mr. Evans, you're not trying to bribe us, are you?

Evans: No. No.

Dixon: O.K. We won't interpret it as such. Anybody else to speak for or against? Questions, Commissioners?

McGill: Yeah, I've got one question, Mr. Ballister. I know you said there was one complaint by a non-neighbor. My question is two-part. What was the complaint and was it a substantial significant complaint?

Ballister:

If I remember the individual at the Planning and Zoning Commission, ah, didn't want to see any more rural residential in the County.

McGill: In the County?

Ballister:

In the County.

MCGILL: OH GEE. I MOVE APPROVAL.

Ballister:

It was a long time ago to be remembering verbatim testimony. I just remember, it was generalize complaint about rural residential land.

McGill: I move approval, Mr. Chairman.

DIXON: WE HAVE A MOTION FOR APPROVAL. DO WE HAVE A SECOND?

Roberson: Bruce, ah, just a minute.

WATSON: I GUESS I HAD BETTER SECOND THIS. WE DON'T WANT TO GO THROUGH A WHOLE RIGMAROLE HERE.

McGill: It would be nice if you would second that. It would be very nice.

WATSON: I'LL SECOND IT.

DIXON: WE HAVE A MOTION AND A SECOND.

WILL THERE BE ANY FURTHER DISCUSSION?

NO RESPONSE

DIXON: MOTION AND SECOND. ALL IN FAVOR SIGN OF "AYE."

DIXON, MCGILL, ROBERSON: AYE

DIXON: OPPOSES?

WATSON: NO.

DIXON: PASSES 3 - 1.

Next project, Mr. Ballister?

M-32 FITZGERALD

Ballister:

The next applicant is

Watson: Ya'll do know what I seconded that don't you.

McGill: For discussion purposes only. But your second was buffered, so it's all right.

Dixon: You're absolutely compassionate tonight, Commissioner and we're in recognition of such.

Ballister:

The next application is Terry Fitzgerald et. al. There is a group of properties adjacent to the other St. Johns Church allocation that we saw earlier. It is between Fulton Shaw Road and 272. Ah, there was again, a petition passed around to approve land use and some of those signatures not obtained. As you see it now, this application shows those properties removed from the rezoning request.

Dixon: Will there be those who will speak for or against?

Our volunteer map changer left.

York: I am Benny York. I live cross the road from that said property. Ah, I've ah, the reason I moved out here to this property was for some peace and quiet. Ah, I am a law enforcement officer and I have experienced in the past - when I lived over on Martin Luther King - 2 or 3 o'clock in the morning, use my house for a substation. So, I said, "If I get out of zone, I can get away from all that." But, if you break this down into lots, you will help people out there. It is, you know, it will just destroy my house value also. That is all I have to say.

Vick: I am a little confused about what the proposal is - to do with this property. Can you tell us what the request is.

Ballister: Ah.

Dixon: The request is to change it from AG 2 to rural residential - which is to move it from 1 house to 5 acres, ah, 1 to 10 to 1 to 1.

David

Vick: I remember when this came before the P & Z Commission, I spoke against the - I think the request was to change it to residential. And I spoke against it on the grounds as the gentleman just before me in conjunction with several other property owners who are right next to the property. Ah, we are objecting to an increase of density in the population of that particular area. Because all of us that live out there, live out there for the reason that we stated previously. We like to live in the county. We like the peace and quiet. Ah, we like to be free from the congestion that rural residential would bring about.

While we recognize the rights of an individual to do what he wants to with his property, we also recognize that those rights that his neighbors rights also have to be considered. We feel that if a person wishes to develop a piece of property, then his responsibility is to investigate how the property is zoned. If it is zoned for that purpose before he purchases the property. Not to purchase the property then pose his will on his neighbors.

While we don't object to the 1 in 5. We very much would object to it being zoned rural residential to give us that kind of congestion. Thank you.

Dixon: Thank you Mr. Vick.

Ballister: You will note in my notes that the first motion to deny the application in P & Z died. The second motion to recommend AG 1 passed.

Dixon: O.K.

Fitzgerald: Again, Terry Fitzgerald. The last speaker lives in a rural residential area which is across the road. I showed you the maps before. Now, this property is sandwiched, I didn't know that Mr. York - I had spoke with him when I first went to doing this. I didn't know that he was opposed to it. Nor did I know that the property that he was even adjacent to Mr. (inaudible) He also owns 13 acres right where it is rural residential. And now, the church, you have just passed it today, tonight, and all the property in front of it is rural residential. Another gentleman that is here tonight that ah, he also is opposing it - he has 16 acres and half of it is rural residential. So, I'm saying that it does not seem to me

to be fair that this property has so much rural residential around it, that it does not be rezoned.

Now, also

Dixon: Let me ask a question, Mr. Fitzgerald?

Fitzgerald:
Yes, sir.

Dixon: Mr. Ballister, are there any more rural residential areas around his land depicted on your map?

Ballister:
That's our current map with the exception of the proposal for St. John's Church property which is (inaudible)

Dixon: Did we change that to rural residential?

Ballister:
(Inaudible)

McKinnon: (Inaudible)

Dixon: I mean Mr. Fitzgerald is referring to other places around here.

Ballister:
You have the area to the west across (inaudible)

It was requested at the last meeting to be separated out and not be included.

Dixon: O.K. But, what I am asking you is "Are there, around here, any rural residential areas?"

Ballister:
Goldwire Road is across the street.

Dixon: Not, across the street, here.

Ballister:
(Inaudible)

McKinnon: What he sees is rural residential. I mean, the map is accurate. O.K.

Ballister:
Do you mean

Watson: Is there any other rural residential than what you have shown here?

Ballister:
No.

Dixon: Mr. Alexander is referring to, Mr. Fitzgerald, excuse me, is referring rural residential areas that are not depicted on this map.

Fitzgerald:
I am referring to people - land owners- that has opposed this land change. That is who I am referring to. They are living (except one) are living and have rural residential property here, yes.

Dixon: What I am saying is that it is not showing on the map.

Fitzgerald:
Yes, it is. Yes, it is. Yes, it is.

Dixon: Where? Show me where you are talking about.

Fitzgerald:
This gentleman here has 60 something acres which is up for sale. He is selling that and that is rural residential. The last gentleman that just spoke, he lives here and that is rural residential. The other gentleman that is here and has this piece of property right here, he also has this 8 acres here that is rural residential and that is his rental property.

Dixon: O.K.

WATSON: I MOVE THAT WE DENY THIS.

Dixon: Just, just one second.

Fitzgerald:
My point is that

Watson: Oh, I am sorry.

Fitzgerald:
I am prey to the people who oppose this that has rural residential and also rental property or they have their property up for sale. Anything could come in on me.

WATSON: I MOVE DENIAL.

McGill: Are you the sole owner of the property?

Fitzgerald:
Oh no, there are others that's here that are for it.

Dixon: So, we've, in essence just

McGill: Just a minute, is he the sole owner of the property that we are talking about now?

Dixon: No, there are other people who own the property. Now, you have removed all the people who have not given permission? They have been removed?

Fitzgerald:
Yes. Yes, as of the last meeting.

Dixon: So, what we've done tonight, in essence, is to create a RR zone in front of you and there is already behind you.

Fitzgerald:
Yes.

Dixon: O.K. All right.

McGill: You said, what we did tonight?

Dixon: Yeah, the church and

McGill: inaudible

McKinnon: That was there before.

McGill: Are they on the same side of the road?

Dixon: Yes, sir. That area that is not darkened by those slanted lines, that is where the church is.

Audience: (inaudible)

Dixon: State your name for us please.

Vick: David Vick. The fact that the property that I live on is rural residential really doesn't have a great deal of bearing upon whether or not I agree should be - It's like the people who are rural residential living next to property that I hear is proposed to be rezoned industrial. Ah, I moved out there because the area was open. I have 4 1/2 acres. It's going to stay 4 1/2 acres with one home on it. The neighbor who lives back

behind me had rural residential and he put mobile homes back there as rental property. And ah, it has created problems up and down the road next to my house and I have had to put a fence up. I'm just very much opposed to more congestion out there. We are getting, we already have a great deal of traffic up and down Old Philadelphia Road with the trash and the noise and accidents. And ah, I am really, really concerned about increasing the density of the population in that particular area. It will affect the property value of the homes around it.

Holt: I am Brenda Holt. On the map, when you look at the small rural residential area, the part that is being zoned as going back to more rural residential - it's not going out toward AG anything. So, it's going to be in a block that part of it is already rural residential. And I understand both sides of your concerns. The only thing is that it seems strange that if someone who has rural residential land around that area, can dictate that do not have that what they should have. There's no way that you would know what your neighbor may do if have rural residential. They may say that they are never going to do anything. They may do whatever they can get passed by Planning and Zoning and whoever the next board is going to be.

You have to look at that. And it seems strange if one group can dictate to the other what they should or should not have. This person may or may not have good intentions. But then, the people that are already zoned rural residential may not have good intentions either. So, we don't know that. So, if a person or an individual wanted to have land zoned a certain way, people in a certain category doesn't have the right to tell them they shouldn't have it. And I understand that you must vote on this, but it seems like a sense of fairness. As the old saying goes, what's good for the goose should be good for the gander. And if those people cannot have rural residential, can they force the people to go back - the ones that are in rural residential to go to AG 2? They should have that say-so - "Well, I can't have rural residential, then you should have to go to AG2. So, you must look at the fairness of the situation.

Thank you.

Dixon: Thank you.

McGill: I have a question or two, ah, of Mr. Fitzgerald, Mr. Chairman.

Mr. Fitzgerald, I notice that the Planning and Zoning Commission recommended that it be classed as AG 1. You were not satisfied with that designation?

Fitzgerald:

Sir, I wasn't there for that recommendation at all. And I hear a lot and I sense a lot of fear about trailers and mobile home parks. That is not my idea. I am a pastor. I am doing Christian type activities and trying to, you know, I've already put my site plan up. Mr. Ballister saw it. Nothing like that was the intent at all. But, I will say this, that I do believe that my property value would be better if I was rural residential. Just the value of it versus Agriculture 2. I do think that down the road and across the road property value is higher than mine because I am sitting in an Agriculture 2.

McGill: I am saying to go from AG 2 to Ag 1.

Fitzgerald:

Sir, I really would, before I would even address anything like that, I would really like to hear the motions and so forth on the rural residential because, again, I do think that it's just a matter of fairness that why I have to go to Agriculture 1 when, ah, everyone else around me is rural residential. I think that is the issue I would like to hear addressed as far as voting.

Dixon: O.K. Will there be others to speak. Yes, sir. Come on down. If there are others, please come forward.

Shaw: I am Arnold Shaw. I own the property at the corner of (inaudible) and 267 and that is across the street which Terry referred to and is listed as residential. That property is a wetland. You cannot develop it. It's got a dry pond in it. It floods neighbors behind it. In fact, the field that the property in the neighborhood, Terry's property, might even be part of it. There is a dry pond and when it does come a lot of rain, it goes across Fulton Shaw Road. I was just wanting to point that out. And I already expressed my concerns in previous meetings with the Commission which are on record. I thank you for your time.

Dixon: Thank you, sir.

There being no others -

WATSON: I MOVE FOR DENIAL.

DIXON: WE HAVE A MOTION FOR DENIAL.

MCGILL: SECOND.

DIXON: WE HAVE A SECOND. DISCUSSION.

I just want to say that it meets my test of what I have been saying all night about nexuses and we've created a parcel already behind you. And we have just created one tonight in front of you. And I think that it is terribly wrong to not allow you to become rural residential. You know, it's only what I believe to be as fair.

We have a motion and a second. Will there be any other comments.

Vick: Sir, I received no notification of the change of St. John Church property to rural residential. I live directly across from there. I don't believe that I received a notice of change on that. I would like to speak to that issue.

Richmond: Sir, we did it earlier tonight.

Dixon: We did it tonight.

Vick: Yes, I know you did, but I didn't receive notice.

McKinnon: His name is on the list.

Richmond: His name is on the list?

McKinnon: There's the list.

Vick: I have no problem with a church being across the street. Churches are good neighbors. I don't understand why property that a church sits on should be zoned rural residential.

Dixon: Well, we actually, you know, we made Planning and Zoning go back through this and do it again and I don't know how you were missed. You are on our list.

Vick: I have the notice that this piece of property was on but there was nothing that said that that property was up for a change. There was nothing stated as to what the

request was. It was the Fitzgerald property that I received notice of what the request was. But, I received no notice as to what the request was for the church.

Ballister:

In the December series when we first heard the St. John's Church, you were notified of that specific change. And, you are on this list too. You would have gotten the same mail out that everybody else got. That there was a meeting tonight.

Vick: Well, I got a letter of the meeting tonight, but I had no prior notice of the St. John Church change.

Ballister:

I apologize for that. We made every effort to go through the property records to find the neighbors.

McKinnon: I guess, for the record, his name was on the mail-out list for that piece of property. I don't know what happened to the notice but, you have been listed as one of them that was mailed out.

DIXON: SURE WOULD APPRECIATE YOUR INPUT. NOW, WE NEED TO CARRY THIS MOTION. WE HAVE BEFORE US A MOTION FOR DENIAL. ALL IN FAVOR, A SIGN OF "AYE."

MCGILL, WATSON, ROBERSON: AYE

DIXON: OPPOSES? NAY. 3 - 1. IT IS DENIED.

McGill: I would consider offering a counter motion if I could that we move it from residential to AG1. But, I am not sure Mr. Fitzgerald would accept that. I need a second for that motion.

Dixon: The Chair will entertain if it gets a second.

NO RESPONSE

It dies.

Bruce?

M-33 HARRIS

Ballister:

O. K. The next applicant is Gerald Harris. He has 62.5 acres located at the intersection of SR 12 and 270. Access to the larger part of the property is by a strip

of land 16 ft. wide - It is owned, it is not easement.
The applicant proposes a minor subdivision of 10-acre or
larger lots on the 62 acres.

Dixon: Is there anyone to speak for or against?

McGill: Is anyone present?

Ballister:
Yes, sir, the applicant is here.

McGill: I notice that the Planning and Zoning Commission denied
the application based on access. Exactly what does that
mean?

Ballister:
I have made a comment, I think, about that the property
should have adequate access. I did not know what was on
that roadway at the time.

The motion then involved, was denied based on access. I
since drove to the property with the applicant. He has
a very significant investment in road base material
providing a drive-way of approximately to 12 - 16 homes.
In most cases it is 16 or so feet wide down that strip of
access from 270. And that hard surface continues in
through the property.

**NOTE: THE RECORDER OF THESE MINUTES DID NOT HEAR A MOTION NOR WAS
IT AUDIBLE ON THE TAPED RECORDING.**

MCGILL: SECOND.

ROBERSON: WAS THERE A MOTION, I COULDN'T HEAR YOU.

DIXON: WE HAVE A MOTION, WAS THERE A SECOND?

MCGILL: YEAH.

DIXON: WILL THERE BE ANY MORE COMMENTS?

ALL IN FAVOR, SIGN OF "AYE".

ROBERSON, WATSON, MCGILL: AYE

DIXON: OPPOSES?

NAY.

IT PASSES 3 - 1.

M-34 BECKER

Ballister:

We are getting closer, now.

The, ah, next applicant is Mr. Mark and Rita Becker. They have a 27-acre tract on the north side of 270 just down the road from (inaudible) property. The tract in question is a single 27.4 acre parcel. The reason for the request is that there is a divorce proceeding pending between the two Beckers. The wife and mother of the child want to remain on 10 acres of the property and sell the remaining 17 acres off in the process of the divorce settlement.

Audience: Which number are you on?

Ballister:

M34 - Becker.

Dixon: Will there be those to speak for or against?

WATSON: I MOVE APPROVAL.

ROBERSON: SECOND.

AUDIENCE: (INAUDIBLE)

DIXON: FROM 3 - 2.

BALLISTER:

AG 2

ROBERSON: I SECONDED IT.

DIXON: WE HAVE A MOTION AND A SECOND. WONDER WHAT HAPPENS IF WE DON'T DO THIS? WE HAVE A MOTION AND A SECOND TO APPROVE. WILL THERE BE ANY OTHER DISCUSSION? ALL IN FAVOR, A SIGN OF "AYE".

ALL: AYE.

Dixon: Please make it unanimous.

M-35 BRADWELL

Ballister:

O. K. The last one is Mr. Bradwell et al. There are a group of properties just south of Hogan Lane on 267. They are relatively small lots - 1 1/2 and 2-acre lots and 1-acre lots that were zoned commercial when the map was created in 91. Only two of these small parcels have any frontage to 267 with commercial potential. The properties behind that spot are 50/50 owner occupied. The commercial designation precludes new residential use for those properties. The urban service request would allow flexibility for the property owners to be commercial, if they have the frontage or residential if they didn't.

I have 100% of the signatures of the people in that area.

McGill: Mr. Chairman, I have a question for Mr. Ballister. In your comments, you said "The area should have been zoned urban service area because most of the small lots exist yet do not have access to"?

Ballister: They don't - I would say the properties that have a viable commercial option have frontage on 267. The properties behind that aren't likely to be sold until it can be used as commercial properties. If they are going to be used for a residence, you can't place new residents on commercial property.

McGill: I am just wondering if it should be urban service area.

Ballister: Well, urban service area allows that flexibility for mixed use designation. If they have the frontage and want to be commercial, they could be. So, they don't lose any commercial rights. But, the rear property being could be allowed to be used for residential.

Register: Roger Register. Speaking on behalf of myself and Betty Register, my mother who owns the property. Maybe it's due to the lateness of the hour, but when I first walked in here, I thought I understood what we were doing here, but since then, I would like some clarification.

We happen to own the little strip of property that is zoned commercial right now and we would like to see it stay as commercial just to reserve our rights in terms of the commercial use of the property. But we are not objecting to other parcels of the property to, you know, go to urban service area.

Ballister:

Do you understand that urban service area allows all commercial uses.

Register: Yes, and, but also residential, too. And we - which this piece of property will never be residential. So, we just

Ballister:

Well, it doesn't have to be residential.

Register: Right, I understand that.

Watson: Roger, you can get your commercial with the urban service area.

Register: Yes, but, if we and this is maybe the clarification I need here. If we leave it urban service area and we want to later develop it as commercial property, when we come in here with a site development plan, would those residents who now live in urban service area (because you have increased the number of residents there) object to the property going commercial?

Dixon: Even if they object, there is nothing they can do about it.

Register: I don't agree with you there.

Dixon: Well, yeah, you have a point.

Register: So, as long as it stays commercial, and the other is still urban service area, I thought our rights for commercial development preserved. We might give up a little bit if it goes urban service area.

Watson: Do you own part of this?

Register: From what I can tell, yes. I mean too, from the way the map has been drawn and where the notices were placed, yeah, we are part of it.

Watson: Well, if you are objecting to your property being changed, then we'll just take it out.

Dixon: We'll take it out.

Register: We have the split right in there at Joe Adams, Frank. From Joe Adams down to what is now, ah, yeah.

Dixon: Thank you, Mr. Register.

Register: Thank you.

WATSON: WELL, THIS MOTION WOULD BE TO APPROVE THIS WITHOUT THE REGISTER PROPERTY INCLUDED?

DIXON: CORRECT.

WATSON: SO MOVED.

MCGILL: SECOND.

DIXON: WE HAVE A MOTION AND A SECOND. WILL THERE BE ANY OTHER DISCUSSION.

NO RESPONSE.

ALL IN FAVOR, SIGN OF "AYE."

ALL: AYE.

DIXON: PLEASE MAKE IT UNANIMOUS.

PROPOSED SILVICULTURE LAND USE CATEGORY

Ballister:

Let me just reiterate the second page.

Watson: There is something else to do folks.

Dixon: I ain't prepared to do that tonight.

McGill: Did you or did we adopt some language dealing with silva culture before?

Ballister:

Yes, sir.

McGill: If we did, what is it called - that language. Where is that statement? What was the language before?

Ballister:

There was no language in the Comp Plan on Silva Culture.

McGill: That was may question - Was there? You said none.

Ballister:

I have a letter from Mr. Edward Drew from St. Joe Land Development Company, the president, who was in the audience. He had to leave to and he handed me a hand

written note as he left. The parcels changed from AG 3 to Silva Culture on the 15,360 acres of their land that are affected. Provided that it will allow at least one residential unit per 80 acres and provided that (inaudible) one residence unit per 40 acres to one residence unit per 20 acres which will be proposed for AG 3 zones.

I have shaded in the areas that are (inaudible) that will be going to Silva Culture. This is one of the text changes that will affect that.

Dixon: Is this the stuff that I didn't like.

Roberson: Yes.

Dixon: I thought so.

McGill: In the preamble to this, you said that in the last sentence "Although not totally complicated increased density to AG 3 area will off set the same losses" - Are we trying to balance things out?

Ballister:

There may be a compensating density but when we rezoned areas that were typically drawn in different (inaudible) They were actually conservation because they included the wetlands. Then you go multiplied. The old mapping wouldn't have showed these areas. If we do a balance, we'll probably end up with a greater achievable lot count than we had prior. This is just a decrease of density. Their remaining AG 3 properties will double in density throughout the County. It's not like a east or west thing. These parcels all border either Liberty County (which is 99% timber production) or the river.

Roberson: (inaudible)

Dixon: Trying to focus, Commissioner, just trying to focus.

Watson: What do you want from us tonight on this?

Ballister:

(inaudible)

Watson: So, we don't act on this tonight.

Dixon: Ms. Lasley, come forward.

Lasley: Marion Lasley. Ah, the rest of the silva culture that is over here is not shown. I'd rather, I personally would like to see this not included in this packet to DCA. And, I think if you want to discuss this option of changing some densities for the timber companies, do a map that shows it all. Shows all this land over here that is in silva culture now.

Ballister: All of the AG 3, whether it's, will be 1 to 20. This a separate related issue. This is creating a new land use category that is owned by one of three companies. They are giving up development rights with the creation of this zoning.

Lasley: But they're not though. They said they don't want to.

Ballister: Well, they are going down to 1 to 80. The whole, everybody who has AG 3 property will be allowed the new density equally, whether it's Joe Smith or the timber company. There is no specialty.

Dixon: They are but we'll give it back to them someplace else.

Lasley: You are talking about silva culture, are you not?

Ballister: Right. But this is a new land use category, not a designation difference. I'm not talking about just the lands that has timber production on them.

Lasley: I am sorry, you lost me there.

Watson: So, you need approval to send these on to DCA?

Ballister: You need to vote on this just like any of the other 30 applications.

Watson: You want each one separately?

Dixon: Yes.

Ballister: They are separate items. To change the map.

WATSON: WELL, I MOVE THAT WE SEND THE PROPOSED SILVA CULTURE LAND USE CATEGORY ON.

ROBERSON: I SECOND.

DIXON: WE HAVE A MOTION AND A SECOND. I did not understand, What I understood about this, I did not like. And I can't say that I have enough knowledge of it now to see the wisdom in it. I am sure there is some and I'm sure that it's

Watson: Well, I just see that it's taking some 1 to 40 (parcels) to 1 to 20.

Ballister: Separate, yes. The remaining AG 3 lands will be considered 1 to 20. That is in the text amendment. But it does not have a map change associated with it.

Watson: Right.

McGill: But we are also saying that the density on the silva culture areas will be cut to 1 to 80.

Ballister: On the silva culture.

Watson: Instead of there being a bunch of 1 to 40, there's going to be some 1 to 80 and there's going to be more 1 to 20. That's basically what is happening.

Ballister: St. Joe, when we originally wrote the language, we thought that it would be 0 density.

Roberson: This will do away with the 1 to 40 wouldn't it, altogether?

Ballister: Correct. Now, we can create or we can change the density on AG 3 without the creation of silva culture. It's in our power to change it to any density we want to. Ah, there was - I can't remember which one of the workshops last fall - that the idea came up that we could increase this by changing to "0" some of the totally timber production lands. The idea grew and in later meetings, St. Joe requested that they reserve the density to 1 to 80, just in case a family bought a piece of land and wanted to put a house on it.

McGill: That's for the 1 to 80 category.

Dixon: Now, what does Talquin get out of this. I mean the land companies, the timber companies get out of this?

Watson: Basically, their western properties will be 1 to 80 and their more developable eastern properties would be 1 to 20.

Ballister: Right, but everybody's will be 1 to 20. Not just for St. Joe. That is what some of the perception has been - that this is a trick to help them out. They happen to be the largest landholder but the Neel Timber Company and Setero Company have been notified and discussed and nobody has made known any objection. They intend to stay in timber production.

Watson: But, my AG 3 will be 1 to 20.

Ballister: Yes.

Dixon: O.K. Let us move on.

Lasley: Are you saying that AG 3 is being changed to 1 to 80?

Dixon: No. 1 to 20.

Watson: Silva culture is a new category and silva culture will have 1 to 80. AG 3 will now be 1 to 20 instead of 1 to 40.

Lasley: And AG 2?

Watson: 1 to 10.

DIXON: ALL RIGHT. THE CHAIR WILL ENTERTAIN A MOTION.

MCKINNON: THERE WAS ALREADY A MOTION AND A SECOND TO APPROVE.

DIXON: HOLD ON. I HAVE HAD A ROUGH NIGHT.

MOTION AND SECOND TO APPROVE. ANY FURTHER DISCUSSION?

ALL IN FAVOR, A SIGN OF "AYE".

WATSON, ROBERSON & MCGILL: AYE.

DIXON: OPPOSES? NAY.

3 TO 1. IT PASSES.

Number 2.

CONVERSION OF GOVERNMENT OWNED LANDS TO PUBLIC OR CONSERVATION

Ballister:

The second map change is conversion of government owned lands to conservation land uses. There are significant blocks or tracts of land purchased by the State for conservation purposes since 1991. That noted, we would change their categories from AG 3 to Conservation to reflect their future potential for development which is nill as long as the State holding companies own them. There are other large tracts of land in public ownership, the IFAS Research Station, FAMU Farm, Research Farm, and the Chattahoochee Work Camp that are under public ownership and have no density per se. All they have is institutional employees and Chattahoochee has their inmates but they are not counted as residents.

Dixon: In the census, they are.

Ballister:

Well, in the census, they are as inmates. They are subject to population, not homeowners and people who need pooled service.

Watson: What's the point here, Bruce.

Dixon: For statistics.

Ballister:

It reflects the actual use on the map and ownership and that there is no density attached to them.

Watson: Will it free up density for other places.

Ballister:

Yes, sir, that would be a part of the calculus.

WATSON: I MOVE WE PASS IT ON.

DIXON: WE HAVE A MOTION. DO WE HAVE A SECOND?

MCGILL: I HAVE A COUPLE OF QUESTIONS BEFORE WE VOTE.

DIXON: CAN I GET A SECOND?

ROBERSON: SECOND.

DIXON: WE HAVE A SECOND, COMMISSIONER.

McGill: Does the State have any input into this even if we vote on it?

Dixon: No.

Ballister:
Not really, they can, but -

Dixon: It is a local power.

McGill: But it's state owned property though.

Dixon: That's o.k.

Ballister:
They have no intention of building neighborhoods.

McGill: Is any of the county held property (inaudible)

Ballister:
Most of the county spots that we own are either landfill or borrow pit for instance or a couple of county parks or other. School Board property is already zoned public.

DIXON: ANY OTHER COMMENTS?

ALL IN FAVOR, A SIGN OF "AYE".

ALL: AYE.

DIXON: MAKE IT UNANIMOUS.

CONVERSION OF NWI DESIGNATED WETLAND TO CONSERVATION

Ballister:
The last item - I am happy to announce that this is the last item - is the conversion of lands that are designated on the national wetlands inventory that are connected to stream related wetlands to conservation.

In our 1991 map, ah, the colored pencil version, there is an asterisk on the corner that says "This includes wetlands and flood plains."

When we plotted the wetlands and the flood plains, they were virtually in the same place. There are very few stretches in the upland reaches of the stream where there might be a wider flood plain, but they are not delineated

and it is very hard to know where that is. I hate to put that image on the map. I am comfortable with the wetlands inclusion.

McGill: Just one comment, Mr. Chairman. I didn't see the map of 1991, with the asterisk in the corner. I don't know whether it's o.k. or not.

Ballister:
I've got the 1991 map in the file.

WATSON: I MOVE THAT WE SEND IT ON.

DIXON: WE HAVE A MOTION.

MCGILL: SECOND.

DIXON: WE HAVE A SECOND.

WILL THERE BE FURTHER DISCUSSION?

ALL IN FAVOR, SIGN OF "AYE".

ALL: AYE.

DIXON: OPPOSES?

Ballister:
Thank you for your patience now.

Dixon: Is there anything else to come before this Board?

MCGILL: I MOVE ADJOURN.

Watson: District Report?

McGill: What?

Richmond: Are you yielding your time tonight?

(CHAIR DIXON SOUNDED THE GAVEL ADJOURNING THE MEETING.)

Dixon: You can make your report now, Commissioner.

_____**THERE BEING NO OTHER BUSINESS ON THE AGENDA, THE MEETING WAS
ADJOURNED.**

Edward J. Dixon, Chair

ATTEST:

Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE
BOARD OF COUNTY COMMISSIONERS
HELD IN AND FOR GADSDEN COUNTY,
FLORIDA ON APRIL 4, 2000, THE
FOLLOWING PROCEEDINGS WERE HAD,
VIZ.

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

ABSENT: STERLING L. WATSON

CALL TO ORDER

The meeting was called to order by Commissioner Fletcher in the absence of Chair Dixon who arrived late. County Attorney Hal Richmond led in pledging allegiance to the U.S. Flag and County Manager Howard McKinnon led in a prayer.

APPROVAL OF THE AGENDA

The agenda was amended to allow Mr. Tom Howell to address the Board following the County Attorney's agenda.

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

APPROVAL OF MINUTES

March 21, 2000 Regular Meeting

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 3 - 0, BY VOICE VOTE, TO APPROVE THE MINUTES OF THE ABOVE STATED MEETING.

COUNTY ATTORNEY'S AGENDA

Lawsuit - Tallahassee Memorial Hospital vs. Gadsden County

Mr. Hal Richmond reported that there is a lawsuit against the County by Tallahassee Memorial Hospital over a dispute regarding medical treatment of jail inmates. He asked to pass the matter until the chairman could arrive.

TOM HOWELL - BID PROCEDURES

Howell: Yes, sir, Mr. Chairman. Thank you. My name is Tom Howell, owner and operator of Howell Refrigeration Company, Mt. Pleasant, FL.

I received a copy of the Gadsden County Board of County Commissioner's Procurement Policy a few days ago from Mr. Lawson. There are several things in here that I would like to point out.

On page one, it says "The purpose of this policy is to simplify and clarify and modernize the procurement practices used by the County."

Item number B - "To promote the continued development of professional and equitable procurement policies."

C - To promote public confidence in purchasing procedures followed by Gadsden County.

D - To ensure the fair and equitable treatment of all persons who deal with the procurement system of Gadsden County.

E- , one of the most important statements, I think, to encourage the growth of small and minority business throughout the promotion of an atmosphere conducive to the development and maintenance of small and minority business participation in the Gadsden County Procurement system.

F- To maximize economy in Gadsden County Procurement activities and to maximize to the fullest extent practical, the purchasing value of public funds of Gadsden County."

Now, these statements don't say anything about neighborhoods, such as Leon County.

Section 5.8 - located on page 22 speaks about competitive sealed proposals. And this section speaks only, the way I read it and understand it - I'm not an attorney and don't claim to be - for hiring professional architectural, engineering, landscape architectural and land surveying services. It does not, I repeat, it does not make any statements at all about hiring contractors. It's on page, it starts on page 21.

Paragraph D on page 22 - I'd like to read this and it won't take but just a second. "Distribution of project requirements - there again, it speaks to hiring professional engineer or professional architect - the Purchasing Director shall distribute the written project requirements to all persons on the mailing list who have indicated an interest in being considered for the service or performance of such professional services." Now they are speaking about professional services, not about contract services from contractors, whether they are electrical, plumbing, mechanical or whatever. "And to any other additional persons as a Purchasing Director or using agency deems desirable. The project requirements shall be accompanied by an invitation to such persons to submit an indication of interest in performing a required services. And by notification of the date, time when such indications of interest are due. This date shall not be less than 14 calendar days from the date of public notice." And I think this is a critical point here - I'd like to ask Mr. Lawson a question.

This policy says "public notice which the Purchasing Director shall publish" It doesn't say engineer, it says the "Purchasing Director shall publish in at least one newspaper of general circulation in Gadsden County."

Now, there again, that is when you are looking for an engineering company or an architectural firm. It is not speaking about contractors. Did you sir, if I may ask.

Dixon: Mr. Howell.

Howell: Yes.

Dixon: All questions to the Board.

Howell: O.K. Mr. Chairman, I would like to know, Mr. Chairman, if Arthur Lawson, the purchasing director, placed an add in the newspaper on this issue. On HVAC bid.

Dixon: Answer that Mr.

McKinnon: Well, I'll have to ask Mr. Lawson.

Mr. Lawson, will you answer his question.

Lawson: First of all, let me clarify something. The section that Mr. Howell is reading from "Competitive Sealed Proposals" deals specifically with professional architects, engineers, landscaping and landscaping services. And

that section, the section in terms of distribution of requirements, deals with that particular section. And distributing bids for those services when the County is in the process of procuring those particular services.

Section, just for your information, Section 5.9 deals with Other Competitive Sealed Proposals. That is the section that we use when we are not seeing architectural, engineering or other services. We use "Other Sealed Proposals". We have other types of sealed proposals other than the ones we need for those professional services.

And, under that section, "Public notice - Adequate public of the proposal shall be given in the same manner as provided in subsection 5.7.3. 5.7.3 says "Public notice - Public notice shall be by publication in a newspaper of general circulation, the three local papers, at least 10 days, ah, working days prior to public bid. Notice of invitation to bid shall give the date, time and place of, ah, set forth for submittal of proposal and opening of bid."

Now, that is when our office does the bid. When we hire an engineer, that individual, the responsibility is basically to, ah, when we give them total authority of controlling the bid, they are required to place the ad in accordance with County Policy in a newspaper of general circulation. And which they did.

Ah, I did not send out any bids. When we have someone who handles the bid, just as we have done with the hospital, we have done with the courthouse, we are now doing with the jail, the consultant handles the bid from beginning until the end. And basically, we receive the bids, we open the bids, give them to the consultants for their recommendation, consultant makes their recommendation to the county manager and that recommendation is presented to the Board for the Board to bid on.

Chair: Is there any reason to believe the firm which we contracted with, the, ah, the consulting firm,

Lawson: McGinnis & Flemming.

Chair: Did they follow county policy?

Lawson: Yes, they did.

Chair: Thank you. Answer Mr. Howell's question.

Howell: He never did answer my question, Mr. Chairman.

Lawson: What was the question again?

Howell: Did you place the ad, sir?

Lawson: No, I did not.

Chair: Who did place the ad, Mr. Lawson?

Lawson: The ad was placed by the consultant.

Chair: Thank you.

Howell: Well, according to the county Procurement Policies, that is in violation of the bid policy. Additionally, this language has nothing to do with what an engineer is suppose to do. It does not say one word in the county Procurement Policy, sir, about what the engineer is going to do. All it talks about is how to hire one. There's no language in here about what the engineers responsibilities are. None whatsoever.

Mr. Lawson eluded to paragraph 5.7.3 and he made a misstatement. I'll read it to you verbatim. It does not mention 3 local newspapers. It says:

"Public notice shall be by publication in a newspaper of general circulation at least 10 working days prior to the bid opening. Notice of the invitation to bid shall give the date, time and place set forth for the submittal of proposal and opening of the bids."

He just said that it said "in three local papers." It may say that in his copy but it don't say it in mine. And there again, it says here, paragraph D page 22 for the record - "The Purchasing Director shall publish in at least one newspaper of general circulation in Gadsden County." And he didn't put it in there.

There is no statement in here, Mr. Chairman, about notifying interested contractors at all. It is not in here. It is not in here.

Page 26, "Negotiation Committee Membership shall consist of the County Manager or his designee, the head of the primary department or agency and the county attorney."

Chair: Please continue.

Howell: There again, Mr. Chairman, it says that the County Manager, the head of the primary using department and the county attorney are supposed to be on this bid committee. And my question, I would like to ask the question if they were on the committee and who was on the bid committee.

Chair: Mr. Howell, did you pose these questions to the county manager?

Howell: Some of them.

Chair: Did he answer them for you?

Howell: No, sir.

Chair: O.K. That kind of stuff would probably be better done in his office than in this meeting because we don't know.

Howell: Can I ask, make one more statement, then I will sit down and I will be through?

Chair: Yes.

Howell: I believe, now this is my statement, not yours, Mr. Chairman, that there is clearly a violation of ethical standards. "Section 10.1 - To the extent that violations of ethical standards of conduct set forth in this section constitutes violation of state criminal code. They shall be punishable as provided therein."

I am asking this board, once again, to do a thorough investigation of this matter. It was not handled according to your written bid policy. This is the copy that I got from Mr. Lawson. Thank you.

Chair: Thank you. Before you has been posed a question. What is the will of the Board? Or is there a will of the Board. The chair will entertain if there is so.

McGill: Mr. Chairman, if the, if the bid procedure is not clear, then we need to check that to make sure that the language is clear and make sure that the ah, procedures are being followed. That's what all (inaudible).

But I wonder if the language is ambiguous or difficult to read and understand. Then we might need to try and clarify the (inaudible) if that is the case.

Chair: It's quite clear to me, not being from a legalistic background. Perhaps it's unclear to other commissioners.

McGill: I see. It may be unclear. I didn't say it wasn't clear.

Chair: What is the consensus of the Board?

McGill: I made my statement, Mr. Chairman.

Chair: The Chair will entertain a motion if there is one. If there is not -

Fletcher: I think the County Manager should investigate the situation to see if procedures have been followed and if due process was followed.

Chair: Mr. Manager, have you looked already into the situation?

McKinnon: Yes, sir.

Chair: What is your take, please give the Board your opinion.

McKinnon: My opinion is that, you know, that we did follow procedure that was established in the bid policy.

McGill: Were these plans, Mr. Manager, when you read through that, did you find that there was some language that was difficult to understand?

McKinnon: We, ah, you know, might could make some recommendations on some things that might be made clearer.

McGill: Pardon.

McKinnon: We probably could make some recommendations on some language that might be clearer.

Chair: But as for this particular instance, all county criteria were followed, and we followed our bid procedure, that is your assessment?

McKinnon: Yes, sir. That is correct.

Chair: Will there be something from the Board? If not, the chair will move this meeting.

McGill: Move the agenda.

Chair: Mrs. Cariseo. Thank you Mr. Howell.

MARY KAY CARISEO, FLORIDA ASSOCIATION OF COUNTIES (FAC)

Ms. Cariseo, Executive Director of the FAC, addressed the Board. She stated that she was present to bring good news. She then stated that Gadsden County had applied to become a pilot project with Rural Economic Development Program. She added that FAC has worked for a number of years to try and secure some dollars to work with the rural counties in the area of economic development. She explained that they were successful in getting an \$855,000 appropriation to set up a two-year pilot project to help rural counties. They (FAC) received applications from 27 of the 33 small counties in Florida. FAC chose 11 counties to participate in the project and Gadsden was one of them.

Ms. Cariseo told the Board that Larry Arrington will be assigned as the Economic Development Representative to Gadsden County. The plan is to assist counties in coming up with a plan of action for economic development in the Gadsden Community. They will then broker-in any professional services that the county may need to implement the plan that has will be developed.

Ms. Cariseo said that the FAC is committed to rural counties and committed to making sure that the project works. She also said that after the two years is up, they hope to be able to go back to Congress and justify additional money. She then said that she was told that the Florida Legislature could possibly appropriate an additional \$150,000 to go with the federal money.

FAC is partnering with Enterprise Florida, IFAS, Visit Florida and several other local agencies to make certain they are not duplicating any on-going efforts.

Commissioner McGill asked how much money will be allocated for Gadsden County.

Ms. Cariseo replied that there is not a particular amount allocated. It will depend on the particular project which is developed and then the services that will need to be brokered in.

Commissioner McGill then asked is this money could be spent for infrastructure.

Ms. Cariseo stated that the Florida Senate has \$ 4 million in the current proposed budget for rural infrastructure projects. The House, however, has nothing. She encouraged everyone to call the local legislative delegation to express need and interest. She said that the infrastructure money is critical to this project in order to complete the plan.

EDWARD BUTLER, COMMUNITY DEVELOPMENT DIRECTOR - COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PUBLIC HEARING

Community Development Director Edward Butler told the Board he had placed an advertisement in all three county papers for a public hearing to take input regarding the Gadsden County CDBG application. He stated that it was administered by Florida Department of Community Affairs (DCA). He then opened the floor for public comments. He asked if there was anyone present who had questions regarding the application. There was no response.

Mr. Butler stated for the record that Gadsden County is applying for \$750,000 in grant monies. The grant has to be submitted by May 31, 2000. He said that the grant has to meet two of three criteria that is set forth by DCA. The money must be used to benefit low and moderate income persons, to aid in the prevention and elimination of slum or blight or to meet other community development needs of origin having particular urgency because of existing conditions 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 money could also be diverted for mitigation of natural disasters such as flood, tornado, hurricane. He said that the County may apply for housing, neighborhood revitalization, economic development and community revitalization.

Mr. Butler stated that the County may apply for two grants but could only receive one. Mr. Butler again invited participation from the audience.

Chair Dixon asked if anyone present had any remarks to make or questions regarding the CDBG application.

There was no response.

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE APPLICATION FOR THE CDBG GRANT.

Commissioner McGill commended Mr. Butler for the work he is doing with the CDBG Program and Affordable Housing.

Mr. Butler in turn commended County Manager Howard McKinnon for his assistance to the programs.

ARTHUR LAWSON, MANAGEMENT SERVICES DIRECTOR

Proposal for Professional Services - Design of Plans, Specifications and Bid Documents for Corrections to Existing Fire Alarm and Signaling System at Hospital

Lawson: Mr. Chairman, members of the Board, ah, what I have come for tonight is that the Agency for Healthcare Administration recently conducted a life-safety check on the fire alarm signaling system at our county hospital. They found deficiencies in the system in a statement that they sent to the hospital on the 7th of February. Significant corrections must be made as soon as possible to the existing fire alarm signaling system at the hospital.

So, in order to expedite this work - it is time-sensitive project. It has to be done within a certain period of time. We are here tonight to request approval to secure professional services of McGinnis & Flemming Engineering to design plans, specifications and bid documents for this particular project. It is an emergency that must be dealt with immediately in order to keep the hospital in operation.

Now this firm, ah, is already familiar with the lay-out of the and the plans of the hospital and can expedite this project in a very short period of time. They're estimating their cost to be approximately \$7500 with the project cost of approximately \$57,000. And, what we are asking for tonight is your approval of McGinnis & Flemming to design the bid documents so that we can go ahead and get it bid and try and get this work done in order to keep the hospital both safe and keep the doors open.

Chair: Questions Commissioners?

McGill: Just one. Don't we have in our current policy an emergency provision for things like this?

Lawson: Yes, but for this amount of money, it still has to come to the Board.

McGill: I know it. But, what I am saying is with regards to advertising and all that kind of stuff, aren't we allowed some leave-way for emergency situations?

Lawson: Yes, we are allowed some leave-way for emergency situation, but in this particular case, ah, it is an emergency, but it's not like a flood. The procurement policy deals with more or less natural disasters, floods, hurricane and that kind of stuff where you have to do it on the spot.

Fletcher: Mr. Chairman.

Chair: Mr. Fletcher.

Fletcher: How did you go about selecting McGinnis and Flemming? Did you send out a, ah, request for proposal and they were the only ones that gave you one.

Lawson: No, McGinnis and Flemming was already, is already familiar with the hospital. They have done other work down there and since they would have, they would need less lead time in order to develop this because they already have the plans and specifications. They know the electrical lay-out of the hospital so we chose them because they would be able to expedite the work immediately. If we have to go through the request for proposal stage, it is going to take a considerable amount of time and there is a date line that this work has to be done by.

Fletcher: But, aren't you laying yourself open for criticism by not following the process of ah, of ah, selecting an engineer to do this work?

Lawson: Well, that is why we have come to the Board. To let you know that this is a project ah, normally it would be bid, but this is a project that we don't have the luxury of waiting that amount of time on. And, therefore, we have selected a firm that we have used in the past to do this kind of work. That is purpose of coming to you - to ask you to approve this particular proposal.

McGill: Mr. Lawson, you have not answered my question regarding a clause in the policy for dealing with emergency situations that would allow this to happen without the normal advertisement. I think there is a clause in there that deals with that.

Fletcher: Commissioner, when we have, do we have the authority to do this under the law?

Richmond: Two thoughts on that subject. There has been a contract for continuing work with this particular engineer on the hospital matters. Second, is this going to be paid out of the hospital endowment fund, which has different procedures, I believe, that what the County would have to do.

Clerk

Thomas: The Board has always just approved it.

Richmond: The Board sits as the hospital trustees on these matters. Part of what I am thinking, and I apologize, I hadn't looked at this. This falls outside of a county purchase actually. You're sitting as the trustees of the hospital.

McGill: So, we can legally do this without -

Richmond: Yeah.

McGill: O.K. I move approval.

Roberson: There is nothing wrong with this - doing it this way?

Richmond: Not in this capacity. If it was county fundings for county project, I would need to talk with Mr. Lawson and be a little more specific on it. But, with this particular one, there is not a problem with it.

Roberson: I'll second it then.

Chair: We have a motion and a second. Will there be further discussion?

McGill: Question.

Chair: Question has been called. All in favor, sign of "aye".

McGill, Roberson, Dixon: Aye

Chair: Opposes?

Fletcher: No.

Chair: The vote is three to one. Commissioner Fletcher with the "nay" vote.

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 3 - 1, BY VOICE VOTE, TO APPROVE CONTRACTING WITH MCGINNIS AND FLEMMING ENGINEERING TO PREPARE PLANS, SPECIFICATIONS AND BID DOCUMENTS FOR CORRECTIONS TO EXISTING FIRE ALARM AND SIGNALING SYSTEM AT THE HOSPITAL. COMMISSIONER FLETCHER CAST THE LONE DISSENTING VOTE.

PLANNING AND ZONING ISSUE (P & Z)

PUBLIC HEARING - ORDINANCE - CORRIDOR ROAD LANDSCAPING ORDINANCE
PUBLIC HEARING

Growth Management Director Bruce Ballister called for a public hearing on the proposed Corridor Road Landscaping Ordinance. He noted that the changes recommended at the last public hearing are reflected in the proposed ordinance.

A MOTION WAS MADE BY COMMISSIONER FLETCHER AND SECONDED BY COMMISSIONER MCGILL TO ADOPT THE ORDINANCE AS PRESENTED.

Chair Dixon called for public input.

Ms. Marion Laslie addressed the Board. She asked how many roads were included in the ordinance. She suggested that it would really be nice to have all major road in the County to be included in the ordinance. She asked if the final version had included SR 267 which has recently been renamed Pat Thomas Parkway.

Chair Dixon posed the question "Why not do it County-wide?"

County Attorney Hal Richmond answered that Section F "Applicability" - is too vague and it doesn't put people on proper notice except in generality. He also pointed out that there are no standards for developing or applying it. He recommended that they be very specific about the roads to be included.

COMMISSIONER FLETCHER AMENDED HIS MOTION TO DELETE SECTION F FROM THE ORDINANCE. COMMISSIONER MCGILL SECONDED THE AMENDMENT TO THE MOTION.

Chair Dixon recommended that SR 267 - Pat Thomas Parkway - be added to the corridor road list.

Commissioner Fletcher pointed out that Commissioner Watson was absent from the meeting and he would likely want to have input in adding roads to the ordinance. He stated that he felt that Commissioner Watson would consider the matter controversial and he did not think it should be changed without him present.

Chair Dixon stated that SR 267 is his (Dixon's) district and he could see no reason for Commissioner Watson to oppose it.

A MOTION WAS MADE BY COMMISSIONER MCGILL AND SECONDED BY COMMISSIONER ROBERSON TO OFFER AN AMENDMENT TO THE MOTION TO INCLUDE SR 267 - PAT THOMAS PARKWAY (FROM QUINCY CITY LIMITS TO I-10) IN THE LIST OF CORRIDOR ROADS LANDSCAPING ORDINANCE. THE BOARD VOTED 3 - 1 IN FAVOR OF THE AMENDMENT WITH COMMISSIONER FLETCHER CASTING THE LONE DISSENTING VOTE.

Chair Dixon then called for a vote on the motion to adopt the ordinance.

THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO ADOPT THE CORRIDOR ROAD LANDSCAPING ORDINANCE AS AMENDED.

PUBLIC HEARING - SCHOOL BOARD FLUE/ICE AMENDMENT

Mr. Ballister called for a public hearing on the ordinance that will amend the Land Use Element and the Intergovernmental Coordination Element of the Comprehensive Plan. It will include the wording which was approved that requires the County and the School Board to act together on school siting issues. He stated that no action is required at this time because it is the first of two public hearings.

Commissioner McGill asked if the School Board was advised that the matter would be discussed at this meeting.

Mr. Ballister replied that he did not personally contact the School Board but it was advertised in all three newspapers. He pointed out that they have agreed to the wording. Additionally, DCA has approved it.

Public input was called for but there was no public response.

Commissioner McGill pointed to Item B under Section 1.8.2. He suggested that the wording "Department of Planning and Zoning" be changed to the "Department of Growth Management." He also pointed to Item D - line 3 - He suggested that it should read "of other available sites." He then pointed to Policy 7.1.14 Item C - change the word "bused" to "bus."

PUBLIC HEARING - 1ST HEARING OF 4 LAND USE MAP CHANGES

Mr. Ballister announced a public hearing on the 4 Land Use Amendments which were approved by the Board last November and by the DCA. He pointed out that DCA recommended that the Sheline and White properties continue to actively pursue a direct transportation link between the two sites to facilitate US 27 access for the larger Sheline development.

Mr. Ballister pointed out that these changes will constitute Plan Amendment 00-01 for Gadsden County. He then recommended approval of the proposed ordinance.

Public input was called for by Chair Dixon but there was no response.

No action was taken.

COUNTY MANAGER'S AGENDA

Area of Critical Economic Concern Designation

County Manager Howard McKinnon called attention to the fact that the Legislature has designated an eight-county region be designated as an area of economic critical concern. Gadsden County was one of the eight counties that were designated. He told the Board that the State wants each county with that designation to sign a Memorandum of Agreement which formalizes that designation. He pointed out that designation might bring about some technical assistance but no money.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO AUTHORIZE THE CHAIRMAN TO SIGN THE MEMORANDUM OF AGREEMENT DESCRIBED ABOVE.

CHAMBER OF COMMERCE

Mrs. Sherry Vanlandingham addressed the Board. She stated that part of the Governor's initiative is to form a new non-profit economic development council. This council will be called "Opportunity Florida." She reported that the Council also signed a Memorandum of Agreement Designating Gadsden County as an area of critical concern. She said that it will cost Gadsden County \$.10 per capita or \$5,100 to participate in the Council. She then stated that the Industrial Development Authority has agreed to pay the fee.

Ms. Vanlandingham explained that this will help market, promote and provide economic assistance to the Chamber of Commerce in soliciting new business to the County. She asked for support from the Board for the Chamber's participation in the Council.

Commissioner Fletcher asked if it would help for the Board to prepare a resolution in support of the council's efforts.

Ms. Vanlandingham said that the Council will determine which of the eight counties will participate. The County will designate a member to the Board of Directors for the Council. The Board will hire an executive director and establish policy and procedures for the council. It will lend more staff to work for economic development within the area of critical concern.

Mr. McKinnon stated that it is necessary for the Board to agree to join Opportunity Florida as a member. They are also asking that the Board to appoint the Chairman of the Industrial Development Authority as the County's representative on the Board of Directors.

Commissioner Fletcher suggested that the County Attorney prepare a resolution which states the county's desire to join Opportunity Florida and thus appoint Wilson Hinson as the county's representative on the Board of Directors. The resolution should be brought back for formal adoption.

Further discussion revealed that private businesses such as Talquin Electric can also participate in the endeavor and be represented on the 15-member Board.

Chair Dixon asked "How does the County give input?"

Ms. Vanlandingham answered that the Board can designate someone to the Board.

Chair Dixon then stated that he continues to have the concern that no one ever asks the County Commission what they (the County) needs in the way of development or would like to see happen.

Ms. Vanlandingham replied that she had worked closely with County Manager Howard McKinnon. She stated that the County would need to have at least a five-year strategic plan for economic development and the Commission would have great input in putting that plan together. She added that Mr. McKinnon has attended some of the meetings with her.

Chair Dixon then stated that the Industrial Development Authority is going to take \$5,100 of the \$50,000 which the County funded them to join the Opportunity Florida.

Ms. Vanlandingham questioned whether that statement was correct. She said that the Chamber of Commerce receives \$40,000 per year but she did not believe that the Industrial Development Authority received any money from the County. She said that they use grant money for economic development.

Chair Dixon asked if the Chamber does any advertisement that benefits the County.

Ms. Vanlandingham answered that it does and she would provide him with a list. She then said that the Chamber works hand in hand with the Industrial Development Authority for economic development throughout the County.

Ms. Brenda Holt stated that she would rather see the elected officials sitting as their own representative on such boards as Opportunity Florida. She would like to see the commissioners being involved from the very start of economic opportunities as opposed to just taking a passive role after the fact. That would give

people a level of comfort in knowing what kind of jobs will be coming into the County.

Ms. Vanlandingham addressed Ms. Holt's remarks. She explained that some of the jobs that are coming into the County would come into the County regardless of the Chamber efforts. But she assured Ms. Holt that great efforts go into soliciting businesses that will benefit the County in terms of higher wages/benefits and hiring of local labor pool.

COUNTY ATTORNEY'S AGENDA

Mr. Richmond reported that there has be a proposed settlement on two lawsuits that Tallahassee Memorial Hospital has filed against Gadsden County arising from treatment of patients that had been recently released from the Gadsden County Jail. He said that there is a very good argument in one case that the person was never in jail custody. As to the other case, the inmate had been transferred to Tallahassee from Gadsden Memorial. He told them that he has a duty to inform them of the proposal regardless of the ability to fight and win in court.

Mr. Richmond stated that there are two medical bills totaling \$27,000. The hospital is willing to settle for \$10,000 plus they would like the Board to obtain an inmate insurance coverage that costs about \$7,000 to \$9,000 per year. It is available through the Sheriff's self-insurance fund.

Mr. Richmond recommended that the County pursue the insurance coverage.

Sheriff Woodham stated that the County has had several other similar cases and they have been fortunate to win them.

Mr. Richmond stated that there is an argument in the past as to whether the County is responsible. But there has been a change in the FL Statute recently (since the last Gadsden County case) that makes the County responsible.

A MOTION WAS MADE BY COMMISSIONER MCGILL AND SECONDED BY COMMISSIONER ROBERSON TO SETTLE WITH TMH FOR \$10,000 AND PURCHASE THE INMATE INSURANCE.

____Discussion followed. Chair Dixon stated his opposition to settling a lawsuit that the County should win in court.

THE BOARD VOTED 3 - 1 IN FAVOR OF THE MOTION. CHAIR DIXON CAST THE LONE DISSENTING VOTE.

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) FY2001 Federal Drug Control & System Improvement Program
- 2) Amendment to the County Procurement Policy - calling for bid advertisements to be placed in the three local newspapers
- 3) EMS Write-off of Bad Debts - Resolution - \$100,117.18
- 4) Letter to Tax Collector Regarding County Held Tax Certificates
- 5) Letter of Commendation to St. James African Methodist Episcopal Church
- 6) Approval of New Road Name - Casey Lane

CLERK'S AGENDA

Cash Report
Financial Statements

_____Clerk Thomas pointed out the Cash Report of \$11.7 million and the Financial Statements through the month of March.

Budget Amendments 00-04-04-01 through 00-04-04-05

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 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 asked Mr. Ballister to look into the Dynasty Homes on US 27 to see if they are in compliance with the development order in regard to the placement of the fence.

DISTRICT 2 REPORT

Commissioner Watson was excused from this meeting as he was on vacation.

DISTRICT 3 REPORT

Commissioner Roberson had no report.

DISTRICT 4 REPORT

Commissioner Fletcher had no report.

DISTRICT 5 REPORT

Chair Dixon reported that Florida commissioners met in Leon County the week prior to this meeting and had a very good meeting. He also reported that the Legislative Day went very well. He added that rural affairs and rural counties continue to be at the top of the Legislative Agenda. He acknowledged that the County Manager was in attendance at the meeting. He reported that Gadsden County is in front of the "funding frenzy". He urged all commissioners to call the legislative delegates to let them know that Gadsden County needs infrastructure - water and sewer etc.

ADJOURNMENT

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

EDWARD J. DIXON, CHAIR

ATTEST:

NICHOLAS THOMAS, CLERK

AT A REGULAR MEETING OF THE
BOARD OF COUNTY COMMISSIONERS
HELD IN AND FOR GADSDEN COUNTY,
FLORIDA ON APRIL 18, 2000, THE
FOLLOWING PROCEEDINGS WERE HAD,
VIZ.

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

CALL TO ORDER

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

APPROVAL OF THE AGENDA

The agenda was amended as follows:

Add: Public Hearing for approval to transmit to the Department of Community Affairs (DCA) a proposed amendment to Future Land Use Map
Public Hearing for approval to transmit to DCA a proposed amendment to the Future Land Use Element

(These items were included in the agenda packets but did not appear on the agenda itself.)

Discussion of the Independent Audit Report

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

APPROVAL OF MINUTES

April 14, 2000

Commissioner McGill requested that the above stated minutes be amended to include comments he had made about Mr. Edward Butler and the fine job he is doing with the Affordable Housing Program. (PAGE 9)

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 AS AMENDED.

COUNTY MANAGER'S AGENDA

Resolution #2000-014 - In Support of Opportunity Florida

County Attorney Hal Richmond called attention to Resolution #2000-014 in support of "Opportunity Florida." He presented it for adoption.

The commissioners stated that it was not in their agenda packets.

County Manager Howard McKinnon stated that it could be brought back to the Board at a later time.

Harriett Fain - Hardship Variance Request for Placement of Second Mobile Home

Ms. Harriett Fain and Ms. Dorothy Richardson addressed the Board. Ms. Fain requested that the County allow her to place another mobile home on her home site which is more than 1 acre but less than two acres. Ms. Richardson explained that her mother is ill (heart failure and severe diabetes) and requires a great deal of monitoring and care by relatives. A family member would reside in the mobile home to help care for Ms. Fain. She also stated that there has been another mobile home on the site in the past but not within the last year.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER MCGILL, THE BOARD FOUND THAT THERE IS A HARDSHIP RELATING TO HEALTH AND SAFETY FOR MS. FAIN. THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO GRANT MRS. FAIN A HARDSHIP VARIANCE AND ALLOW THE PLACEMENT OF THE SECOND HOME ON MS. FAIN'S PROPERTY DUE TO THE HARDSHIP DESCRIBED.

WILLIAM KOHNKE - PERMIT TO OPERATE A FIRING RANGE

Kohnke: My name is William Kohnke for the record. Can I get the same consideration that she got?

Chair: I'm sure you will get the same consideration, but whether you get the same results or not is yet to be determined.
(laughter)

Kohnke: O.k. I had a couple of questions that I, ah, the last time I was here, I was left with the impression that some of the commissioners were going to come out and look at

my property. Ah, and then make a decision about what the County wanted to do. I then read in the Havana Herald several weeks later that the Commission had met and decided to request that I get the proper permitting - I think that is what it said in the article. Ah, but I would be allowed to continue operation until that time. A few days later, I got a letter from the County Attorney telling me to cease operations until I got properly permitted. So, I have gotten several different versions about what I was suppose to do. So, I want to get some clarification tonight.

In the meantime, I basically have ceased operations in compliance with the letter. But, what I wanted to know was, ah, well there are a couple of things. The, ah, the impression that I was left with when I came down to the County Commission's office to ask what permitting was required, I was told that there was really no permitting involved but it is actually a land use variance. And, that there would be a \$350 filing fee for this. I then was told, when I asked, that it was highly unlikely that the Commission was going to grant the land use variance. And I thought, well, what is the point in filing a \$350 fee if the answer is going to be "no."

Also, since that time, I have taken a look at the operation and I have tried to run some sound tests with the aid of an engineer that I know. I also contacted ah, a member of the Florida Fish - I don't know what it is called now - the Wildlife Commission - who is responsible for actually constructing all the public ranges in the State. I discussed it with him - how they are handling the problem of noise and noise abatement. I had a sense that they have been doing the same thing that I have been doing. Ah, he did volunteer, however, to come out and run some sound tests for me if I liked. Ah, but of course, to run sound tests on somebody else's property, you have to get permission to come onto their property to run the tests.

The ah, the upshot of it all is ah, my feeling of the matter at this point is that it is probably not ah, financially, from a financial standpoint, really worth my continuing this as a business operation. However, I still want to get this land use variance primarily because I am looking at the feasibility of using my property instead as a ah, a place for a paint ball club where you come and do paint ball games. If you are familiar with that sport.

It has been a very popular sport for the last 15 years. It has been growing rapidly. The noise generated from paint balls is almost nonexistent because they use what is essentially oversized air guns. They don't shoot conventional cartridges, they shoot gelatin tablets that can't go more than about 50 yards. And the people wear a face mask and a minimal amount of body protection so that when the paint splats on them they are not injured. It is not a sport that I personally want to participate in but there are sportsmen who want to do it, I will be happy to accommodate them in some way since I basically have the infrastructure, i.e. land and a field that they can participate on.

So, what I wanted to find out tonight from the Commission is - Do I need to file a land use variance for this and if so, will this be looked favorably upon by the County Commission or if you foresee a problem with this? I know I am asking you to project into the future, but I just want to get a feel before I go forward with this.

Chair: First of all, let me apologize because we did promise you that we were coming out.

Kohnke: Well, I should add that yesterday Bruce Ballister, from the Zoning Commission, did come out and ah, I showed him the entire facility. I showed him the entire property. How everything is laid out and we discussed it. I had my engineer there and we discussed that at some length. And, ah, Bruce might have another spin on it and I would be happy to let him, you know, put his comments in. I don't, I don't know what he will say, so I may be shooting myself in the foot, but -

Watson: Well, the reason I didn't go is because it became a land use - after Hal told us that he was going to look into it. He came back to us and told us that it was a land use problem and not ah, we're talking about two separate things. So, that was, ah, why I didn't come visit.

Kohnke: O.K. So, it's a land use issue. I have other question. I went out and bought a copy of the ah, Code, which was printed in November of 1991 and I also bought a copy of, excuse me it was the Plan which was printed in 1991, and I bought a copy of the Code which was printed I think in July of 96.

Now, my facility, what little there is out there, ah, came about before '96. So, I'm not sure that the rules that are listed in there would apply. I'm wondering if

it would be the rules as they were in 1991 that would apply. Or, if I decide to have a different use of the land, does that mean that the '96 rules apply? How does that work? I am not sure.

Dixon: Let Bruce answer that for us.

Ballister:

If you change the use of the land, the code applies to any changes of the use. If you cease operating in a use order, the code you started with comes into effect.

Kohnke: Well, I guess maybe we are splitting hairs then if we are still talking about the difference between shooting a rifle or a paint ball gun. So, you know, there wouldn't be, there hasn't been a break in use of the land in 10 years. Ah, the, ah, I did go back and check my records to try and get some accurate dates. I was using the land in 1990. However, I did not construct a berm until I think 1993 which would be after the 1991 rules came out, ah, the original plan.

The building in question was built between 1994 and 1995 and I found an old letter from the previous zoning manager, Mike Sherman, who had been led to believe that I was building a public range at that time, which I was not. I was actually building a home to live in. And ah, I went down and spoke with him about it and that is where this conversation had come from where he said what I was planning to do - which involved basically some small scale training on a private facility. He didn't see a problem with that. He said he didn't see any reason to apply for any type of variance at that time. Ah, Now, since 1996, basically all I have done is maintain the facility. I have done some, you know, kept the berms in shape and things like that. I haven't done any new construction to speak of.

So, I wasn't really sure how these rules apply. When I talked with Bruce yesterday, I was under the impression that what was needed was - he said it did not fall into the normal category - it was a catch-all category for variances - ah - special exemptions - that is the term.

So, I guess what I am suppose to do at this point is request a special exemption. Now, Bruce gave me the forms for that. I apologize, Bruce, I haven't had a chance to look at them. I will try and look at those tomorrow.

Ah, I really, at this point, just want to find out if I can - I know I can't hold you to anything, but I just want to know if - Does the Commission see a problem with any of this?

I am assuming what I have to do is pay the \$300 ah, \$350 filing fee for the, ah, for this variance. This special variance and then it goes before a special meeting - is that right?

Ballister:

It will be a meeting before the Planning Commission first and then it will be heard here on a regular meeting.

Kohnke: Oh, is that the process. And then you would decide. Is that correct. Is that my understanding?

Chair: That is the process.

Kohnke: Well, does anyone have

McGill: Doesn't it come before Planning and Zoning Commission before it comes to us?

Richmond: Yeah. It goes to P & Z and then comes to us.

Chair: Yes, it goes to them and then to us.

Kohnke: I'm sorry what did you say?

Chair: Planning and Zoning and then to us.

Kohnke: And Planning and Zoning, I assume, will make some sort of recommendation regarding that? O.K. Ah, But I do want to clarify one other thing.

Even though I don't plan on continuing my club as a business proposition, it will still remain my private club and I am going to shoot out there and I want to allow friends to shoot out there at no charge. Now, this isn't going to be anything big. I am talking about only a handful of people. Now, if someone has a problem with that, I wish they would tell me this. You know, if there is a noise problem or a safety problem that they are concerned with. I don't really think there is a safety issue. Noise, again, I have to invoke the State Law that protects me from any harassment for the noise I generate. I will certainly try to keep the noise level down.

We don't shoot very often as it is. You know, we are talking about once or twice a week at the most. Other people are doing that on their land now. My neighbors shoot on their land and I don't complain about that. Ah, I have the advantage that I do have a berm which catches all the bullets. I don't know of anybody else in this county that does. So, if anything, I would think that I would be more in compliance but, I can understand where folks would be upset if there were say, 20 - 30 people a week using the facility and generating a great deal of noise. That hasn't been the case because the club just simply never got that large.

But, again, as I said at the first meeting, I don't want to earn the wrath of my neighbors. I don't want them feeling like they can't live on their land because the noise is unbearable. So, I have decided that I am going to cease formal operations in terms of a business. And that is why I want to look into the, ah, the paint ball as an alternative, since I need to derive an income from the land. As a tree farm, you probably know, some of you are aware that it takes about 10 years to get a harvest unless you've got some really big acreage where you can rotate your crops. I just don't have enough land for that. So, that is my purpose, that is what I have in mind is to generate income so I can pay those county taxes every year and feed my family. And keep ya'll employed.

If anybody has any questions or comments, I will be happy to answer them.

Chair: Feel free to please apply for your variance.

Kohnke: Well, it may be a while before I do it because I still got to do some research on this and find out, you know, if it is even feasible - how liable it is if there is interest in it.

McGill: As I understand it, the last time you appeared, there were people in the audience who said that the noise was unbearable and that there was a lot of zinging and that kind of thing. And you said a while ago that they only do that once or twice a week. But for how many hours will they be there each time they come. See, if I come back in the morning and shoot from 9 until 9, that is 12 hours right there. But it's only 1 day.

Kohnke: That's right. That's right. And that is why I don't allow it. You see, when I had the club going full time,

no one was allowed to shoot before 10:00 a.m. and no one was allowed to shoot after dusk since dusk changes around the time of the year. You know, the time varies. I have never had people out there for more than a few hours at a time. It was primarily on Sunday. But, again, Mr. McGill, I point out that noise cannot be considered in this. The noise that a range generates is not to be considered. I'm personally considering it because I know that my neighbors are upset and I want to try and appease them as much as I can. That's why I want to shut down the formal end of the club. Ah, but, I'm still going to shoot out there. I'm going to go out and practice and I am going to let friends shoot. I may do some testing. But, I don't think I generate that much noise in any event. And I certainly am not presenting a safety hazard because I do have about a 20 ft. high berm to catch any bullets that go down range.

McGill: So what a few were saying was that they could hear the bullets zinging, is that not true?

Kohnke: What they were hearing, and again we can run some tests on this just to verify it, what they are hearing is a sonic crack. You remember in the old days before they banned supersonic flights over our home town?

McGill: I'm not that old, I don't remember.

Kohnke: Well, I remember. I'll tell you what, when I was a kid that ah, F106's from Tendam used to break glasses over Quincy flying supersonic. It was a loud boom. Of course, that was an exaggeration cause the jet is a much larger vehicle and it's going to generate a lot more noise. Now you don't hear them when they fly over unless they fly overhead unless they are really low.

It's the same thing with a rifle bullet or a pistol bullet. If it goes faster than the speed of sound, there is a boom. And even though the bullet may strike the dirt 50 ft. in front of you, the boom continues for several hundred yards or a quarter of a mile or however far until it becomes subsonic and no longer can be heard. It is a sonic crack - what we call a sonic boom. And that is what they are hearing.

I have talked to several neighbors. I talked to one who lives ah, up the hill from me who said he was not bothered by the noise although he did hear it. I talked to someone on the other side of Mr. Pounsberry's place who said she was totally unaware that there was even

gunfire coming from my property. So, you know, I don't know where all these folks live. I did look at an aerial survey and Pounsberry is the closest person to me on the survey. Going in the direction of the bullets would be going in, I could not find another house on the aerial survey within a half a mile. So, you know, with all due respect to them, I have to question how loud it really was. And I can assure you there are no bullets striking or going over there.

Ah, but again, you know, if these people are upset, it obviously if I continue in operation, even if you approved it and I continued, they are not going away. They're still going to be upset and you know, if they are upset, it's not good for me. It's not good for my business. That's why I want to look at doing the paint ball instead.

What I don't want to do is leave you with the impression that means that I won't discharge a firearm on my property. You know, if someone wants to complain about the noise generated from my property, they can do so, but they can't do anything about it. Now, if they want to say "Well, he's got a business enterprise that involves shooting and he is deriving income from it" - from my research and Mr. Richmond's research, yeah, the County can prevent me from doing that. So, I am voluntarily stopping that part of it. Which by, in its nature would reduce the amount of gunfire because there simply wouldn't be that many people out there. As I said, I will restrict it to myself and a handful of friends.

Chair: Thank you, Mr. Kohnke.

Kohnke: O.K. Thank you.

Chair: O.K. Let's go back to Mr. Richmond.

COUNTY ATTORNEY'S AGENDA

Resolution #2000-014 - In Support of Opportunity Florida

County Attorney Hal Richmond called attention to Resolution #2000-014 in support of "Opportunity Florida." He presented it for adoption.

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

COMMUNITY DEVELOPMENT AGENDA

Community Development Director Edward Butler addressed the Board. He explained that Mr. Keith Bowers from the Florida Housing Finance Corporation met with County Manager Howard McKinnon with regard to Gadsden County being designated a Champion Community with the exclusion of two census tracts. He stated that he had a discussion with Mr. Bowers which resulted in the attached resolution. He explained that the resolution recognizes two census tracts - (1201 and 1205 - Quincy and Havana) that are excluded from the Champion Community designation so that potential first-time home buyers may qualify for bond mortgage funds at a reduced percentage of interest.

Mr. Butler explained that a person would have to be a first time home buyer and live in one of the two census tracts.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE RESOLUTION AS PRESENTED.

Fair Housing Ordinance

Mr. Butler asked to meet with the Commission to discuss the Fair Housing Ordinance that has been in effect for some time. He explained that he is required by the Community Development Block Grant Administrators to meet with the public officials and conduct a training session on the Fair Housing Ordinance which has been in effect for quite some time. The purpose of the training is to be certain that the Board is aware of what is contained in the ordinance and how it relates to the Board of County Commission. He added that the deadline for the CDBG Application is May 31.

PLANNING AND ZONING ISSUES

Hidden Lakes Subdivision - Final Plat Approval

Ballister:

Good evening Commissioners. Per the request to amend the agenda, ah, we'll be looking at Hidden Lakes Subdivision first then Gadsden Commercial land use element and do the other three last.

Ah, the first of these is the Hidden Lakes Subdivision which is up for final plat approval. Ah, this is, ah, they have completed the construction of Phase I and Phase II which is 46 out of their 76 approved lots. Ah, I have inspected the facilities and the Road and Bridge Director has inspected the facilities. They substantially conform to the, ah, construction plans that were approved. Ah,

the engineer informed me that they've got the bond posted for the 10% of the construction amount, not the 10% that we are accepting so they are essentially over bonded. The county attorney has reviewed the materials in support of the bond and the Neighborhood Association Covenants, etc.

Ah, at this point, I couldn't think of any reason to not say that we have an approval on this. There are no outstanding issues that they are aware of that are not taken care of.

Chair: Are there those to speak for or against this particular project? Sir, please come forward. Will there be others?

John Theil:

My name is John Theil. Well, Commissioners, it has been two years since we have been up here. Since we have had an opportunity to speak to you about this subdivision. It was two years ago this month that approval was granted and in resolution to a law suit that was filed by yet another party. In that two years, I am not sure who has been on our side - who has been looking out for our interest. I know the developer has been looking out for his interest in working with the County, but there has been a lack or loss of continuity in the County office because of the appointment of a new director in Planning and Zoning who took the former director's place who was in all of the prior meetings that transpired.

There are certain things that were in the approved plans that I found out about - I believe it was in late December or early January that I went and saw Bruce and he shared the plans with me. And, it was too late to do anything I was told at that point because this was already approved. They were already in the process of doing the construction. But there are things in that plan that should not have been in the plan. Way back when, comments were made by the developer and or his representatives that there was going to be a 250 ft. buffer from Highway 12 to the subdivision. Well, in the plan, there is not a buffer. There are out-parcels.

There are differences in an out-parcel and a buffer. The whole reason for the buffer of 250 ft. was to prevent run-off going across Highway 12 and endangering some growing areas.

Also there was commitments made early on - and I can't remember whether it was made in Planning and Zoning or in the County Commission, that there would be a 25 ft. buffer between my property and the development. Well, as it turns out, that 25 ft. buffer shrunk to 10 ft. in some of the areas. Where as it turns out, that area in some places is down to less than 6 inches where they ran a road right up in the roadway and the drainage on the sides of the road came within 6 inches of the tombstone on my property. And, that one has disturbed me a little bit.

So, those are my two big issues. What happened to our 250 ft. buffer they promised us? Instead it shows up here as out-parcels which can be developed, I would assume and therefore lead to run-off. What happened to our 25 ft. buffer and why is the road cut to within 6 inches. Now, I find these things disturbing and not necessarily bringing the development into conformance. And that is what I have to say.

Chair: Bruce, please respond to the gentleman's comments, especially if what he says about the buffer is true.

Ballister:

The, ah, if the purpose of the front buffer was to thwart drainage, it's my understanding from looking at the lay of the land and the way the roadside ditches were cut that a fair proportion of that run-off will go back into the subdivision. Part of that buffer is sloped toward 12 now and it will drain that way and it will drain, ah, always drain that way unless you do significant changing to that terrain.

But, behind that first row of out-parcels, ah, that land is contained within the subdivision, and I believe it either drains toward the central road or the central drainage system and not toward 12.

Chair: I'm not talking about drainage. If there was promise of 250 ft. buffer, and we will get Muriel to pull that,

Ballister:

We will have to dig deep in minutes on that.

Chair: I would like to know.

Watson: That is stuff that we need before us tonight.

Chair: That is what I am saying.

Ballister:

I didn't know it was a complaint. I'll have to go digging into the issue.

Chair: You should have known that it was a complaint. You are enforcement. Either he put that buffer or he didn't.

Watson: I am getting tired of us not getting full information before we sit down to make a decision. It happened at land use amendments a month ago and I am just dag gum getting tired of it. I am not getting all the information I am suppose to get before I make these decisions.

Ballister:

Yes, sir. When I did the first review of the site plan, it was with Mike Sherman in December of '98. Ah,

Watson: There should be a file somewhere with the minutes that Muriel has that goes through what was agreed upon. That should not be any trouble at all for us to find. I don't know why this is a problem, I really don't know why this is a problem.

Ballister:

I didn't know that this was going to be an issue tonight. I mean, I can't reasonably publish everything in the file, sir, with all due respect.

Watson: Why?

Ballister:

Because it would be 3 times that thick. It would be about 6 inches thick.

Watson: I am sure that there was not 6 inches of agreements between the County and Mr. Harrell on this project. I am sure that is not the case, Bruce. I am sure it is probably listed on one page somewhere. What we agreed to. I do not see that here tonight. All I have is your comments here. I am sorry, but I am getting tired of it. I really am.

Chair: If that is going to be a main question, then I see no other thing to do but to table this until you can provide us with that documentation. Now, Muriel can provide us the minutes of that meeting.

McGill: Well, before we table that, let's see if there other comments that we need to look at before.

Chair: O.K. Let's go through, so we've got two other gentlemen. Mr. Harrell, do you want to speak?

Harrell: Yes, I would like to address that buffer zone. The only time that buffer zone came up was when I said I would leave 250 ft. between the highway and the subdivision and the reason for that was a buffer so that children wouldn't get on the highway. They would have a buffer between them and the highway. And, that is all that was ever said about it. It's not in the subdivision, it's in

Chair: But, did you lead this Board to believe that there was going to be a 250 ft. buffer? That is my question.

Watson: Did you say that you were going to leave a buffer and now you have not left that buffer?

Harrell: I said I was going to leave an area.

Watson: Have you left that area?

Harrell: Yes. There is 250 ft. between the highway and the subdivision.

Watson: Well, what am I hearing a complaint about?

Harrell: I don't know, I can't understand it.

Chair: Is it, My question - Is it parceled to be sold?

Harrell: Yes.

Chair: Muriel, Ms. Straughn, will you please pull those minutes for us for our next meeting? Gentlemen, If, I have no problem with the Board if you want to table this until our next meeting.

Harrell: May I say something sir?

Chair: No, sir. It has been tabled. Next issue, Mr. Ballister.

Gadsden Commercial Exchange

Ballister: The next application is the Gadsden Commercial Exchange. It is a Preliminary Approval. This application is

Chair: Wait a minute, Bruce. Let me find it. You've got us going backward here. O.K. Please continue.

Ballister:

This is a Preliminary Plat approval. Ah, I realize that I did not have this ready a week ago. (Pause while passing out a plat)

This application comes before the Board without Planning and Zoning comment. We failed to reach a quorum for our meeting.

The applicant recently submitted a preliminary plat based upon prior comments. When we first saw this in conceptual plan, remember we took the 10 ft. open space requirement and added to the buffers between the public areas and the adjacent residential areas. So, there is no internal set aside except what is in the remainder of the storm water management area. Ah, additional buffers have been provided on the northwest and southeast sides where they adjoin public or other private property.

Ah, the original subdivision layout showed a road continuing from 159 to Merritt Lane. They have reduced that to a cul-de-sac. There was at one point a thought to entertain decreasing lot count from 12 lots down to 10 lots. Again, the site contractor was originally building a sign in front of the development which was contentious that stopped upon our verbal complaint. Ah, as we looked into it more, the sign is going to be in the clear vision zone. The contractor has worked out a plan with Frank Ritter to finish construction of the sign so that it is internally drawn and then move it to the current position - out of the site zone.

They met all the conditions of approval that we had on the conceptual and they have mitigated most of the other complaints which were up against the subdivision earlier. As you remember, we were at odds with the development in February and March. Those complaints have gone away. Ah, the pipe material which had been stored up in the northwest corner of the sight has been moved to an interior portion. Much of that material is really suppose to be used during this construction.

Ah, there are still the remnants of the old concrete manufacturer on site that was there in the beginning as we were going over it. That has to be removed. The proposed buffer area that we show along Merritt Lane is to have the fence, or the buffer area will have a fence on the developers side such that future site plans won't be able to cross that line.

Ah, as of the middle of last month, there was compliance and was ready to be heard by P & Z. Any questions?

Chair: Will there be those to speak for or against? Please come forward.

Clyde Benedict:
Do you want us to speak now?

Chair: Yes, please state your name for the record.

Benedict:
My name is Clyde Benedict. I have been before you before when you had your preliminary plan. Ah, I am glad I heard the other gentleman speak first because maybe there is still hope.

I don't know how many of you folks have been out to see the subdivision or the plan that ya'll are discussing today. Ah, to take a look at it. But, given that a picture is a thousand words, I brought 8 of them so that you all can see what we are having to deal with. At your initial actions when you gave preliminary approval, what they have done. O.K? Ah,

Chair: You can give that to Bruce and you can continue to speak.
Benedict: On October 3, ah, Planning and Zoning had given conceptual approval for the subdivision plan by design on the property purchased by Gene Smith. On October 19, this Commission gave conceptual approval. On March 1, the Gadsden County Planning and Zoning Commission again met to consider preliminary plat approval for what was being considered on the exchange. At that meeting, Ms. Shirah had requested several major changes to the original design of the lot. At that time, she had requested to go from 10 to 13 lots. I believe also - we have not seen the new plat that they done, but they have requested a change in the layout of the lots that had been fan designed before - and I believe now that it is rectangular. And also wanting to drop the requirement that they have to put up a fence that ya'll had initially agreed upon along Merritt Lane.

Community residents and myself raised some serious objections at that meeting and at the Planning and Zoning back on March 1. In that meeting, it, like I said, got tabled so that the Planning and Zoning Commissioners at least had verbally indicated that they were going to go out and take a look at some of our complaints. Unfortunately, as Bruce had indicated, on April 5, they

failed to have a quorum and so we, ah, they had to pass it on to ya'll with no recommendation. That is really unfortunate.

After that initial meeting here on October 19, Mr. Smith had met with some of us out in the neighborhood - out in the lobby. And he talked about wanting to make this development a wonderful site. Ah, he even said he was going to get Ironwood Construction (which is the one on the corner) to clean up their site because it would be detracting from his development.

I think that Planning and Zoning and I think ya'll were really sadly mistaken in recommending approval of Mr. Smith's request. The fact is that it has been his actions and not his words that have basically told us and actually you to just go your own way and he was going to do what he wanted.

Gadsden County really has a penchant. I have lived here now for 10 years - for accepting inferior developments that other counties don't want. And I think this is an example of it. We have watched Mr. Smith now since at least for the entire calendar year, as he has destroyed the entrance to our community. We have to come 159 to get in on Merritt Lane. Ah, Bruce noted, he dumped construction equipment, pipes, and went through allowing dump trucks to park there. This was despite having said that they were going to agree not to use Merritt Lane. It took the residents calling Commissioner Watson, calling Bruce to get enforcement to get him to stop.

But Mr. Smith slipped. You know, ya'll even got an injunction - he moved it to the other side of the property. The same with the pipes. Some of those concrete pipes that he is going to use for sewage or rain water run-off are cracked and damaged. I mean, this is becoming a dump. There are tires out there. You can see them in the pictures. These are recent.

Bruce mentioned the fact about the sign that had been constructed. At that meeting on April 1st, Bruce indicated that the sign was illegal and would come down. The picture right there shows as of Sunday, that sign is still there. O.K? Nothing is happening. You have not done anything and the County has not done anything to protect the community residents.

I understand the need for growth and development. But, the fact is that you are doing things that are adversely

affecting me and adversely affecting my community. Why should I have to live with crap like that? I didn't do anything to anybody else. I have purchased my land, I pay my taxes, I vote, I do everything that I need to do to comply with the law.

I think that, you know, Commissioner Watson, when I had a talk with him one time was saying, the fact that the property was originally zoned heavy industrial and the Commission went ahead and agreed to a light industrial, that he wasn't a commissioner at the time that had occurred. What happened to this gentleman is what is going to happen to us. What happens when ya'll are gone and are replaced by other commissioners? Do they then say - when we have a really ugly development if at all - well, that wasn't our fault, we weren't here when that occurred. You have to take actions while you are in charge and you need to be responsive to the community. At this point, I don't think that has occurred.

Ah, there are a number of things that we need to control. Obviously, I am not going to get you to stop the development. The fact is that he has destroyed our community. Ya'll went ahead and approved that. I can't stop it - I can vote - but I can't stop it. He needs to be held responsible to a time schedule for development. Up to this point, he has been doing work when his staff or his whatever employees had time. The idea of that sign out front - they left a tractor, they left a back hoe out there for weeks. They do work there when they have time to do it. O.K? The signs go up. It is a hap hazard construction. Ms. Shirah even mentioned the fact -he is a builder, he's not a designer, he doesn't do projects like this. It's really obvious that is the case. We have go to have a concrete plan. If ya'll are going to approve it, we need a concrete plan as to how he is going to complete this development. We need to have a fence along the entire Merritt Lane as they agreed to. And we need to make sure that we keep the lots at least to the size we are going to do.

It is apparent that Mr. Smith is in no rush to develop the property. The fact is that we have to live with it and you all are making us live with it. I really wish you would come out and take a look at it. The pictures are really prettier because it was a beautiful day on Sunday. But it is really garbage that ya'll have given us.

Watson: Why did the sign not come down?

Ballister:

Ah, we talked at great length about the sign at P & Z. Ah, the sign is pre-cast concrete. We looked at the measurements and when we first talked about it on site, they were going to move the entrance to miss it. When they found that it was going to greatly impact the lot configuration, I said "Well, you need to work out whether the sign - " First of all there was a condition - Can the sign be there as pre-cast concrete without Frank having inspected it? The sign is basically under the Building Inspection Department.

Watson: But Bruce, we've got a letter here - February 3, 2000 that says "The concrete sign structure is to be removed by 12:00 noon on Monday, February 7th. Failure to remove the said sign will result in the County removing the structure and assessing the cost against your property."

And Mr. Benedict has some - he's got a point. We are sloppy, sloppy in our enforcement. I am not in a mind to approve anything presently before me after what has gone on out there since we first talked about this. In order, I mean, he would have to put that place in perfect condition before I would approve anything. He would have to wonder if Sterling was going to keep his word. I'm not going, I'm not going, I don't want to have to wonder if he is going to keep his word to this Board again. In order for me to approve anything out there, he's got to put it in the condition that we want it to and then maybe he's going to have to wonder if I am going to approve it. Now, that is my position. He may get it with a 3 - 2 vote or a 4 - 1 vote but, he has - I mean, we went round and round with Mr. Smith on these violations. And he drug his feet and he drug his feet and he drug his feet. He used Merritt Lane when we told him not to. We had to go out there and pull the culvert up out of the ditch. Robert had to do it - to keep the man from using the property after I talked to him. I said "You know you are not suppose to do that." And he did it anyway. And he puts a sign up when he's got no approval to do it. We tell him to take it down and the sign is still up. I mean, that's why people keep flaunting these agreements with us - like Mr. Harrell did. We don't enforce a darn thing on any body. We don't keep up with anything. We've got no way of keeping track of what people have agreed to do and then are they doing it. There is a break down there somewhere. And I have talked to Mr. McKinnon about getting code enforcement involved and merging so that somebody can go out and periodically check on these developments to make sure people are

complying. There is no compliance. I am getting fed up with it, as you can tell.

Applause.

Chair: That is not necessary. Please, let us not do that O.K? We have other people to speak. Ma'am, sir, please come forward. Just one moment sir, you will get your chance.

Shirah: My name is Kathy Shirah. I am agent for the applicant. Ah, I apologize that the sign has become such a sticking point. Mr. Smith started the sign before he was aware that the County had a sign ordinance. And when it was brought to his attention, he did stop work on it and began immediately negotiating with the County staff. He was fined for proceeding without an ordinance. And I believe that fine has been paid, is that correct? He has paid the fine for his violation. And since then he has diligently worked with the inspectors and with the Planning Department to try to number 1 - bring himself into compliance and at the same time without destroying all of the concrete and steel that he has put into the ground. He has invested quite a bit and I understand that is his risk. However, he was looking for leniency from the County and from the inspector and county staff was seeing fit to work with him in providing that leniency.

Because it is a concrete re-enforced sign, it's not as easy to move as if it were just a wooden sign placed on a stake. He has got to finish the structure of it so that he can move it with a crane. And that is what he was working with the inspector. We understand that the sign was put in without a permit. And we have paid that fine and we understand that it is in the wrong location and we will move it. And we are under an obligation to do that. It will be done.

As far as the rest of the project, ah, there is no request to increase the number of lots or to have flag lots. That request was withdrawn at the recommendation of your staff. There is no request to drop the requirement for the fence. The only request was that we asked the staff if that requirement could be deferred to the time that the individual lot developers ah, put it in. Ah, simply as a means of spreading that cost over to the development of each lot as opposed to ah, having to bear that cost up front prior to any of the development. Ah, Mr. Smith may want to reconsider that request.

Let me point out, ah, I understand that the community has concerns of ugly development and destroying their community. One thing that I don't know if this was made clear to you. There are no single family residences adjacent, abutting, or across the street from this property. Not one person can stand in their front yard and see this site.

There was concern about impact for the community and we accepted the staff's recommendation to provide buffers between ourselves and the agriculturally zoned and used property adjacent to us.

There was concern about impacting Merritt Lane and we amended our application so that we don't have access onto Merritt Lane. And furthermore, I understand that beauty is in the eyes of the beholder. But, what I saw from Mr. Benedict's photographs is that a buffer is being left along 159 and I saw the significant trees on the interior of the site were being preserved.

There was some construction debris and that sort of thing is an unfortunate reality of any kind of construction. You are going to have - when you clear trees for a roadway, you are going to have piles of debris there. When you stock pile materials, there will be piles of debris. But that is a short term impact. And as I say, not one person can stand in their front yard and see that.

Furthermore, there seems to be an indication that we are in no rush, that we are dragging our feet. And that is quite the contrary. We are very anxious and the reason we have been delayed is because of the continuances put forth by the Planning and Zoning Commission, predominantly as a result of the community opposition.

So, to sum up, I know we got off on the wrong foot, but, we have made concessions to make this as well integrated with the community as absolutely possible. We've had some violations and we made steps to make restitution for that and to bring ourselves into compliance. And I ask that you would allow us to continue with this project and clean up the construction part of it that the community finds so objectionable. Thank you.

Smith: Ladies and gentlemen, this is the first time that I have tried to develop anything and ah, Gene Smith, Gene Smith Contracting and owner of the property. Ah, that I have tried to develop anything, but ah, I was totally unaware

when I started this thing, that you could buy 40 acres of land and then you couldn't do anything with it. I mean, you can't put anything on it, you can't park anything on it, ah, and contrary to what this gentlemen and these people say, I'm not doing it to fly in the face of anybody. I just flat sure didn't know that you could spend \$150,000 on a piece of property and you couldn't use it for a dad burn thing. So, every time I did something, I got stopped.

I do want to build a road. I've got businesses that want to build buildings and get on the property. Just as quick as we get an approval, if we are fortunate enough to do so, we are going to start that road and that stuff will be cleaned up. I did haul that excess material out there because I do plan to use it on site. And I have already had Bobby Presnell out there. Ah, and we've discussed with Talquin Electric as to how we're going to do the front to make the ditches safer. Gadsden County has agreed to work with me. I'm going to let them take all that stuff and dispose of it in there so that they don't have any additional cost to make wider shoulders so that we don't have deep unsightly and unsafe ditches. So, ah, you know, just, ah, I'm not doing this to antagonize anybody. I just flat sure, on the first time out here, didn't know that you couldn't use your property.

Watson: But, Mr. Smith, you were repeatedly told things and you just flaunted it.

Smith: Now, what did I do Mr. Watson that I flaunted?

Watson: You kept using Merritt Lane after we talked and you said and this is what you said to me "I didn't know that meant that I couldn't temporarily use it."

Smith: That's exactly right. We stopped the road from going through to Merritt Lane. Now, there was a pipe and a gate there and that is how those people were accessing the property because the front ditches, I mean the front drive-ways were washed out.

Watson: After we talked.

Smith: That's right. And I had already called you and told you that we weren't going to use it.

Watson: And you kept using it.

Smith: No, we didn't.

Watson: Well, then why did Robert have to go take the culvert out?

Smith: He didn't have to go take it out. Ya'll just took it out. I showed up there one day and it was gone.

Watson: He had to take it out because it was continually being used.

Smith: No, it wasn't. I stopped Arty Sellars from using it. And I ah, ya'll took the pipe out but, I mean, this has been a learning experience, I can tell you that.

Watson: And nobody, don't spin it as you can't do with your property. We had an agreement and you didn't keep to it. That's why we're here tonight.

Smith: That is not true, sir.

Watson: I think so.

Smith: Everything that ya'll have asked for in here you have gotten with the exception of tearing the sign down.

Watson: So, you disagree with all these notices of violation?

Smith: No, I don't disagree with them.

Watson: Well, then you didn't keep the agreement.

Smith: Nobody told me that I couldn't build a sign.

Watson: (inaudible) or you would not have received notices of violations.

Smith: Sterling, nobody told me that I couldn't build a sign. And when they told me to stop, we stopped.

Watson: The sign was in the third notice. You had two notices before about other things.

Smith: And we stopped.

Watson: But you just took so long and we had to keep telling you.

Smith: You are spinning this thing way off in left field, Sterling.

Watson: I don't think so.

Smith: When I talked to you on the phone, you weren't talking like this.

Watson: You know, this was after the first one.

Smith: You're flipping over, man. I don't know, I don't know what to expect. You tell me one thing on the phone and now you are sitting up there trying to appease these people.

Watson: This was after the first time. The first time, Mr. Smith. Here we are, three times down the road and I get a little more upset as they start stacking up. So, yeah, I'm talking a little bit different than I did on the phone the first time. But, after somebody has done me this way a couple of times, then I get upset.

Smith: Sterling, I am not doing anything to you.

Watson: Well, I think so.

Smith: You know, I just, I would try to do something and ya'll would stop me. When I would try something else, and ya'll would stop me. And that is what I am telling you,

Watson: But, you're trying things that we had not agreed to, you see.

Smith: I stopped my road from going through to Merritt Park Lane. O.K. You asked me to do that. I did. Now, you didn't say anything about that I could not use or enter the property from Merritt Lane at all.

Watson: We did.

Smith: No, you didn't.

Watson: Yes, we did. I've got the tape.

Smith: You said that my development plan could not access Merritt Park Lane.

Chair: Gentlemen, can we bring this to a close please.

Smith: O.K. You know, all I am going to say is this.

Watson: Ms. Shirah, where is she? Is it your understanding that he was not to use Merritt Lane?

Shirah: My understanding was

Watson: Yes or no?

Shirah: I did not have that understanding. I understood that you did not want a roadway connection, but I was not under the

Watson: Why would we not want a roadway connection?

Shirah: Because of the traffic.

Watson: Because we don't want you on Merritt Lane.

Smith: It's a public street over there isn't it?

Watson: But you agreed not to do it.

Smith: And the road stops.

Watson: But you agreed not to do it.

Smith: And I am not using it. My road stops at a cul-de-sac.

Watson: But, you started using it. Not for your development, but Arty was for his dump trucks.

Smith: Listen, I never told you that I would not come and go on the property through a gate that had a pipe and a ditch. I never told you that. I told you that I would stop the road and not access it with the development. And we did that, sir.

Watson: But, well, I made my point.

Richmond: Mr. Ballister, can I ask a question and make sure where we are at?

Ballister:
Yes, sir.

Richmond: They were given conceptual plat approval, is that right?

Ballister:
Yes.

Richmond: Have they attempted to modify it at this time?

Ballister:
The, ah, no. The essentials of the conceptual plat approval and the conditions for preliminary approval have been satisfied.

Richmond: All right. When you wrote, you've got in here that staff recommendation is for conditional approval and some language where you invoke conditions that have been satisfied as of the site inspection. Is that where it is at now? What is going on right now? There have been difficulties that they have not complied with apparently in the past. Is that correct?

Ballister:
That is true.

Richmond: What's going on now? Are they in compliance? Are they trying to modify the terms and conditions that we've previously given without coming back to the Board? Or

Ballister:
They have asked, they have actually complied with everything we have asked them to do. They are going to provide a fence along Merritt Lane's buffer, ah,

Richmond: When is that suppose to be done.

Ballister:
That will be done during construction.

Chair: No. I know that is what she asked for - piece meal.

Richmond: But, what I am trying to get to is where are they? Are they complying; not complying or where are the difficulties on Merritt Lane. I apologize, Commissioners, it's just that

Ballister:
What staff has asked them to do, ah, in February and March we did have problems with the road, but that has been resolved.

Richmond: Is there any modification of the original conceptual approval? That has not been approved by this Board? In other words, are they back here for

Ballister:
No essential bulk or content changes have been made. They are still looking at 10 lots and we're still looking at a cul-de-sac.

Richmond: You are saying 10 lots and I am showing 13 on here. I guess that's why I asked.

Ballister:

Well, I've given you the wrong thing. I am sorry.

Richmond: I just want to know what is going on. Now.

Ballister:

I grabbed one of the plats and made copies just before I came down and I guess I grabbed the wrong one.

Richmond: O.K. I apologize.

McGill: Mr. Chairman, might I?

Chair: Please, Mr. McGill.

McGill: In addition to the questions and complaints that Commissioner Watson has seen from Merritt Lane residents, I, too, have received numerous calls. One in particular we talked about the problems on Merritt Lane and from the use of the development. I called Mr. Ballister also. But, if you remember at the time we voted to approve, I was the only commissioner who voted against that because I had some premonition that things weren't going the way that we wanted them to go. Since that time, I am more convinced that my vote was the right vote - not to allow the development to go through.

Now, that it is out there, ah, we've got a tiger by the tail and can't turn loose. I pass that road twice a day and see that big ugly what is suppose to be a sign. It is still standing on the left side - on the west side of the road as I go down, on the east side or right coming back. If you remember, I asked this Commission several times - could we not develop a promissory note that will contain all the revelent issues and have them sign by the chairman of the Commission and the developer. As I recall I didn't get any comments on that. I am going to bring that back again. I would like to request that the county attorney be authorized to develop a standard kind of agreement that will be signed by the developer and the chairman of the Commission at that time that would delineate all the things that the developer is supposed to do and not do. I think then we would have something we could hold them to. Either that or we will have to go back and research the minutes in every case like this. That is an inordinant responsibility. That is a big responsibility. I think that a promissory note would get right to it, specify it out, then you've got something you can go to court on.

Richmond: Well, I think you are on the right track, Commissioner. The issue that came up before with Mr. Harrell as to whether there is a 250 ft. buffer or not - that could have been easily resolved, you know, if it had been signed off on with some kind of consent decree based upon what this Board did. I don't remember whether there was an agreement or not an agreement. I don't know. But, Ms. Muriel, bless her heart, will solve all our problems for us.

But the same thing, you know on this, that's why I was trying to find out if there had been a change in what this Board, and I'm not trying to pick on Bruce or Mr. Smith or anyone else. I'm just trying to find out if they are in compliance or if there have been changes in what this Board agreed to because that is what I've got to base my opinion on if you ask me what I think. And so, that is what I was trying to do that. But, yes, Commissioner, we need to develop something so that everybody knows what is expected of them and they can comply with it and you can rely on it.

McGill: Cause my experience has been in last 6 to 8 months or last 2 or 3 years, but most of the things the developers tell us they will do, they don't get around to doing it. I am looking at 2 things on Highway 27 now, I think you gentlemen remember and lady too, that you know what I am talking about. They just lied to us outright lied to us and we don't have police power that we can send out there every time a call comes through. I must have called Mr. Ballister on Merritt Lane (inaudible) times about that same developer in addition to the calls that Mr. Watson received. How many calls do we need to make to say "Gene Smith, your actions are questionable. (inaudible) is lousy. We can't depend on what you say to us."

Chair: Do we, Mr. Ballister, or do we not have punitive measures on the books that we may enforce at this particular time?

Ballister: I was just going to suggest as we are talking about good ideas that my code has virtually no stick attached. I have a lot of rules and almost no punitive action authority.

McGill: I think that a promissory note or agreement would offer a solution (inaudible)

Ballister:

No, sir, I don't have, ah, it doesn't say anywhere that I can levy a fine.

Chair: I mean, and I hate to do this in the midst of a, ah, we need to vote on this. But the process is bad for one. The enforcement is nonexistent and we've got some serious problems in Planning and Zoning that we've got to fix. And I am addressing this to the Manager, not to you Bruce. You are his employee. We got some serious problems. Very serious problems. I am not going to be undressed again by citizen who knows more about what is happening in our business than we do. I am not going to sit here night after night, time after time, and have us decide what we did or what we didn't do. I will not suffer that kind of public humiliation and bring that on this Board.

Watson: I'm not going to hear, I don't even want to entertain anything.

Chair: We are not going to do this any more. This is not necessary. If we need to get a consultant to look at our processes, design a computer system that gives us the ability to do this, then we need to do that. But, we aren't going to tolerate this anymore. No more.

McGill: Mr. Chairman, I think one of the problems might be that we, ah, that we may need to have at least one more staff person in Planning & Zoning to track this.

Chair: Commissioner, I don't care what it takes, that is for the manager to decide. Whether he needs more staff or not. O.K. But, he needs to decide and decide quickly, what is going on and how he intends to fix it. Because I really need to know. This should not be happening. This should not be happening. I should have information in front of me. We should not have to go through a hundred years of files to decide what was the climate of the Board at that particular time.

McGill: I agree. I agree.

Chair: And whether or not the sun is shining. We are not going to do it. And I apologize to

McGill: (inaudible) This Commission knows my position on the promissory agreement or (inaudible) will alleviate a lot of this.

Chair: Whatever they can get together and do and it had better stick and it had better stick good and it better have some punitive damages in it. Because we are not going to become the dumping ground of anybody who wants to do anything anytime in our County. We have zero enforcement powers. I get tired of the same old citizens coming up with the same old complaints time after time. And now we've got commissioners going through time and time and time again. It is not necessary and we do not have to do this. And we won't talk about it anymore. It is now in the hands of the manager. I expect some results.

Now, we have to get back to Mr. Smith. I am sorry we have to discuss your situation in this particular tone. Ah, so, please forgive me. But we do have you in front of us now. Will there be others?

Shirah: It is my understanding that all the conditions or recommendations of the past meetings for conceptual approval have been addressed on one document. And that is the final plat that we submitted to the staff. I regret that you don't have a copy of that but, it has been filed and it is in Mr. Ballister's office. All of the conditions, with the exception of the fine, are completely addressed and on one piece of paper.

The sign is being addressed by a separate instrument and it will be the sign permit. And, as Commissioner McGill has pointed out, he needs some leverage. The leverage that you have in this particular instrument is that if we get approval, we will go forward with the final plans and construction and we will be back before you with a final plat. And the purpose of the final plat is the assurances that you are looking for - to make sure that we have implemented everything that has been approved by this Board in the preliminary plat process. So, you have the leverage. We have made the commitment and I would appreciate it if you give us the opportunity to follow through with it.

Chair: O. K. Let me apologize to you because the ball has not been dropped on your end as much as it has on our end. Ah. That being said, given this tone, I am going to say this to you. I would really like to table this until. It is your choice. It's not me. But I don't think ah, we are in a proper position to rule on this. If you want us to carry it forward, I will.

Shirah: Before you take a vote, Commissioner, I would like to know specifically what we need to do to gain your

approval. Ah, we don't want to leave here tonight without having clear picture of our obligations.

Chair: I don't think it is what you have to do, it's what Mr. Ballister has to do.

Richmond: If I could.

Chair: Please.

Richmond: From my standpoint, I want to just verify that the development order and the conceptual approval and that everything is in order. It has been stated that it was and I have no doubt. Mr. Ballister has told me that it was and I have utmost confidence in that.

Watson: But we are here with a plat that shows 13 lots.

Chair: We are looking at the wrong maps.

Richmond: And I just think if we could pass it for two weeks or however long. I just need. I would like to have an opportunity to review it. If that causes

Chair: But it is definitely your call, though. I will carry it if you want me to.

McGill: I have a real concern that if Mr. Smith did not understand that he was not suppose to use Merritt Lane, why not call Planning and Zoning and find out if it was all right to do that? And if there was a question about the sign, before you spent that money, a lot of money, why not call Planning and Zoning and say "Is this permissible?"

Chair: Well, sometimes, it's a feeling that I have seen often with folk who come before us - It's the old adage "Sometimes it's better to ask for forgiveness than permission." Especially when you know there is no enforcement. I'm not saying Mr. Smith has used that line, but I have seen it and I have seen it more than I would like to mention. Ah, that being said, how would you all - I'll carry it you would like me to.

Ballister: Sir, if I could say just one thing if I could.

Chair: Yes, sir.

Ballister:

Ah, it is a fact of my staffing level that I do 100% of the site review at the house and I may have inadvertently left the 10 lot plat here or there. I apologize for that. That is not their fault. I would hate to have them further injured by that.

Chair: Take it up with the manager. We'll work it out. Yes, ma'am.

Ivy Smith:

My name is Ivy Smith, I am Gene Smith's wife. And Mr. McGill, I would just like to respond to your comment. Ah, he did go into it, you know, not, I guess he should have looked ahead and seen all that needed to be involved before instead of coming back now. And, I am sure, based on what I have heard on a daily and weekly basis about the frustration of the process, I am sure that in the future that will not even be a question. He will go ahead and consider that ahead of time.

I would also like to speak to the fact of the visual inconsistencies and whether it looks unpleasant out there right now. Any construction is not a pretty thing. I realize they are in a hurry. They want a time frame. They want to know when it's going to be done. The sooner we get this resolved, and we get the information we need, then it will get done.

My husband is a perfectionist. He takes great pride in what he does. He puts a lot more into things personally and visually than most people. So, I just wanted to add that for your consideration.

Chair: Did I see another hand?

Johnson: My name is Mary Jane Johnson. Ah, talking about the fence that is supposed to be on Merritt Lane. I heard Kathy mention that want to defer having to put up the fence and defer that cost to the lot owners as they buy it.

Shirah: (inaudible)

Johnson: O.K. That is all I wanted to know.

Holt: Hi, I'm Brenda Holt. I wanted to know - Are you going to seriously consider Mr. McGill's suggestion, seriously consider his promissory note? Because I think it would solve a lot of problems. And I know, some other people, like me, they call commissioners when you have questions

or concerns about issues. If those concerns can be presented at the same time as the information is presented, then you would know who these people are and what is going on. The pros and the cons of making decisions. And you can contact those people ahead of time. But the promissory note thing, I think, is a very good idea because, what if something happened and I had some concerns about an issue and I just couldn't make it up here one night or something happened, then that would may be a big problem later on because I just didn't make that night. So, I think that is a very good idea and I think it should be decided upon before you meet again.

Chair: Well, it's a bit more comprehensive than that. We have a bad process.

Holt: Well, I understand that.

Chair: We have a bad process that has to be looked at. And so, that is just one component of it that we will have to look at.

Holt: Right. O.K. Thank you.

Chair: O.K.

McGill: So, where are we with Mr. Smith's situation?

Chair: I'm waiting on

Shirah: I have conferred with my client and we can come back in 2 weeks if that is the Board's pleasure.

Chair: I wish it could be so. Does anybody have a problem with that? Then we can consider it tabled.

Thank you.

Draft Future Land Use Map Submittal to DCA

Reconsideration of O. Z. Lawson Land Use Map Amendment Application

Ballister:

At the back of the packet, the draft Future Land Use Map and Future Land Use Element are approaching readiness to be transferred to the Department of Community Affairs for a courtesy review. The map on the wall over there shows what has been edited from the map you have been using as a Future Land Use Map. It shows the silvaculture. It shows the wetlands having been converted to conservation

and it shows the 30 odd land use although they are harder to see. That is the map we would like to transmit along with a draft of the data and analysis section for the Future Land Use Element along with the wording of the Future Land Use Element which contains a lot of the policy changes we talked about for the past year. Pretty much. Ah. And it just, ah, a resolution to transmit that - that authority agreement, consensus, etc.

Within the list of applications that were citizens based petitions for Land Use Amendments, there was one that had a cloud on it that I want to have cleared up. Ah. We made sure that what we approved was on the basis of everybody knowing everything. It was my impression as I listened to the motion for approval for the O.Z. Lawson tract from Ag 1 to Commercial that the motion for approval was based on a letter transmitted to the applicant by a former staffer, Miatie Bright. It indicated that the property was commercial. It is on file an old colored pencil Future Land Use Map that shows that as Commercial and if she had opened the drawer and looked at in error she would have read that off. That was the map that the County originally submitted to DCA that they denied. It came back to the County for reworking and somewhere in the fall of 1991, the new Future Map and every map that we have been using since November of 1991 shows it as AG 1. And there are letters in the file to that effect. Ah. I just wanted to have that in the public.

Watson: May I?

Chair: Commissioner.

Watson: After we had met, Bruce called me and told me that there was a subsequent letter to the Lawsons from Mike Sherman refuting what Ms. Bright's letter had said. I based my actions that night on the fact that I felt the Lawsons were told by the County that they were commercial - based on a letter - the information that was presented to us.

Bruce said there was a letter that refuted that and I thought that we should give this other consideration since I don't know what ya'll based ya'll's vote on that night. I have no idea. But, I thought at least the rest of the Board should know that there was a later letter from this County stating that "No, you are not Commercial, you are AG2."

Roberson: One

Watson: AG 2. I did not want that letter to resurface or folks find out about it months down the road and this Board took no action - which is some of the frustration that I brought to this meeting tonight. This started long before 6 o'clock.

So, what you need to know from us is "Do we want to re-hear this or let the vote stand?" Is that what you want?

Ballister:

Ah. Essentially, yes, sir. The, ah, we go into the Future ah, the implication stands on its merits and everybody knows what all the facts were and if you want to consider it, judge it on its merits but, know that I don't think there a - ah, the letter that was given to you was written in error. As we know, we make errors.

McGill: Let me ask, Mr. Chairman. Are you suggesting that the letter that was written in March of 1996 was the letter that was in error and that the letter written subsequent to that in February of 1998 is the more accurate record. Is that what you are saying?

Ballister:

Yes, sir. The one written by a staffer in 1996 stating that the land use was commercial was in error. Ah, I am not making any negative statements about the application itself. That is why I have it on a level playing field.

McGill: And Mr. Lawson was developing his property based on the 1996 letter as opposed to the 1998 letter. Is that right?

Ballister:

Well, he originally sought to develop it as commercial property. He got a letter that said so. And I guess he may have come here with a site plan for conceptual review. It was discussed with staff later and Mike Sherman re-looked at the site plan and the Land Use Map and saw that no, it was commercial, excuse me, AG1, and it is tough. So.

McGill: I, personally, would have looked at the two maps. And I can see where an error was made. Ah. I guess my question is now, what to do? How do we correct the problem?

Ballister:

I would just say, you know, bring it up for a vote as if it was 2 weeks ago and if you want to change it from AG 1 to Commercial.

Roberson: From 96 to 98, did he, you know, continue things on the basis that he was commercial?

Ballister:
I don't know.

Richmond: Can I have some input on this?

Chair: Yes.

Richmond: These things require notice. I mean, the bottom line is this, If you want to make this a part of the record, which is obviously is a part of the county's record and should have been there, you can do that. If you want to take any formal action, I would request that you give notice to all parties again and re-advertise it and go through the whole thing. Ah.

McGill: So, what can we do about it being a part of the map amendment? (inaudible)

Richmond: You have made a final decision. There is nobody that has made an application, and I understand the concern because this does add a change in the light and it needs to be made a clear cut part of the county record. But if there is going to be formal motion or formal re-hearing, there has to be notice and whatever. We need direction, I guess, is what Mr. Ballister is saying.

Chair: Lady and gentlemen, in light of what we have done here tonight, it is my particular hope that we will just add it to the record and let what we did stand. I mean, this is too much confusion going on.

McGill: How can we leave it like that though?

Chair: Well, I mean, we made it based on what was available to us and I mean, somebody got a letter from our office. And I am not sure if - Given the fact whether or not the letter, the first letter is true and someone made a mistake in reading it on the map, and if Mr. Lawson began down that road believing what was told to him, only to do like a lot other people, find out later that their property has been changed to something else on the map, is it his fault? You know, even if you argue back and

forth with Planning and Zoning about it, ah, we just got to clean up our shop. And you know, I feel bad to have to punish folk. If I don't like your project, I tell you that I don't like your project. But, I really have a hard time coming back and punishing folk when we made decisions and didn't find information that was our fault to know.

McGill: In the development order, did it say AG 1 or did it say Commercial?

Ballister:

There was no development order. This was a land use amendment.

McGill: And that was based on Agriculture or Commercial?

Ballister:

From AG 1 to Commercial.

McGill: From AG 1 to Commercial.

Richmond: It was recognized on the map as being AG 1. He claimed that he thought it was commercial and he had a letter from department showing that it recognized it as commercial. What you did was approve his request for a land use change to Commercial pursuant to the letter.

I think everybody recognized that it was quote "AG 1" and they were trying to move it to Commercial based upon the letter. Yes, it was on the map as AG 1 and this letter proves that he was told that it was AG 1 and that is why he was making the change. It is clearly a part of the record because it is part of the county file.

Watson: I mean, Mr. Lawson told me today that he knew of this February 24, 1998 letter.

Richmond: That is probably what prompted him to make application to change it to commercial. And he said "This is what it is - it's based on a letter in 1996." So, I mean, it was on the map, as I understand it, as AG 1. His request was to change it to Commercial.

Watson: My point in asking Bruce to bring this back was that I was fairly adamant that night that this county has told him commercial and that we don't have a choice. And that is my point - I didn't want that to stand. Because the County wound up not telling him that.

Richmond: Right. I see what you are saying.

Roberson: But it was 2 years after he was told that it was commercial. That is what bothers me is the fact that it was 2 years later. How do I know what was in the process in those 2 years?

Richmond: That is all I am saying. It would not have been before you if he hadn't known that it was AG 1 at some point in time - trying to get it to Commercial. And the other thing is this is real.

Chair: Let us finish discussion.

Watson: Sooner or later it would have come up.

Chair: I agree with you. It should be put on the table. I don't have any problem with that. I just think we ought to add it on and keep moving. What is the will of the Board?

McGill: Add it on and keep going. I am not sure if I understand that.

Richmond: Just add it to the record. It will be added on the record that this letter was sent to him. I don't think - all I am saying is the point is that the reason that it was here was because it was on the map as AG 1. He had to know at some point in time that it was AG1 and the issue was that. So, this is part of the record already, I would guess. It would have to be because it was a part of the underlying determination on our map that it was AG 1.

Watson: But, I think everybody was pretty well convinced after seeing Ms. Bright's letter that he was told that. And I thought that everybody should see the other letter. That's my point. It may or may not change anybody's mind, but we all should know about the letter, the subsequent letter.

Chair: If there is no motion from the body, I will move on.

McGill: We need to understand what that will do to him.

Richmond: If it stands, it's being submitted to DCA as Commercial which is what ya'll recommended.

Chair: That's what we recommended.

Watson: As tedious as it is, I think the proper thing to do, respectfully, Mr. Chairman is to re-hear it. I know that

is tedious, but. If there is no support for that, I will understand, but I think that is the proper thing to do.

Chair: The chair will entertain.

Watson: I think that is the proper thing to do. Re-hear it.

Chair: The chair will entertain if there is the will to do so.

Watson: I make that motion.

Chair: We have a motion to re-consider the Lawson amendment. Will there be a second?

McGill: I'll second it. I'll second it.

Chair: We have a second. Will there be further discussion. Will there be others to speak. I hope not.

Richmond: This is a matter of procedure, it is not a question of testimony, it is to the validity. I don't want to take testimony about the reconsideration without notice where we get attacked for that. If it is a question of whether we re-consider it. If you do, then we'll notice it.

McGill: Bruce, what will this affect what you are submitting to DCA?

Ballister:

What I can do is submit the package to DCA. If it isn't an issue to them, it could still be an issue to us and it doesn't make the final cut in June or July.

Chair: We have before us a motion and a second to reconsider the Lawson amendment. All in favor a sign of "aye".

Watson & Fletcher & McGill: Aye

Chair: Opposes?

Roberson & Dixon: Nay.

Chair: Ah, what was that?

Straughn: I didn't hear Commissioner Fletcher's vote.

Chair: Commissioner Fletcher?

Fletcher: My vote is aye.

Chair: To reconsider?

Fletcher: Yes.

Chair: O.K. 3 - 2 to reconsider. Ah, do we want to re-consider it?

Ballister:
Two weeks notice - it would have to be a month from now.

Chair: A month from now.

Richmond: It has to be re-noticed.

Chair: Re-notice and I guess we will re-consider, I guess the second meeting in next month. The second meeting next month. O.K?

McKinnon: You are looking at May 16.

Chair: May 16th.

Richmond: What is the deadline?

Ballister:
Oh, I can submit the package to DCA for conceptual approval and they will be looking at data for 6 - 8 weeks anyway.

Richmond: O.K. That's fine.

Ballister:
Do I have a consensus to submit what we have to DCA?

McGill: I move.

Chair: We have a motion.

Fletcher: Second.

Chair: Second to submit the amended Land Use Map to DCA. Will there be questions or comments? All in favor sign of "aye".

All: Aye.

Chair: Opposes? Please make that unanimous.

Ballister:
Thank you. We will move again to the top of my agenda.

PUBLIC HEARING

**Ordinance 00-003 2nd Hearing of School Board FLUE/ICE Amendment
Future Land Use Element and Intergovernmental Cooperation Element**

Commissioner McGill called attention to several grammatical and punctuation errors in the ordinance that needed correction.

Mr. Richmond read the ordinance title into the record.

Chair Dixon called for public comment.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO ADOPT THE ABOVE STATED ORDINANCE AS AMENDED AND TRANSMIT IT TO DCA.

PUBLIC HEARING

ORDINANCE 00-004, 2ND Hearing of 4 Land Use Map Changes LUA 00-1

Mr. Ballister pointed out that the 4 land use map changes were approved in November of 1999. They were submitted to DCA and they have approved them.

Commissioner McGill called attention to grammatical and punctuation changes that needed to be changed in the ordinance.

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

Spitz Farm Road Closing Public Hearing

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE CLOSING OF A PORTION OF SPITZ FARM ROAD.

Chair Dixon recognized Mr. O.Z. Lawson for questions. He then explained that the Board voted to re-consider the land use change for his property. See above minutes.

COMMISSIONER FLETCHER LEFT THE MEETING AT THE JUNCTURE.

PUBLIC WORKS AGENDA

Small County Road Assistance Road Program

Public Works Director Robert Presnell addressed the Board. He stated that the 1999 Legislative session created the Small County

Road Assistance Program which provides for some funding for small county road resurfacing. He proposed that the County apply for funding for CR 270 (Shady Rest to US 27); CR 159 (Salem Road) from Conrad Hills Road to Georgia State line; and CR 269 (Pine Grove Church Road) from CR 270 to SR 12.

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE ABOVE STATED ROADS FOR THE SMALL COUNTY ROAD ASSISTANCE PROGRAM.

Jamieson Road Paving

Mr. Presnell told the Board the Department is now finishing up Lanier Road and work in moving forward to get all those on the priority list paved. He then stated that Jamieson Road is currently number 4 on the paving priority list. However, it has right-of-way issues which could complicate permitting and delay construction. Public Works would like to improve this with Open Graded Asphalt Emulsion Mix (Cold Mix) rather than paving it. He asked for approval to proceed.

Mr. Presnell explained that the mix is similar to slag but it is not impervious. Rather than using granite rocks, lime rock is used. The rocks will not protrude up out of the pavement. It will be a smooth road. This treatment has been very successful in many counties.

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE USE OF OPEN GRADED ASPHALT EMULSION ON JAMIESON ROAD.

Agreement with Englehard for Borrow Pit

Mr. Presnell presented an agreement with Englehard for a 10 acre dirt pit on Post Plant Road. He then said that Englehard has given the County an additional 12 acres at no charge. He asked for approval of the agreement.

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE AGREEMENT WITH ENGLEHARD FOR A DIRT PIT ON POST PLANT ROAD.

The Board extended condolences to the family and co-workers of Dave Williams, Plant Manager who died very recently.

COUNTY MANAGER'S AGENDA

State Enterprise Zone Designation

Mr. McKinnon told the Board that the State will only accept a 5 square mile area for designation as an enterprise zone. He recommended that the area include the SuperValu, Quincy Industrial Par, Weavexx and the area zoned industrial by the hospital.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE ENTERPRISE ZONE AS RECOMMENDED ABOVE.

SPECIAL MEETING SET FOR RECEIVING THE AUDIT REPORT

The Board set a special meeting for April 25, 2000 to accept the Independent Auditor's Report.

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) Resolution supporting WWII Florida Veterans Memorial
- 2) Bid Committee Recommendation for Webmaster Selection Contractual Services, Bid # 00-005
- 3) SHIP Subordination Agreement - Jahazel and Ernest Dawkins, Jr.
- 4) Office Space Lease for Juvenile Justice Training Program W. A. Woodham Justice Center
- 5) Wireless 911 Grant Program Application
- 6) Request for Approval of New Road Name - Bert Ridge Road

CLERK'S AGENDA

Budget Amendments

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE BUDGET AMENDMENTS 00-04-18-01 THROUGH 00-04-18-02.

Ratification of Approval to Pay County Bills

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

DISTRICT 1 REPORT

Commissioner McGill had no report.

DISTRICT 2 REPORT

Commissioner Watson appointed Marcia Deane to the Library Commission.

DISTRICT 3 REPORT

Commissioner Roberson had no report.

DISTRICT 4 REPORT

Commissioner Fletcher was not present at this juncture.

DISTRICT 5 REPORT

The Power of Structured Mentoring

Chair Dixon asked that the County become a part of the mentoring program that is being implemented in the County School System. He said that it is a wonderful program through the Governor's office. He asked that the county employees be allowed to participate 1 hour a week in the program while being paid. He asked for an affirmation that the Board will participate.

Commissioner Watson was opposed to paying employees while they mentored students. He had no objection to allowing them time off to volunteer but opposed paying them to do it.

Commissioner McGill asked if there would be some training involved before a person would be allowed to mentor.

Chair Dixon said it would require some training.

Commissioner Watson then asked if he would expect the County to pay employees for the necessary training.

Chair Dixon replied that he would like for the manager to bring back a proposal for the County.

Commissioner McGill stated that he had no problem with the concept but couldn't figure how it would be structured.

Commissioner Roberson commented that Mr. McKinnon could talk with Florida State Hospital because they have implemented a similar program.

Commissioner Watson stated that he did not feel that it is right to pay county personnel with tax dollars to do volunteer work. He questioned whether this type program could be justified since the Board has a very defined purpose to serve. He again objected to paying employees while they do volunteer work.

Chair Dixon disagreed with Commissioner Watson. He said "I whole heartedly disagree with you. I think this is exactly what people pay us to do and we don't do enough of it."

Commissioner Roberson suggested that Howard look into it and come back to the Board with a proposal to allow county employees to participate in the mentoring program.

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 3 - 1, BY VOICE VOTE, TO APPROVE THE MENTORING PROGRAM IN CONCEPT AND ASK THE COUNTY MANAGER TO WORK OUT THE LOGISTICS OF MAKING IT WORK FOR COUNTY EMPLOYEES TO PARTICIPATE. COMMISSIONER WATSON CAST THE LONE DISSENTING VOTE.

ADJOURNMENT

THERE BEING NO OTHER MATTERS BEFORE THE BOARD, THE CHAIR DECLARED THE MEETING ADJOURNED.

Edward J. Dixon, Chair

ATTEST:

Nicholas Thomas, Clerk

AT A SPECIAL MEETING OF THE
BOARD OF COUNTY COMMISSIONERS
HELD IN AND FOR GADSDEN COUNTY,
FLORIDA ON APRIL 25, 2000, THE
FOLLOWING PROCEEDINGS WERE HAD,
VIZ.

PRESENT: EDWARD J. DIXON, CHAIR
HENTZ FLETCHER, VICE CHAIR
BILL MCGILL
CAROLYN ROBERSON
NICHOLAS THOMAS, CLERK
HOWARD MCKINNON, COUNTY MANAGER

ABSENT: STERLING WATSON

CALL TO ORDER

Chair Dixon called the meeting to order. Clerk Thomas led in a prayer and Chair Dixon led in pledging allegiance to the U.S. Flag.

Chair Dixon stated that the purpose of the special meeting was to hear the report on the Independent Auditors Report and Financial Statements for the FY ending September 30, 2000.

He then turned the meeting over to Terry Kite, CPA from Purvis Gray and Company.

Mr. Kite told the Board that the auditors have given the County an unqualified opinion on the financial statements which is very good.

Mr. Kite went through the report page by page explaining it as he went. He concluded the report by stating that the Board is in very strong financial condition. He also said that the firm was very pleased with the record keeping system.

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO ACCEPT AND APPROVE THE AUDIT REPORT AS PRESENTED BY PURVIS, GRAY AND COMPANY.

ADJOURNMENT

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

Edward J. Dixon, Chair

ATTEST:

Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE
BOARD OF COUNTY COMMISSIONERS
HELD IN AND FOR GADSDEN COUNTY,
FLORIDA ON MAY 2, 2000, THE
FOLLOWING PROCEEDINGS WERE HAD,
VIZ.

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

CALL TO ORDER

Chair Dixon called the meeting to order. Clerk Thomas opened the meeting with a prayer and Commissioner McGill led in pledging allegiance to the U.S. Flag.

ADOPTION OF THE AGENDA

Chair Dixon amended the agenda to include the appointment of two representatives to the Planning and Zoning Commission. It was included as part of Chair Dixon's District 5 Report.

APPROVAL OF MINUTES - APRIL 18, 2000 REGULAR MEETING

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

COUNTY ATTORNEY'S AGENDA

Deed Restrictions on Mobile Home Subdivisions

County Attorney Hal Richmond called the Board's attention to an issue that he was asked to discuss with the Board. It dealt with deed restrictions in mobile home subdivisions which will not allow a mobile home to be brought into the subdivision that is more than 5 years old. He stated that the County has traditionally taken the position that deed restrictions are private property rights which go along with the land. They are not a governmental right that is conferred on the Board to enforce. The home owners have legal recourse through the court system when a violation occurs.

Commissioner Watson asked "Is it a matter of the constitutionality of the law that would prohibit the Board from enforcing deed restrictions?"

Mr. Richmond answered "It is not a question of that. It is a question of 'Do we want to get into that business?' If we do then 'What is the government interest?' We have to have some authoritative basis to enforce it and there is not one there now."

Commissioner Roberson asked "Can the Board be held liable if it enforced restrictions on one subdivision and not on another?"

Mr. Richmond stated there could be some potential liability if it is not done uniformly and fairly.

Mr. Ballister stated that the Land Development Code clearly states that the County does not enforce deed restrictions. He suggested that the County could write a cover letter to every mobile home permit applicant stating that even though the County grants the permit (because it meets the Code requirements,) they should be aware that the subdivision may have additional deed restrictions which may not allow the placement of their mobile home. In such cases, the County will not accept any liability for costs which the home owner might incur if they place a home that does not meet the deed restrictions.

Commissioner Roberson asked if a foot note could be added to the permit.

Mr. Ballister answered that the wording could be added to the application but that would not necessarily insure that it will be read by the applicant.

Chair Dixon pointed out that the homeowners would still have recourse through the court system that would enforce deed restrictions.

Commissioner Watson suggested that the Code be amended to state a specific age of a mobile home in order to be permitted.

UPON MOTION BY COMMISSIONER ROBERSON AND SECOND BY COMMISSIONER FLETCHER THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO ADD LANGUAGE TO MOBILE HOME PERMITS WHICH WOULD ALERT THE HOMEOWNER THAT THERE COULD BE SUBDIVISION DEED RESTRICTIONS THAT APPLY TO THEIR HOME SITE WHICH ARE SEPARATE AND APART FROM THE COUNTY'S APPROVAL TO PLACE THE HOME. ADDITIONALLY, THE STATEMENT SHOULD ABSOLVE THE COUNTY OF ANY LIABILITY RESULTING FROM ANY VIOLATIONS OF THE DEED RESTRICTIONS.

PLANNING AND ZONING ISSUES

Hidden Lake Subdivision - Final Plat Approval

Ballister:

We left off two weeks ago with a discussion on "Is there a buffer or is there not?"

The County Manager and I went the following morning to Muriel's office and listened at some length to the tapes of that proceeding. Ah, it appears that the only time the buffer came up was when the applicant's attorney, Stewart Parsons, was cross-examining Lee Manella of the Florida Art Trail, ah, when asked about the appearance from the highway. Ah, at that point, Stewart Parsons said, "Well, there's a 250 ft. buffer right here."

Ah, you could interpret that as an off-the-cuff remark or you could call it a bad choice of words. I think Mr. Parsons implied a legal definition of buffer - pretty much through most of the site planning process, he had always identified that area as out-parcels.

Ah, in doing further research, ah, listening, excuse me, reading the minutes of the Planning and Zoning meeting, immediately prior to it coming forward to the Board of County Commissioners, ah, apparently there were conversations in great detail about some preservation of this area as a platted buffer area, screens, adding additional vegetative planting width to the back yard set-backs and mitigating this density siting in different ways. However, that meeting ended in a denial.

Mike Sherman did ask Board "Do you want me to add some of these stipulations that we talked about tonight, including the buffers and minimum lot sizes in a recommendation to the Board of County Commissioners?" Instead of getting a motion for approval with those conditions, he got a denial. So, in effect, those conditions failed to make it to this Board because they recommended denial of the project.

This Board then discussed lot size or rather lot count in great detail, ah, and other aspects of the property and the development. Ah, but it didn't, ah, the greater discussion of density and depth of buffers did not make great impact that evening and did not make it to any additional approval conditions. So, the motion, I believe Commissioner Fletcher finally came up with the

number 76 which was agreed upon, ah, subject to the 23 or 24 list of conditions.

Now, that is pretty much how it stands in terms of my understanding of it. Ah, I am sure there are people in the audience on both sides who would like to discuss this issue and you may have some more questions for me.

Roberson: So, what you are telling me is that at no time was that area on the front described as a buffer or in any of his plats that he gave you?

Ballister:

On the plat of both the 113 lot plat and the 96 lot plat both showed out-parcel labels on that area along Highway 12. Ah, there is some discussion today about the overall acreage of the plat between concept stage and preliminary plat, excuse me, between preliminary and now, that appears that the discrepancy there probably involved in the actual survey of the center line of Salem Creek versus the approximate center line that was shown and taken off the quad map on the preliminary plat. Ah, there is a lot of creek there that was added boundary - it is all open space. But that is just numbers and boundary. I don't think that is pertinent to the buffer question.

Ah, I did talk to Chipley DOT office today to ask if they would require a storm water permit if the 3 and 1/2 acre and 1 acre out parcels were to be developed. They said it would depend on the development. If a formal subdivision came through, one person was going to do the development, then that would be a development and it would require it. If three separate homeowners asked for a driveway connection, they would not. So, depending on how that is treated in the future, it might or might not meet DOT retention.

Currently this application has satisfied DOT's 100 year flood control and storm water treatment requirements, to their knowledge.

Fletcher: This satisfies all the requirements that we have?

Ballister:

Yes, sir. All the requirements that came through from Mike Sherman have been satisfied in this plat.

Fletcher: Mr. Chairman, I move approval.

McGill: Approval of what?

Fletcher: Approve this plat, ah, plat.

Chair: We have a motion.

McGill: I'll second it.

Chair: We have a second. Will there be further discussion?

Watson: Yeah, what are we going to do with the buffer area? Cause I think that everyone believed at the time that that was going to be open space - a buffer area. I don't think there is a commissioner here that would say any different - that they thought that when that was approved, that he could then come in and develop that strip across the front.

McGill: Well, quite frankly, Mr. Watson, I didn't have that consensus, really.

Fletcher: I didn't either.

McGill: I never thought there was going to be a buffer zone. I always thought it was going to be developed later on. I thought the buffer was going to come at the other end of the development. I never thought it was going to be between Highway 12 and the development.

Watson: Well, what would be the point in Mr. Parsons talking about a buffer there?

McGill: Because there are buffers in other areas.

Watson: But, what would be the point if it was going to be developed in the future? Why would he - then there would be no buffer because we didn't put any restrictions then on whether there could be mobile homes or not. So, what could have happened then is it was approved without quote "a buffer" and the reason that they stated there was going to be a buffer because of the Art Trail. And if he was going to develop it later on, he could have put - how many acres is it - four? He could have put four mobile homes across the front. So, you have not accomplished anything by having the 250 ft. buffer that Mr. Parson stated they would have.

After talking to Mr. Richmond today, it is shaky whether or not we can not approve this. But, Mr. Harrell did commit to me Friday, a week ago Friday, that he would be

willing to restrict the site built homes on that property. Is that correct?

Harrell: No mobile homes.

Watson: You would only allow site built homes.

Harrell: No mobile homes. No.

Watson: You would restrict it to site built homes.

Chair: Wait a minute Commissioner, we need to get this straight - what we are talking about.

Watson: I think the intent of the 250 ft. was so there would not be mobile homes along the Art Trail. I think that was the discussion between Mr. Manella and Mr. Parsons at the time. What I am trying to get accomplished here is that - I am not trying to take away Mr. Harrell's use of the property. After talking to Mr. Richmond today, we are on shaky ground here legally. But, Mr. Harrell did say he would restrict it to site built homes and if that is the case, I can go along with it.

Fletcher: I'll amend my motion.

Chair: Further discussion?

McGill: Well, Mr. Chairman I spent almost three days going through the records on all of this and I just failed to find that we made a defensible position that it was, in fact, suppose to be a buffer area. Now, we did mention buffer, or they mentioned buffer throughout their whole process, but not necessarily in that particular area.

Chair: Commissioner, the Commissioner is trying to be agreeable.

McGill: O.K. So, I can stop my, O.K. O.K. I'll second that amended motion, now.

Chair: Just one second. We've got somebody out on a mission, so - Mr. Theil, would you come forward? Will there be others to speak. If you will, please come forward.

Theil: John Theil. I hate to waste your time on this. I've got a couple nit pics. They should have up before Planning and Zoning, but since Planning and Zoning didn't have a meeting, this is the only recourse I had was to bring it to ya'll.

Chair: And we are glad to hear you.

Theil: O.K. Couple of nit pics are: The last time I went through there, I did not notice street signs in place and the original requirements called for street signs - so that is one thing. The other thing, and I mentioned this at the last meeting, was the lack of adequate buffer being in place up next to my property and some of the other property owners. If we went really way, way, way back, it was going to be 25 ft. and it showed up in the plans as 10 ft except where it was not convenient to have 10 feet and it came right up. One of my concerns is how is that enforced?

Chair: Bruce, did you address that question Mr. Theil had at our last meeting concerning the buffer or the non-existent buffer?

Ballister: The, ah, I don't think we addressed it last time ah, we ended abruptly. Ah, the

McKinnon: Bruce, you need to come to the microphone.

Ballister: I don't believe that issue was addressed last time because we ended fairly abruptly. The ah, original lot lay-out when it was discussed, I believe there were discussion with Mike Sherman. He wrote directions to the applicant to combine some of the lots in that area and in the conversion of the 113 lots to the 96 lot lay-out, that was done. There were some bigger lots there. Ah, and the translation of the preliminary plat to the final plat, the on the ground survey revealed topographic changes which made the placement of the pond where it is now a much better position for that pond hydrolocally which meant moving the road. Instead of having a mobile home in that corner, there's no triangular wedge of open space.

The edge of the right-of-way does come to the property corner and I guess the edge of the road is 20 ft. away. Ah, you do have one less house in your back yard than you would have - if that has, you know, a trade-off.

Roberson: I believe he has an open space, if you're looking at the back, on the left hand side of this property, that there is not going to be a home on.

Ballister:

Yeah, it is probably big enough for a good frisbee game.

Roberson: Bruce, let me ask you something, excuse me. You have been saying 96, Is 96 or 76.

Ballister:

76. Right. One of the reasons, the thing that we are here about tonight is that we didn't go officially through the step of recommending the output and have the 76 lot lay-out approved. That was left to staff and we did, I think, a good job of coordinating with the new engineer. It wasn't even the same engineer who had heard all the proceedings. But that 76 lot lay-out was never publicly approved or seen.

Chair: Mr. Theil.

Theil: The only other thing, without getting really, really nit picky, is: Who enforces whatever the buffer is - whether it be 10 ft. or whatever.

Harrell: You enforce it. You have the police to do that.

Ballister:

That 10 ft. buffer is a typically it seems is a rear yard basic set back line. We could look at having the deed restrictions made so that there aren't any accessory structures cause they are never included in the set back line. They are 9 x 12 sheds. I don't think that is too big a thing to ask.

In preserving the 10 ft. space as buffer, can we have the deed restrictions state that no accessory structures or sheds be located in the 10 ft. buffer restricted area? O.K. That is just a minor change to the deed restrictions.

Harrell: That's alright, we can do that.

McKinnon: Mr. Harrell agreed to that for the record. Is that correct, Mr. Harrell?

Harrell: Yes, sir.

Chair: Good evening.

Beare: Good evening. Thank you for the opportunity to speak. I am Sandy Beare, 7858 Havana Highway, also known as Highway 12. I see on the plat provided that we have a

slightly larger amount of acreage as Bruce explained earlier - 88.57 acres vs. 84.6. because of the survey of the creek area in the back. So, actually, it's a little bit larger and more pleasant environment than it might have been and so, I want to make sure that there is still only 76 lots for sure that's going to be on larger tract. And, ah, I also understand from Bruce that the tracts themselves, under the re-engineering have grown. They are no longer .3 or less. Many of them are around a half acre or something. So, it appears that this is becoming a much more pleasant environment that it might have been. As you all know, that's what our law suit was about.

And I thank you very much for enduring that whole system with us and in getting us to this point. With Mr. Harrell's commitment to built site built locations on Highway 12, I don't think we have a problem with that.

And I do want to thank Muriel and Bruce and you all for putting in for all the extra help you gave me and paper, etc.

Chair: It is kind of you to say so. Four years, five years, whatever. Good work.

Nikki

Beare: I am Nikki Beare, I live at 7858 Havana Highway and I want to say that as a business woman, I understand that Mr. Harrell has to have property and develop it to make a profit. We have no problem with that. And since he has made a commitment on the highway - SR 12- which is now called Havana Highway, we feel that we have no problem at this point with what he is doing. And we want to thank you all very much for your patience in doing this. And especially our commissioner, Commissioner Watson, who has worked very carefully with us. Thank you.

Chair: Oh! Get up here and just call out Commissioner Watson's name.

Laughter

Nikki

Beare: And I want to thank Commissioner Dixon, I want to thank Mr. Dixon for running such a smooth meeting. I want to thank you for running such a smooth meeting.

Chair: Will there be any other Commissioner Watson lovers out there to come forward?

Laughter

Richmond: Oh no, you had to ask.

Watson: You're going to make me blush.

Laughter

Chair: Good evening sir. My name is Paul Owens. I don't know Commissioner Watson at all, so.

Watson: Well, you'll love him.

Owen: I'm one of the people who is trying to move in out there. I'm going to be having a house put out there which is a \$90,000 home. People you know, when I heard about this at first, I was concerned that maybe people were concerned that it was going to be, you know, what some people call "trailer trash". That's the reason I wanted to move out there.

When I looked at the site plan and looked at what has been done out there, I had a choice to move to Wakulla County or I could move to Gadsden County. Right now, I live in Tallahassee. As far as deed restrictions, the neighborhood I live in right now has deed restrictions that say you can't have more than 2 dogs. That's how strict they are. I don't even own it and they tried to kick me out twice.

Chair: Oh, and you think we want you?

Laughter

Owens: I have a half acre out there, you wouldn't restrict you with the dogs, would you?

Chair: We sure would. You don't know who you are moving amongst.

Laughter:

Chair: Please continue, I am sorry.

Owens: I want to thank everybody for what was said. I was really getting concerned cause I was planning on moving by the end of this month. And, I was really concerned that this wasn't gonna go through. I appreciate what everybody said here today and I want to move to Gadsden County.

You people who have been up here tonight, I'll be glad to be neighbors with and I look forward to being here. Thank you.

Fletcher: Mr. Chairman.

Chair: Commissioner?

Fletcher: I call the question.

Chair: The question has been called. The chair will entertain no more comments. The motion before us

McKinnon: Can I restate that just to make sure that we have it on the record?

Chair: That's the Clerk's job over there. You want to restate it though?

McKinnon: **Yeah. It's our understanding then that the restrictions added tonight are that only site built homes will be along Highway 12 and that there will be deed restrictions to exclude any accessory buildings in the 10 ft. area that is adjacent to Mr. Theil's property.**

Williams: I am John Williams. I represent Mr. Harrell and he is in a position if he has approval, he wants to get started. This has been going on for several years. My suggestion to the County is that if you put that in your motion and approve it, it's already there. It keeps us from having a drafting problem. If it is in your minutes, then we can't do it. Then we don't have to draft a deed and go through approval process again with Bruce. If you just put it in your motion, it, the restriction will run with this plat. At least that is my view of the law, I don't know about the county attorney. That is my view of it and that way, we don't have to draft. If you do approve it, he can go right ahead.

Chair: It will be apart of the development order.

McKinnon: So, that's the

Chair: Mr. Theil?

McGill: The question has been called Mr. Chairman.

Chair: I'm going to allow Mr. Theil some leverage.

Theil: I wasn't worried just about my property. I was worried about everybody who has this 10 ft. buffer - the same thing applied. It wasn't just me. He said explicitly to mine.

McKinnon: **Yeah, that is correct, so it's a 10 ft. buffer on all the lots.**

Richmond: Yeah, right. Thank you.

Chair: You didn't mind if I gave him a little flexibility did you Commissioner? There being nothing else, all in favor, sign of "aye."

All: Aye

Chair: Opposes? Please make it unanimous. Thank you Mr. Harrell. That is the way a meeting is suppose to go. Can we go now?

Laughter

GADSDEN COMMERCIAL EXCHANGE

Chair: Gadsden Commercial Exchange. Mr. Ballister?

Ballister:
Round 2.

McGill: Yep. This is another sticky one.

Ballister:
Ah, the only thing, I guess, that really has changed since two weeks ago is - you have plats in your package now - ah, this ah, plat was drafted with the fence line shown on Merritt Lane. I believe it's in the ah, verbatim of the minutes of last meeting, that the applicant had agreed to fence in the perimeter and that is in the staff recommendations. Ah, the sign, as we had indicated earlier is typically a building official issue cause it doesn't usually happen yet. That will be relocated from its current location when its got completion. Presently, it is not strong enough to be physically moved. This plat does show the future location of that sign. You'll notice it in lot 1 - little checkered shape.

Are there questions?

Chair: Questions Commissioner?

Watson: Well, what's wrong with us having him put all this stuff in place before we approve anything?

Ballister:

This is a preliminary plat. He wouldn't have approval to build anything until he has his construction plats approved. That's when we would have the DO with stipulations of what would be installed and what we have approved on the face of it. And we discussed ah, the mechanism of having the letter of the development order with a signature block at the base for the Chairman of the Commission and the applicant. Just to make sure, up front, what was to be built.

Roberson: He's complied to everything that he had done that, you know, was against the rules and regulations? He's corrected all that? Is that correct, Bruce?

Ballister:

Yes, the access to Merritt Lane hasn't been used since early February. The pipe pile has been moved to the interior of the property. Right now, it does look like a war zone or a twister zone because there are a lot of stacks of dead trees, ah, from the thinning. Ah, you can, I guess, his current condition isn't what you would want to think of it as being in the future. Ah, like any other construction site. Ah, they have done all the things that we know they are supposed to have done. Ah, we had asked for the sign to be removed at one point. Further negotiations with them and myself and Frank Ritter, who you know has building officials in charge of signs. They negotiated to have the ah, concrete base moved when it is strong enough to be moved. It will attain the physical strength to be moved when that top beam is poured. Right now, there is just a foundation and four fairly heavy columns that would break upon moval.

Roberson: Basically what is wrong with the sign is that it is in the buffer area, is that correct?

Ballister:

It's in, It was located too close to the roadway. It is in what we call the clear zone. And its construction method means you couldn't see through the pilings to see on-coming vehicles. So, it needed to be moved out of the clear zone.

McGill: Have you deposited the \$500 check?

Ballister:
Yes, we have that.

Fletcher: Mr. Chairman?

Chair: Sir.

Fletcher: I move that we approve this preliminary plat, ah, on the condition that he move that sign.

Chair: The chair has a motion.

McGill: But, weren't there some other conditions attached to that though?

Chair: The chair has a motion.

McGill: But wasn't there some other additions attached to that development - other than moving the sign?

Fletcher: He has met everything else that we have ah, every other requirement we have put on him, he has met them with the exception that he has not moved the sign.

Chair: Motion dies for lack of a second.

Roberson: I'll second it with ah, for discussion.

Chair: Too late.

Roberson: Too late, o.k.

Fletcher: Mr. Chairman,

Chair: Sir?

Fletcher: I wish to remake my motion.

Chair: The chair has a motion.

pause

Chair: The motion dies for lack of a second.

Roberson: He hadn't been a second, I didn't hear the motion.

Fletcher: **I remake my motion. I, I will again remake my motion that we approve this preliminary plat under the condition that the sign be moved.**

Roberson: I'll second it.

Chair: That is the way it is supposed to be done. We have a motion and a second. Further discussion.

Ma'am?

McGill: Mr. Chairman, I still have my same basic problem with the development. Ah, I voted against it the first time around and I will vote against it again this time. I just don't like the development.

Chair: We appreciate your comments, sir. Will there be others to speak? Please come forward. Will there be others?

Shirah: My name is Kathy Shirah. I am representing the applicant. Ah, we have amended this preliminary plat and provided you with a copies in an attempt to put all of our conditions and stipulations on one piece of paper. The buffers are here, the fences, and the ah, relocated location of the sign is shown on this plat so that all of commitments are on one sheet of paper. And, I brought extra copies in case any of the home owners would like to have this - a record of this as well.

Ah, this is also an opportunity for enforcement if, for whatever reasons, these are not implemented. We will be back here for a final plat and you have that to hold over enforcement, which we don't expect to be necessary, but you have that assurance.

Commissioner, I appreciate your motion ah, subject to removing the sign, but, as we have shown on here, it is our intention to relocate the sign to the position shown. By approving this plat, you are approving of the relocation of the sign. By, ah, I am only concerned - not that we have to move the sign - but on the scheduling of moving the sign.

Chair: Just one second ma'am. Commissioner, was that your intent, that the sign be moved when it is ready to be moved? or

Fletcher: Absolutely.

Chair: O.K.

Shirah: We have made every attempt to meet the concerns of the citizens and the concerns of this commission and to represent our remedies and mitigation on this one sheet of paper. Ah, I would hope that you would approve this as it is consistent with the conceptual plan that we submitted.

Chair: Thank you, ma'am. Questions of the representative?
Thank you again, ma'am.

Good evening.

Benedict: Good evening. Once again, my name is Clyde Benedict and I live in the community. Ah, before I make my other comments, I first want to say that this is my sixth appearance before the Board and also Planning and Zoning. Ah, at the meeting on the 18th, ah, I heard apologies from the County Attorney and from yourself, Mr. Dixon, ah, to the developers, for the fact that there was a two week delay. I was sitting right behind them at the time. But, it really kinda bothered me, that I didn't hear anybody apologize to any of the citizens that had made the effort to come. And like I said, that was my fifth time. This is my sixth time. Ah, you know, we all have our own agendas. A lot of us are not here for monetary purposes. The intent is to really, you know, maintain our neighborhoods and really watch the impact.

I would really like to see, and honestly, I have enjoyed tonight because it seems to be more collegial as far as the atmosphere. But, I really would like to see a less adversarial relationship between the Board and the citizens. I have gotten a real education since last October. I have to tell you that I think ya'll should be thanking folks for coming and making the effort to be here because we don't have a lot of citizens to show up. And it takes an effort for us to be here - as much as someone who has a monetary interest. We have, at the very least, an interest in our community.

That said, there are a couple of points that I do want to make. Ah, in doing some research regarding the Gadsden Commercial Exchange, and I had shared this with Commissioner Watson in a telephone call last week. Ordinance 90 - 003 Section 7 states ah, has to do with administration and penalties as it relates to Gadsden County Development Review Code. I had checked also to

see if this particular section had been amended and it has not.

The first paragraph of the section states "It shall be unlawful to commence any sale or lease of lots, excavation, construction, or any alteration of any structure until permit has been issued. " It goes on to say in the next sentence "No permit shall be issued until the final plat has been presented and approved by the governing body." Ya'll. "Or until initial approval by the governing body of an application" (which does not require the preliminary plat.)

Unless I am terribly mistaken, we are currently in the preliminary plat stage. If you remember the pictures that I brought you two weeks ago, they did show that there is a great deal of work done on this property. In addition, everyday that I take my son to school, I go by their sign out front advertising the availability of lots. And, there are a number of lots that have, at least on that sign, say they have been sold. Now, I can understand that one of those lots are owned by Smith Construction Company. But, the fact is, unless he is lying on the sign, they have violated the ordinance. O.K. And that is a real simple, cut and dried issue. The sign that they have states that they have sold, I think, 3 or 4 lots. If so, then that is violating the County Ordinance.

Ah, I also noted that when Mr. Smith was talking to ya'll last week, he had denied agreeing to the use of the road - Merritt Lane. Bruce had given me a copy of the minutes from the October 19th meeting and it clearly stated that **Mr. Smith also agreed to only access the property from CR 159 - Scotland Road.** No where in the file, by the way, does it actually state that as one of the conditions. It is in the minutes only.

The architect is saying that all of the conditions are here. One of the things that I thought that I clearly understood, but obviously, I am going to be very biased is that when ya'll gave him an exemption - first changed it to light industrial - and then gave the exemption - to **allow him to have 18 Wheelers, it was my understanding that ya'll gave him the exemption - not all of the 10 lot owners that are going to be there. Also, you gave him the exemption to have open storage of materials.** From what I am hearing now and what I am seeing in the plat

that is being presented, anyone of the 10 individuals can park their 18 wheelers there and have open storage. O.K?

Ah, I state the same thing that I told you last time. I think that Mr. Smith's actions have spoken louder than his words. Ah, I don't expect to stop this, O.K? It's unfortunate that it has gone too far already. **But, I do think that we need to have a binding agreement with specifically no Merritt Lane access, construction of the fence along the 50 ft. conservation buffer, limiting parking of 18 wheel vehicles and open storage to Smith Construction. O.K?** And I do appreciate your time.

Chair: Mr. Benedict, let me, on behalf of the Board apologize. If no one apologized to the residents, certainly it was my role to do so as the chairman. Ah, yes, I apologized to the developers, but that was certainly meant as no destain to the citizens.

Benedict: I didn't take it that way, but it still did affect me.

Chair: Well, you have my humblest apologies.

Benedict: Well, in the sense that it offended me that I understood you needing to apologize to them because it wasn't ya'll's doing. But the fact is that there were other folks that also had made the effort.

Chair: Will there be others to speak?

Watson: I would like to hear about the violation of the ordinance.

Chair: Do you want to respond to that, Bruce?

Ballister:

Ah, the clearing that was done out there was done with an expressed request to do clearing of the lots. Ah, it would assist in the survey and be able to just to see what was there. There's a lot of the debris from the previous industrial occupant was on the site. A lot of pre-cast concrete. It was hard to tell what was there in the underbrush. Ah, and as for the sold lots, I understand that the applicant has commitments of sales, but he cannot legally sell the properties cause they are not part of a subdivision. I mean, there is no platted instrument to refer to in a sale. I think that "sold" means commitments because there is no legal way to sell a piece of the subdivisions yet.

Chair: 18 wheelers, open storage?

Ballister:
That is at the Board's pleasure.

Watson: Well, my intent was for Mr. Smith only.

Ballister:
Mr. Smith only?

Watson: That was my intent.

McGill: That was my understanding - for him only.

Chair: Please.

Fletcher: Excuse me, Mr. Chairman. I want to amend my motion to include the restrictions that was just mentioned.

Chair: That 18 wheelers and open storage be reserved for Mr. Smith only.

Fletcher: For only Mr. Smith and there were two or three others.

Roberson: Second - Not using Merritt Lane and ?

Fletcher: Not use Merritt Lane.

Chair: What were your others, Mr. Benedict?

Benedict: I have a list. It was no Merritt Lane access, construction of a fence along the 50 ft. conservation buffer - not along Merritt Lane, limit parking of 18 wheelers and open storage to Smith Construction.

Chair: Ma'am?

Shirah: Ah, the preliminary plat that you have before you defines the preliminary a ah, 50 ft. buffer along Merritt Lane and it clearly shows the location of the 6 ft. board fence. This not only gives our commitment that the fence will be built and the buffer maintained, it also precludes any access from Merritt Lane. However, if you feel that an additional motion is necessary, it is clearly in keeping with this.

Ah, the "sold", It is easier to put "sold" on a sign than "contract pending" or something of that nature. It is just a way to let the public know that those lots

aren't being developed at this time or that there is no commitment on those lots at this time.

The exemption on 18 wheelers and open space - ah, that was never our understanding that was restricted to Gene Smith's Construction Company. Ah, we have been marketing this towards contractors and contractors supply areas and this was our concern from the very first time that this would not be conducive to the community. The commercial community that we're trying to attract ah, this note on the zoning has remained unchanged for the past six months - since our concept plan was approved. We did agree to down-zone from industrial - which allows a wide range of heavy uses - to light industrial with only those two stipulations. But, it was intended for the entire subdivision - not for simply Mr. Smith's development.

I don't know, I apologize if this was misunderstood, misrepresented or misunderstood. But that was always our intent and it has always been on the preliminary plat that this was an agreement between us and Gadsden County that we would go to light industrial if we could agree on these two minor modifications. And this, we feel, is a concession because right now, Mr. Smith could put a concrete plant out there under the current zoning. We feel the light industrial is more compatible with the community and we are happy to do that as long as we can develop the lots consistent with the plan that ah, the owner has for it.

Benedict: Can I ask one more real quick question?

Chair: No. Ma'am?

Johnson: My name is Mary Jane Johnson and I clearly remember from the meeting discussing initial approval of the project that Mr. Smith came forward and asked for the exemption of 18 wheelers for himself because he has a low-boy. And that was the extent of the approval of 18 wheelers. We can go back and look in the minutes, if you like. But, he did specifically state because he had a low-boy and he needed to have his trucks to be able to come in and out. So, we certainly would not have agreed to having a truck stop at the entrance of our neighborhood.

Chair: Thank you. Mr. Benedict?

Benedict: You answered my question.

Chair: Thank you. Would you comment on that?

Ballister:
Ah, at the original hearing, there was discussion about his particular need for the property. I cannot recall honestly if the approval for 18 wheelers was to be applied to the entire subdivision or if it was to be allowed for one lot only.

McGill: But do you remember him saying that he had a low boy?

Ballister:
Oh, I remember he had low-boy. He has a back-hoes and other construction equipment that travels on tractor trailers. And so, he needed to have 18 wheel. Our light industrial code says 12 and under.

Richmond: Our light-industrial code does speak to 12 and under?

Ballister:
Right, its specific for size trucks.

Richmond: So, 18 wheelers are not a specific right under the light industrial code?

Ballister:
Right. 12 and under.

Richmond: So, you agree that it was for his 18 wheeler and nobody else?

Ballister:
I would have to seriously listen to those minutes to know which it was.

Richmond: O.K. I just didn't, I wasn't sure whether the Code spoke specifically to 18 wheelers in light industrial or not. If not, If it says -

Ballister:
It says 12.

Richmond: 12. O.K.

Chair: Anything else?

Fletcher: Question.

Chair: Question has been called.

McKinnon: You might check with the Clerk to see if his motion got a second - his amendment.

Roberson: Yes, I did.

McKinnon: O.K. I am sorry, I just wanted to make sure the record reflected a second.

Chair: Since you're checking your notes, you want to run that motion back before me again?

Fletcher: Ah. My motion was to approve the preliminary plat with the three or four restrictions - that the buffer be maintained against the fence to be put up behind the buffer, that the trucks and open storage be restricted to Mr. Smith, the sign be moved, no Merritt Lane access.

Roberson: I second it.

Ballister:

I would like to have one point of clarity, if I could. I just want to be sure that we all know that the fence will be put up during construction along Merritt Lane. Do we have any other misconceptions?

Watson: All the way around, not just Merritt Lane.

Chair: No, just Merritt Lane.

Fletcher: Whatever it shows on this plat.

Ballister:

O.K.

Fletcher: And we got a second.

Chair: We have a motion and a second. Question has been called. All in favor, a sign of aye.

Fletcher, Roberson and Chair: Aye

Chair: Opposes?

McGill and Watson: No.

Chair: The motion passes 3 - 2.

Richmond: Can I do some housekeeping real quick?

Chair: Yes, sir.

Richmond: Mr. Benedict, I don't want to pick on you, but I need to make sure that everything you said tonight was true and correct to the best of your knowledge and belief.

Benedict: It is, sir.

Richmond: I apologize, I just want to make sure. I am just covering your position. Do you solemnly swear that the testimony that you have given here tonight is the truth, the whole truth and nothing but the truth?

Benedict: I do.

Richmond: You are affirmed. Ms. Shirah, too, if you want to. I apologize, I wasn't trying to pick on anybody. For the record, your name once more?

Shirah: Kathleen Shirah.

Richmond: Ms. Shirah, do you swear the testimony you gave be the truth, the whole truth and nothing but the truth, so help you God?

Shirah: I do.

Richmond: Mr. Ballister? Do you swear the testimony you have given in this and all other matters tonight be the truth, the whole truth and nothing but the truth, so help you God.

Ballister:
I do.

Steve Glawson - Minor Subdivisions at Burt Ridge East - A Variance Application

Ballister:

The third application we have tonight is for the re-subdivision of two fairly large tracts in the Burt Ridge East Subdivision. Because of our motion last summer, as you know, re-subdivisions require Board approval. Ah, we have a case - a 39 or 40 acre tract in a 170 acre tract. These are intended to be reconstructed into two minor subdivisions of 4 lots each. One of these with lots 4 1/2 to 13 acres. Excuse me, the first one has five lots. The second one in the back has 4 lots approximately 40 acres a piece. (32 - 43 acres).

This is a rural residential 1-acre zone. That's an alternative. The staff recommendation is for approval with deed restrictions to allow no further subdivision of these lots. These are intended to be homeowner sites.

Watson: I move approval with the deed restrictions on both subdivisions from further lot subdivision.

Roberson & Fletcher: Second.

Chair: Motion and Second. Discussion?

McGill: Mr. Chairman, will these be site built homes or other homes?

Ballister:
Ah, the applications that I have on the minor subdivisions that accompanies indicate that no mobile homes.

Audience: Would you speak up please, we can't hear you.

Ballister:
I am sorry. The application had writing on the Merritt Lane, excuse me, the minor subdivisions had indications that they were not going to be designed for mobile homes. That they would be for site-builts. That can be written into the approval letter.

McGill: Mr. Chairman, I would really like for the record to state that there be only site built homes in that development area. Cause that is what you said - Is that right?

Ballister:
Yes, sir.

Chair: We have a motion and a second already.

Audience: inaudible

Chair: Site built.

Ballister:
Site Built.

Chair: Do you want to speak? Please come forward.

Ballister:

I believe, as a point of law, if we approve site-built homes, we cannot say "no" to a DCA home because of Florida Statutes.

McGill: To a DCA Home?

Ballister:
A DCA home is a factory built, modular home.

Chair: Modular.

Ballister:
And that is a building code issue.

McGill: Well, what do we mean by site built then?

Chair: It means it is not considered a trailer. It is considered a house.

McGill: What difference is there to a site built?

Chair: Site built means that it is a stick building.

McGill: Right on location?

Chair: The site built and stick built is two different things. Site built can be a modular or a stick built. Stick built is stick built.

Ballister:
One stick at a time.

McGill: How do we define site built?

Chair: There is no way for you to ease out modular, if that is what you are looking for. Can't do it.

Yes, sir? Please state your name for the record.

James: My name is John James. I am an attorney practicing here in Gadsden County. Ah, I am also basically a neighbor of this property. Like to show the Commission the notice that we received.

It is my position that notice is inadequate to notify me of anything. It says that this is the property about which we will have a discussion. That is all it says. Without an adequate opportunity to prepare, I can't oppose anything. That's your notice. It doesn't say how it's being divided. It doesn't say when it's going

to be divided. It certainly doesn't say any the amount of acreage that's involved. How many pieces it's being divided into or anything else about the property. I oppose this simply because my neighbors don't have the foggiest idea what's being done out there.

Chair: Thank you, sir. Ma'am? Anyone else out there who would like to speak?

Audience: I second what he said.

Chair: Mr. Theil, ma'am in the back - if you will come forward please. Yes, ma'am.

Theil: John Theil. I have to agree with what he said. A co-worker of mine at work came to me this past week with this letter. He said "John, what does this mean? You go to these meetings, you ought to be able to tell me what this means." And I looked at it. He was a property owner that lives in the affected area and I said "I don't know what it means." That's how indefinite it was and it really needs to be re-issued to the effected owners in the area with a little bit more detail to give them an opportunity to address the information. Thank you.

Chair: Thank you, Mr. Theil.

Davis: I am Diane Davis. I live on the corner of Redford Road South and 270 - right across the street, I guess. I guess.

Chair: Good evening.

Davis: What happens when it starts to rain again? This is flood land out there. I have lived there for 10 years. I have seen water up to the road and over the road. When it starts to rain, these people are going to need row boats out there. It stands all the time. It's dry right now for most of it because we haven't had any decent rain in three years. But, what are we going to do then?

McGill: Does the water come across 270?

Davis: I have seen it come up onto 270. I can't say that I have seen it come across there. But it has come out onto the road. And, you know, we get hurricanes and we get normal rain. You know, it looks great now. But, what's gonna happen next.

McGill: Mr. Ballister, is it possible that they could build or arranged in such a way that they could put a holding pond on the south side?

Chair: Ladies and gentlemen if you would control your conversation, please. Thank you.

Davis: It might be. You'd have to go out there and walk the land. It flooded, ah, it was just flood the other day just a little bit on where they cleared the property where they cross the street from me. That happens every time it rains.

Watson: Do you see the density we're talking about here? I mean, I don't think there's going to be much.

Davis: Well, we didn't know what the density was.

Watson: When did ya'll receive the letter? When did you receive the letter?

Davis: Ah, a week ago. A week Saturday.

Watson: I mean, ya'll tell me, is it asking ah- did you think to call Mr. Ballister and ask him what was going on?

Davis: (inaudible)

James: I was out of town and matter of fact, in Pennsylvania and when I got home Friday afternoon.

Davis: We didn't know what was going on so we figured that the best thing was to come here. I don't care who builds over there, or what is built as long as people are aware that it's flooded area.

Chair: Bruce, is it in the 100 year flood plain?

Ballister:
It is not shown as being in a flood plain on the FEMA maps. There is a depression on the northern extent of this property. It's possible that the applicant could build a swale to relieve that flooding and provide an easement. I'm not sure what the grades are but they only have 10 ft. converse in this area. What's at issue here and what's indicated that the re-subdivision of the lots requires Board approval. For minor subdivisions, there's usually no notice and no public hearing.

Ah, so, in terms of the usual letter we would do for a subdivision as to how many lots and what size, the issue here isn't how many lots and what size but the variance is requested because it is a re-subdivision.

Watson: I'm going to withdraw my motion and move that we table this to get the residents out there another two weeks to educate themselves on what's going on.

Fletcher: I second that.

Davis: Thank you.

Chair: Were you the seconder of the motion, sir?

Fletcher: Yes.

Chair: O.K. Sir, in the back, did you want to say something. Yes, sir, you. I need for you to come down and state your name for the record.

Burton: Tim Burton, Red Bern Road. I understood the letter. The letter states clearly at the bottom "If you have any questions, call the Planning and Zoning Department. I did so and was given the information about what was going to be done. I understood it. I was tickled to death about it - about that low a density and I came tonight just to see the process and make sure that was what was happening. So, that is my two cents.

Chair: Are you impressed? Are you impressed with the process?

Burton: Ya'll are doing a good job.

Chair: Oh Gee! Thank you. You didn't mention Commissioner Watson.

Burton: Particularly Commissioner McGill.

Chair: We have no motion before the Chair.

McGill: Yes, he made a motion to table.

Chair: No, he withdrew his motion.

Richmond: No, he made a motion to table.

Chair: I'm sorry.

Fletcher: And I am calling the question.

Chair: We didn't get a second, did we?

Fletcher: Yes, we did.

Chair: I'm starting to fade again. We have a motion and a second to table. Will there be any more discussion?

McQill: Question.

Chair: Question has been called. All in favor, sign of aye.

All: Aye.

Chair: Opposes. (no response) Make it unanimous. The issue has been tabled until two weeks from this night.

Sign Ordinance

Ballister:

O.K. The fourth thing on my agenda for tonight is that we will soon be working on an update to the sign ordinance. If you remember, the last time we approved a billboard, we also instituted a moratorium on any further billboards until we had a sign ordinance revisit.

Ah, we've cleared the landscape, the corridor landscaping ordinance off our desk and would like to get to work on this. If I could get nominations from each of you for one person from your district to assist us in those deliberations. I envision two workshop meetings. Then we will take it to Planning and Zoning Commission and then to here for a hearing. So it will be a few meetings.

McGill: Do you want nominations or appointments?

Ballister:

Appointments. Excuse me, yes. A person I can call and tell when the meeting is.

McGill: One from each district?

Ballister:

Yes, sir.

Fletcher: Do you need Board action on that?

Ballister:

No, you can just call me with a person's name.

McKinnon: Bruce, we added a road closing.

Road Closing

Ballister:

O.K. The last item is that we have an application we received in the department for relocating of the ending of McCook's Road. Ah, it runs through Gerald Thompson's property. It has a long route that he wishes to shorten. He has constructed a much shorter direct path. It's wider. It's straighter. Ah, safer. The Road Department is tickled with it. But going through the process, he has to, we have to ask the county attorney to advertise the road closing. So,

Fletcher: I make a motion that we authorize

Richmond: Notice of Intent to adopt an ordinance abandoning that portion of the road.

Fletcher: So moved.

McGill: Second.

Chair: We have a motion to abandon, to advertise a notice of intent for the closing of McCook Road. Will there be any other discussion? (pause) A sign of aye.

All: Aye.

Chair: Opposes? (pause) Make it unanimous.

COUNTY MANAGER'S AGENDA

Fair Housing Workshop

There was a consensus of the Board to meet at 5:30 p.m. on May 16, 2000 for a Fair Housing Workshop.

CONSENT AGENDA

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

- 1) EMS Write-off of Bad Debts \$100,083.71
- 2) Clinical Training - Pensacola Junior College Student Agreement
- 3) Clinical Training - National Fire and Safety Education Student Agreement

- 4) Sale of Ambulance #4 vs. Trade in
- 5) Adopt-A-Road Litter Removal Agreement - Martin Luther King Jr. Blvd.
- 6) Helical Corrugated Steel Pipe - Bid # 00-008 Plain with rerolled end pipes and the asphalt coated with rerolled end pipes awarded to the low bidder, Gulf Atlantic Culvert Company. Aluminized steel and the polymer coated awarded to low bidder, Contech Constructions Products of Tallahassee, FL
- 7) Appointment of Kenny Rutten to Quincy-Gadsden Airport Authority
- 8) DOT Proposed Work Program Amendments - Small County Road Assistance projects for FY 2000 - 2001: Gadsden County - CR-157 Resurfacing from CR 153 to CR 12. at estimated cost of \$483,618.
- 9) Road Name Change - Old Ferry Road to Stoney Edwards Road
- 10) Road Name Change - From Shiloh Church Lane to Serenity Lane
- 11) Quincy-Gadsden Airport Authority FY 1999 Audit Report & FY 2000 Balance Sheets
- 12) Agreement #00CP-05-02-30-01-020 Emergency Management Base Grant Funding - Contract Modification

CLERK'S AGENDA

State Revenue Sharing Application

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 STATE REVENUE SHARING APPLICATION.

Local Government Annual Report

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 LOCAL GOVERNMENT ANNUAL REPORT.

Budget Amendments 00-05-02-01 through 00-05-02-09

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

Ratification of the Approval to Pay County Bills

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

BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE PAYMENT OF THE COUNTY BILLS.

DISTRICT 1 REPORT

Commissioner McGill restated his position on the matter of entering into some kind of agreement with developers when they apply for plat approvals. He said that he had looked at a concept called "Notice to Proceed" which he believes would be appropriate. He explained that the agreement should capture everything that the County wants to be made a part of the development and be signed off on by the appropriate authorities. He said he felt that many potential concerns or misunderstandings can be resolved through such an agreement.

Chair Dixon stated that Mr. Ballister has already implemented such a procedure since the last Board meeting.

DISTRICT 2 REPORT

DOT Resurfacing of SR 12

Commissioner Watson referenced a letter from the Commission to DOT requesting that they reconsider resurfacing the portion of SR 12 that runs between Yon Creek and the Gadsden/Liberty County line.

FAC Directory

Commissioner Watson called attention to the new FAC Directory with a picture of the Pasco County Courthouse on the cover. He teased Chair Dixon by asking him why the Gadsden County Courthouse was not on the cover in view of the fact he is the FAC President. (Laughter)

Chair Dixon responded by saying that he worked very hard to get Gadsden County's Courthouse on the cover of the Directory.

DISTRICT 3 REPORT

Commissioner Roberson had no report.

DISTRICT 4 REPORT

Commissioner Fletcher had no report.

DISTRICT 5 REPORT

Chair Dixon offered condolences to the family of School Board Member Willie Ruth Williams who died on this day, May 2, 2000. He stated that she had been a strong supporter of civic government and duties and community obligation.

2000 Census

Chair Dixon reported that census takers are busy collecting and counting the residents of Gadsden County. He asked everyone present to encourage their family, friends and neighbors to welcome the census counters and complete the census forms. He explained that the results will result in revenue to Gadsden County. He pleaded with the commissioners and audience members to make every possible effort to bring about an accurate count of residents.

Nomination to Planning and Zoning Commission

Chair Dixon appointed Barry Battles and Charleston Holt Jr. to the P & Z Commission.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE APPOINTMENT OF BARRY BATTLES AND CHARLESTON HOLT, JR. TO THE P & Z COMMISSION.

Article V Funding

____Chair Dixon stated that Counties are beginning to see benefits from their hard work toward getting the State to be responsible for certain court costs. He said that he delivered \$15,000

ADJOURNMENT

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

Edward J. Dixon, Chair

ATTEST:

Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE
CONSTRUCTION INDUSTRY LICENSING
BOARD HELD IN AND FOR GADSDEN
COUNTY, FLORIDA ON MAY 8, 2000,
THE FOLLOWING PROCEEDINGS WERE
HAD, VIZ.

PRESENT: TONY COLVIN, PRESIDING
MICHAEL FRANCIS
HENRY BLACK
ISAIAH COLE
EARL WILLIAMS, DEPUTY BUILDING OFFICIAL

ABSENT: JOHN SAMFORD
DICK LEE
BILL MCMILLAN

CALL TO ORDER

The meeting was called to order by Tony Colvin who presided over the meeting. It was opened with a prayer followed by pledging allegiance to the U.S. Flag.

APPROVAL OF MINUTES- APRIL 10, 2000

UPON MOTION BY MICHAEL FRANCIS AND SECOND BY ISAIAH COLE, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE MINUTES OF THE ABOVE STATED MEETING.

APPROVAL OF APPLICANTS

Charles E. Beach - Air-conditioning Contractor - Class A & B

UPON MOTION BY MICHAEL FRANCIS AND SECOND BY ISAIAH COLE, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE LICENSE STATED ABOVE.

ADJOURNMENT

There being no other business before the Board, Tony Colvin declared the meeting adjourned.

Tony Colvin, Presiding

ATTEST:

Muriel Straughn, Deputy Clerk

AT A REGULAR MEETING OF THE
BOARD OF COUNTY COMMISSIONERS
HELD IN AND FOR GADSDEN COUNTY,
FLORIDA ON MAY 16, 2000, THE
FOLLOWING PROCEEDINGS WERE HAD,
VIZ.

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

CALL TO ORDER

Chair Dixon called the meeting to order. Commissioner Watson opened with a prayer followed by the pledge of allegiance to the U.S. Flag led by Commissioner McGill.

ADOPTION OF THE AGENDA

Chair Dixon amended the County Manager's Agenda to include authorization for the Chair to sign a letter to PBS&J, Inc. in support of the alternative alignment for the US 90/SR 12 connector roadway project.

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 - MAY 2, 2000

____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. Richmond told the Board that a law suit was brought against Growth Management Director Bruce Ballister and the County by Jamie Thompson over some property located on Merritt Lane. He reported that there has been a proposed settlement agreement which allows Mr. Thompson to have up to 10 lots on the 5 original lots

which he purchased. He asked for authority to complete the negotiations of the settlement for up to 10 lots. He also asked for authority for the Chair to sign off on the agreement for the benefit of the County once it is approved.

Mr. Richmond stated that a hearing was held and depositions had been taken. He then stated that the County is now in the position of either spending a lot more money in the next couple of weeks to litigate it further. He stated also that there had been an agreement for 10 lots proposed but some of the residents on Merritt Lane are pushing to reduce that number to 8 lots. All of the lots are 2 - 3 acre lots which will be divided one time only and never again. The total acreage amounts to 23 acres.

Chair Dixon called for public comments.

Mr. Bruce Wiener, attorney for the developer, stated that he had worked with Mr. Richmond to reach this point. He added that he had written a letter to Mr. Richmond confirming 10 lots would be appropriate. He asked the Board to authorize Mr. Richmond to finalize the settlement.

Chair Dixon again called for public comments. There was no response.

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 4 - 1, BY VOICE VOTE, TO AUTHORIZE THE COUNTY ATTORNEY TO NEGOTIATE A SETTLEMENT AGREEMENT WITH DEVELOPER JAMIE THOMPSON FOR UP TO 10 LOTS ON THE MINOR SUBDIVISION ON MERRITT LANE. COMMISSIONER WATSON CAST THE LONE DISSENTING VOTE.

PLANNING AND ZONING ISSUES

Steve Glawson - Minor Subdivision at Burt Ridge East - A Variance Application

See minutes of May 2, 2000 for details of this application.

THERE WAS A CONSENSUS OF THE BOARD TO TABLE THE ABOVE STATED ISSUE.

Ballister:

Good evening, Commissioners. First on our list for tonight is an application by Mr. Steve Glawson. You remember that last month he had another minor subdivision in Burt Ridge West that combined two lots and created a total of 5 lots.

This is another piece of the major acreage that he purchased some time ago. In Burt Ridge East there are two parcels involved here - actually three that will be totally affected. One is a ten acre lot that he would like to create into two lots. There is another approximately 40-acre lot and still another approximately 170-acre lot. Those two will each be minor subdivisions.

I have a revised sketch that the surveyor delivered to me last week which indicates that the 40-acre lot will be broken into a very large pieces. One is 38 acres and the other is 5 acres. This is the ... If you look at the land sketch, this is a break-up of a 40 acre piece. So, instead of the description of the 40 acre piece going into 5, it's actually being broken into 2. This survey came too late for the packet.

Fletcher: Where is this, Bruce? Right there at Shady Rest?

Ballister:

No, sir. It is further east on 270. It's approximately across from the eastern opening for Red Fern Drive in Highland Subdivision.

Fletcher: On toward Scotland?

Ballister:

Yes, sir. It is not very far from 159.

McGill: Going away from Scotland going toward 27.

Fletcher: Going away from Scotland.

Dixon: It's closer to the 27 part there.

Ballister:

The background zoning is rural residential. This, you know, conceptually, if they had come in for a major subdivision, there could be an awful lot of 1-acre lots in here. We are looking at the creation of 4 lots that average, actually 5 lots that average 40 acres there-about and 1 5-acre lot. And then the 1 10-acre piece will be broken in half. All this is subject to, you know, we are showing on the minor subdivisions, they will be showing the national wetlands inventory line and the appropriate 50 ft. set back for development.

We are asking that for the long distance involved to the back of some of these lots that the developer put in an improved gravel road. It's not to county road standard by any means, but it's something that will ensure that emergency vehicles can get back there to service a fire or EMS can get there in a hurry.

This was on the agenda at the meeting 2 weeks ago but there was a question that the notice that they were sent wasn't descriptive enough. So, I went into much greater detail and mailed everybody out another flyer the next day.

Dixon: Will there be those to speak? If so, please come forward. When it's your turn to approach the Mic., please state your name for the record. Will there be others? O.K. Please come forward.

James: My name is John James, attorney from Gadsden County. I also live basically across the road from this development, ah, subdivision. I received a drawing which is basically a "U" shaped drawing going east and west of a very substantial piece of property which has apparently now been re-subdivided with no notice. And I took the time to go up and ask the County what this would look like. And I was told that there would be a 4.5 acre lot

with a road on the side of it - 2 4.5-acre lots and then going down and making a turn. But there were 3 lots up on 270; 2 5-acre lots and a something they called a "Tract 2" which doesn't have an acreage on it. It looks like it's about 12 acres. And that piece of property and the 2 5-acre lots that were adjacent to it are apparently not a part of this subdivision and there are no restrictions on this as far as any additional subdivisions on it.

What I'd ask the Commission to do is to give proper notice of the piece of property that is actually being addressed rather than a description of the piece of property that includes 15 acres approximately, 17 acres that is not the subject of this subdivision and shows a proper lay-out of all the lots because from the description that was given, no one can tell the size of the lots are individually, how they are laid out, where they fit on the property and the shape - even the shape of the property is not even close to correct. I 'll show you the notice of intent that we received which I was informed was adequate even though the map that I was given shows the property as described which has no relationship what so ever to the notice.

Now when you get down to the bottom line, what we are really after is to get all this property into this subdivision and get restrictions on it that it can't be re-subdivided. Because that is what we want. But, we don't know what we've got right now and we've asked the Corps of Engineers to take a look at the flood plain. And Mr. Glawson won't respond to them. He won't give them permission to go on the property. So, as far as I am concerned, he's tying this thing up because we can't find out whether this is a flood plain or not.

Watson: Mr. James, I was called last week

James: Yes, you called 3 or 4 times.

Watson: about getting Mr. Glawson's number. Were ya'll ever able to talk to him in person?

James: We've never been able to get hold of him. We have gotten his numbers. We have given those to the federal government and they have supposedly not been able to

contact him either. That is what we are told so far.

Watson: I can't see going any further.

Dixon: Are you finished, Mr. James.

James: I am finished. There are several other people who would like to stand up here and talk.

Thank you very much for your attention.

Dixon: Thank you, sir.

Joiner: My name is Dorothy Joiner for the record. I just wanted to put on the record that I am against this variance.

Dixon: Speak up a little bit please.

Joiner: I am against this variance. I want it put on record that I am against it because it seems that I ran into a previous experience where developers were looking out for developers, not for the poor innocent buyer. I have drove by and I noticed that this is swamp land. And the only time they market it is in the, ah, when we are having a drought like we are having now. A severe drought. And a poor purchaser is gonna buy this property and going to be victims. And I don't want to see no victims. And if you go with the major subdivision, you're going to have to go with all the rules and make sure it is not wetlands etc. And I think that this could be a liability to the County 'cause these people could come and buy this property and get stuck and who are they going to sue? The County. And then we're, as taxpayers, are going to be the ones holding the bag. So, that's what I want to say. Thank you.

Dixon: Thank you, Ma'am.

Burton: Tim Burton, Red Fern Road. I stood here 2 weeks ago looking at the plat that I was originally told about by the county Planning and Zoning Department. I thought that was a good use of the property. I welcomed reasonable development of that area of the County into large single family lots. I thought that would enhance our neighborhood and provide an additional buffer against the encroachment of mobile home subdivisions.

Evidently, since that night the proposed subdivision of those parcels of property has changed at least twice. This concerns me. I would like to know exactly what is being subdivided now for the final time. I would like assurances, as I was given the first time I called Planning and Zoning Department, that the property cannot be additionally subdivided. Ah, let me think a minute, I ran out my train of thought. Ah, I think the concern voiced by the other citizens in that area need to be addressed and ah, we just need to look at this further.

Dixon: Thank you , Mr. Burton.

Will there be others to speak?

Will there be others to speak?

You have comments, Mr. Ballister?

Ballister:

The, ah, I guess the question of notice keeps coming up. I was, without sending everybody that is on the mailing list a picture of a plat, it is hard to be overly descriptive. The sketch map was meant to be a sketch map about this area. If you have questions, our phone numbers are there and you are invited here to get a full explanation. I believe we have adequately noticed this project.

As to the individual subdivisions of them, the 10-acre piece at the front on 270, technically, it is not under my purview. It is a 2 for 1. As you know, they don't go to Planning and Zoning. There is great concern among the citizens and I have concerns that that property, as I think I have located it in the field, has shown standing water. There is an indication on the national wetlands inventory that if they were vegetated and had not been cleared, you might find that there was wetland vegetation there and hydric soils may be found there if they were to do wells testing. All that is till subject to. Even the minor subdivision code, if it were a minor subdivision, but that is a 2 for 1 on the parcel. So, there's an opportunity for that lot to be broken whether it's advisable or not. It's not a Planning and Zoning issue. But the variance is. On the other two lots, I am requiring that a national wetlands inventory be shown and

if this variance is approved, it would also be subject to 50 ft. setbacks etc. as we have in our other codes.

Dixon: Do you do that for every piece of property?

Ballister:

When we know...When we get a minor subdivision, we go to wetlands inventory maps that we have and we check to see if it is obvious that it is there. It is just a precaution. Often they are uplands and it's not - they don't show up on the map of the area. I had concerns about this one cause we mapped it originally and were looking at the different options. We have known from several iterations ago, when it was originally considered for a major subdivision, that there were significant wetlands of the southern portions of the big tract. There are actually uplands on the rear far south where this is cut off from. But, we know the wetlands line is there someplace.

On a minor, he can, it's a big piece of property, he could use the national wetlands inventory which will be more damaging to him than a field location. As a conservative estimate for where the line is, then take the 50 ft. buffer. All that is subject to granting the variance in the first place.

Dixon: Does Mr. Glawson have a representative?

Ballister:

Yes, sir. He does.

Dixon: Would he or she come forward?

Skipper: My name is Tom Skipper. I am a surveyor here in Quincy. I am not sure which map you guys have.

This is, ah, he's just breaking basically that top part like Bruce said. The top part is already set up now in the yellow as a 1 to 1. He could possibly break that up into, that 40 acres into 40 lots. Whereas, he's just breaking that up into 4 - 5 lots. And taken that bottom 170 acres into 4 lots. I don't

Dixon: Do you have questions about the wetlands?

Skipper: Yes, it's shown on this, on these drawings.

Dixon: We don't have that, do we?

McGill: The one gentleman that spoke before you came up said that the map had changed twice since the last meeting. Are you aware of that?

Skipper: That's the only map I have ever given Bruce. I mean, it's approximately 220 acres there and he's ah, Steve is requesting to break it into really what you see.

McGill: I kinda got the impression that he was saying that he was not really sure what was gonna happen because the map keeps changing.

Skipper: I understand his question. I understand ya'll's questions. I guess maybe words and maps are

Burton: inaudible

Dixon: No, sir, you may not.

Just one second, O. K?

McGill: There is some uncertainty about what is going on because the map kept changing. There is some uncertainty so they didn't know what was going to happen in the department. That was my understanding of the gentleman who spoke before.

Dixon: Mr. Burton, do you want to ?

Burton: When I called Planning and Zoning prior to the last meeting, I was told there were two parcels of property being broken up. O.K. This that was given to my neighbor from Planning and Zoning 2 days after the last meeting, shows 3 parcels of property broken into 13 lots. O.K.? Not the 10 on the 2 parcels that I was told when I called.

Now, tonight, we have a new one. That's the 3. That's where I get twice since the last meeting.

This is not what the final proposal is, right? That's not what the commissioners have in front of them. Do you not generate this? Is this not from the registered

surveyor? That is different from this?

Dixon: Say what?

Skipper: No, actually, actually this is less. That is only two lots.

Burton: Sir, I am not quibbling about more or less. It's just different.

Skipper: Oh. I understand.

McGill: Which is the official map?

Ballister:
The map that you have there is (inaudible)

Watson: What did you give us this for?

Ballister:
Because that came in Friday after the agenda packets were already made.

Watson: Well, where does it fit into everything?

Ballister:
This is a representation of this tract here.

Watson: Yeah, but there's not one of them are the same. I see three blocks here but here, you're not showing a lot at all.

Ballister:
What he is doing is he is taking that 1 lot and making these 2 instead of making these 5. So instead of going to 5 lots, he's going to 2 lots.

Watson: From here to here?

Ballister:
Right, for this parcel. That is this piece up here.
This is a revision of the (inaudible) for parcel 2.

Fletcher: What was advertised, Bruce?

Ballister:

Ah

Richmond: That thing right there.

Fletcher: This? Well, we're going to vote on this.

Richmond: No.

Fletcher: Not tonight.

McGill: Well, any way you vote, it still might not be the one.
But, we can still vote.

Dixon: Just one second, let us get through this crisis we are in
now.

Sir, just one second. The attorney wants to ask a
question.

Richmond: Can I ask just a couple of questions cause I , and Tommy,
you may not be able to answer this. What is the intent
of this? He's got

Skipper: All right. First, I guess, I see where you are coming
from. This is what the fella wanted before.

Richmond: I don't care. What's? Let me ask you this. Let me
just ask a couple of questions. I'm trying to grapple
with this.

On the front end of the lot, you've got 4 five-acre lots,
right? Two on each side. What about the middle piece.
Do you see what I am saying - this thing has - there is
one marked "Tract 2" right in the middle. And then it's
got "Lot 1", "Lot 2" on each side. Is that a total of 5
lots that we're talking about?

Skipper: Yeah. Lot or Unit 2, that's in reality that he is
calling it.

Richmond: I'm just trying to figure out what we got here.

Skipper: I understand. Go back. That's what Bruce is trying to
say over here where it says Unit 4. All right. That
was a ten-acre piece that Bruce said you could break into
2 lots. I guess that is actually

Richmond: What does he want right now? Does he want 4 five-acre lots on the front plus another one on the front? That thing marked "Tract 2", is that another lot or is that wetlands?

Skipper: I can't see Tract 2, I don't know what you're talking about.

Richmond: I mean it's just labeled Tract 2. I don't know what it is.

Skipper: Oh. I am sorry. Tract 2 was a lot that was already a part of Burt Ridge. Tract 2 has already been sold to another fellow. That is an existing - that subdivision only had about 4 - 5 lots.

Richmond: All right. What is the proposal here? You've got 2 4.5-acre lots on the left side of this piece of paper. You've got 2 5-acre lots on the right side which appears to be on the northern part. That is part of it, right?

Skipper: That's right.

Richmond: O.K. Those 4 lots - Is he saying that those will never be subdivided?

Skipper: That is correct.

Richmond: Now then. In the thing marked "Lot 3, 4 & 5" which are approximately 13 acres plus or minus - That's part of this too?

Skipper: That's right.

Richmond: Those will never be subdivided again?

Skipper: That's right. What is going to happen now is that those 5 lots will only be 2 pieces.

Dixon: You talking about "3, 4, & 5?"

Skipper: Yeah, see Unit 2 is 1, 2, 3, 4, 5. There was 5 pieces. That is what he requested the first time. Now, he is just breaking those into 2 pieces.

Dixon: Tommy, let me just tell you that you are confusing us.

Richmond: No, Tommy's not. I am thoroughly confused. What I am trying to find out what the proposal that we have.

Skipper: I wish I had been here 2 weeks ago.

Richmond: I know the proposal that we have shows 3 13-acre tracts going east and west.

Watson: We shouldn't spend any more time on this until we know and it is clear.

Fletcher: Right.

Dixon: Let's just clear up what it is that we need so we don't do these things again.

Watson: What we need is for them to come back with exactly what he wants to do. And I do believe Tommy, that if you had to talk with Mr. Glawson tomorrow, could you speak to him?

Skipper: No.

Watson: Well, how do you talk to him?

Skipper: Through Joe.

Watson: Mr. Harrell, can you speak to Mr. Glawson tomorrow if you needed to?

Harrell: Yes, sir.

Watson: Well, until Mr. Glawson is ready to speak to everybody else, I think we just need to hold off.

Harrell: I'd like to say something, please.

Dixon: Now, what do we need from them?

Skipper: He needs to make his mind up.

Watson: He needs to make up his mind and return his phone calls.

Richmond: What these folks are concerned about is - They want to know - Are these lots? Does he have plans to further

subdivide them later or is this an agreement that these will be restrictions that they will never be subdivided further.

Harrell: This is it.

Dixon: You don't have to answer now. Just.

Sir, don't do that.

Richmond: This is what I'm trying to find out.

Skipper: He won't break that 1, 2, 3, 4 of Unit 2 into 2 pieces.

Dixon: You see, I'm looking at this map.

Richmond: So am I and I am sorry, Tommy, I am lost. I apologize. Oh, you've got a different one.

Dixon: You've got a different map.

Richmond: No wonder. I'm not the only one.

Skipper: See that? That elbow?

Richmond: Yeah.

Skipper: 1, 2, 3, 4, 5 - that's what he wants to do. Bruce said that I didn't even have to put that in there. But, I did cause I wanted to show you guys what is happening.

Richmond: O.K. I'm going to put my hand over that.

Skipper: Now, he just wants to take 1, 2, 3, 4, 5, these 5 which is about 40 acres and make it into 2 pieces.

Richmond: Two?

Skipper: Just 2 parts.

Richmond: In other words, they are already lots.

Skipper: It is already two lots. He's just going to make the 40 acres into 2 pieces. But, he wants to leave this 170 acres back here into these 4 strips.

Richmond: And he's not going to be able to further subdivide.
O.K. That's even better.

Dixon: Bruce, colorize this for us and show us exactly what it is intended to be so we can imagine what it is that they are doing.

Sir, you've been waiting to speak. Please.

Matthews: Commissioners, ladies and gentlemen, my name is Charles Matthews. I live across the street from where we are talking about. I have walked that property winter and summer and sometimes you've got as much as 2 feet of water where they are wanting to subdivide this. Another thing, why do you think they are raising the bridge on Highway 27 there right above this by 8 feet. Because of the water that comes in there. Right now, we're having a drought. We've been having it for the last two years. So, we are really batting a thousand on this thing. I think you people should really take a good look at it before you do anything.

I think that most of the people here really don't care if there is a subdivision over there as long as it is like a 2-acre or 3-acre lots. This thing that I got here shows half -acre lots. That is mobile home property to me. Most of the people over there have 2 - 3-acre lots and most of them have \$175,000 homes.

Dixon: In order for you to say that you have a \$175,000 home, I

Matthews: I have a \$175,000 home there, yeah.

Dixon: But, you don't have to put down mobile homes though, because for some folks, it is their only means of shelter. O.K.? Just say you have a \$175,000 house. That's all right.

Matthews: That's right.

Dixon: That's quite all right. Thank you.

Yes, sir.

Tommy, do you have what you need from us?

Skipper: Absolutely.

Dixon: Thank you, sir.

Mr. Burton?

Burton: I'd like to address one final thing and that is - Could we be informed what other deed restrictions are proposed? I have only heard about lot size and subdivision and so forth tonight. Two weeks ago I heard about no mobile homes. Is that still imposed? And any other restrictions that might be proposed, I'd appreciate knowing that too.
Thank you.

Dixon: Yes, Ma'am.

Leah

James: My name is Leah James. I live on Red Fern Road. I would ask that the Commissioners ask Mr. Harrell to please direct Mr. Glawson to allow the Corps of Engineers to look at this property. They have informed me that they cannot go on the property and they cannot trespass without permission. All of us that live in that area know what happens the day it starts raining. But, the Corps of Engineers cannot make that determination unless they can walk the property. And, Mr. Glawson has not responded to any phone calls that I am aware of. So, perhaps the power of the Commission would help him to respond. That's all I would like to ask. Thank you.

McGill: Mr. Chairman, sir. Just a general question to those who have concerns about the flood plain area. How would the development of this property affect where they live? What effect will it have on their property? That might be

Dixon: Mr. Dorian, if you want to speak, please come down.

Harrell: I am Joe Harrell. I am helping Mr. Glawson with this subdivision. There are two deed restrictions out there. One of them is 2,000 minimum square foot stick built homes and no mobile homes is the other one. The smallest lot in here is a 4.5 acre lot. The rest of the lots are considerably more than that. As far as getting in touch with Mr. Glawson, that will not be any trouble.

I don't know who has tried to get in touch with him. You must have the wrong number or something because he will return a call. But, I can give you permission and I will be glad to go with the Corps of Engineers at any time to look at the property.

Dixon: O.K. Thank you, Mr. Harrell.

Dorian: Commissioners, Mr. Chairman, My name is Mike Dorian. I just wanted to point out a couple of things. Is it correct that I heard that they are asking not to pave these roads? O. K., I would just like to point out that we have a lot of problems already with unpaved road in this County and we are just going to add to it by doing this.

The other thing I would like to point out is - If we are going to, you know, have variances and have special exemptions, we've talked about it before, to have some kind of signed agreement and I would hope that now is the time to get a signed agreement if there are special conditions. Thank you.

Dixon: Thank you, Mr. Dorian.

Is the attorney going to tell me something new?

James: No, I just want to make sure that we are together on this. We keep talking about the 4.5 acre plots. Down 270 - according to the map that I have is basically a little more than 20 acres. I want to make sure that 20 acres is subject to any agreement so that those don't get broken up into ½ acre plots along 270 because those are not within what I was informed by Planning and Zoning, is within the variance area that is in what the Commission is approving. I want to make sure that those are included - that those 20 acres are included.

Dixon: O.K. Thank you, Mr. James.

Do I understand that it is the consensus of this Board that this matter be tabled.

Fletcher: Yes.

Dixon: Do we need a motion?

All in favor of tabling, say "aye".

All: Aye

Dixon: Make it unanimous.

McGill: You didn't have a motion, but we can consent.

Dixon: That will do.

Thank you Tommy.

O. Z. LAWSON - LAND USE AMENDMENT

Ballister:

The next item on the agenda for tonight is a , the next two actually, are re-visits of some land use decisions that were made.

Dixon: Ladies and gentlemen, please take your conversations outside. That includes the attorney as we continue with our business.

Please continue, Bruce.

Ballister:

Yes, sir.

We have before us again tonight the, for reconsideration the land use amendment for O.Z. Lawson. We heard it a month ago and decided to re-hear the application. It required public notice and has since been noticed to the original mailing list.

You will recall the parcels, the two parcels totaling 31 acres, were requested to go to commercial from AG 1. The evening of the hearing, we saw a letter from Miate Bright, a former staffer, that said that the property was commercial. It was my impression from listening to the motion for approval that it was based on that letter. On further investigation, we determined that there were other letters in the file. One later from the Planning Director Mike Sherman that said that this was a AG1 property. He had been told several times that this was an AG1 property. There is another letter that I have

recently discovered that is a request for re-zoning from AG 1 to Commercial in 1991. Apparently, that never happened back in 1991.

So, basically, we are back before the Board with this application to hear it in light of all the correspondence that we could find. I don't see Mr. Lawson here tonight.

Fletcher: Mr. Chairman?

Dixon: Commissioner Fletcher.

Fletcher: I move that we approve this land use amendment.

McGill: If I could make an amendment to that motion, subject to the Chairman's wishes.

Dixon: Wait now, no sir, we don't have a second.

Roberson: I'll second it.

Dixon: We have a second. The floor is open for discussion.

McGill: Can I make my amendment now?

Dixon: Yes, sir. Just one second, Commissioner, excuse me. If you have questions and comments, please come forward and I will recognize you as it comes up.

Commissioner.

McGill: I would like to amend the motion to make the front portion commercial property and the back portion remain as AG 1. I think that would satisfy a lot of concerns that residents have regarding the use of the property.

Dixon: O.K.

Roberson: You want to do what now?

McGill: Let the front part of the property remain commercial and the back part, I am sorry, become commercial and let the back part remain AG 1 as it is currently zoned.

Ballister:

Do you have any indication of how many acres you would like to put in that commercial?

McGill: Pardon?

Ballister:

Do you have any indication of how many of that front you would like to make commercial? What portion of the 31 acres?

McGill: The strip that fronts 27. That's what I am looking at.

Ballister:

That would be the 10 acres in section what ever that is. It's 11 acres.

Dixon: You mean the 19.9 acres?

McGill: How many are there in the total tract?

Fletcher: I believe the motion dies for lack of second.

Ballister:

31 total.

Dixon. Yeah, 31.

McGill: Don't we have 10 acres going along 27?

Ballister:

There is a 10 acre parcel and a 1 acre parcel along the frontage.

McGill: 10 acres and 1 acre?

Ballister:

Yes, sir.

Fletcher: Mr. Chairman, do we have a second to that amendment?

Dixon: We don't but, I am allowing him to make a position.

McGill: Then, my amendment will be to take those 11 acres up front and make that commercial and make the remaining AG1.

Unidentified: The remaining 19 acres will be AG1.

Dixon: Is everyone clear on what Mr. McGill is requesting as far as the amendment?

Commissioner, just that in the front on that map. It's the part marked O.Z. Lawson.

Is the Commission clear on what Mr. McGill is asking?

Ballister:

Sirs, important clarification - the front lot - there is a 10 and a 2 acre parcel so you would get a 12 acre total. If you kept it in just that one section,

McGill: So, there are 12 acres up there instead of 11?

Ballister:

There's 12.01 as best we can get from the tax map.

McGill: That would leave 19 on that back.

Dixon: Now, because the Commissioner is clear - Commissioner would you? We'll stand for the second if there is one to be had. Commissioner McGill has made a request that the front portion become commercial and the rear part - the 19 acre part or approximately 20 acre part remain AG1.

Roberson: We have a motion and a second so he's wanting to amend your motion.

Dixon: We are speaking just to his amendment right now.

McGill: Somebody needs to second my amendment.

Dixon: Hearing no second, the amendment dies.

We are back to the main motion. We have speakers.

Grow: Kathy Grow. This guy knew when he bought the property what the zoning was. We just don't want any more businesses on 27. Like he's talking about. I mean, I thought we were trying to preserve Highway 27, not destroy it. And he did come here and, you know, he knew about that other letter. He blatantly lied to you all. He lied about talking to the Dodsons. He didn't talk to

them. I went right home and called. He did not talk to them like he said he did to you. Plus, he had the other letter that said it was not commercial. But, he just neglected to give that to you. And if Bruce hadn't found it, you know. That's all I have to say.

Dixon: Thank you Ma'am. Mr. Dorian?

Dorian: I am Mike Dorian. Ah, I get about 4 or 5 points. I don't understand. I think this was pointed out by Mr. Richmond, but, why was Mr. Lawson asking to go to commercial, when he already had a letter that stated it was commercial. I am confused about that.

Then, I think it was also brought up that "Has there been any work done on this piece of property?" And I have driven by it for 10 years and to my knowledge, no work was done on it. And then, also, it is my understanding that this second letter was known by Mr. Lawson and, correct me if I am wrong, but, I think we had 4 meetings about this. I am not sure - was it 2 or 4 - I am not sure that we, the Gadsden United Folks tried to attend the meetings 'cause we didn't want to see this and we felt it was deceit not to bring that other letter forward. I understand putting best foot forward, but a lot of times, we're up here and we're depending upon folks to be honest and we're depending on our County to know what's going on. And, ah, we are just lay people and we're fighting people with lawyers and - Deceit doesn't happen all the time, but it sure happened this time and it happens on Highway 27 a lot.

Next, do we need a strip mall? Do we need something else out there? I don't think so. I think we should back off and let the landscaping code kick in and go back and - like I know, Planning and Zoning is doing, try and enforce a lot of these special exemptions that have been promised to the people of Gadsden County that have not been filled.

Last thing, I want to, well, two more things I want to say is - I agree with Mr. McGill that ah, ah, Let's make the front part commercial. Let him apply, go by the landscaping code, go by the sign ordinance that we're working on and, you know, I understand putting your best foot forward, but I don't see rewarding deceit. And

that is what we have again and again on Highway 27 - it seems like it's deceit. I uphold Gadsden United Board and we have voted - if this is over 10 acres, we will challenge it at the DCA level. Thank you.

Dixon: Thank you, Mr. Dorian.

Will there be others to speak?

Will there be others to speak?

Am I just encouraging you all when I say it twice?

Lasley: No, my name is Marion Lasley. You made a statement, Mr. Dixon, at one of the meetings recently that you wanted to know how much commercial property we had and my question is - Do we need more commercial property in the County and is this the way we want to go? I mean, I would like to see those figures. Let's empty, not being used and do we need more?

Dixon: Don't say that is a negative tone in front of the Chamber lady? Gee!

Ballister: One final point. There was an assertion made in the hearing that there wasn't anybody back there - it was all woods. That he could go back to the back of his cul-de-sac and not see anything and he proved that with an aerial photograph. A windshield survey indicated that every lot that is not obvious wetlands that borders this tract, has a house on it. So, if we didn't do the back half, you would not be adjacent to those lots with commercial.

McGill: Mr. Chairman, would proper procedure allow me to restate my amendment to Mr. Fletcher's motion.

Roberson: Yes.

McGill: Then I , again, make that offer. An amendment to the original motion to allow the, and the figure is like 12 acres on the front to be re-zoned commercial and the remaining 19 acres remain AG 1.

Roberson: I second that.

Richmond: Can I make just one comment that I need to make on the record from before from a legal standpoint?

Dixon: You are looking at me.

Richmond: I am sorry. He was down here, though, saying that he wanted to call the question. I apologize to whoever called the question.

Gentlemen, I just want to make it clear that the letter

Ladies and gentlemen, my apologies, deepest - I've already told you that I value your opinions.

The letter that was presented that you based your re-hearing on, is a letter and a request from Mr. Lawson dated 1/31/91 which was prior to the adoption of the Comprehensive Plan. It was a letter he utilized in the Comprehensive Plan hearings for consideration. Because it took place prior to the Comprehensive Plan being adopted, it was a request that he be designated commercial. The County still has to deal with the situation of the letter of 1996 which said that it was commercial.

McKinnon: There was a letter that was sent in 1998 saying it was not commercial.

Richmond: Yeah, I know, but, in 96 there was one that was. And, I am just saying that it doesn't affect the position of the County.

Watson: What's your point?

Richmond: The point is that I don't know if re-hearing is the proper forum, but we will develop that later. We've already done it.

Dixon: O.K. Now, we need to come to a resolution. We have an amendment before us. Do you want to state or - Am I correct in stating the amendment to the motion to say "That the 12-acre frontage will go commercial and the 20-acre rear will remain AG1. Is that correct. That is the same amendment you made earlier.

Watson: It's 19 acres.

Dixon: It's 19.9, I think.

Watson: It's 19.09.

Dixon: Oh, I am sorry.

McGill: You're being really strict and I like that.

Dixon: I didn't do well in fractions.

All in favor of this amendment, say "aye".

McGill
Roberson

Watson: Aye.

Dixon: Opposes?

Dixon, Fletcher: No.

Dixon: It passes 3 - 2.

I'm not sure we did that right.

Richmond: You take the amendment first. Now you have the main motion - the main resolution as amended.

Dixon: O.K. The resolution as amended is to approve a land use amendment for O.Z. Lawson. As amended - ah,

Ballister:
The front 12 acres will be re-zoned commercial.

Dixon: The front 12 acres only will be re-zoned commercial.

That is the question before this austere body.

All in favor, a sign of "aye."

Fletcher
McGill
Roberson

Dixon: Aye

Dixon: Opposes?

Watson: Man, I am confused.

Dixon: If it is the consensus of the body, we will retake the vote.

Instead of the whole portion

Roberson: Instead of voting on the whole portion being commercial, we are only voting on the front 12 acres.

Dixon: We are only voting on the first 12 acres being commercial.

McGill: I think Commissioner Watson is thinking that the vote we just took on the amendment should have satisfied the other.

Watson: Why bother?

Roberson: Because the

Dixon: Because the question was different.

McGill: O.K.

Richmond: The question was for the whole part. The amendment was for a portion. The amendment passed, but now you have to take up the whole resolution as amended. Which means the portion.

Watson: It's complicated, right?

Richmond: Absolutely.

Fletcher: Let's vote on it.

Dixon: Let us re-vote, if you will. All in favor of the amendment motion which changes only 12 acres of the O.Z. Lawson property to commercial, say "aye."

All: Aye

Dixon: Opposes?

Please make it unanimous.

O.K. Is everybody comfortable with that?

Please continue, Mr. Ballister.

PHYLLIS MOORE - LAND USE AMENDMENT

Ballister:

The third item before us tonight is an amendment that was before us last March for Phyllis Moore. She has 15 ½ acres on North 27 between Havana and the GA line. At that meeting, there was only a 4 member Board and we had a split 2 - 2 vote which does not pass, ah, failed it by default. The applicant felt that she might do better, or she wanted the benefit of the full Board's vote on her application.

Dixon: But, Commissioner McGill just left.

Ballister:

Would you like to go on to Item #4.

Richmond: He's back.

Ballister:

Her application was for 15 ½ acres which is 50/50 AG1 and AG2. They are currently on the south side of US 27 to go to Rural Residential. The applicant is in the audience tonight. She was not able to be here on the first night last March because she was on County business.

Roberson: Bruce, I'd like for you to tell me what is the zone of the land around it? This map is not.

Ballister:

Right, the colors don't do well in black and white.

The, if you will look at the land use map we have in there, the darker shade of green is AG2, the darker shade of gray, excuse me; the lighter shade is AG1. Where it shows up as white on that map is rural residential.

Watson: We agreed that night that anything that tied was denied.

Ballister:

We did. That's Robert's Rules.

Watson: So, I don't see why we are hearing this again. Unless you give everybody who was the recipient of a tie vote during all that, the same opportunity, this shouldn't, this is improper. We agreed that night that any 2 - 2 vote was denied.

I'm sorry, Phyllis, I am not picking on you. But, that was the understanding we all had that night, agreed? And if we are going to re-consider something, we need to re-consider every 2 - 2 - every person that was denied because of the 2 - 2 vote should be given the same opportunity or we shouldn't do this. I don't think we should. Because everybody left that night with that understanding. I think it was perfectly clear the night we did this, what a 2 - 2 vote meant. This is giving somebody special privilege that others are not given. That is wrong.

Dixon: You only have a privilege if you give it to them.

McGill: I think what happened really is that some - ah, the way the question was phrased caused some people that had a 2 - 2 tie and that got through. Again, we were

Dixon: Nobody had a 2 - 2 tie that should have had a 2 - 2 tie and got through.

Watson: Nobody got a 2 - 2 tie that wasn't denied.

Dixon: Then it was a denial.

McGill: There was a question on, I don't know if I remember the right question - one had to do with a 2 - 2 vote and it was passed because of the way the question was phrased. Remember that (inaudible)

Richmond: That was, it was the negative that was asked but then we straightened it all up later.

Dixon: It wasn't an affirmative formation. Yeah, but we straightened it up with another motion.

Richmond: Yeah.

Dixon: Yeah. O.K.

Ballister:

My only reason for bringing this back is because I had only 1 applicant who did ask and the others did not.

Dixon: Unfortunately,

Watson: Well, they left that night thinking. And I think, just the fact that Ms. , there again, I'm not picking on her, I'm really not, but that she works here. I am not saying she was given that privilege because she works here, but it's probably because she is a little more knowledgeable of what is going on than these others.

I am sure if they thought they had the opportunity, they would ask. I don't think a one of them would not take this opportunity if they were given the opportunity. Do You? I don't think so.

Dixon: While I don't normally agree with Commissioner Watson, under the circumstances, I am forced to. Because a 2 - 2 vote was denial. It has never been interpreted as anything else. It was denial. And I have to agree that we should not hear this.

McGill: And I am not sure that I agree with you necessarily. But, what you say does make some sense. But, now that we have the issue on the table, lives on the table, ah, It can still be denied on a 4 - 1 vote, 3 - 2 vote, but it certainly won't be a 2 - 2 vote unless somebody abstains from voting. Ah, I certainly have no problem with those who were denied having an opportunity to come back if we came to agree that they left here with the understanding that they could not come back and we allowed one to come back. I certainly would not have a problem with the others coming back. But, since we do have the one for Ms. Moore on the table before us, ah, I was the one who made the motion before to approve. Of course, it died on a 2 - 2 vote. Now that we've got the 5th member of the Commission here, I am going to restate my motion that we approve it.

Richmond: It would have to be in the nature of a re-hearing. The only one who can move for a re-hearing is one of the prevailing parties.

Dixon: But there was no prevailing party.

Richmond: I don't know, I 'm just dropping this stuff out there.

Fletcher: The prevailing 2 votes would be the prevailing parties.

Watson: I don't think that this should have gotten to this point. I am sorry that a 2 -2 vote acts as a denial and that is that. I mean, we shouldn't even be talking about this.

Dixon: I was of the opinion, there was something with what we did and perhaps there was something much like the Lawson property that was inappropriate perhaps. But, no, I can't, in all fairness, and I was one of the members who voted for this. But, this is improper and we should not even entertain it. I know the Commissioner wants for us to take a vote, but I don't think this is even to vote on it.

Fletcher: It's your decision. It's your decision.

McGill: It's not his decision if I get a second for my motion.

Dixon: If I don't entertain it.

McGill: Then, I'll see you outside.

Laughter.

Dixon: We have a motion.

No response.

McGill: It dies.

McKinnon: Yes, there was no second, it dies.

Ballister:
Shall we move on?

Dixon: If it is the consensus of the Board.

I am sorry Ms. Moore, it's just that it's more than - there are a lot of things going on and we have to have some basic foundation and rules that kinda keep us guided because none of us at this table have any self

discipline. So, we have to put some rules into place.

McGill: Let me ask then, Mr. Chairman, if all those who were denied come forth again, if they should come forward, would you allow it to happen?

Dixon: No.

McGill: Not that I am going to campaign to make that happen. I just want to be sure.

Dixon: I might not be fair, but I am consistent.

McGill: Sometimes.

Watson: I think that was fair. I think that was done within reason.

TOUCH OF DUTCH NURSERIES - NEIGHBORHOOD COMMERCIAL

Ballister:

Our next application is John Koelemij who operates the Touch of Dutch Nurseries on CR 159, northwest of Havana.

Dixon: Has he been by here before?

Ballister:

Has he been by here before?

Dixon: Yeah.

Ballister:

Never.

Dixon: O.K.

Ballister:

This is the first hearing before this body. Ah, he has about a 7.5 acre tract. About the western 1.5 acre is currently part of his operation. The rest of it is woods - natural and planted. He has had this whole-sale nursery for a while and I think a lot of his product is hanging plants. He is requesting a neighborhood commercial use to have a retail sales portion on his property. He already has a gravel drive-way and parking area built. At some point in the past, he built a rest

room or a facility on there with a septic tank. So, he has the facilities and he's got that ramped so that ADA can get to it. He is looking for permission to do a modest commercial enterprise as a part of the wholesale growing and packaging that he has there.

Fletcher: Mr. Chairman.

Dixon: Yes, sir.

Fletcher: I move approval.

Dixon: I have a motion.

McGill: Second.

Dixon: I have a second.

Will there be those to speak for or against?

Will there be those to speak?

I won't ask again.

Any comments, Bruce?

Ballister:
No, sir. This doesn't seem like a very harmful application.

Dixon: They never do.

Ballister:
I know, but, well, some of them have their negative impacts. This looks like he has had to turn people away because he doesn't have a point of sale.

Dixon: There is a motion and second before the Board. There being no further discussion, all in favor, a sign of "aye."

All: Aye.

Dixon: Opposes?

Please make that unanimous, ma'am.

Please continue Mr. Ballister.

Ballister:

One last reminder. I have gotten two nominations from the Board for people to serve on a Sign Committee. I's like to get that rolling this summer to update or Sign Ordinance. Ah, I have 2 commissioners recommendations so far. I am looking for 3 more in the next week if I can get them.

One last item. I have staffed up. Ms. Carlee Harris is here tonight and she is our new principle planner. She is learning the ropes. She is our newest county employee.

Dixon: Welcome. I am sorry you had to see us like this.

Roberson: It gets worse.

Dixon: Just be careful not to let Bruce send you to the meetings.

COMMUNITY DEVELOPMENT

Community Development Block Grant Funding (CDBG)

Community Development Director Ed Butler addressed the Board. He asked for authority for the Chair to sign the CDBG Funding Application.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO AUTHORIZE THE CHAIRMAN TO SIGN THE CDBG APPLICATION.

Memorandum of Agreement - Use of SHIP Funds to Supplement Prospective CDBG Funds

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

LEGAL SERVICES OF NORTH FLORIDA, INC.

Ms. Mary Dekle, told the Board of new programs which have been instituted in the Quincy Legal Services Office resulting from the Board's support. She said that they were able to leverage the dollars funded by the County to further serve the people in Gadsden County in a much broader way. She thanked the Board on behalf of the people they have served.

Mr. Grant Dearborn, Legal Services Sr. Attorney, was also present.

Ms. Dekle then reported that new projects included the following:

1. Partnership with WAGES Region 5 - They represented people who were WAGES recipient in domestic violence cases and SSI cases and other issues which were a hindrance to them getting to work. The WAGES counselors were also trained to identify civil legal needs and how to go about referring them to Legal Services. WAGES funding was used for this program.
2. Teen Child is one of only two projects like it in the United States, the other one being Seattle, Washington. They are partnering with the Public Defenders Office

and they are identifying young people who are running afoul of the law and may be doing that because of undue stresses that have to do with civil legal needs. It may be that the family is not receiving benefits that they are entitled to. The children may have other issues with which they need help with - such as educational access. It is funded in part by the Florida Bar Association. Some of the County's funds are being used to leverage the Teen Child Program for Gadsden and Leon Counties. It is a pilot project.

3. CHAP - Children Health Care Access Project - The project they are looking to in Gadsden County is to help children get on the Kid Care Program. They are helping in getting the word out to families that this program is available and they assist in breaking down barriers to get children into the program.
4. Safe Homes - The National Association of Public Interest Lawyers has a fellowship which provides 50 attorneys throughout in the United States. One of the 50 is serving in Gadsden, Franklin and Gulf Counties. They look at affordable housing issues and help to facilitate those issues of safe affordable and energy efficient homes for low income folks.
5. The office now has two more attorneys and another paralegal to assist the people in Gadsden County.

Mr. Dearborn told the Board that even though their office does service other surrounding counties, the vast majority of work that they do is for Gadsden County. He gave some statistics regarding the numbers of people they have served and the types of services they have provided over the last year.

Commissioner Watson asked Mr. Dearborn to furnish him with a report which would list everything the office did in 1999.

Ms. Dekle stated that the annual report would be out in about a month. It would have full disclosure as to the activities that they have been involved in such as divorces, real property actions, etc. She agreed to send all of the Board members a copy of it.

INDUSTRIAL DEVELOPMENT - CHAMBER OF COMMERCE

Mrs. Sherry VanLandingham told the Board how the Chamber is promoting the County in the way of advertisements, etc. She explained that in 1996, some of the Chamber members pulled together a group of people who brought about Project 2000. It was a Five-year Plan where people went about promoting Gadsden County in a positive way. They hired a public relations firm for 5 years to promote the County. She gave them a book which demonstrates the kind of publicity they furnished the County. She said that the project cost \$90,000 for the 5 years. To date the County has received the equivalency of \$492, 166 worth of promotion. The total circulation was 19,929,459 to date.

Mrs. VanLandingham stated that many visitors who come into the Chamber for information have read about the County through Geiger & Associates. The County has even had international visitors because they have read articles in Southern Living or other magazines printed by Geiger and Associates. One German publication featured Gadsden County in their December, 1999 issue after having spent a week touring the County. Since then, there have been a number of visitors from Germany who read the article in the German publication.

Mrs. VanLandingham then told the Board of the Internet Web site. During April, there were 1, 763 hits. Since its inception last June there have been 11, 662 hits. She then expounded on the information packets which are provided to people who request them.

When questioned by Commissioner McGill, Mrs. VanLandinham said that the Chamber partners with Enterprise Florida with respect to Industry. When a company is looking to move, Enterprise Florida informs the Chamber. Sometimes, the Chamber has only about two hours in which to make a proposal. Because of the short turn-around time, she said that she has put together an information packet which demonstrates the commercial property in the County coupled with related statistics. She noted that she had been able to respond quickly to a request from a food processing company who has now shown a great interest in coming to Gadsden County.

MICHAEL DORIAN - SPECIAL CONDITIONS TO DEVELOPERS ALONG HIGHWAY 27

Mike Dorian thanked the Board for the Landscaping Ordinance and stated that he looked forward to working with the County on the enforcement of it. He said that he had met with Mr. Ballister and

Mr. Richmond and some of his concerns are already being resolved. He asked for the status of the following concerns:

- 1) **Costello's** - Mr. Ballister said that the department will be sending a letter stating that Mr. Castello has placed unlawful fills on his property. He had not been able to determine what Mr. Castello was approved for since the site-plan was not in the P & Z files. A copy of the letter will be forwarded to DEP also.
- 2) Mr. McQuary - **Destiny Homes** - There are only 4 trees where there should be 8. Mr. Dorian asked if Mr. McQuary could be forced to put barriers around the newly planted trees to protect them and insure their survival.
- 3) **Auto World** - There is a question as to the DOT Right-of-way and encroachment. The owner is in violation of several issues which were subjects in discussions between Mr. Sherman and the owner. However, there was no written correspondence which could verify any oral commitments from the owner.

Mr. Richmond confirmed that something could be done if it can be determined that there is an encroachment on the DOT right-of-way. If there are DOT rights, DOT will have to enforce them. If there are county rights, he would enforce them.

Mr. Dorian explained that the owner had put up a fence in concrete where there is suppose to be landscaping.

- 4) **Barbers Milk** - The owners don't have any kind of protection for storm water run-off; they placed asphalt out in front of the fence.

Mr. Ballister stated that he had been the original site designer at the outset of the project and the ground was graded to shed water to a pond on the site. He also stated that there was not supposed to be any disturbance outside the fence. He added that there was also some type of agreement between Barber and Riverside Church about parking on the church property.

- 5) Fenced piece of property north of Photography Place - the fence went up the week after the landscaping code was passed.

Mr. Ballister reported that he met with the person on the site while he was finishing the fence. The owner was told that a fence could not be placed on the first 25 ft. and he was told to re-locate it but he has not done so. The owner does not live on the site. It is a vacant lot. Since the meeting, a letter was sent regular mail telling him to move the fence back to 25 ft. Since there has been no response from the owner, a certified registered letter will be sent shortly.

COUNTY MANAGER'S AGENDA

Mentoring Program

County Manager Howard McKinnon stated that he has been asked to provide more detail regarding the proposed Mentoring Program for Gadsden County employees. He asked that the matter be tabled pending more information.

It was so noted by the Chair.

Letter of Support to PBS&J for the Connector Road Between Highway 90 and SR 12

Mr. McKinnon explained that there has been a proposal to build a new road that will connect US 90 at Strong Road and go over to SR 12 at about where C&E Farm Road is located. The project manager has requested a letter from the County stating its support of that route.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO AUTHORIZE THE CHAIRMAN TO SIGN A LETTER OF SUPPORT FOR THE ABOVE STATED ROAD.

CONSENT AGENDA

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

- 1) NACO Annual Conference - Approval for Travel (\$2,206.00) for Chair Dixon on July 13 - 19, 2000 to Charlotte, North Carolina.**

- 2) Approval for Travel to FAC Conference in Orlando for Commissioners Dixon, McGill, County Manager and County Attorney.
- 3) Alterations to Old Barnett Bank for Court Room and Clerk's Offices
- 4) Approval to Piggy Back on Orange County Contract #Y7-193 and Authority for the Chairman to Execute Any and All Contract Documents Pertaining to this Project - Open grade Asphalt Emulsion Mix - Florida Highway Products, Inc. Terms are \$1.20 per gal CMS-2P plus .105 per ga. Asphalt price index increase plus .095 per gal freight difference - Orange County to Gadsden County for total cost of \$140 per ga. Mis paver placement cost is .30 per sq. Yard with approximately 3/4 miles of road to be stabilized. \$500 mobilization charge.

County's responsibility to roll the OGEM after being placed on prepared road base. Florida Highway Products will rent to Gadsden County a 10-12 ton steel wheel tandem roller with operator for \$600 per day to compact OGEM if needed.

- 5) Approval of Engagement Letter with Cooper, Coppins & Monroe, P.a. for Review of Gadsden County Personnel Policies.
- 6) Chamber of Commerce Report for April 2000
- 7) Teen Life Option Contract - Contract between Gadsden Citizens for Healthy Babies, Inc. and Gadsden County Extension Service to administer Teen Life Option Program. Yolanda Goode, 4-H Youth Director will oversee the program.
- 8) North Florida Medical Center - Contract for Office Space \$26,493.96 per year due in 12 installments of \$2,207.83 on the 1st day of every month in advance. First month due July 1, 2000 and terminate June 30, 2001.
- 9) Gadsden Commercial Exchange - Mr. Gene Smith - Notice of Preliminary Plat Approval

- 10) **Amendment to CR 157 Small County Road Assistance Program (SCRAP) Agreement - The original SCRAP agreement required the County to wait until July 2000 before invoicing could begin. This amendment will allow the County to begin invoicing for expenditures on the CR 157 project upon execution of the agreement. Resolution 2000-017.**

CLERK'S AGENDA

Budget Amendments 00-05-16-01 through 00-05-16-02

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

Ratification of the Approval of the Payment of County Bills

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

DISTRICT 1 REPORT

Commissioner McGill called attention to the April 27, 2000 memorandum the Board received from Clerk Thomas. (Attached) In that memo the Clerk asked for the use of the Annex # 3 on South Adams Street as a Records Center upon completion of the renovations to the old Barnett Bank Building. He specifically called attention to the recommendations on page 2, paragraph 4 and 5. He asked for the space and requested that the Board move forward with removal of the old jail and the fence and wiring that surrounds the Annex.

COMMISSIONER MCGILL MADE A MOTION TO APPROVE THE CLERK'S RECOMMENDATION.

COMMISSIONER MCGILL THEN AMENDED HIS MOTION TO INCLUDE PROVIDING FOR THE FUNDING IN NEXT YEAR'S BUDGET.

THE MOTION WAS SECONDED BY COMMISSIONER FLETCHER.

Mr. McKinnon pointed out that bids are currently being

advertised for the raising of the old jail. He stated that it is in the current year budget and efforts are being made to bring about the demolition during the time that the Circuit Court will be closed. He said that the matter will be coming before the Board with a recommendation for approval soon.

Chair Dixon stated that he wanted to look at that carefully because he said that it is one thing to fix up old buildings but quite another to fix up "old ragged buildings" that have expensive price tags and price maintenance tags. He stated that he would like to have a comprehensive look at that building as to whether it is suited for the long term for this particular kind of thing which the Clerk is requesting.

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

Second Judicial Circuit Conflict Attorney Committee

Commissioner McGill stated that the Conflict Attorney Committee has met periodically and he said that he hoped to soon bring some recommendations as to fees that attorneys can charge when they are appointed as a result of conflicts within the Public Defenders Office.

DISTRICT 2 REPORT

Commissioner Watson had no report.

DISTRICT 3 REPORT

Commissioner Roberson had no report.

DISTRICT 4 REPORT

Commissioner Fletcher had no report.

DISTRICT 5 REPORT

Proclamation of Pledge of Civility

Chair Dixon asked the Board to approve the Proclamation and Pledge of Civility .

UPON MOTION OF COMMISSIONER WATSON AND SECOND BY COMMISSIONER

**MCGILL, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE
PROCLAMATION OF PLEDGE OF CIVILITY.**

**Re-appointment of Don Gibson to the Industrial Development
Authority**

____ UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER
ROBERSON, THE BOARD VOTE 5 - 0, BY VOICE VOTE, TO RE-APPOINT
DON GIBSON TO THE INDUSTRIAL DEVELOPMENT AUTHORITY.

ADJOURNMENT

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

Edward J. Dixon, Chair

ATTEST:

Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE
BOARD OF COUNTY COMMISSIONERS
HELD IN AND FOR GADSDEN COUNTY,
FLORIDA ON JUNE 6, 2000, THE
FOLLOWING PROCEEDINGS WERE HAD,
VIZ.

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

ABSENT: EDWARD J. DIXON, CHAIR

1. CALL TO ORDER

Vice-chair Fletcher called the meeting to order. County Manager Howard McKinnon opened the meeting with a prayer. Commissioner Roberson then led in pledging allegiance to the U.S. Flag.

2. APPROVAL OF THE AGENDA

Mr. McKinnon asked to pull the minutes of May 16, 2000 from the agenda. He explained that pages 39 - 41 were missing.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 3 - 0, BY VOICE VOTE, TO APPROVE THE AGENDA AS AMENDED AND STATED ABOVE. (Commissioner McGill was not present for this vote.)

3. APPROVAL OF MINUTES - MARCH 28, 2000 SPECIAL MEETING

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

4. COUNTY ATTORNEY'S AGENDA

Mr. Richmond had nothing to report.

5. GRANTS

Florida Communities Trust Preservation 2000 Grant Application
for Acquisition of the Idlewilde Landing at Lake Talquin

Grants Coordinator Reed McFarland addressed the Board requesting that the Vice-chairman be authorized to sign the grant

application described above.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO AUTHORIZE THE VICE-CHAIR TO SIGN THE ABOVE DESCRIBED GRANT APPLICATION ON BEHALF OF THE COUNTY.

6. EMERGENCY MEDICAL SERVICES (EMS)

Generator-Powered Ambulance Bid # 00-011

EMS Director Tommy Baker addressed the Board. He explained the bids which were received for a generator powered ambulance. He then presented the Bid Committee's recommendation to award the bid to the second lowest bidder, Frazer, Inc. of Houston, Texas in the amount of \$80,300.00. He stated that the lowest bidder did not meet all of the specifications stated in the bid advertisement. He then stated that the purchase is within the current budget.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO AWARD THE ABOVE DESCRIBED BID TO FRAZER, INC. OF HOUSTON, TEXAS IN THE AMOUNT OF \$80,300.00.

7. PUBLIC WORKS DEPARTMENT

Request to Go Out for Bids for Equipment Purchase - Brush Chipper

Public Works Director Robert Presnell appeared before the Board. He reported that the motor in the brush chipper has failed and must be either repaired or replaced. (The chipper is used behind the boom-mower and in conjunction with the inmate crews who trim the sides of the county roads.) A replacement engine will cost approximately \$8,000. It can be replaced for \$18,000 with a trade-in. He recommended that it be replaced rather than repaired since the old one still has some value (between \$7,000 and \$9,000 as it is.) He then asked for authority to go out for bids for a new chipper.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO AUTHORIZE THE PUBLIC WORKS DEPARTMENT TO GO OUT FOR BID FOR A NEW CHIPPER.

8. GADSDEN HOME EXTENSION OFFICE

Truck Purchase

Extension Director Henry Grant addressed the Board. He

requested approval to purchase a truck for \$22,000. The truck will be used by extension agents for programs throughout the County. He said that the funds to purchase the truck could come from 1999-2000 salary funds which were not used due to three vacant positions.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE PURCHASE OF THE TRUCK FOR THE EXTENSION OFFICE.

9. PLANNING AND ZONING (P & Z) ISSUES

Public Hearing - Relocation/Abandonment of McCook Road -
Gerald Thompson

Growth Management Director Bruce Ballister stated that a notice of intent to relocate and abandon part of McCook Road had been advertised and duly noticed to the public. McCook Road is off 65-C at McCall Bridge Road.

He explained that it is part of Mr. Thompson's long driveway and it has been called McCook Road. It has provided the sole access to several parcels of land at its southern extremity. The current alignment traverses across land owned by Antioch Church and runs southeasterly then southerly to the small cluster of houses at the edge of Lake Talquin. It is the southeasterly run that is being relocated. It has been replaced with another alignment which is more direct and is in as good or better condition as the existing alignment. Mr. Thompson has requested that the County abandon the old alignment which the County has been maintaining.

Mr. Ballister explained that the County began providing maintenance on the roadway many years ago providing the basis for a prescriptive easement across the Thompson property. This easement exists to the edge of the maintained roadway which varies between 16 feet and 24 feet wide.

It was determined that everyone who now has access will still have access.

Vice-chair Fletcher called for public comments.

Mr. Randy Greene asked for some clarification. He stated that he owns a home at Lake Talquin. He stated that he was not against the new alignment of the road, but he asked for some assurance from the County that they would continue to maintain the road in its entirety. The Board assured him that the County would continue maintenance of McCook Road in its entirety.

Mr. Green then asked if there would be a gate at the entrance of the new road. He was assured that there would not be a gate on the road.

Mr. Green also asked if the name of the new road will continue to bear the name McCook. He was told that the road will continue to be called McCook Road.

Ms. Seria Sandel, who owns property affected by the road alignment, stated that the storm water run-off from the road comes across her property. She asked if the County could divert the water away from her property.

Vice-chairman Fletcher directed Robert Presnell to look into the matter.

Mr. Ballister recommended approval subject to the staff recommendations as set forth in the attached memo.

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE NEW ALIGNMENT OF MCCOOK ROAD AND ABANDON THE OLD ALIGNMENT PER THE RECOMMENDATION DESCRIBED IN THE ATTACHED MEMO AND RESOLUTION.

McDearmid Variance

Mr. George Allen McDearmid owns property in Hide-a-Way Farms Subdivision. His daughter owns a home on the property which was placed there prior to implementation of the current policy that requires granting of land for placement of a home for an immediate family member. The daughter is now seeking re-financing of her home. In order to get the financing she must own the property that it sits on.

Mr. George Allen McDearmid was present and made an explanation to the Board. He stated that the daughter and her husband bought the property originally. It is next door to him. Following the daughter's divorce, Mr. McDearmid bought the property where his daughter's mobile home is placed. She desires to re-finance the mobile home in order to remove the husband's name from the mortgage. The mortgage company is requiring that she must own the property on which the mobile home sits. Mr. McDearmid has agreed to deed 2 acres to the daughter per the deed restrictions of the subdivision. However, the lot is in an AG1 zone where the density is 1 dwelling per 5 acres. Mr. McDearmid and his daughter requested a variance from the density requirements for the 2 acre parcel.

P & Z staff recommended approval with a minimum lot size of 2 acres and deed restriction limiting the sale or transfer of the parcel out of the immediate family.

Vice-chair called for comments or opposition from the public. There was no response.

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE VARIANCE AS RECOMMENDED BY P & Z STAFF.

Anderson Variance

Lori Anderson has requested a immediate family density variance to occupy a 2-acre lot created out of her mother's 5.8 acre lot in Wayside Farms Subdivision. The 2-acre lot had already been created and recorded. However, it had not been created under the guidelines of the Ordinance 99-6 which requires board approval for a two-for-one subdivision of a subdivision lot. The deed restrictions limit the lowest lot size to two acres. The parent lot and the majority of the lots in the subdivision are approximately 5 acre lots in an AG 2 zone.

P & Z staff recommended approval with deed restrictions limiting sale or transfer of the parcel out of the immediate family.

Commissioner Watson stated that he had received some phone calls regarding this variance.

Vice-chair Fletcher called for public comments and opposition.

There was one question as to the size of the lot from an unidentified audience member. She was informed that the lot was 2 acres.

No other public comments, questions or opposition from the public were voiced.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE VARIANCE AS RECOMMENDED BY THE P & Z STAFF.

Immediate Family Ordinance Amendment

Mr. Ballister recalled that the Board had discussed at some length about imposing a "date-certain cut-off" by which the Board would allow immediate-family subdivision of land. The proposed revision to the Immediate-Family Subdivision Ordinance provides for

"date-certain" of January 1, 2000. He asked the Board to change that date to July 1, 2000.

The proposed amendment also sets the minimum lot size in agriculture zones at 1 acre.

He then reported that the P & Z Department is experiencing far more immediate family requests than were anticipated since Ordinance # 99-6 went into effect. He asked the Board to consider allowing administrative approval of those requests when there are no contravening deed restrictions. He added that it would reduce the workload of the staff and the Board.

Commissioner McGill called attention to several errors in the ordinance itself as noted in attached document. The corrections were so noted.

Vice-chair Fletcher called for comments from the public for or against the ordinance. There was no response.

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

Mr. Ballister stated that he would bring the ordinance back for signature at the next meeting.

Note*** See further action on this ordinance below.

Preliminary Report from DCA Review

Mr. Ballister reported that he had a meeting with the Department of Community Affairs (DCA) and Appalachian Regional Planning Council to discuss the preliminary submission of the Land Use Section of the Comprehensive Plan. He said that it appears that the County should be able to expect a response from them in about two weeks. DCA advised that the County could pass the Land Use Element by separate ordinance and pass the remainder of the Comp Plan at a later time. This will allow the new zoning to take effect more quickly so that those people who are affected by it could move forward with their plans.

He asked the Board to set workshop dates so that the staff can to go through the Comp Plan elements with the Board. In addition to the workshops, he stated that it would be necessary to hold two public hearing dates for the purpose of transmitting the Plan to DCA.

It was the consensus of the Board for Mr. Ballister and Mr.

McKinnon to get together and set those dates and report back to the Board at the next meeting.

Immediate Family Exemption Ordinance Amendment

Mr. Richmond asked the following question: "With regard to the ordinance that has just been adopted - We made a substantial change in that ordinance going from January 1 to July 1. There is a question as to the advertisement. The Notice of Intent had in it for January 1st. We might need to re-advertise that and bring it back up."

There was a consensus of the Board to re-advertise the ordinance amendment and bring it back on the June 20th meeting if possible.

10. **COUNTY MANAGER'S AGENDA**

Contingency Funds - Growth Management

____Mr. McKinnon requested that the Board transfer \$3,000 from the General Fund Contingency to the Planning Department legal advertising budget line item. He explained that it is needed to cover the costs of notifying citizens of future land use changes.

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

Cancellation of July 4, 2000 Regular Meeting

Mr. McKinnon called attention to the fact that the first regular meeting for July will fall on July 4th which is a holiday. He told them that in the past, when a meeting fell on a holiday, it has been customary for the Board to cancel the meeting rather than reschedule the meeting. He asked for the Board's wishes.

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED, 4 - 0, BY VOICE VOTE, TO CANCEL THE MEETING OF JULY 4, 2000.

11. **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) Development Order for Deer Ridge Estates - Guy Moore

- 2) SFY 2001 Drug Control & System Improvement Formula Grant Application - Sheriff's Narcotic Grant Valid through September 30, 2002 \$100,070.00
- 3) Bid Award Bid # 00-009 - Re-roof of County Jail - awarded to Burnett Construction for \$108,400.00
- 4) C.W. Roberts Contracting, Inc. for Roadway Resurfacing - Change Order # 6 in the amount of \$118,500.00. This contract will be to resurface CR 157 from CR 12 to CR 12-A. This additional paving has been funded by Florida Department of Transportation (FDOT)
- 5) Interlocal Agreement with Greensboro, FL for purchase of fire truck
- 6) Building proposal for animal shelter - Piggy-back on the recent bid for Mt. Pleasant Fire Station. Metal Buildings, Inc. proposes to finish and install a floor/foundation and roof system for the animal shelter for a total of \$35,438.00. Price is based upon the same cost level given to complete the fire station.
- 7) Bid Award - Petroleum products Bid # 00-014; Petroleum Traders of Ft. Wayne, Inc. Unleaded Gasoline -.0275, and +.0121 for #2 Low Sulfur Diesel Fuel over the OPIS/Bainbridge average.
- 8) Chamber of Commerce Activities Report for May 2000

12. CLERK'S REPORT

Budget Amendments 00-06-06-01 through 00-06-06-05

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.

Ratification of Approval to Pay County Bills

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

13. COMMISSIONERS REPORT

District 1 Report

Development Orders

Commissioner McGill reminded the Board there has been discussion about devising some kind of method for tracking development orders for compliance. He stated that he did not want to lose sight of that matter and he would be bringing something back to the Board in July.

Mr. Richmond stated that he thought it is a great idea and he would be willing to sit down with the staff to design something to bring to the Board.

CR 159

Commissioner McGill asked the commissioners to drive out to CR 159 and take note of how narrow the road is. He stated that he would like to look into widening that road during the next budget year.

District 2 Report

Commissioner Watson asked that the staff reset the Courthouse clock to the correct time.

District 3 Report

Commissioner Roberson had no report.

District 4 Report

Vice-chair Fletcher had no report.

ADJOURNMENT

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

**H. E. (Hentz) Fletcher, Vice-
Chair**

ATTEST:

Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE
BOARD OF COUNTY
COMMISSIONERS HELD IN AND
FOR GADSDEN COUNTY, FLORIDA
ON JUNE 20, 2000, THE
FOLLOWING PROCEEDINGS WERE
HAD, VIZ.

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

ABSENT: EDWARD J. DIXON, CHAIR
STERLING L. WATSON

1. CALL TO ORDER

____Vice-chair Fletcher called the meeting to order.
Commissioner McGill opened the meeting with a prayer.
Commissioner Roberson then led in pledging allegiance to the
US flag.

2. APPROVAL OF THE AGENDA

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

3. APPROVAL OF MINUTES

May 16, 2000 Regular Meeting
May 16, 2000 Special Meeting
June 6, 2000 Regular Meeting

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

4. COUNTY ATTORNEY'S AGENDA

Dynasty Homes

There were citizens present who had complained that the

owners of Dynasty Homes located on US 27 were using the entrance to Choctow Drive to access the mobile home sales. This was expressly forbidden in the development order when his project was approved.

Vice-chair Fletcher told them that the County Manager and the

County Attorney will look into the matter and take measures to abate the problem.

Federal Lawsuit Filed Against Gadsden County

Mr. Richmond reported on the status of the federal lawsuit filed by a former inmate in the Gadsden County Jail against Roosevelt Baker, the Sheriff and Gadsden County. He stated that Gadsden County Board of Commissioners have been dismissed as parties to the lawsuit.

COUNTY MANAGER'S AGENDA

Inmate Medical Expense

Mr. McKinnon told the Board that one of the county jail inmates received hospital and doctor services for which the County is liable. He said that he was notified by the hospital on the day of this meeting that the amount owed to the hospital is \$9,067.00 and \$2,350.00 for the doctors. He asked for approval to pay those expenses from the General Fund Contingency.

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 3 - 0, BY VOICE VOTE, TO APPROVE THE PAYMENT OF MEDICAL EXPENSES FOR STEVE BROWN AS EXPLAINED ABOVE. THE MOTION FURTHER AUTHORIZED TAKING THE FUNDS FROM THE GENERAL FUND CONTINGENCY.

Small County Outreach Program (SCOP)

This item was removed from the agenda per the request of Chair Dixon who was absent. He was attending the Florida Association of Counties Annual Conference.

Special Meeting Set for June 27, 2000

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 3 - 0, BY VOICE VOTE, TO HOD A SPECIAL MEETING ON JUNE 27, 2000 AT 6:00 P.M. TO DISCUSS THE SCOP.

Above Ground Tank for Generator at Jail - Request to Purchase New Tank and Remove Old Tank

Mr. McKinnon told the Board that there is a fuel tank at the jail that needs to be replaced. He estimated the costs to be between \$5,000 and \$8,000. He stated that it was within his authority to approve the purchase but he was advising them for information purposes.

CONSENT AGENDA

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

- 1) Mosquito Control Budget for 2000-2001 - for approval
- 2) Department of Corrections Interagency/Public Works Agreements: PWS #2 - Courthouse; County IC Squad #1 - Road & Bridge; County IC Squad #4 - Road and Bridge; PWS #1 - Recycle; PWS #3 - Road & Bridge; WS #3 - County Parks; County IC Squad #2 - Road & Bridge; County IC Squad #6 - Road & Bridge
- 3) Demolition of Old Jail - Bid # 00-015 Awarded to Skinner Grain & Fertilizer Co. of Hartford, Alabama for \$26,950.00.
- 4) Designation of the County Manager to be the plan administrator for the deferred comp plan for hospital employees (1984)
- 5) Satisfaction of Housing Rehabilitation Agreement - Rick and Melissa Dowell - for approval
- 6) DEP Grant Applications for 2000-2001; Small County Solid Waste; Recycling and Education; Waste Tire; and Litter Control - for approval
- 7) Settlement Agreement - Case No. 99-958-CAA _ James L. Thompson - for the record
- 8) Notice of Expiration of Executive Assistant's Position

7. CLERK'S AGENDA

Financial Statements

Cash Report

Clerk Thomas called attention to the financial statements and cash report in the agenda packet. He stated that they were for information purposes only.

Budget Amendments 00-06-20-01 through 00-06-20-04

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

Ratification of Approval to Pay County Bills

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

8. DISTRICT 1 REPORT

Commissioner McGill reiterated the remarks made earlier in the meeting regarding the violations of the development order at Dynasty Homes. He told the concerned citizens that the County is on top of it and will make certain that appropriate measures are being taken to abate the problem.

9. DISTRICT 3 REPORT

Commissioner Roberson stated that Herb Kuntry Carter has given her a Proclamation for the Board's consideration. She explained that he would like to promote the development of a new concept of music known as Dixie Phonics which is an expansion of southern music. It is a combination of bluegrass and traditional country music and is distinctive to northwest Florida. He asked that the Board adopt a proclamation declaring June 20, 2000 as "Dixie Phonics Day" thus recognizing the elevation and development of this musical styling.

UPON MOTION OF COMMISSIONER ROBERSON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 3 - 0, BY VOICE VOTE, TO APPROVE THE PROCLAMATION SUPPORTING DIXIE PHONICS MUSIC AS DESCRIBED ABOVE.

ADJOURNMENT

UPON MOTION BY COMMISSIONER MCGILL, THE VICE-CHAIR DECLARED THE MEETING ADJOURNED.

E. H. (HENTZ) FLETCHER

ATTEST:

NICHOLAS THOMAS, CLERK

AT A SPECIAL MEETING OF THE BOARD OF
COUNTY COMMISSIONERS HELD IN AND FOR
GADSDEN COUNTY, FLORIDA ON JUNE 27,
2000, THE FOLLOWING PROCEEDINGS WERE
HAD, VIZ.

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

ABSENT: E. H. (HENTZ) FLETCHER

1. CALL TO ORDER

Chair Dixon called the meeting to order. Commissioner McGill opened the meeting with a prayer. Commissioner Roberson led in pledging allegiance to the U.S. Flag.

2. DEPARTMENT OF TRANSPORTATION SMALL COUNTY OUTREACH PROGRAM

____Mr. McKinnon told the Board that he has been informed by the Department of Transportation (DOT) that the Legislature established the Small County Outreach Program (SCOP) to assist small counties with road improvement projects. The County must submit two projects to DOT to be considered for funding during the FY 2000/2001. They should be in addition to those already submitted under the Small County Road Assistance Program (SCRAP) Program.

Mr. McKinnon then recalled that the DOT will be constructing a new access road connecting US 90 and SR 12 (north from Strong Road over to C & E Farm Road at SR 12.) Englehard owns most of the property along the corridor between SR 12 and US 90. They have agreed to donate the land (67 acres) to Gadsden County. The State would then have to pay Gadsden County for the right-of-way when it begins right-of-way acquisitions for the new road.

In exchange, Englehard requested that the Board commit to make a realignment of CR 65 (Attapulgus Highway) to bypass their mining plant and connect with the C & E Farm Road further east. The project would include the construction of a new bridge across Quincy Creek.

Mr. McKinnon stated that the proposed project would qualify for the SCOP funds if the Board would submit it as Priority # 1 on the application for the funds. He added that the County could then utilize the proceeds from the sale of the right-of-ways to pave C & E Farm Road. Upon completion of all the projects, there will be a continuous paved road from US 90 to SR 12 then over to CR

65.

Englehard also asked that the portion of 65 that runs through their property be abandoned upon completion of the realignment. The proposed new alignment would intersect with C & E Farm Road further to the east. (See the attached map.)

Mr. McKinnon stated that the realignment of CR65 would qualify for the SCOP funds. The project would require a 25% match from the County which can be in-kind contributions.

Chair Dixon stated that the proposal and cost projections are not complete enough to help him ascertain how much of the cost the County will have to bear. He asked to see detailed projections of time, money, people, effort as well as loss of operation costs.

Mr. Charles McClellan, Legislative Assistant to the late Senator Pat Thomas, was present and appealed to the Board for approval of the described project. He reported that Senator Thomas was very much in favor of using the SCOP funds for the purpose described by Mr. McKinnon. He reported that he had checked with the State offices to make certain that the project would qualify for the funds. (At one time there had been some doubt as to whether the new funds could go toward paving of existing dirt roads and/or bridge construction.) He said that Senator Thomas believed that it would create a great area for the City of Quincy and the County. It would also eliminate the very dangerous intersection of C & E Farm Road and CR 65. He explained that the new road is also needed for better hospital access.

Mr. McClellan explained that the late Senator's office will remain open under the auspices of the Senate President Tony Jennings. The late senator's staff will remain in the office until such time as a new Senator takes office.

Mr. McClellan introduced Mr. Mike Cunio, the new General Manager of Englehard, Mr. Larry Kennedy and Mr. Willie Neel (representing Englehard Union members.)

Mr. Cunio addressed the Board. He stated that Englehard desires to be a positive force in the development of Quincy and the surrounding area as well as provide for the safety of Englehard employees and people who travel CR 65. He said that Englehard is committed to the proposed project in principle. However, there is an administrative procedure which he must go through in order to make the donation. It will be done by the Board of Directors who will meet in New Jersey in August. The corporate management is aligned with him on the concept but they must go through the formal approval from the board of directors.

Public Works Director Robert Presnell referenced the cost projections in the agenda packet explaining that without any engineering and surveys, a very preliminary estimate of the cost of CR 65 realignment is \$843,750.00. He recommended that the Board make this road Priority #1 on the SCOP application. He said that the 25% match could be met by the County in earthwork, etc.

Mr. Willie Neel, Englehard Union Member and Safety Committee Chairman, spoke to the Board regarding the safety issues involved with the alignment of CR 65. He implored the Board to seriously consider the proposal.

Commissioner Watson stated that he lives about 1.5 miles north of the plant and he knows first hand the dangerous conditions which are at the plant site. He said he did not believe that was another more dangerous spot or situation that exists on the county roads than at the Englehard plant. He encouraged the Board to take advantage of the opportunity.

Chair Dixon questioned the other board members as to the urgency in doing this project now - why should it take priority over other projects in County?

Mr. Cunio told the Board that the property that Englehard has proposed to give to the County is currently up for sale. He explained that if the property happened to sell before they can donate it to the County, it could complicate matters. It could stall the State's efforts to purchase the right-of-way and it would eliminate the F potential for the County.

Mr. McClellan stated that even though construction of the access road between SR 12 and US 90 is not scheduled to begin until 2005, the right-of-way acquisition will begin right away. As soon as the County receives the proceeds from the sale of right-of-way to the State, the proposed project could begin and conceivably be in place before the construction of the access road begins.

Mr. McClellan then told the Board that the Gadsden County School Board is looking to build a new high school out on East US 90 near the Pat Thomas Law Enforcement Academy. The paving of C & E Farm Road and the new access road will be a real advantage when it becomes time to transport students from the north end of the County to the new high school.

Chair Dixon told Mr. Presnell that he wanted to be constantly updated on the project as to costs, etc.

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER

WATSON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO SUBMIT THE REALIGNMENT OF CR 65 (ATTAPULGUS ROAD) AS PRIORITY #1 FOR THE APPLICATION FOR SCOP FUNDS. PRIORITY #2 WOULD BE THE WIDENING OF CR 159 (DOVER ROAD) FROM SR 10 (US 90) TO CR 270 (SHADY REST ROAD) .

Mr. McClellan told the Board that their approval of this project will honor the late Senator Thomas very much.

3. GADSDEN COUNTY DEVELOPMENT COUNCIL

Dr. Henry Grant, Gadsden County Extension Director, addressed the Board. He reminded the Board that the Memorandum of Agreement between the County and the municipalities that are located in the "Champion Communities" calls for the formation of an organization to implement the "Community's" economic development strategic plan. The steering committee has requested the formation of the organization as a nonprofit entity to oversee the implementation of the strategic plan. In order to get the nonprofit status, it must file articles of incorporation and apply for an exemption from the Internal Revenue Service (IRS). The filing fees amount to approximately \$560.00. He asked the Board to pay those filing fees.

Commissioner Watson asked if the Council will borrow any money in the future.

Dr. Grant replied "No."

Mr. McKinnon stated that the money would have to come from the General Fund Contingency.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO PAY THE FILING FEES FOR THE GADSDEN COUNTY DEVELOPMENT COUNCIL TO BECOME A NONPROFIT AGENCY (APPROXIMATELY \$560.) THE MOTION FURTHER INCLUDED AUTHORITY TO TAKE THE NECESSARY FUNDS FROM THE GENERAL FUND CONTINGENCY.

4. FIREWORKS RESTRICTIONS WITH DROUGHT CONDITIONS

Mr. McKinnon stated that there had been a memorandum to the Board from Gov. Jeb Bush concerning the drought index and the wildfire threat. However, he stated that since that time, there has been significant rainfall in Gadsden County and the "burn ban" has been lifted.

Mr. McKinnon told the Board that DOT called him today and they

want the County Commission to have a rural county workshop where they will send 20 staff people over. It will take about 1.5 to 2. hours. They want to explain their programs and their plans for this area. He asked for directions.

The Board instructed him to arrange an August date for the workshop.

5. ADJOURNMENT

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

EDWARD J. DIXON, CHAIR

ATTEST:

NICHOLAS THOMAS, CLERK

AT A REGULAR MEETING OF THE BOARD OF
COUNTY COMMISSIONERS HELD IN AND FOR
GADSDEN COUNTY, FLORIDA ON JULY 18,
2000, THE FOLLOWING PROCEEDINGS WERE
HAD, VIZ.

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

ABSENT: NICHOLAS THOMAS, CLERK

CALL TO ORDER

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

ADOPTION OF THE AGENDA

The County Manager's Agenda was changed to include items about the Florida Department of Transportation's County Incentive Grant Program.

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

June 20, 2000 Regular Meeting

June 27, 2000 Special Meeting

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

COUNTY ATTORNEY'S AGENDA

County Attorney Hal Richmond stated that he was running for the office of County Judge. He explained that pursuant to FL Statutes 99.012, he is not a county employee. He is an independent contractor pursuant to FS 125.01. He has no benefits as county employees do and he serves totally at the pleasure of the Board. He said that his resignation will be available at any time upon the

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Board's request. He then said that if he is elected, he would resign at the end of the year 2000.

WASTE MANAGEMENT

____Mr. Ralph Mills, Waste Management District Manager, addressed the Board. He told them that Leon County Waste Management has an unusual increase in expenses related to the higher cost of # 2 diesel fuel from 1999 to 2000. He pointed out that their contract with Gadsden County allows them to petition the County for unusual changes in the cost of doing business. He said that nationally, their Company has instituted fuel surcharges that change from month to month depending on fuel costs for the previous month. However, Leon County feels that would be confusing to customers and asked the Board to consider an alternative.

Mr. Mills reported that their fuel costs have risen 35.7% and more than \$10,000 per month. He then asked that the Board consider making their annual CPI increase effective as of July 1, 2000 rather than waiting until October 1. The next increase would revert back to October 1, 2001.

Commissioner McGill asked him to consider making the increase effective August 1 rather than July 1.

Mr. Mills explained that they bill on a quarterly basis and July is the beginning of a new quarter and they would prefer for it to be for the entire quarter.

Commissioner McGill then asked him if fuel costs come down, would the increase remain in effect.

Mr. Mills stated that it would remain in effect. He explained that the contract calls for a CPI increase annually. He did say that if diesel prices go down by June of 2001, there is a very good chance that the CPI would be very low or even a negative CPI. They would decrease their charges based on how much the CPI was decreased.

Commissioner Roberson asked how much of an increase would it mean to the customer.

Mr. Mills answered that it would mean an increase of \$1.86 per quarter.

Chair Dixon asked if the contract requires Waste Management to verify claims for increased costs.

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County Manager Howard McKinnon answered that there is a mechanism in the contract that calls for such verification.

Chair Dixon then asked Mr. Mills to offer him some convincing evidence as to why the County should bear his increased costs.

Commissioner Fletcher asked why Waste Management picks up garbage once a week out in the County but twice a week in the City of Quincy.

Mr. Mills responded by saying that there are several factors that come into play - one being the density. He said that they have 2 routes running 5 days a week in Gadsden County. There are 2800 customers in Quincy and 2200 in the County. He told Commissioner Fletcher that he would be happy to supply him with an analysis.

Commissioner Fletcher replied that he would like to see an analysis.

Chair Dixon called for a motion.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 3 - 2, BY VOICE VOTE, TO APPROVE WASTE MANAGEMENT'S REQUEST TO MAKE THE ANNUAL CPI OF 3.7% (JUNE) INCREASE EFFECTIVE JULY 1, 2000 INSTEAD OF OCTOBER 1, 2000.

FLORIDA ASSOCIATION OF COUNTIES (FAC) TECHNICAL ASSISTANCE STRATEGIC PLAN

Mr. Larry Arrington, County Road Economic Development Representative for the FAC, introduced the Action Plan for the work of the County Rural Development (Co.RD) Project in Gadsden County. The project is funded through the Federal Department of Housing and Urban Development and is administered by the FAC. It is designed to serve as a means of providing economic development technical assistance to Florida counties under 75,000 population. Gadsden County was among 11 such counties that competed successfully to become a pilot site for the Co.RD project.

Mr. Arrington stated that his job is to go into the counties and listen to what people have to say about their economic development challenges and devise a way to bring some expertise to the county to help achieve some of their goals. Toward that end, he said that he has had several meetings in Gadsden County.

Mr. Arrington explained that several things came out of those meetings. One way that he saw that he could help was in assisting

with the birth and the formation of the nonprofit agency that has been established in the wake of the Champion Community process. He stated that Gadsden County is poised to really do things right. He said that the leadership in that effort is excellent and now they have the chance to benefit from others. He said that he would work with the staff and citizens to get that organization up and running and set some goals for it. Then at the appropriate time, they would do some community wide goal setting for that organization so that it's got some very specific goals to shoot at during the next year or so.

Mr. Arrington then reported that he had met with the Industrial Development Authority (IDA) and it seems very clear that they could use some marketing assistance and some goal setting assistance. One of the things that the IDA hopes to accomplish is to produce a well-done market packet to be used when they are recruiting specific industries into the county.

Mr. Arrington then turned his attention to the Co.RD Action Plan and asked the Board to approve it with the goals that are stated in it.

Chair Dixon called for a vote.

A MOTION WAS MADE BY COMMISSIONER WATSON AND SECONDED BY COMMISSIONER FLETCHER TO APPROVE THE CO.RD ACTION PLAN AS PRESENTED.

Commissioner McGill asked why the County Commission was not listed as a partner.

Mr. Arrington explained that the County Commission has to approve everything and acts as the governing board for the entire effort. The Board is the posture of policy-setting for the program.

Commissioner McGill asked who would perform the professional facilitation services.

Mr. Arrington replied that FAC will do that. He said they have issued Requests for Proposals and they are now selecting the people who will provide those services.

The Chair called for a vote on the motion.

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

During a discussion that followed this motion, it was learned that Mr. Arrington was born and raised in Gadsden County and that his father was once a State Representative for Gadsden County.

PLANNING AND ZONING ISSUES

Comprehensive Plan Revision Update

Growth Management Director Bruce Ballister told the Board that at their next meeting the P & Z Commission will formally propose to forward the Comprehensive Plan (Comp Plan) Text Amendments to this Board. He said they will be looking at dates on which to set workshop meetings for the County Commission to review them. He asked the Board to coordinate with the County Manager to set those dates.

AT & T Regeneration Site - Greensboro -00PZ-23-204-4-04

Wilbanks Resources, Inc. of Denver, Colorado applied for a permit to construct a facility near the intersection of Flat Creek Road and Interstate 10 to boost signal strength in AT & T fiberoptic lines installed along the interstate right-of-way. The facility will enhance long distance and Internet services in the region. It is a very small building on a .17 acre site. It will contain a 14' by 27" equipment building and an emergency generator.

This is classified as a public service utility use and must be approved by the County Commission.

The staff recommended approval as did the P & Z Commission.

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

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

Big Bend Towers - Airport Telecommunications Site 00pz-21-206-14

*****A verbatim transcription of this portion of the meeting is on file in the Clerk's office and in the Gadsden County Growth Management Department. However, it is not made a part of these summary minutes.***

Big Bend Towers requested approval of a site for a telecommunications tower to be located along Jim Kelly Road just north of the Ochlockonee River Bridge on US 27. The site is 3 acres and is located in an AG-3 zone. Telecommunication towers are

normally a use by right locations in the Agricultural zones unless there is insufficient setback from one of the limiting factors as indicated in the Telecommunication Tower Ordinance, Subsection 5800 in the Land Development Code.

Three sites have been proposed by Big Bend Towers on the 3-acre parcel. Site A had the lesser impacts on the Rural Residential zones, but it is located in a flood plain. Measures could be taken to protect the tower and equipment from rising waters although it would be at a greater cost to the tower owner and would take longer to secure permitting and environmental assessments. If the County approved Site A, Big Bend would need a flood plain variance from the County.

Site B was also located in the flood plain and it was within the .5 mile requirement of the Tower Siting Ordinance. It encroached on the Rural Residential areas.

Site C was not in the flood plain but it encroached even more on the Rural Residential area. Site C was preferred by Big Bend for a number of reasons.

P & Z staff recommended approval of Site A.

P & Z Commission recommended approval of Site C.

Chair Dixon called for public comments.

Mr. Howard Douglas of Big Bend Towers, addressed the Board. Hal Richmond, County Attorney and Notary Public licensed by the State of Florida, administered an oath to Mr. Douglas regarding his testimony. Mr. Douglas gave a brief explanation as to how his company arrived at the selection of Site C as their location for the proposed tower. He acknowledged that Site C did encroach on the rural residential set back requirements of the Gadsden County Telecommunications Tower Ordinance. However, he also called attention to the fact that Site A is in the 100 year flood plain. He then stated that it is the standard policy of Verizon, the first communication carrier to locate on the proposed tower, to avoid placement of towers in a flood plain. He then asked the County to consider Big Bends request for a variance to the set back requirements and allow them to locate at Site C.

Mr. John Yerkes addressed the Board. Mr. Richmond administered an oath to him as to his testimony. He acknowledged that there is a need for telecommunications coverage in the proposed area. He raised questions regarding the placement of the tower, the kind of lights to be placed on the tower and the impact

it will have on residents in Ochlocknee Estates.

Mr. Yerkes stated that the telecommunications technology is changing so quickly that it could soon make towers obsolete and the County will be left with towers such as this one with which to deal. He reminded the Board that Site C would not be in compliance with the County's ordinance. He concluded his remarks by asking the Board to deny Site C but approve Site A with a flood plain variance.

Ms. Dian Sheffield addressed the Board. She was sworn an oath as to her testimony by Hal Richmond. She was opposed to placement of the tower at Site C. She urged the Board to deny the request for Site C but stated that she could support Site A with a flood plain variance.

Ms. Marion Lasley addressed the Board. She was sworn an oath as to her testimony by Hal Richmond. She supported Site A as opposed to Site C. She also raised questions about the type of lights that would be placed on the tower.

Mr. Howard Douglas addressed the Board for a second time answering some of the questions raised by the public. He also pointed out that the coverage area includes US 27 which is an emergency evacuation corridor and that placement of the tower at Site C would better insure accessibility of services in times of emergency. He urged the Board to approve Site C.

Mr. Jim Waddell, Engineer with L & W Engineering addressed the Board. He was sworn an oath as to his testimony by Hal Richmond. He reiterated that Site A is definitely in the 100-year flood plain. He explained that 5 different locations had actually been considered by Big Bend Towers with Site C being their best choice. He expounded on some of the measures that could be taken to flood proof Site A. He added that most carriers like to avoid flood plains because of length of time involved in getting a permit from DEP and other issues that come with a requirement for a NEPA analysis.

Commissioner McGill stated that he was not convinced that a comprehensive site search had been done by Big Bend. He disagreed with the statement that the NEPA permitting time would be very lengthy. He was opposed to any site that would encroach on a rural residential area. He concluded by saying that he was opposed to Site C but would reluctantly approve Site A.

A MOTION WAS MADE BY COMMISSIONER MCGILL AND SECONDED BY

COMMISSIONER FLETCHER TO DENY THE REQUEST FOR ALL PROPOSED LOCATIONS (AS DESCRIBED ABOVE) FOR THE BIG BEND TELECOMMUNICATION TOWER.

Commissioner Watson called attention to the fact that Site A falls within the requirements of the Tower Siting Ordinance. He was reluctant to deny something that was in compliance.

COMMISSIONER MCGILL REPHRASED HIS MOTION TO APPROVE SITE A FOR THE DEVELOPMENT OF THE TOWER. COMMISSIONER FLETCHER SECONDED THE AMENDED MOTION.

Discussion followed.

THE ABOVE MOTION WAS AMENDED AGAIN BY COMMISSIONER MCGILL TO INCLUDE APPROVAL FOR A VARIANCE OF THE FLOOD PLAIN. COMMISSIONER FLETCHER SECONDED THE AMENDED MOTION.

THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE SITE A WITH A FLOOD PLAIN VARIANCE.

Mr. Richmond asked Mr. Ballister if the testimony he had given to the presentation above was true and correct to the best of his knowledge and belief. Mr. Ballister responded "Yes, it was."

Ventry Engineering - Special Exemption Request - 00PZ-042-203-4-06

Mr. Ballister told the Board that Ventry Engineering is a firm currently located in Quincy which does value engineering. They would like to relocate from North Adams St. in Quincy to an older quaint farmhouse on Luten Road in Gretna. It is a historically significant structure that has a great deal of charm. Mr. Ventry desires to move his business into the home and use it as a professional use. There will be only a minimal amount of site work to make it useful as a business. There will not be a lot of intrusion as they will not have a lot of visitation. It will continue to look like a farmhouse.

Mr. Ballister explained that the proposed professional use of the property will require a special exemption approval as it would constitute an adaptive re-use of the existing residential structure.

A synopsis of the site's history is attached to these minutes.

Commissioner Fletcher asked if any of the neighbors has voiced any objections. Mr. Ballister responded that he had received no negative comments from the neighbors.

Chair Dixon called for comments from the public. There was no response.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE TO APPROVE THE SPECIAL EXEMPTION FOR THE USE OF THE THOMPSON FARMHOUSE AS A BUSINESS AS DESCRIBED ABOVE.

Kirby Subdivision - Major Residential Subdivision - 00PZ-041-201-1-06

Mr. Ballister told the Board that Johnny Petrandis proposes a re-plat of the Kirby Minor Subdivision to create 9 one-acre lots with an open space reserve. This constitutes a major subdivision. The existing Kirby Minor Subdivision created 5 two-acre lots.

The project is located on McNair Road approximately 1 mile east of US 27 on property that was re-zoned to Rural residential last winter.

McNair Road was recently paved by the County. Under the existing regulation for rural residential, this change would allow for one-acre lots.

The P & Z Commission approved the plat with conditions that the developer provide additional easement area along McNair Road for storm water drainage and that they provide common drive-ways at lot lines in such a way as to reduce the number of drive-ways impacts onto McNair Road.

The project will have to meet the same criteria as any other major subdivision but they are not intending any internal roads.

Chair Dixon stated that the only problem he has with the subdivision is that when the County was doing its last round of land-use changes (March 28, 2000 - Phyllis and Lorenzo Moore M-28), there was a development located on McNair Road that the County denied because there were no other developments like it on McNair Road and the County wanted to preserve the continuity. He also pointed out that the map provided in the agenda packet does not show what is around it.

The P & Z Commission recommended approval with the above stated conditions.

The P & Z staff recommended approval with the same special conditions.

A MOTION WAS MADE BY COMMISSIONER FLETCHER AND SECONDED BY COMMISSIONER MCGILL TO APPROVE THE RECOMMENDATIONS OF THE P & Z COMMISSION AND STAFF.

Chair Dixon called for public comments.

Mr. Robert Joyner asked if the Board was making a legal precedent or if they were circumventing the regulations of the Planning and Zoning Commission.

Commissioner Fletcher told him that his motion was to approve the recommendation of the P & Z Commission and the P & Z staff.

Mr. Joyner maintained his question.

Mr. Richmond explained that when the County paved McNair Road, the factors that governed the lot sizes in rural residential areas changed. The Land Development Code (LDC) requires lot sizes in a rural residential zone with an unpaved road must be at least 2 acres. However, the minimum lot size in a rural residential zone that is located on a paved road is 1 acre. When the subdivision was first approved by the Board, McNair Road was a dirt road and the lot size had to be at least 2 acres. McNair Road has since been paved and the minimum lot size required by the LDC has changed because the factors governing the lot size has changed just by the paving of the road. No one has subverted the system. The characteristics of the land changed and the developer is allowed to make an application for change. The re-platting is consistent with the LDC.

Commissioner Watson asked Mr. Richmond what would happen if the Board denied the request and Mr. Petradnis sued the County.

Mr. Richmond responded that Mr. Petradnis application is clothed with a presumption of correctness because the Code itself (the Comprehensive Plan and the LDC) speak to it and allow it. The Board would have to show some reason not to approve it.

Mr. Ballister pointed out that as a Major Subdivision, it would come back to the Board for approval of the preliminary plat complete with engineering proposals for drainage or a study that proves that drainage isn't required.

Commissioner Watson reminded the commissioners that the Board has not won any court cases when they denied an applicant something that was allowable by the Comp plan.

Mr. Richmond reiterated that when it is permitted in the

"books", the Board would have to show a reason not to allow it. The burden shifts to the Board.

Commissioner Watson stated that he was not really in favor of the subdivision, but he didn't want to cost the County any money in law suits.

The Chair called for a vote.

THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE RECOMMENDATIONS OF THE PLANNING COMMISSION TO APPROVE THE REPLAT OF KIRBY SUBDIVISION AS A MAJOR SUBDIVISION WITH THE ADDED CONDITIONS AS DESCRIBED IN THE ABOVE PARAGRAPHS.

Ordinance 2000-005 Immediate Family Exemption Final Public Hearing

Mr. Ballister reminded the Board that the first public hearing on the above named ordinance was held on June 6, 2000 after many discussions and revisions over the last two years. He said that the ordinance had been properly advertised and was before the Board for the final hearing and formal adoption.

Mr. Ballister explained that the ordinance will limit the immediate family waiver. Effective July 1, 2000, if a citizen purchases property in agriculture zones with the intention of leaving it to heirs, the property can be subdivided only once. Thereafter the property would have to be re-zoned before it could be further subdivided and there would have to be a transfer of deed.

The ordinance does not interfere with existing wills or existing ownerships. It basically ends the family exemptions but there is a grand-fathering clause.

Chair Dixon stated that he does not like the way the ordinance reads.

Commissioner Fletcher stated that he is not exactly supportive of the ordinance but acknowledged that it is the product of a compromise which was reached by the entire Board.

Chair Dixon stated "Help me see why I need to compromise."

Mr. Ballister stated that he was not certain that it was ever a matter of compromise. He then said that the Board first became concerned about the heavy densities that were occurring due to the immediate family exemptions. Discussions began about how to go about slowing down the pace of those heavy densities so as to bring

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about minor subdivisions which are more compatible with the growth trend of the surrounding area.

Chair Dixon asked Mr. Ballister to demonstrate with numbers that family exemptions are creating burdens and concerns to the County.

Mr. Ballister told him that he could not do numbers because it is anecdotal but he has seen it happen numbers of time. He said that he could point to several streets.

Chair Dixon argued that in the absence of data to support the need for this ordinance, he could not approve it.

Commissioner Watson countered that he felt that it was discriminatory for the County allow a property owner to subdivide his and deed property to his heirs without regard for the density (thus creating small subdivisions of uncontrolled and densities that otherwise would not be allowed in agricultural zones.) Yet, by imposing density/zoning restrictions, the County will deny a property owner the right to subdivide and sell his agriculture property for cash to give to his family at a density which would be allowable via family exemptions.

Chair Dixon replied that he believed that families and homesteads are important. He said there has to be way to fix the problem without doing away with family exemptions. He continued to argue as to whether a problem really exists.

Commissioner Watson retorted that no one can deny that there are minor subdivisions springing up throughout the County.

Chair Dixon pointed out that Gadsden County has one of the highest home ownership rates in the State - 70% of people in the County own the property on which they live. It is also the poorest county in the State of Florida. That means that all a person has to leave to their family is their property which is worth far more than the house that sits on it.

Commissioner Watson challenged Chair Dixon to produce numbers to support his statement that 70% of Gadsden residents own their property. He also reminded the Chair that this ordinance has been reviewed and discussed in several workshops as well as regular meetings for the last 18 months without him voicing such strong opposition.

Chair Dixon reminded them that he had always opposed the proposed ordinance. He said that all the ordinance does is take

something from people who already have nothing.

Commissioner Fletcher reminded the Chair that a similar discussion was had many months ago and the proposed ordinance was the end result of a compromise.

Chair Dixon contended that he could not see that he was getting anything through the compromise.

Commissioner Fletcher stated that he would vote with him to defeat the ordinance.

Mr. Ballister offered some background information "to clarify the playing field." He said that the waiver is permissible by FL Statute that says that a local government may grant density waivers for immediate family members for the purpose of homesteading. They must occupy the land and homestead it. The Statute reads "may" not "shall." It is entirely up to the County as how they permit immediate family waivers.

Commissioner Watson recalled that this matter first came up, the density for AG 1 zones was 1 dwelling per 2 acres. The agreement that was reached was to do away with immediate family exemptions but to allow 1 dwelling unit per 1 acre in the AG 1 zones. In doing so, it yielded considerably more lots (and more affordable) available for homes.

Commissioner McGill recalled that he made his decision to go along with the compromise based on remarks made by Commissioners Dixon and Fletcher. He voted for it because Chair Dixon said it was a good compromise. He then stated that he couldn't understand where he was coming from now.

Chair Dixon said that once the ordinance was in print, it just didn't seem to do what he envisioned that it would do. He continued by saying "My thing is - if you want to fix immediate family exemptions, then fix it. But, fix it to the point where folk are allowed to give their family what I believe for most people in Gadsden County is the only thing that they have to give. I don't want to put a dead line or a limit on that."

A MOTION WAS MADE BY COMMISSIONER WATSON AND SECONDED BY COMMISSIONER MCGILL TO APPROVE THE ORDINANCE DESCRIBED ABOVE.

THE CHAIR STATED THAT HE WAS NOT ENTERTAINING MOTIONS AT THIS POINT.

_____Discussion followed.

A MOTION WAS MADE BY COMMISSIONER WATSON AND SECONDED BY COMMISSIONER MCGILL TO APPROVE THE ORDINANCE DESCRIBED ABOVE.

THE QUESTION WAS CALLED BY COMMISSIONER MCGILL.

THE BOARD VOTED 3 - 2 TO APPROVE THE ORDINANCE. COMMISSIONERS WATSON, ROBERSON AND MCGILL VOTED "AYE." CHAIR DIXON AND COMMISSIONER FLETCHER VOTED "NO." THE MOTION PASSED.

Sign Ordinance

Mr. Ballister reported that he will begin meeting with the Sign Ordinance Committee on Wednesday evening. He asked for appointments from District 4 and 5. Commissioner Fletcher appointed Willard Rudd. Chair Dixon appointed Marion Lasley.

PUBLIC WORKS AGENDA

Small County Road Assistance Program for Paving of CR 268

Public Works Director Robert Presnell addressed the Board. He reported that the State's new budget year had begun. He went on to say that the Florida Department of Transportation (FDOT) has recently sponsored a Small County Road Assistance Program (SCRAP). Under this program, three of the County's major roads were found to be eligible for resurfacing. Public Works can handle the design, bidding and inspection of these roadways to expedite the paving of County Road 268 in Quincy and County Road 268 in Gretna.

Mr. Presnell then asked to the Board to authorize the Chair to sign the Joint Participation Agreements for SCRAP which will allow them to do the engineering and bidding for the project.

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

Dupont Road and Lanier Road Paving

Mr. Presnell told the Board that his department had finished the Jamieson Road extension with a cold mix wearing course product. He reminded them that they had skipped over Dupont Road on Road Paving Priority List because of right-of-way issues involved with paving with a hard surface. He told them that he could proceed with improving Dupont Road and Lanier Road (using the existing right-of-way) with the cold mix product because it can be used on roads with narrow right-of-ways whereas paving would require much more right-of-way.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO AUTHORIZE THE PUBLIC WORKS DEPARTMENT TO PROCEED WITH PAVING DUPONT ROAD AND LANIER ROAD WITH THE COLD MIX PRODUCT.

COUNTY MANAGER'S AGENDA

County Incentive Grant (CIGP)

Mr. McKinnon told the Board that recent legislation created the CIGP (Ch. 339.2187, FS). It allows the FDOT to make grants to counties for the improvement of transportation facilities on the State Highway System. Grants may also be used for local transportation facilities that relieve congestion on the State Highway System. Local municipalities may apply for grants through the counties. This program is in addition to the SCRAP and SCOP.

Mr. McKinnon said that there is a deadline on the application for the funds and the Board must stipulate a resurfacing project.

Mr. Presnell stated that any county road could be submitted as a project. However, if the road doesn't appear on the State Project List, the funding level decreases down to only 35% of the cost. He asked for authorization to choose a county road that fits the criteria and follow through with the application.

Chair Dixon explained that the State has \$10 Billion set aside for "Mobility 2000".

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO AUTHORIZE THE STAFF TO SELECT A COUNTY ROAD THAT MEETS THE CRITERIA FOR THE CIGP AND MAKE APPLICATION TO THE STATE FOR FUNDS AND MAKE A REPORT BACK TO THE BOARD AS TO WHICH ROAD WAS SELECTED.

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) Gadsden Commercial Exchange development order with special conditions.
- 2) Bid Award 00-017 for Brush Bandit Model 250 XP Wood Chipper to Southeastern Equipment Company of Buford, Ga. The final cost of the machine after trade in will be \$18,140.00.

- 3) Extension of Interlocal Agreements with City of Gretna, City of Greensboro, City of Midway, City of Chattahoochee for Recycling Grants. They expired September 30, 1999. The request is to extend the agreements until September 30, 2016 to correspond with the Town of Havana and the City of Quincy's agreements.
- 4) Satisfaction of Housing Rehabilitation Agreements for Keith and Misty Vanbenthuyzen, Annie Mae Bivins, Willie Taylor and Kate Henry.
- 5) Contractual Agreement with Charles Walker Jr. to do Rehab Inspections for SHIP. Effective August 1, 2000.
- 6) Contract between Healthy Babies and Gadsden County Extension Office
- 7) Gadsden County Emergency Food Organization Contract (Commodity Foods) - \$14,000. Program Number 94014; Contract no. 5190
- 8) Conceptual approval of Gadsden County Agreement with TCC/Pat Thomas Law Enforcement Training Academy - allowing the use of one or more of the county's ambulances for training purposes.
- 9) EMS Write off of Bad Debts \$99,992.56 Resolution # 2000-019.
- 10) Workers Compensation Premium Credits - authorization for the Chair to sign the application for the Drug-Free Workplace Premium Credit and the application for the Employer Workplace Safety Program Premium Credit. This will allow the County to receive 5% and 2% credit respectively on Worker's Compensation Premium.
- 11) List of Errors, Insolvencies, Double Assessments, and Discounts submitted by Tax Collector
- 12) Agreement between Gadsden County Sheriff's Department and the Gadsden County School District (COPS Application)

CLERK'S AGENDA

Budget Amendments 00-07-18-01 through 00-07-18-34

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

Ratification of the Approval to Pay County Bills

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

DISTRICT 1 REPORT

Rural Recreation Committee

Commissioner McGill asked that the Board approve the concept of a Rural Recreation Committee to make recommendations to the Board for a recreation program for the County. He also asked that the Board set aside \$10,000 in the upcoming budget to subsidize recreation programs in Quincy and Havana.

COMMISSIONER WATSON MADE A MOTION TO DENY THE ABOVE REQUEST EXPLAINING THAT IT WAS TOO BROAD.

THE MOTION DIED FOR LACK OF A SECOND.

Discussion followed. No decisions were made. There was a consensus to place the matter on the agenda for the next meeting.

DISTRICT 2 REPORT

Animal Shelter

Commissioner Watson asked the other board members to go out to Byrd Landfill to see the animal shelter site.

Lake Talquin State Forest

Commissioner Watson told the Board that the management plan for the Lake Talquin State Forest is now complete. He said that he has a copy of it and would make it available to anyone who would like to review it. He pointed out that 15% of the timber sales that are within the Lake Talquin State Forest go to the county's School Board in proportion to the number of acres they own. Gadsden County owns 8670 acres. There are counties in the State who have petitioned the Legislature and had that changed so that the County Commissions gets an equal share of the sale proceeds as opposed to it going only to the School Boards. He stated that it may be something that Gadsden County wants to pursue.

Commissioner Fletcher stated that there was also a tremendous effect on the Gadsden County Tax base when Florida Power made their gift to State of Florida.

Campaign Signs

There was some discussion regarding political signs in the right-of-ways that were in the way of the mowing machines. He said

that he felt like the County should be enforcing its sign ordinance.

Mr. McKinnon stated that it has been common practice in Gadsden County for the signs to be in the right-of-ways. However, he said that if there are signs that are causing problems, the Public Works folks could contact the candidates and get them removed.

DISTRICT 3 REPORT

Commissioner Roberson said that she had been contacted by the City of Chattahoochee to request that the County fund the construction of a boat ramp in Chattahoochee. She said she would get with Mr. McKinnon and give him all the information.

DISTRICT 4 REPORT

Commissioner Fletcher had no report.

DISTRICT 5 REPORT

Chair Dixon asked that the Board sit down and set budget priorities and give the County Manager some directions before the budget workshops begin.

Commissioner Watson stated that he did not think it was necessary to meet together as a body, but that each commissioner could meet with the County Manager and communicate specifics to him.

Chair Dixon stated that he felt like it should be done as a body because he has seen some things through the budget, to the table funded that he had never heard about. He referred to the animal shelter.

Commissioner Watson contended that budget workshops are adequate and he was not willing to conduct additional meetings to set priorities prior to the budget workshops. He argued that anything in the budget can be changed at the workshops.

Chair Dixon argued "How does Howard build the budget if we haven't given him direction?"

Discussion followed.

Chair Dixon stated that he would request that County Manager set a date to do as he asked.

Gadsden County Board of County Commissioners
July 18, 2000 Regular Meeting

Commissioner Watson left the meeting at this juncture.

_____ COMMISSIONER FLETCHER MADE A MOTION TO ADJOURN THE MEETING.

Chair Dixon did not entertain the motion as he was still in discussion.

Chair Dixon concluded his remarks by saying "I make my point because I have worked too hard to help bring dollars to the County to not be given the respect of showing how those dollars will impact the County."

ADJOURNMENT

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

Edward J. Dixon, Chair

ATTEST:

Nicholas Thomas, Clerk

AT THE REGULAR MEETING OF THE
GADSDEN COUNTY BOARD OF COUNTY
COMMISSIONERS HELD IN AND FOR
GADSDEN COUNTY, FLORIDA ON AUGUST 1,
2000, THE FOLLOWING PROCEEDINGS WERE
HAD, VIZ.

PRESENT: EDWARD J. DIXON, CHAIR
E. H. (HENTZ) FLETCHER, VICE-CHAIR
W. A. (BILL) MCGILL
CAROLYN ROBERSON
HAL RICHMOND, COUNTY ATTORNEY
MURIEL STRAUGHN, DEPUTY CLERK

ABSENT: STERLING WATSON
NICHOLAS THOMAS
HOWARD MCKINNON, COUNTY MANAGER

1. CALL TO ORDER

Chair Dixon called the meeting to order. He then led in a prayer and Commissioner Fletcher led in pledging allegiance to the U.S. Flag.

2. ADOPTION OF THE AGENDA

The agenda was amended to remove Item No. 6 (Charles Davis, Open Hangar Policy at Quincy Airport) from the agenda.

UPON MOTION BY COMMISSIONER ROBERSON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 3 - 0, BY VOICE VOTE, TO APPROVE THE AGENDA AS AMENDED ABOVE.

3. APPROVAL OF MINUTES

July 18, 2000 Regular Meeting

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 3 - 0, BY VOICE VOTE, TO APPROVE THE MINUTES OF THE ABOVE STATED MEETING.

4. COUNTY ATTORNEY'S AGENDA

Mr. Richmond had nothing to report.

**5. GORDON JERNIGAN, ESCAMBIA COUNTY HOUSING FINANCE AUTHORITY
SINGLE FAMILY MORTGAGE REVENUE BONDS - SET DATE FOR TEFRA
HEARING ON SERIES 2001 ISSUE**

Mr. Gordon Jernigan appeared before the Board. He reported that the Escambia County Housing Finance Authority came out with a new bond issue in the year 2000 with an interest rate of 6.85%. Part of the bond money was designated for Gadsden County first time home buyers. He also said that soft second mortgage funds had also been made available for people of low income.

Mr. Jernigan then told the Board that the Authority expects to issue a new bond program for 2001. He asked the Board to participate in that bond issue as it has done for several years. He asked them to set a TEFRA Hearing date for September 5, 2000.

There was some discussion about the possibility of cancelling the September 5th Board meeting since it is election day. There was no consensus.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 3 - 0, BY VOICE VOTE, TO SET A TEFRA HEARING DATE FOR SOME TIME IN SEPTEMBER. THE COUNTY MANAGER WILL ADVISE MR. JERNIGAN OF THE DATE.

6. CHARLES DAVIS - OPEN HANGAR POLICY AT QUINCY AIRPORT

This item was removed from the agenda.

**7. EDWARD J. BUTLER - COMMUNITY DEVELOPMENT - HOUSING DELIVERY
GOALS CHART (SHIP)**

Mr. Edward Butler addressed the Board. He called attention to the Housing Assistance Plan and Delivery Goals in the agenda packets. He asked them if they had questions or concerns regarding the plan. He then asked them to approve the plan so that it can be submitted to Florida Housing Finance.

Mr. Butler stated that the Citizens Participation Committee recommended approval of the Plan and the Goals.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 3 - 0, BY VOICE VOTE, TO APPROVE THE HOUSING ASSISTANCE PLAN AND HOUSING DELIVERY GOALS CHARTS.

8. COUNTY MANAGER'S AGENDA

***Commissioner McGill joined the meeting at this juncture.

Tentative Millage Rates - General Operations 10.0 mills;
Hospital - .95 mills

UPON MOTION BY COMMISSIONER ROBERSON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE GENERAL OPERATION MILLAGE AT 10.0 MILLS AND THE HOSPITAL MILLAGE AT .95 MILLS.

Catastrophic Inmate Medical Insurance

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE OPTION I WITH HUNT INSURANCE GROUP FOR CATASTROPHIC INMATE MEDICAL INSURANCE EFFECTIVE AUGUST 1, 2000. THE MOTION ALSO INCLUDED APPROVAL OF \$4,746 TO BE TAKEN FROM THE GENERAL FUND CONTINGENCY TO PAY FOR THE COVERAGE. THE COVERAGE WILL BE \$2,373 PER MONTH.

FLORIDA ASSOCIATION OF COUNTIES (FAC) 2001 LEGISLATIVE ISSUES SURVEY

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE FAC 2001 LEGISLATIVE ISSUES SURVEY.

9. 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. Chamber of Commerce Activity Report for June, 2000
2. Invoice from Reynolds, Smith & Hill for \$10,355 for the

Traffic Study.

3. Lease # 400 with Florida Department of Agriculture for Recycling Department. Lease ends June 30, 2001. Unit 1 Annex and stalls 11-22 \$13,429.17 annually.
Lease # 692 for the Truck Scales; lease ends June 30, 2001; annual payment of \$3,275.00
Lease # 706 for land; lease ends June 30, 2001; annual payment of \$5,510.35.
4. Domestic On-Line License Agreement (1 Year) with World Book - through joint grant with School Board
5. Memorandum of Agreement between Gadsden County Public Library and Panhandle Adult Literacy Center.

10. CLERK'S AGENDA

Budget Amendments 00-08-01-01 through 00-08-01-08

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

Ratification of Approval to Pay County Bills

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

11. COMMISSIONER'S REPORTS

District 1

Commissioner McGill had no report.

District 2

Commissioner Watson was not present.

District 3

Commissioner Roberson had no report.

District 4 Report

Commissioner Fletcher had no report.

District 5 Report

Commissioner Dixon had no report.

12. PUBLIC COMMENTS

Chair Dixon recognized Mrs. Carol Fitzgerald. She reported that Dynasty Homes located on US 27 is still using Choctow Drive in Ochlocknee Estates as an entrance to bring mobile homes onto their sales lot. This was expressly prohibited by their development order. (See minutes of November 2, 1998 for greater detail.) This same matter was brought before the Board on April 4, 2000 and again on June 20, 2000. She said that she was led by the Board to believe that measures would be taken to abate the problem. She once again asked the Board to take some action against Dynasty Homes to prevent them from using Choctow Drive.

There was a consensus of the Board to give the County Attorney the authority to proceed with whatever is necessary to remedy the situation.

13. ADJOURNMENT

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

Edward J. Dixon, Chair

ATTEST:

Nicholas Thomas, Clerk

Gadsden County Board of County Commissioners
August 1, 2000 Regular Meeting

AT A REGULAR MEETING OF THE
BOARD OF COUNTY COMMISSIONERS
HELD IN AND FOR GADSDEN COUNTY,
FLORIDA ON AUGUST 15, 2000, THE
FOLLOWING PROCEEDINGS WERE HAD,
VIZ.

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

1. CALL TO ORDER

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

2. APPROVAL OF THE AGENDA

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

3. APPROVAL OF MINUTES

August 1, 2000

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

4. COUNTY ATTORNEY'S AGENDA

County Attorney Hal Richmond had nothing to report.

5. CRAIG MCMILLAN, PAT THOMAS & ASSOCIATES
Workers Compensation Insurance

Craig McMillan addressed the Board. He told them that the County's former worker's compensation insurance carrier had filed bankruptcy. He explained that it was a municipal self insurance

program for worker's compensation that was started in the early 1990's and was endorsed by the Florida Association of Counties. Claims were handled by a third party administrator - originally RISCOR but more recently, Zenith Insurance. He said that they were obviously underestimating their losses for public consumption and they made a decision to buy 100% re-insurance which cut off the income coming into the fund.

Mr. McMillan then told the Board, that as a member of that fund, the Board is only obligated for its own losses. He said that Gadsden County presently has two open claims for which it must be responsible. He then said that one of the claims will probably be on going for a period of time.

Two options were proposed as to how to handle the open claims. Option #1 was to utilize GRIT as a pass-through agency and let them pay the claims for the County. Option # 2 was for the County to handle it's own claims. Mr. McMillan recommended letting GRIT handle the claim and the County just pay the claims through them.

Mr. McMillan also reported that the Legislature is expected to address a provision to "bail out" the members of the GRIT that are left liable for claims. It was passed by the Florida Senate during the last legislative session but not by the house. It will go before them in the next session and it is expected to pass.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 5 -0 BY VOICE VOTE, TO AUTHORIZE THE CHAIRMAN'S SIGNATURE ON AN AGREEMENT TO ALLOW GRIT TO CONTINUE ADJUSTING PRE-JULY 1, 1998 CLAIMS, THEREBY OBLIGATING THE COUNTY TO PAY GRIT ON A DOLLAR FOR DOLLAR BASIS GOING FORWARD. THE MOTION ALSO INCLUDED APPROVAL TO PAY \$30,541.50 TO GRIT FROM THE GENERAL FUND CONTINGENCY.

6. PROJECT DEVELOPMENT & ENVIRONMENTAL (PD & E) STUDY FOR US 90
(SR10) ALTERNATIVE ALIGNMENT

Ms. Blair Golden and Ms. Rosemary Woods addressed the Board to give them an update on the proposed by-pass from US 90 (at Strong Road) over to SR 12 at C & E Farm Road. Ms. Woods stated that this phase of the project will probably take another 2 years to complete followed by 2 years of design and right-of-way acquisition before construction could begin. The construction could possibly be completed within 5 years.

7. PD & E STUDY FOR WIDENING OF I-10 IN LEON & GADSDEN COUNTIES

Ms. Woods then stated that she was present to officially kick off the I-10 PD & E Study as well. The project limits are from US 90 West in Gadsden County to US 90 interchange in Leon County - approximately 16 miles. She said that this is a follow up to the I-10 master plan which documented the need for 6 traffic lanes and improvements to some of the interchanges within the project area.

Ms. Woods told the Board that they would be forming a citizens advisory committee for the project. She said that a letter had been sent to Growth Management Director Bruce Ballister requesting that he serve on the committee. The first meeting will be held in October. See the attachment for further detail of this project.

8. GROWTH MANAGEMENT AGENDA

AT & T (PF.Net) Regeneration Site - Greensboro 00PZ-23-204-4-04

Growth Management Director Bruce Ballister introduced the above named project as being the second regeneration site for AT&T in Gadsden County. He said that they already have an easement that runs along I-10 for most of the length of the proposed project.

AT&T proposed to construct a signal booster station as a part of their "Next Generation Fiber Optic Cable System" at the southwest corner of the eastern intersection of Flat Creek Road and I-10.

The proposed site is 1.73 acres and will contain two fenced compounds to contain up to eight modular equipment buildings each. One of the buildings will contain an emergency generator.

The P & Z staff recommended approval as did the P & Z Commission.

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

Dynasty Homes Complaint

Mr. Ballister reported that citizen complaints about Dynasty

Gadsden County Board of County Commissioners
August 15, 2000 Regular Meeting

Homes have been investigated and the matter will appear on the agenda for the next meeting.

Mr. Richmond stated that the Board must give the owner an opportunity to appear before the Board and state his case.

Commissioner Watson stated that he has repeatedly violated the development order after having been warned to stop using Choctaw Drive. He asked Mr. Ballister to issue a stop work order.

Chair Dixon concurred that he should be shut down.

Mr. Ballister answered that the owner would be petitioning the Board to have the condition modified so that he could use the Choctaw Drive.

There was a consensus of the entire Board that a stop work order should be served on Dynasty Homes.

9. COUNTY MANAGER'S AGENDA

County Manager Howard McKinnon told the Board that Waste Management will locate at least one roll off unit in each district for the purpose of picking up white and brown goods. (Old furniture and appliances) He also said that he might be able to arrange for more than one per district if they are needed. Waste Management has also agreed to do newspaper advertising for the clean-up campaign and to empty the rolls offs.

Mr. McKinnon requested the use of the Public Works' inmate crew to pick up the goods from residences and transport the goods to the roll off sites. He also asked for \$5,000 from the general fund contingency to cover the tipping fees.

Chair Dixon asked the staff to get more advertisements out in the communities and possibly even some mail-outs.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO AUTHORIZE THE USE OF THE PUBLIC WORKS INMATE CREWS TO PICK UP BROWN AND WHITE GOODS THROUGHOUT THE COUNTY AND TRANSPORT THEM TO THE WASTE MANAGEMENT ROLL-OFF SITES. THE MOTION ALSO INCLUDED APPROVAL OF \$5,000 FOR TIPPING FEES ASSOCIATED WITH THE COLLECTION OF THE GOODS.

Canvassing Board

____Mr. McKinnon reminded the Board that the Supervisor has asked the Board to make appointments to the Canvassing Board. He told them that FL Statute 102.141 states that the Board shall be composed of the Supervisor of Elections; the County Court Judge, who shall act as chair; and the chair of the Board of County Commissioners (BCC.) However, both the Supervisor and the County Commission Chair have opposition in the Primary and are disqualified from serving on the Canvassing Board. He went on to say that according to the Statutes, the Chairman of the BCC must appoint a replacement for the Supervisor of Elections and the BCC must appoint a replacement for the BCC Chair.

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPOINT COMMISSIONER WATSON TO REPLACE THE SUPERVISOR OF ELECTIONS AND COMMISSIONER FLETCHER TO REPLACE THE BCC CHAIR.

Cancellation of the September 5, 2000 Regular Meeting

There was a consensus of the Board to cancel the September 5, 2000 regular meeting due to it being Election Day.

Budget Workshops

Mr. McKinnon asked the Board if they wanted to conduct budget workshops. There was no consensus or discussion as to budget workshops.

10. 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) DOT County Incentive Grant Recommendations for the record. Bear Creek Road (from CR65B to CR 65C), Brickyard Road (from CR 268 to RR tracks), McCall Bridge Road (from SR 267 to End), Howell Road (from US 90 to Shadefarm Road)
- 2) Appointment of Sue Hamilton, David Parramore, Roger Bertrand, Robert Presnell and Jim Corbin to Citizen's Advisory Board to actively participate in the permitting

- process for the City of Quincy's drinking water wells.
- 3) Extension of contract with Ackurit Labs to do groundwater testing. The service includes sampling and analysis of the monitoring wells at the closed landfills in Havana and Chattahoochee.

11. CLERK'S AGENDA

Financial Statements

Cash Report

Clerk Thomas presented the two reports stated above for the record.

Budget Amendments 00-08-15-01 through 00-08-15-07

Clerk Thomas asked to pull the budget amendments dealing with the SHIP Program (00-08-15-05 THROUGH 00-08-15-07). He then asked for approval of Amendments 00-08-15-01 through 00-08-15-04.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE AMENDMENTS 00-08-15-01 THROUGH 00-08-15-04.

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.

12. DISTRICT 1 REPORT

Commissioner McGill once again asked the Board to appoint a Recreation Committee. He called attention to the memo in the agenda packets which states his rationale for forming that committee. He said that he believes that the Board is going to have to look at some kind of rural recreation.

Until such time as the Committee can organize and make recommendations to the Board regarding recreation, Commissioner McGill requested that the Board fund the City of Havana and City of Quincy \$5,000 each to subsidize their programs as they serve county residents.

Chair Dixon called for a motion. There was no response.

DISTRICT 2 REPORT

Commissioner Watson had no report.

DISTRICT 3 REPORT

Commissioner Roberson had no report.

DISTRICT 4 REPORT

Commissioner Fletcher had no report.

DISTRICT 5 REPORT

Chair Dixon had no report.

ADJOURNMENT

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

Edward J. Dixon, Chair

ATTEST:

Nicholas Thomas, Clerk

AT A WORKSHOP/SPECIAL MEETING
OF THE GADSDEN COUNTY BOARD OF
COUNTY COMMISSIONERS HELD IN
AND FOR GADSDEN COUNTY, FLORIDA
ON AUGUST 29, 2000, THE
FOLLOWING PROCEEDINGS WERE HAD,
VIZ.

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

ABSENT: EDWARD J. DIXON, CHAIR
E. H. FLETCHER, VICE-CHAIR

CALL TO ORDER

Commissioner Watson called the workshop/special meeting to order.

LOCAL HOUSING ASSISTANCE PLAN

Community Development Director Edward Butler called attention to the attached resolution which formally approves the Local Housing Assistance Plan and asked the Board to approve it.

Mr. McKinnon explained that the Board had approved the Plan on August 1, 2000. (See BCC minutes for verification.) He went on to say that the Housing Finance Authority had requested a formal resolution for their purposes.

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 3 - 0, BY VOICE VOTE, TO APPROVE THE GADSDEN COUNTY LOCAL HOUSING ASSISTANCE PLAN.

EAR BASED AMENDMENTS TO THE COMPREHENSIVE PLAN

Mr. Watson turned the meeting over to Bruce Ballister, Growth Management Director. It is noted here for the record that some members of the Planning and Zoning Commission were present for this workshop.

Mr. Ballister called attention to the proposed revisions to the Gadsden County Comprehensive Plan based on the Evaluation and Appraisal Report (EAR). (Attached)

Density swaps for large tracts of land were discussed among the Board and with Mr. Bob Dean of St. Joe Paper Company and Mr. David Norman of Coastal Lumber Company.

There was a consensus of the Board to change the land use designation on all State-owned lands that are not already designated as conservation to Public.

No official actions were taken but several technical changes were suggested to be included in the next draft that will come back to the Board at the next workshop. (Suggested changes are shown in ink on the attached document.)

There was a consensus that they needed more time to study the proposed changes before the next scheduled workshop on September 7.

It is noted here for the record that the taped recording of this meeting was not audible and is unavailable for review.

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

Sterling Watson, Presiding

Nicholas Thomas, Clerk

AT THE TENTATIVE BUDGET HEARING
HELD IN AND FOR GADSDEN COUNTY,
FLORIDA ON SEPTEMBER 11, 2000,
THE FOLLOWING PROCEEDINGS WERE
HAD, VIZ.

PRESENT: STERLING WATSON, PRESIDING
W. A. (BILL) MCGILL
CAROLYN ROBERSON
HOWARD MCKINNON, COUNTY MANAGER
MURIEL STRAUGHN, DEPUTY CLERK

ABSENT: EDWARD J. DIXON, CHAIR
E. H. (HENTZ) FLETCHER, VICE-CHAIR

CALL TO ORDER

In the absence of the Chair and Vice-chair, Commissioner Sterling Watson called the meeting to order stating that the purpose of the meeting was to discuss and adopt the Tentative Budget for FY 2000/2001.

County Manager Howard McKinnon presented the tentative budget. He gave an overview of it pointing out the following items:

- 1) Library fund includes money to have drawings made for a new building.
- 2) Architectural study and recommendation for records storage area for the Clerk of Court.

Mr. McKinnon then recommended the following changes to the budget as presented:

- 1) Addition of a tipping fee for large item pickups.
- 2) Relocation of septic tank for resident on Atwater Road per prior agreement for right of way acquisition.
- 3) Roll over funds for animal shelter
- 4) Roll over funds for Rice Road and Kever Road

Commissioner McGill asked that \$10,000 be added for recreation funds for Quincy and Havana. He also proposed changes for the non-profit agencies.

Commissioner McGill requested that \$10,000 be added to the budget for recreation in Quincy and Havana.

Mr. McKinnon reported that Chair Dixon was in New York with his ill brother.

The following people were present to request funding:

Ms. Anderson - Gadsden County Day Care
James Smith - Panhandle Human Development Council
Grant Dearborn - Legal Services of North Florida
Marsha Hilte - Guardian Ad Litem
Annie Berry - Redeemed, Inc.
Angela Burgess - DISC Village
Ernestine Platt - Helping Hands of Gadsden County
Soloman Sanders - Senior Citizens
Randall Estelle - Estelle Security
Sherry Vanlandingham - Chamber of Commerce

RESOLUTION ADOPTING TENTATIVE TENTATIVE MILLAGE AT 10.00 MILLS

____UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 3 - 0 BY VOICE VOTE TO ADOPT THE MILLAGE AT 10 MILLS FOR THE GENERAL OPERATING BUDGET FOR 2000/2001.

RESOLUTION ADOPTING HOSPITAL MILLAGE AT .95 MILLS

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 3 - 0, BY VOICE VOTE, TO SET THE HOSPITAL DEBT SERVICE MILLAGE AT .95 MILLS.

Fire Services

____Commissioner Roberson requested additional \$60,000 for a water tanker for Chattahoochee.

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 3 - 0, BY VOICE VOTE, TO APPROVE AN ADDITIONAL \$60,000 PLUS INTEREST FOR THE PURCHASE AND FINANCING FOR A TANKER TRUCK FOR CHATTAHOOCHEE.

Changes proposed: Increase General Operating Budget to
 \$6,738,623
 Increase Transportation Fund # 1 to
 \$5,859,148
 Increase Fire Services by \$60,000 plus
 interest.

ADOPTION OF THE TENTATIVE BUDGET

____UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 3 - 0, BY VOICE VOTE, TO APPROVE THE TENTATIVE BUDGET AS PROPOSED ABOVE.

ADJOURNMENT

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

Sterling Watson, Presiding

ATTEST:

Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE BOARD OF
COUNTY COMMISSIONERS HELD IN AND FOR
GADSDEN COUNTY, FLORIDA ON SEPTEMBER
19, 2000, THE FOLLOWING PROCEEDINGS
WERE HAD, VIZ.

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

1. CALL TO ORDER

Chair Dixon called the meeting to order. He led in pledging allegiance to the flag following a prayer by Commissioner McGill.

2. ADOPTION OF THE AGENDA

Chair Dixon removed Item 6a - Sheffield Ranch - Special Exception at the request of the applicant.

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

3. APPROVAL OF MINUTES

August 15, 2000 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.

4. COUNTY ATTORNEY'S AGENDA

4.1 Declaration of Covenants, Conditions and Restrictions - Lynn W. Lutz and Calvin F. Lutz

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

4.2 Escambia County Housing Finance Authority - Public Hearing

In an attached memorandum, Escambia County Housing Finance

Gadsden County Board of County Commissioners
September 19, 2000 Regular Meeting

Authority (Authority) Executive Director Gordon Jernigan stated that the Authority expects to issue another tax exempt Revenue Bond series for the purpose of making low interest mortgage funds available to first time home buyers of low to moderate income families. He went on to explain that if Gadsden County participates in the program, (as they have in the past) the Authority will apply to the State of Florida for an allocation of approximately \$1,000,000 on behalf of Gadsden County. That would ensure that qualified Gadsden County first time home buyers could utilize the bond money.

Mr. Jernigan went on to say that in order for Gadsden County to participate in the program, it was necessary to conduct a public hearing on the matter and then enter into an inter-local agreement with the Authority and the other participating counties. The Authority advertised a public hearing for this meeting to take input from the public as to this bond series.

Also in the memorandum, Mr. Jernigan requested that the Board of County Commissioners adopt a resolution and the inter-local agreement (attached) to authorize the issuance of the \$100,000,000 Single Family Mortgage Revenue Bonds, Series 2001 (Multi-County Program).

Commissioner McGill asked if the public hearing had been properly advertised. Ms. Cathy Pipkins, Assistant Executive Director for the Authority was present and provided proof of publication.

Commissioner McGill questioned some of the language in the inter-local agreement and the resolution. Ms. Pipkins explained that the language to which he was referring came directly from the FL Statutes and is required.

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

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE INTERLOCAL AGREEMENT AND RESOLUTION.

5. Marzette Rump - Request to Subdivide Property

Dixon: Mrs. Rump. Good evening. Welcome. State your name for the record if you would.

Rump: Marzette Rump.

Dixon: You have our undivided attention.

Rump: Actually, I am here because I would like to subdivide some property that is located in Jamieson, actually the Forest Hills Subdivision on Jamieson in Gadsden County.

Back in January, ah, this is my uncle. I purchased an acre of land from him back in January. We came up to the Planning and Zoning to try to get it deeded off but at the time, we were told that it had to be re-surveyed. I didn't have the money up front to have a surveyor to come out. So, when I did come up with the money, I hired Matthews and Associates to go out to the property to survey it. Before he went out, John Matthews, before he went out, he spoke to somebody in Planning and Zoning and we were told that I cannot do it because of a bill or law that was passed as of July 1st that all pre-recorded land could not be subdivided unless it is immediate family or some extreme emergency.

Dixon: Bruce, do you want to address that for us real quick?

Ballister:

Ah, Howard and I have talked about this earlier and I guess that - it was my impression that you were going to call the department back. Anyway, I don't have a problem in granting this because she was in the process before the date started. She was in the course of action and I don't have a problem in letting her proceed in that course of action.

Dixon: Then, we are done here.

Thank you Ms. Rump.

McGill: I, ah,

Dixon: No questions. Nothing on the table. No motions, no nothing.

McGill: Done deal, done deal.

Dixon: Next.

6. PLANNING AND ZONING (P & Z) ISSUES

6.1. Sheffield Ranch - Special Exception

This item was tabled by Chair Dixon at the request of the applicant.

6.2 Waffle House - Hardship Sign Variance

Mr. Ballister told the Board that Waffle House would like to construct a 75 ft. sign near Midway on US 90 that will be visible from the exit ramps of I-10. The sign would be placed about 800 ft. northwest of the ramp along US 90. He went on to say that this request is contrary to the maximum height allowed by the County which is 30 ft.

He went on to say that Waffle House has asked for a hardship variance due to the topography and other special conditions peculiar to the site. The trees lining the Florida Department of Transportation (FDOT) right-of-way block the visibility of the property corner from cars exiting the I-10 ramps, rendering the sign invisible from their primary market. He then explained that her intended market is not the I-10 traffic.

Mr. Ballister explained that he was initially opposed to the placement of the sign but since their presentation to the P & Z Commission, he understands their plight and could support their request. He then pointed out that the P & Z Commission voted unanimously in favor of it.

Commissioner Dixon asked if the Board would be setting themselves up to allow more 75 ft. signs. He then asked if a better course of action would be to become more creative and innovative to deal with signs.

Mr. Ballister answered that there is an on-going effort to draft a sign ordinance which is looking at issues such as this one. He reported that he had visited this particular site and a compliant sign would not be visible. He suggested that the Board continue to see sign requests and grant them on a case by case basis.

Chair Dixon insisted that the County continue to look for more options.

Commissioner McGill asked if the property where Waffle House is to be placed lies with the City of Midway. He was told that it was in the County but it is immediately adjacent to property which was recently annexed.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER FLETCHER THE BOARD VOTED 3 - 2, BY VOICE VOTE, TO APPROVE THE HARDSHIP SIGN VARIANCE REQUESTED BY WAFFLE HOUSE. COMMISSIONERS WATSON, FLETCHER AND ROBERSON VOTED "AYE." COMMISSIONERS MCGILL AND DIXON VOTED "NAY."

6.3 Steve Glawson - Minor Subdivision II

Mr. Ballister recalled to the Board that Mr. Steve Glawson filed an application for a variance and requested permission to re-subdivide Tract 3 and Tract 4 of the Burt Ridge East Subdivision. The Board first heard his request on May 2, 2000. It was tabled because of confusion that came about from the submittal of incorrect maps with the agenda materials. Since that time Tract 3 has been sold. The applicant is now seeking the further subdivision of Tract 4 only.

Tract 4 is located along the southern right-of-way of CR 270 across from Red Fern Road and the Highlands Subdivision. It is a 160 acre parcel. Mr. Glawson desires to subdivide it into four lots varying from 29 acres to 54 acres but the Land Development Code (LDC) requires that the Board grant a variance first. The request is not inconsistent with the Comprehensive Plan (Comp Plan) which allows one acre lots in residential subdivisions.

Mr. Ballister went on to say that there are wetlands on the property in question along the southern portion of the Tract. They would be affected by the Ochlockonee River and any home sites would have to be set at elevations in excess of 100 ft.

P & Z staff recommended approval subject to the deed restrictions that only stick built homes would be placed on the lots and that the lots could not be further subdivided in the future. This split should be the last time that the land could be subdivided. He also recommended that the surveyor re-record the Burt Ridge East Plat with all the lot lines created by this subdivision.

Chair Dixon called for comments from the public.

Mr. John James asked for clarification as to the deed restrictions and whether they would be enforceable. He then asked "Who are the beneficiaries?"

Mr. Ballister replied that the deed restrictions would appear on the plat and they would state that only stick built homes could be placed on the property and that no lot could be further subdivided.

Mr. James then stated that there would be only 4 people who could enforce the restrictions.

Mr. Richmond stated that these conditions would be made a part of the development order and would be enforced by the P & Z Department and the County. Any changes would have to come back to the Board.

Ms. Clara Virginia Burt, previous owner of the property addressed the Board. She stated that the property was first subdivided prior to giving the parcel to Florida State University in 1998. Mr. Glawson purchased the property and subdivided it a second time.

Mr. Glawson appeared before the Board. He was asked several questions by Mr. Richmond. He clarified that there will only be 4 lots created from this sub-dividing of the property. He also clarified that only stick built homes will be allowed on the property and there could never be any other subdivision of the land.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE VOTE TO APPROVE THE MINOR SUBDIVISION AS DESCRIBED IN THE PREVIOUS PARAGRAPHS.

7. COUNTY MANAGER'S AGENDA

7.1. Water Quality in Ochlockonee River

Mr. McKinnon told the Board that the Leon County Commissioners have an on-going initiative dealing with the water quality of the Ochlockonee River. They have come to a conclusion found in the attached report. He called attention to the last page of the report describing a course of action to be taken by them. It was to accept the lab reports and forward them on to the appropriate state and federal agencies. Additionally, they are requesting that those agencies take measures that will lead to the elimination of the pollution affecting the river.

Mr. McKinnon went on to say that Leon County has asked that Gadsden County join them in their initiative by adopting a resolution calling for the elimination of the pollution and send it to the appropriate agencies.

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO ADOPT A RESOLUTION AND FORWARD IT TO STATE AND FEDERAL AGENCIES CALLING FOR THE ELIMINATION OF THE POLLUTION TO THE OCHLOCKONEE RIVER BY GEORGIA INDUSTRIES.

7.2 Appointment to Canvassing Board

Mr. McKinnon stated that it is necessary for the Chair to appoint a member of the Board to take part in the Elections Canvassing Board to replace the Supervisor of Elections. Chair Dixon appointed Commissioner Sterling Watson to the Canvassing Board.

8. 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. Worker's Comp Insurance Addition to previous agreement with GRIT (On August 15, 2000 BCC approved using GRIT as an administrator to handle claims which applied to previous carrier. The agreement called for the County to reimburse GRIT after they paid the claims. GRIT has since capped payment by them of a particular claim to \$10,000. Any amount over \$10,000, they are asking the County to make advance payment.)
2. Jail Physician Employment Agreement - Dr. Gloria Ramos
3. Custodial Contract with Amy Andrews for Havana Library Facility
4. Born to Read IV Grant Contracts - 00-LSTA-F-02 \$7,075.00
5. CHARGE Grant Contracts 00-LSTA-J-02 \$60,000.00
6. Amendment to TDS Telecom Centrex Service Agreement - A1332 Total monthly charges \$14,074.20
7. Upgrade to Jail Telecommunications Tower - Bid # 00-020 Awarded to Liberty Communications for \$14,495.00
8. Interlocal Agreement with City of Chattahoochee for Ambulance Services
9. Agreement between Tallahassee Community College (TCC)/Pat Thomas Law Enforcement Training Academy and Gadsden EMS for use in training to conduct an Emergency Vehicle Operators Course (EVOC)
10. Solid Waste Recycling and Education Grant Part Two Application; Grant Agreement No. RE-01-18 \$89,682
11. Litter Control and Prevention Grant Agreement no. LC01-18 \$16,924.00
12. Small County Grant Agreement no. SC01-09 \$50,000.00
13. Waste Tire Grant Agreement no. WT01-20 \$21,322.00
14. Mosquito Control Annual Certified Budget - required by State in order to receive funds for the Aid to Counties

- and Waste Tire Abatement Program State Portion \$26,245 and Local Portion \$26,368 totaling \$52,613.00
15. New Road Name: Sundance Trail - east of Vicker's Cemetery off SR 12 on Fairbanks Ferry Road
 16. Road Name Change: Rename a portion of McMillan-Cooper Road to Morgan-Williams Road
 17. Gadsden County Paving List - Change Order # 7
Additional paving of CR 268 (Highbridge Road) and Kever Lane. The cost of the additional work is \$128,295.00. The previous work was \$64,377.50. The entire work is funded by Small County Road Assistance Program (SCRAP). Kever Lane is new paving and the limits are from the Bristol Highway to the dead end for approximately .7 mile. The cost of the work is \$40,861.33. Total Change order is \$169,786.33
 18. Emergency Management Preparedness and Assistance (EMPA) Base Grant Contract # 01CP-04-02-30-020 \$105,806.00 less satellite communication services \$2,880.
 19. Hazardous Analysis Contract # 01CP-11-02-30-22-013 \$12,268.00 (no county match required)
 20. Hazardous Analysis Subcontract between Gadsden County and Apalachee Regional Planning Council (ARPC) to perform the services required by the Hazardous Analysis Contract above.
 21. FEMA Project # 1249-0064 Gretna City Hall/Sheriff's Office Shutter Project Contract No. 01HM-4L-02-30-15-028-CFDA No. 83.548 (Install storm shutters over all the windows and doors of the Gretna City Hall - the designated command post in event of emergency) \$29,389.00
 22. Notice from Florida Department of Community Affairs (DCA) of its intent to find the Comp Plan Amendment in Compliance (Ordinance # 2000-003)
 23. Chamber of Commerce Economic Development Report for July 2000 and August 2000
 24. SHIP Annual Report for FY 97/98; 98/99; 99-00
 25. Notice of travel by Commissioner Dixon to attend FAC Executive Committee Meeting and Board of Director's Meeting
 26. State Aid to Libraries Grant Application

9. CLERK'S AGENDA

9.1 Budget Amendments 00-09-19-01 Through 00-09-19-45

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

9.2 Ratification of Approval to Pay County Bills

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

10. COMMISSIONER'S REPORT

Commissioners McGill, Watson, Roberson and Fletcher had no reports.

Chair Dixon appointed Commissioners McGill and Roberson to serve with him on the Value Adjustment Board.

ADJOURNMENT

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

EWARD J. DIXON, CHAIR

ATTEST:

NICHOLAS THOMAS, CLERK

AT A REGULAR MEETING OF THE BOARD OF
COUNTY COMMISSIONERS HELD IN AND FOR
GADSDEN COUNTY, FLORIDA ON OCTOBER
3, 2000, THE FOLLOWING PROCEEDINGS
WERE HAD, VIZ.

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

ABSENT: E. H. (HENTZ) FLETCHER

1. CALL TO ORDER

_____Chair Dixon called the meeting to order. Commissioner Watson led in pledging allegiance to the U.S. Flag following a prayer by Commissioner McGill.

2. ADOPTION OF THE AGENDA

Commissioner Roberson asked that Item 6.4 - Donnel Dawkins be removed from 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 AMENDED.

3. COUNTY ATTORNEY'S AGENDA

County Attorney Hal Richmond had nothing to report.

4. MANAGEMENT SERVICES AGENDA - Arthur Lawson, Director

Mr. Lawson asked the Board to approve the extension of the current engineering services contract with Reynolds, Smith and Hill, Inc. (RSH) He said that the staff is satisfied with the services provided by them (RSH) and they have agreed to keep the terms of the agreement including the fee schedule.

Commissioner McGill asked Mr. Lawson if he had talked with Public Works Direct Robert Presnell regarding the extension of the

contract. Mr. Lawson replied that he had conferred with Mr. Presnell.

Chair Dixon called for a motion.

**A MOTION WAS MADE BY COMMISSIONER MCGILL TO APPROVE THE
EXTENSION WITH REYNOLDS, SMITH AND HILL.**

THE MOTION DIED FOR LACK OF A SECOND.

Commissioner Watson stated that he believes that they have been over-designing projects. He called attention to Lanier Road and Dupont Road.

Watson: It is my understanding that Robert is having to come back to ya'll to renegotiate on designs on permit fees and what not. I would hope that after working with us after 3 years that ya'll pretty well ought to know about where we are at.

Steves: We know exactly where you are at now.

Watson: Why are we still having to negotiate these things, then?

Steves: The one on Dupont, if you are referring to what I think you are, the, when we previously submitted, we submitted to show you what it would run if we had to go for a general permit, which included the entire length of the roadway. It included all the survey for all the right-of-way acquisition, the whole nine yards to give you a n idea of what would happen if you had to go through a complete general permit.

The ones we just recently gave him are a little more expensive than what you are normally used to because there are environmental wetlands on the sites which we haven't had before. We have to get those delineated which Robert and I have talked about. He is going to do the delineations rather than have us do which is fine with us because it will decrease the amount. Plus, in the two that you are referring to - Lanier and Dupont - all the areas, because of lack of right-of-way, cannot support a swale on the side of the road. We have to do compensation calculations which we have not had to do before. In other words, DEP will allow us to store where

we can store water to compensate for the areas along the roadway that are environmentally sensitive that we can't store water - or that have steep slopes that we can't store water. That is why these particular roadways are a little more than what you are normally accustomed to. They are a totally different scope than what you are normally accustomed to and all of the - as far as I know - every one we have done for you, you have had no problem with it til we got to these that are a little bit increased in scope. Those are the only two.

McGill: That's exactly why I asked the question "Have you talked to Mr. Presnell regarding that?" I assumed that he was satisfied, that is why I made the motion. But then, Commissioner Watson brings up another dimension. I didn't read anywhere in that proposal for \$164,000 - I didn't read that to be a preliminary look at - I took that to mean actual costs of what (inaudible)

Steves: No, it had nothing to do with Lanier. That one then. If you had to go with a general permit, they would probably be close to that. What we are trying to do is eliminate the need to go through a general permit, which is what Robert and I are working on. I mean, we never intended, when I gave you the proposal for Dupont, we never intended that to go, or for you all to accept that proposal. That was to give you an idea of what would happen if you had to go in there and purchase right-of-way and do it under a general permit.

Now, what I think what Robert is doing this time with Dupont is talk to you about what we can do to eliminate those types of things on Dupont and actually on Lanier to reduce those fees. But, we never intended that to go any further other than to give you an example of what it would run if you were to go the full roadway with the limited right-of-way and having to acquire that right-of-way and all the ah, in fact, of that contract, 1/3 of that contract is strictly survey work to obtain the additional right-of-way.

Watson: I would like to see us go out for an RFP myself. We might wind up with them again, but, I am to that point personally.

Gadsden County Board of County Commissioners
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Dixon: We have before us a recommendation from our Public Works Director and General Services Manager.

The chair will entertain.

Watson: Can I make that motion? I make that motion.

Dixon: You may. The motion is made.

Roberson: I'll second it.

Dixon: We have a second.

McGill: Are we in discussion now?

Dixon: Discussion.

McGill: My real concern about going out for RFP at this point is that it will delay the work, I think, on Dupont Road. If I am not mistaken. Is that correct?

Presnell: It depends on how long that process will take.

Lawson: Anywhere from 4 - 6 weeks.

McGill: Could Public Works still be doing what you are proposing in here on both ends and leave the middle undone?

Presnell: Yeah. It wouldn't stop us from working, but we couldn't actually put pavement down. We couldn't do that until we have the permit in hand. Any of the other work, we could do.

Dixon: I don't see the need for re-bidding if we have a system that is working as it is expected to work, has delivered the services. I don't see the problem. Like our paving contract. We've got good prices, you got a good group, you just roll with it. Am I right, Robert? That is how we do it right?

Presnell: We have.

Dixon: That's how we do it. I don't see a problem, you roll with it.

Gadsden County Board of County Commissioners
October 3, 2000 Regular Meeting

Watson: I'll make that deal with you. You don't fuss about the paving contract, and I

Laughter

Watson: How 'bout it. Come on now.

Dixon: You won't get that from me. No. No. Oh, let me see. Five million dollars - two hundred fifty thousand dollars. Somebody tell me - something is wrong with that, right. NO, you won't get that concession.

Watson: Your argument is in the wrong.

Dixon: Ladies and gentlemen, we need to either table or deal with it.

Watson: There is a motion and a second.

Dixon: We have a motion and a second to go out for bid, correct? We are in discussion.

McGill: I really would like to have a policy of some sort that we entertain a contract for a period of time and go out for bid for all of them including the audit services and everything else we do.

Dixon: You need to get that from that commissioner. And I can assure you that he is unwilling to go for that. Am I right, Commissioner?

Watson: No, I believe that everything is going fine but I, I mean we have been working with them for 3 years and I think they ought to know by now what this County can and can't do. And I don't think we should be having to negotiate with them on things in year 4.

Dixon: I don't think that is the issue. I don't hear the public works director sitting here saying that we got a problem. Now, he might have said it to you, but he hadn't said it to me.

(Note: For clarification on the Dupont Road issue see the minutes of March 7, 2000)

Gadsden County Board of County Commissioners
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Watson: I'm just remembering back to Dupont Road. All of us had great concerns about that.

Dixon: Well, Commissioner, let's put this in the proper prospective. You are talking about "a" road. "A" road. And how many projects have we done collectively? And do we want to decide a contract on "a" road that, as I understand it, we are working out the problems, the bugs, if there are any.

Steves: The way we have recently proposed Dupont is absolutely different than originally anticipated. In other words, we gave Robert some options that would allow him to still qualify for a swale exemption rather than, which means that he will be addressing that in just a minute when he comes up, but there, if you do the entire roadway, you can't do it under a swale exemption. It doesn't meet the criteria. If you don't do it under a swale exemption, you have to do it under a general permit. If you do it under a general permit, then, the previous contract is what addressed that - if you had to go with a general permit. I mean, you are going to get those same fees from everybody. We are competitive with all of our competitors anyway. I mean, we all have to do about the same thing. It's not rocket science how we do what we do, it's whether it qualifies for the exemption or it doesn't qualify. And I think what Robert is going to talk to you about is how to do the roadway where we can still do it under a swale exemption and what portions we can do under a swale exemption. I don't think that we have gotten into a negotiation problems that I know of, it is strictly a difference in scope between the first one and the second one.

Dixon: Robert, come to us and put the commissioners fears at rest.

McGill: I don't have a copy of both proposals before me and I didn't read it exactly as the gentleman is saying. I didn't read that "If you go this way, this is what it is going to cost." I read, "this is what the fee is going to be: \$164,000 for Dupont Road and approximately that same amount for Lanier Road which was roughly \$320,000 for the two." That is the way I interpreted it.

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Watson: I agree and I think I am hearing an explanation tonight that we didn't get the first night.

Steves: When I stood up here the first night, I told you this was what it would run if we had to do a general permit. And at that time, I think I expressed my concern that the only way you can do it, is to take portions of the roadway to qualify for a swale exemption. In fact, that is what we just started discussing, was the options. When the option was that you had to do the entire roadway, then, the contract or the proposal that I gave you still stands. I mean, that is what it would run if we had to do it under a general permit and you had to get right-of-way. You would need those surveying services, you would need those environmental services which are more than 30% of the entire contract - that's just in environmental and survey. When you get into a swale exemption, you have neither of that. We had a little environmental, but, Robert can handle that under his department. We are not changing, we are revising the scope to where it would work under one condition rather than the other condition. It is not a negotiable -

Watson: My point is that we didn't hear that second condition that night. I am hearing it tonight.

Steves: You are hearing it tonight because

Watson: I want to hear it first. I don't even want to hear the expensive one - We can't spend \$164,000 for

Steves: I understand that, but, the expensive one includes the entire roadway. The proposal we have for doing it now under the swale exemption doesn't include the entire roadway. It only includes a portion of the entire roadway. And that portion is outside of what they had originally asked us to give a proposal on. So, the scope has totally changed. Before it was 3 ½ miles and now it is 3 miles.

Presnell: 3 miles. Now we are under a mile and a half of it is all we will pave.

Dixon: So, we are looking at a different picture.

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Steves: A totally different picture, yes. One that now qualifies under the swale exemption criteria.

Dixon: O.K. Let's bring this to a close. Unfortunately, members of us have to participate in the election. Please forgive us. We have before us a motion and a second to go for RFP.

Robert is there anything you want to say before we move on?

Presnell: I'm going to talk about Dupont Road. If that is helpful to you, I can do it now.

Dixon: You want to clarify for - is what Reynolds, Hill and Smith telling us how things are happening.

Presnell: Right. The first proposal that you all heard several months ago was for

Dixon: Come to the Mic.

Presnell: The proposal that we had them to prepare for Dupont Road was some \$160,000. Obviously, that was brought before ya'll and ya'll were not interested in that. So, we went back and looked at cold mix and different ways of treating the storm water. What we are down to now, the recommendation by Reynolds, Smith and Hill (which I am fixing to talk to you about) is basically - We can pave a just a portion of that road under a swale exemption. We are not talking about paving the whole road. I am here tonight to seek your approval for whether you want to proceed with that or just skip the road.

At this point, we can't pave it without a general permit. We can't pave it under a swale exemption. We have met out there and been out there more than once and we met with DEP in Tallahassee. His people are telling him that we can't get it on that existing right-of-way.

Dixon: So, if we get a GP, then it's going to cost us - that's what you are telling us - no matter who does it - it's going to cost us.

Presnell: It's going to cost us. I mean, there is certain work that has to be done as part of a general permit. And we want to avoid those at all cost. I mean, general permits are no win for anyone.

McGill: Well, what happens to that spot in between the two ends that you will pave?

Presnell: It's going to remain dirt. We will have to maintain it or lime rock it where we can just maintain it periodically. That is what I am here to ask you tonight. I mean, we're down to those kinds of options. We could pave it for about a mile coming in from 90 and a little over a ½ mile coming in from 159. We'll get most of our people in and out of there on asphalt but we will have the middle section that will remain dirt because it can't be paved under a swale exemption.

Dixon: Which doesn't make much sense if you are paving roads. So, sometimes you got to buy the bond.

Steves: If you pave a portion of it, you will, the way it works out, you will get the majority of the residents who live in there along that entire roadway some asphalt to drive out to the main road.

Dixon: But, that's a collector road that goes all the way through from one road to another, right? I mean, we anticipate growth there. We don't anticipate it, it is there and it's coming. So, why would we go out there and do it half way? It doesn't make much sense at all.

McGill: I wonder what would happen if you were to pave the 7/10 portion one end and 5/10 on the other end and leave that - I know what you said - but, what do you think the costs would be for the paving to connect the two?

Steves: Well it would be less than \$150,000 because you could take care of half of the road under a swale. Then maybe come back at a later date which will reduce it. Still, with ya'll's policy of not buying right-of-way, and until - you understand that you are going to have to get more right-of-way to do that center portion of the roadway.

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There just isn't enough right-of-way there existing today with the steep banks and the environmental areas. So, unless you want to purchase right-of-way or get people to donate it, in which case, you are fine until one person decides not to donate it, then you are still going to have a problem on the center section.

McGill: Have we contacted people about donating property? Donating right-of-way?

Presnell: We have not talked to all of them on Dupont. We just got this proposal in last week. This is where we are now. So, I am back to seek guidance from ya'll.

Dixon: Let us deal with one thing at a time here. I am personally not in favor of going out to bid. We've got a good thing rolling. All the players are here, we are accomplishing a lot of roads, lot of miles. I don't see the argument, so.

But, before us is a motion and a second to go out for RFP. The chair is going to carry the motion. Discussion is closed.

All in favor a sign of "aye."

Watson: Aye.

Dixon & McGill: Nay.

Dixon: Commissioner, what was your vote?

Roberson: Aye.

Dixon: So, it's 2 - 2.

Ah, at this point, they carry. So, maybe at some point, it will come back. Until then, things go on as usual.

Thank you, sir.

Dixon: Mr. Presnell, give me the short version.

Presnell: Well, you have heard most of the facts here tonight. What we get, because of storm water regulations from our

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engineering services, Reynolds, Smith and Hills, we can come in 7/10 miles from 90 on the Dupont Road project, ½ mile from 159 with the cold mix asphalt under a swale exemption. They have proposed to be able to do that for us. That will leave the middle section dirt. Do we want to look at expending some pretty serious engineering fees, try to get some right-of-way, do all the storm water and do the entire project or do these two pieces or skip the entire project and come back at a later date on the Comp Plan list. That's our choices.

McGill: I make a motion that we take the staff recommendation and do 7/10 mile from one way and ½ mile from the other way and come back later and fill in the middle. That is my motion.

Dixon: We have a motion.

Watson: Second.

Dixon: And a second.

Discussion.

I personally don't think, until we get that right-of-way, we should do anything at all. I really have a problem in not going ahead and doing it as opposed to getting back to it. Unless we are going to put it to the end of the list and I don't hear anybody saying that.

McGill: End who?

Dixon: The end of the list.

McGill: No, we're not saying that. I can understand

Dixon: If you will let me, Commissioner.

Because, the point is, either the residents want a paved road or they don't. I don't think we are asking for a lot of footage out there. We, quite frankly, don't have the money to buy right-of-way and pave roads. It is that simple. It is absolutely that simple. Cut and dried. That simple.

The engineers said that we cannot build a road for the middle section without the right-of-way, without having those right-of-way issues settled. You know, I don't understand why we would go out there. It's like I said the other night about paving a road and leaving a little dirt in-roads where people have to drive home. It doesn't make sense. It doesn't make a whole lot of sense. Why not go ahead and pave those short quarter mile roads and be through with them. O.K. We don't have to send trucks and tractors back out there. I mean, we are wasting a whole lot of money having to come back and back again.

Who knows how long this will go on. My thing is drop them to the bottom of the list and see if neighbors can convert neighbors. See what the deal is. But, there are people waiting on the line who have given us the right-of-way and have done what we have asked them to do. They should not be punished by those Dupont residents who do not want to "anti-up." This is a community. Everybody has got to pay in a little bit.

Watson: Mr. Chairman.

McGill: I think that is what he said. I think if he had time to go out and talk to them and see if they will give additional right-of-way and my motion is that we go ahead and do what we can do on the road now to give them time to talk to the other residents to see if they will come in and give some more.

Dixon: You want time?

Presnell: That's what we are planning. We think if ya'll choose to go with beginning the project and do the two ends, that will shorten the length of road that we will be negotiating with the land owners on. It shortens the length of road that we will have to survey. It shortens the length of road that we'll have to engineer. So, I think we'll be dealing with less people. And they're going to be - with part of the road that will be paved, I think it will be easier to work with them and it will definitely be cheaper.

Dixon: Yeah, but you're going to be 5 years later before we come

back. That's what I am recommending that it's going to be 5 years later because you can't let people hold up the system, you know, because what you are going to want to do is everybody sees their name moving up on the list and all of a sudden, here comes Dupont. People are going to say "Wait a minute. We have done our time. We have waited and now we have been dropped how far?" You know, that is not fair.

McGill: But we're not saying that. We are saying that by the time they get to doing what they are going to do to the two ends, we will have had time to talk to the residents.

Dixon: That is wrong too, because then we got to pay new mobilization costs, new other costs to bring all these people back to the same place we just left. To the same place we just left. Now.

McGill: They may not even be through by the time we get it.

Dixon: But, still, you are not going to move it that fast. You know, I mean, I don't mind tabling this thing until we can get the engineers to get with the land owners and all the talk going. But, here, I think that it is a waste, a total waste to go out here and start this project knowing that we can't complete it. The one luxury that we do not have is the luxury to keep coming back to places. We are poor, we do not have a wealth of money. We have to go and do it, do it right the first time and be done with it.

McGill: Well, I will be the first to agree with you that it is not ideal. But we do have a motion and second in front of us and I call a question on the motion.

Roberson: Can I ask ah, Robert do you have a recommendation?

McGill: Yes, it is right there.

Roberson: Well, I know he gave us this, but, I mean, he is the one that works with the maintenance everyday and how much maintenance is on that road and the section that isn't going to be paved.

Presnell: Dupont Road has a lot of traffic on it. It is a

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connector road just as Commissioner Dixon said. The good part about this is (and it is really just site specific to this road) doing this proposal gets most of our people in and out. There is a subdivision where half of the people on that road live, you know, about a half mile in from 90. Then there is some family land on the 159 end which scatters a lot of relatives and it will get most of those in and out the 159 way. So, ah,

Roberson: The section that isn't going to be paid - is it a really bad section of the road that requires a lot of maintenance?

Presnell: Correct. That is the reason we can't pave it because it is real hilly.

Roberson: O.K. Because it's real hilly.

Presnell: That is the reason we can't get a permit because there is so much hills, you need to treat the storm water and you need a lot of space to treat the storm water.

The parcels in the part that we would be leaving are large, more rural parcels. They are not as dense. It just happens to be this way on this way. There are not small lots. It's fairly large tracts in the middle.

Dixon: I'll offer a compromise. That we go ahead with the project but in the mean time, they negotiate with those property owners. Not negotiate because we ain't got nothing to offer - asphalt. But the caveat is that if they do not do it in the time that we are there, they wait five years to come back up on the list.

McGill: Well, you see, the motion was to go and do

Dixon: I know what the motion was.

McGill: Are you saying amend the motion?

Dixon: No, sir. I guess I am trying to amend the motion. But, I mean that is my caveat. Because you can't, I am not going to vote for them next year to come back and get some more money. I am not going to do it. They fall off the list because technically Dupont Road is paved.

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They fall off the list.

McGill: But, only a portion of Dupont Road will be paved.

Dixon: No, the portion that we can pave is paved. The Board has a standing policy that we will not buy or purchase right-of-way. Technically, we'll have done all we can do, they need to be off the list. Period. And that is what I will sit here and fight for because it is unfair to all the other residents.

McGill: Well, then we will be fighting each other.

Dixon: Well, that doesn't happen often and I am sorry to see it happen.

McGill: I call the question on the motion.

Dixon: The chair will entertain.

We have before us a motion and a second to proceed with the recommended paving of Dupont Road.

All in favor, a sign of "aye."

Watson, McGill, Roberson: Aye

Dixon: Opposes?

Dixon: Nay.

Richmond: I've got a file on that with a bunch of old right-of-ways that were signed to us 10 years ago. I don't know if any of them are any good anymore. We never did see an agreement.

Lawson: Mr. Chairman, If you will, I need to get some clarification for the engineer before.

We didn't extend the contract, the current contract expires, has expired.

Dixon: Keep it in force.

Lawson: We keep it in force? Until something else happens?

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Dixon: Until something else breaks.

McGill: I thought we did that.

Dixon: Did what?

McGill: Kept the contract in force?

Dixon: No, we didn't do anything.

Lawson: That's why I need some clarification. Did ya'll do anything?

Dixon: We didn't do anything which means that

McKinnon: We didn't do anything and the current contract stays in force until it comes back before the Board.

Note: Commissioner Watson was excused from the meeting at this juncture to attend to his responsibilities on the Canvassing Board for the Second Primary Election.

6. PLANNING AND ZONING (P & Z) ISSUES

_____Chair Dixon stated that he and Commissioner Watson had to be excused to attend to their responsibilities as members of the Canvassing Board for the Second Primary Election. Therefore he asked that all of the P & Z agenda items be tabled until October 17, 2000. There was a consensus of the Board to table the above stated actions.

John Mills was present and asked to be heard. He was instructed to see Bruce Ballister regarding his issue. He argued that his problem was Mr. Ballister.

Mills: I had a 45 minute speech. I'll cut it down to 30 seconds. Obviously, in the past, I've kinda ruffled Bruce's feathers here and he kinda makes up stuff as he goes along.

I've got a fence out of 27 north. He has told me to move it. My fence was up before this ordinance came about - Ordinance 00-002. So, the bottom line is my fence was up before the date that ah, I've got a letter from Katherine Harris. That ordinance went into effect on April 17,

2000. My fence was up. Bruce came out to my property on the 11th and told me that this ordinance had been in effect for weeks and that I needed to move my fence. When, in fact, there wasn't even an ordinance then. There's my 30 seconds.

McGill: You are at number 6 now - Miles and Kiley?

Mills: It's Mills and Kiley. Well, I have received a lot of typos in the letters I have been getting too.

Dixon: Mr. McKinnon will look into that and report back to us. There will be no action taken by Mr. Ballister including fines from this point forward. O.K. Do we understand each other.

Mills: Well, at this time, this is real simple. This ordinance went into effect on April 17 and my fence was up before then.

Dixon: But, we have to give Mr. Ballister the opportunity to make his case as well and we don't have time for that tonight. I am sorry. I apologize. I know a lot of you have come a long way and

Mills: Well, what do we do here. Just bump this til another day?

Dixon: Two weeks. Our next meeting, two weeks from tonight.

Mills: All right. I'll see you then.

Dixon: We will go immediately to the Consent Agenda.

7. COUNTY MANAGER'S AGENDA

County Manager Howard McKinnon had nothing to report.

8. CONSENT AGENDA

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

- 1) Extension of the Havana Library Lease - John Olson - Olson Insurance and Financial Services - \$2,370.05 per month (increase of 2.7% CPI-U Index)
- 2) Letter of Support for Talquin Electric who is applying for an economic development grant to assist with the water and sewer services for the Midway area and the 10/90 area.
- 3) Amendment to Contract #4629 between the Florida Dept. of Agricultural and Consumer Services and the Gadsden County Board of County Commissioners - Commodity Food
- 4) Resolution 2000-026 in support of the Vehicle Acquisition Program sponsored by Florida Association of Counties and the Florida Sheriff's Association
- 5) Gadsden County Health Department Contract - Between Board of County Commissioners and Florida Department of Health for the operation of the county's health department
- 6) Notice of Intent to Apply for Small Cities CDBG Emergency Set-Aside Funding - Drought conditions that effected well water supply in the Point Milligan Community - Request to use SHIP funds to extend Talquin Electric water lines to 28 homes
- 7) Notice from Department of Community Affairs (DCA) of Finding Comprehensive Plan Amendment (Ordinance # 00-004) in Compliance
- 8) Annual Local Government Financial Report for Fiscal year 1998-1999

CLERK'S AGENDA

Ratification of the Approval to Pay County Bills

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER ROBERSON, 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 was not present at this juncture.

DISTRICT 3 REPORT

Commissioner Roberson had no report.

DISTRICT 4 REPORT

Commissioner Fletcher was not present.

DISTRICT 5 REPORT.

Chair Dixon had no report.

ADJOURNMENT

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

EDWARD J. DIXON, CHAIR

ATTEST:

NICHOLAS THOMAS, CLERK

**6.2 Matthew Farsi - Florida Auto - Failure to Comply with Terms
of the Development Order**

____County Attorney Hal Richmond administered an oath to Mr. Ballister. (It is noted here for the record that Mr. Richmond is a Notary Public licensed in the State of Florida and authorized to administer oaths.)

____Mr. Ballister told the Board that Florida Auto was given conceptual approval of a site plan for construction of a used car sales lot on US 27 in the Fall of 1998. The approval was contingent on the placement of trees and shrubs along and adjacent to the US 27 right-of-way. The plan that Mr. Farsi and the former Growth Management Director Mike Sherman agreed on indicated a row of trees with shrubs between them along the fence on the front property line.

Mr. Ballister stated that an attempt has been made to live up to the promise to deliver. However, because of the way the trees have been planted, he believes that those trees will not survive until adulthood. He also stated that he has been to determine that part of the fence and trees encroach on the DOT right-of-way. The trees that are in place now will be destroyed by DOT when they clean the right-of-way.

Mr. Ballister told the Board that Mr. Farsi had dug holes in the concrete and placed trees in the holes. However, the holes are not of sufficient size to insure the survivability of the trees to adulthood. He recommended that a 10 ft. strip of the concrete be removed to provide adequate space for the trees to survive.

Absent of the removal of the concrete and compliance to the intent of the development order, Mr. Ballister recommended suspension of Mr. Farsi's permit.

Mr. Ghazvini addressed the Board on behalf of Mr. Farsi. Mr. Richmond administered an oath to Mr. Ghazvini prior to his testimony.

Mr. Farsi was also sworn an oath by Mr. Richmond upon giving testimony.

Ghazvini: Mr. Chairman, Commissioners, my name is Ghazvini and I am

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Mr. Farsi's representative.

Richmond: Do you swear that the testimony that you are about to give shall be the truth, so help you God, sir?

Gazvini: I do. Ah, I'm just, ah, The reason I want to come talk to you is that I want to be sure that there's not some vague miscommunication here. I read the item that Mr. Ballister gave you and it clearly says that there was no specification whatsoever in the plan that was approved that said what trees to plant, where to plant it and the fence was there when he got approval. The (inaudible) was there. I don't think Mr. Farsi has got any problem if he needs to re-plant some more trees. I don't think he's got a problem with that. That's the reason that he doesn't know why he is before you.

Dixon: Tell me again what your name is, please.

Ghazvini: Ghazvini. G h a z v i n i. It's not a problem. If he needs to plant some more trees, he'll be glad to do it. It's not a big deal. I think Mr. Ballister, like he said, he's been trying to work with Mr. Ballister to satisfy him. He's a hard working man, trying to make a living.

Dixon: Well, Mr. Ghazvini, it may not violate, as Mr. Ballister has said, the fine line of what was expected of him. But I think, and I could be wrong, and I am sure that these commissioners will be the first to correct me, but, the spirit of the, ah, of what we have done is that there will be trees there. Now, if the concrete is blocking it from full growth, then there will be no trees there. Is that a correct assumption?

Ghazvini: Well, that may be, Commissioner. I'll talk to Mr. Farsi and we'll go back and cut a piece, you know, maybe 3' x 3' around each tree to make sure that the tree has plenty of room. Now, I'm trying to make sure that everybody is satisfied.

Dixon: Now, I am a mediator by training, but, you know, I want to give you a break and I want you to be able to be in business in Gadsden County. But, I also want you to abide by the rules. Now, if Mr. Ballister feels that,

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you know, you can work it out, I'll be willing to go along with it. We'll listen to the other commissioners, but,

Ghazvini: I was trying to, as he mentioned to you, Mr. Farsi has been trying. I mean, it hasn't been that he has been ignoring. He has been trying to satisfy.

Dixon: I am concerned about - if Mr. Ballister wants the concrete removed so that the tree can survive, why is there some difficulty in communications?

Ghazvini: Well, it's just a matter of cost. You know, but, if that's what needs to be, then I think we can remove the concrete 3' x 3'. I think we can do that, sir.

Dixon: The chair recognizes Commissioner McGill.

McGill: Mr. Chairman, I went out to visit the site in question a couple of weeks back. And, I am under the impression that a lot of that concrete was there at least 10 - 12 years - long before Mr. Farsi got there. So, I don't know that he would have the responsibility of moving that concrete that was on site at the time he bought it. Prior to him (inaudible) of following our Comp Plan. I did look at the site and Mr. Farsi has planted some trees. I am not so sure that the trees that I saw would do a lot of growth at the top. The pine tree, they have a tap root which goes into the ground as opposed to laying on top of the ground. I did not recognize any tree that would have a spread growth (inaudible).

I was concerned that the concrete that was already there long before Mr. Farsi got there, why are we making him move that concrete? Long before our Comp Plan called for that kind of (inaudible).

Dixon: Well, if he agreed to it - to provide the trees in the frontage.

Ballister: There was no specific reference to the concrete in the site plan. But, there was a stipulation that they grow trees. It is my impression, that this situation won't

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grow trees. They will just keep replacing juvenile trees. And, that is my thinking and my intent.

Farsi: May I approach.

Dixon: Please. Any other commissioners with comments.

Watson: Yeah. I went over and looked at it myself.

Dixon: Commissioner, ah, sir, go ahead.

Farsi: (Showing a photograph) These are the trees, sir that we placed there. Over here, some of them died and I have replaced them. These are (inaudible)
The problem is that around the pine trees here, in 30 years, it would need to be maybe 3' x3'. Whatever the tree needs around it to grow up, at least 3' x 3' around it, I have no problem. The trees are still there from last year and they are growing real good. A few of them died. Anybody else might have lost trees too. But, I'll go ahead and replace it and if any of them die again, I will replace it.

Dixon: Commissioner Watson, you were going say?

Watson: Yeah, I went and looked and it looks like he has made minimal effort to comply in my opinion. The trees are not going to live as they are right now. Plus, they are withing 6" of the fence. Some of them are. Some of them are real close to the chain length fence. Given any kind of growth, they are going to infringe on the fence. So, I don't think ya'll have really made the effort that you are making out tonight that you said that you have done. I think you have made minimal effort. You can do much better than what you are doing.

Farsi: Sir, we are doing our best. You recommend that we move it, we'll go ahead and move it. But those already there are growing real good since last year. If we pick it up and move it, it's probably going to die again.

Watson: But as they get bigger, they are not going to survive. The hole you have in the cement now is not going to sustain the tree.

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Farsi: That's why I am saying we'll go ahead and get it 2' x 2' or 3' x 3' all around it open, so

Watson: One of the ones you planted is a long leaf pine. The right beside the gate. That's going to become a tremendous tree one day. 3' x 3' is not going to do the long leaf pine.

Why can't ya'll back up and do what Bruce wants? What is the problem there?

Farsi: Well the problem is that Mr. Ballister said to remove the concrete 10 foot. 10 foot - that concrete has been there since 1989. Anywhere from 89 to 96. That really cost a lot and since 89 I have been there and it's always been just me and my wife. I don't even have one employee or anybody else because I can't afford it. If ya'll probably pass 12 there, Thomas Motor Cars, a big company that put a car lot out there, only lasted 1 year and they packed up and are gone. I'm just trying to survive. That is all there is to it. I can't remove all of that concrete that has been there. It is already grandfathered in actually. But, if you say 2' x 2' or 3' x 3' all around the trees to put a hole in there,

Watson: Well, that's where your argument is falling flat. Because, if you say that it's been there, why are you willing to do the 3' x 3'?

Ghazvini: Well, Commissioner Watson, what else can he do? I mean he is trying to work with the Commission.

Watson: But, I don't think a 3' x 3' is going to sustain the life of a tree. The idea is for the trees and I don't think that is going to.

Ghazvini: But, I don't think you should punish him for trying to work with you.

Watson: I'm not trying to punish him, I don't see where we are punishing him.

Ghazvini: You said "Why would you be willing to do this if you don't" What I am saying is he is trying to act in cooperation. He is trying to work.

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Dixon: Mr. Ghazvini, I hope I have pronounced am pronouncing your name correctly. Ah, I, I, I think that it is the consensus of the Board that we will give you an opportunity. We are feeling pretty cordial tonight. Ah, take until our next meeting and work it out. Work it out. You won't get any more chances. No more opportunities. You understand? Let me make it very clear.

McGill: Mr. Chairman.

Dixon: Yes, sir?

McGill: I am still concerned about the concrete that was there all those other years prior to now.

Dixon: And Bruce, I'll take that into account.

McGill: Well, the new concrete, I wouldn't want you to do it that way, but the concrete that has been there for 8 - 10 years, I think that it is an unfair hardship on him to have to go back and dig that up to (inaudible) to the time it was done.

Dixon: Is there a consensus of the Board?

McGill: But, you'll probably have to move the old concrete to keep the trees in a line.

Dixon: Bruce.

Ballister:
The concrete is there almost from one end of the property to the other. It's thickness varies but it was not laid professionally so, some of it is several inches thick and would have no way to suppose which was planted when. It's not so much a penalty for having done it, it's just because it is there that the trees can't survive. It's not a punishment issue, it's a survival issue.

Richmond: Mr. Ballister, it's my understanding that at the time that the development order was applied for and approved by the Board, it was recognized that the concrete would have to be cut and it was made a condition that trees or some kind of greenery would be planted. Is that correct?

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Ballister:

I didn't look at the verbatim of the minutes to see if that was discussed. If that was true, I wasn't here for that meeting.

Richmond: Well, if there is no, if the development order doesn't speak to greenery or trees, why are we here?

Ballister:

It speaks to placement of trees.

Richmond: O.K. That's what I am getting at.

Ballister:

The greenery was to be worked out with the staff.

Richmond: So, it's a condition of the development order whenever he applied for it. It doesn't matter how long the concrete was there. It was a condition of the development order that trees grow there and that is what ya'll need to work out.

Ballister:

Right. It indicates in the last part of the comments, that we had never been completely satisfied with the original site. They had actually had never gotten a CO that they should have.

Watson: Shouldn't the trees be on the outside of the fence?

Ballister:

Well, there is no room on the outside of the fence.

Watson: I mean, that's the idea of the ordinance though.

Ballister:

In my opinion it should have been set back and they would have been planted outside.

Watson: I mean, that's what we have now. In the future, trees should be on the outside of the fence and not on the inside of the fence.

Dixon: It kinda defeats the purpose doesn't it?

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Watson: Yeah.

Farsi: Another thing is, please let me ask you, Which one of these car lots they got the trees right on them. They are putting the cars right out there where they can be seen by others. But, we accept your rules,

Watson: Any car lot that was approved after we passed that landscaping ordinance.

Farsi: When was that sir?

Watson: In April.

Farsi: When?

Watson: Of this year.

Farsi: We applied for a permit in 98 sir.

Watson: But the development order stated that you would do the trees. That was part of the development order.

McGill: I think what he is saying Mr. Farsi is that at the time your development order was issued, you agreed to put trees out there. Your development order was done that way. You signed it.

Farsi: Well, then give me 3' x 3' or whatever it will take.

Watson: Do you think you can get them further away from the fence too? I mean that long leaf is not going to live where it is at.

Farsi: The only thing that I am asking is - pine tree will grow up anyway and they do real good as we all know about it. As far as giving more room all around it, how big is a pine tree? 100 years ago, about that much. How much is that? 2' x 2' or 3' x 3'. We'll go in and cut a 3' x 3'.

Watson: I think it needs to be further than that.

Dixon: Mr. Ballister, work it out. Report in two weeks.

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Watson: Ed, I think they have been trying to work it out.

Dixon: Well, he knows what is going to happen in two weeks if he doesn't work it out.

Farsi: No, I'm trying.

Dixon: Two weeks.

Watson: But, I think it would help if we would give them some guidance here, Mr. Chairman. I mean, I think they have tried to work it out and the reason we are here tonight is because they have not been able to work it out.

Dixon: I don't think they have tried to work it out. I am not getting that. That is not what I am hearing.

Ballister:

Well, I have been visiting the site off and on for a year and a half. I succeed in getting trees replaced in a slightly larger hole chipped out of the concrete.

We are talking about breaking concrete. We are looking at a 3' x 3' is say 9 linear feet of breaking concrete, round that out from end to end, you have just about have a line off the fence. I think it's going to be a lot easier and cheaper to do it in a straight line than to chop holes. There is a mechanical method - some (inaudible) with heavier tools.

Ghazvini: The only problem that I see with this, and this is not a problem, if you say we are going to hold his feet to the fire and get it done, that's fine, but, the concrete was there. And if somebody couldn't afford to do this, it wouldn't be fair for this commission to go in and say "We're going to go ahead and hold you to this even though the concrete was there. We don't care that the concrete was there, we're going to make you do it." I don't think that is fair. But, you know, you are the commission and you have the powers and

Dixon: Was it a car lot before?

Ghazvini: No, sir. It was just the raw land. You know.

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Dixon: But it had concrete on it.

Ghazvini: Yes, sir.

Farsi: It started to be a car lot since 89.

Watson: It looks like extra concrete from a job somewhere else and the concrete company next door or down the road had to put it somewhere and they just came and poured it out here. It's not a nicely poured slab. It's just concret poured out on the ground "willy-nilly". I mean, it's sort of a mess.

Farsi: Well, when I park a car on top of it, especially in the mud or rain hard, it makes it a lot easier and it shows the cars better and what I am asking is - If it is possible, please just go ahead and dig these holes around the trees bigger as Mr. Ballister said, give them more room to grow up. I agree with that. But, if there was a problem putting those 3 out there, there was a problem from him. He couldn't tell us "You had better move it, don't put it over here." He mentioned it over here, I highlighted the bottom side - he said several of those trees died and at his insistence, I replaced them again. If there was a problem, why did he told me to go ahead and replace it again? He could tell me dig up all of them and put a bigger hole in there.

Ballister: Mr. Farsi, in all fairness, I have been asking for the concrete to be removed for a year and a half.

Dixon: Mr. Ballister, we're are going to bring this to an end because we have other issues to deal with. Ah,

Richmond: Mr. Farsi, one thing. I apologize, but would you raise your right hand? The testimony you have given here tonight is the truth, the whole truth and nothing but the truth, so help you God?

Farsi: I do.

Richmond: Thank you, it's just for the record.

Dixon: Mr. Ballister, I don't want to lock you in, but I do want

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you to go and settle this thing. You have two weeks to do it.

Mr. Farsi, two weeks.

Farsi: Mr. Chairman, I have a question, I apologize.

I have to leave Friday out of Country.

Dixon: Then I suggest that you let your representative handle it. Give him proper direction. We will take this up again at our next meeting.

Farsi: It will be the 21st of November before I get back. Is it possible to wait then then?

Dixon: No. You have a representative, give him proper directions and let him work with Mr. Ballister. Next meeting.

McGill: Mr. Chairman, I think (audible)

Dixon: Nope.

Watson: Are you willing to cut a hole 6' x 6'?

Farsi: Does a pine tree get that big? 6' x 6'?

Watson: I mean, I can go along with saying "O.K. you go, but you got to cut a hole 6' x 6' instead of 3' x 3'.

Farsi: I don't know any pine tree that grows 6' x 6'.

Watson: Let them work it out then Ed. Let them work it out. I am done with it.

McGill: I still think that it is unfair for them to go back and dig up that concrete that was there 8 - 10 years, but I think they can dig it out.

Watson: The problem is this - he knew he had to put pine trees, he agreed to put trees on that spot and the concrete was there and so he had to do what he had to do to make the trees grow. That - he agreed to and the concrete was there. He agreed that trees would grow there. As it is

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today, they will not. I don't hear him willing to go a little bit further than he is.

McGill: Well, what about 6' x 6'?

Ghazvine: It's such an arbitrary thing. You know, exactly how big is big?

Dixon: Let's bring this to a close please.

Ghazvini: Well, we don't want to come back two weeks from now and

Dixon: At our next meeting, have a plan. Have it worked out.

McGill: They don't have to have it implemented, they just have to have it worked out.

Dixon: Have a plan worked out.

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

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

ABSENT: E. H. (HENTZ) FLETCHER

1. CALL TO ORDER

The meeting was called to order by Chair Dixon. Commissioner McGill led in pledging allegiance to the U.S. Flag following a prayer by Clerk Thomas.

2. ADOPTION OF THE AGENDA

The agenda was amended by deleting Item #5 - Gadsden County DUI Enforcement Grant for FY 2001 per the attached memo. Item 8.3 - DOT Litter Grant Agreement was removed from the Consent Agenda and placed under the County Manager's agenda for discussion at the request of Commissioner McGill.

3. APPROVAL OF MINUTES

September 19, 2000 Regular Meeting

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

4. COUNTY ATTORNEY'S AGENDA

Mr. Richmond had nothing to report.

5. ED SPOONER - GADSDEN COUNTY DUI ENFORCEMENT GRANT FOR FY 2001

This item was removed from the agenda prior to its adoption.

6. PLANNING AND ZONING ISSUES - GROWTH MANAGEMENT - PUBLIC HEARING

6.1 Resolution to Transmit Comprehensive (Comp) Plan Revisions to Department of Community Affairs (DCA) for Approval

Growth Management Director Bruce Ballister addressed the Board. He told them that DCA has already looked at the County's proposed Future Land Use Map and has preliminarily approved it. It can now be adopted by an Ordinance following public hearings and ultimately be formally accepted by DCA without any delay. However, the text Comp Plan amendments have not had any review by DCA and it will take some time for them to review it and notify the County of it's approval or disapproval. He went on to say that he had learned that the County can submit it's text amendments separately to the Future Land Use Map. That would expedite at least the Future Land Use Map portion of the Comp Plan revision and allow those land owners use of their property without further undue delay.

Mr. Ballister called attention to Resolution 2000-028 which authorizes him to transmit the text amendments to DCA for their review. He went on to explain that the revision is comprised of all the changes made during the workshops and public hearings over the last year as a result of the Evaluation and Appraisal Report (EAR).

Mr. Ballister recommended that the Board transmit the text amendments to the Comp Plan to DCA for their approval.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO ADOPT RESOLUTION 2000-028 WHICH AUTHORIZES THE TRANSMITTAL OF THE COMP PLAN TEXT AMENDMENTS TO DCA.

THERE WAS A CONSENSUS OF THE BOARD THAT THE FUTURE LAND USE MAP REVISION SHOULD BE TRANSMITTED TO DCA BY SEPARATE ORDINANCE FROM THE TEXT COMP PLAN AMENDMENTS.

6.2 Matthew Farsi - Florida Auto - Failure to Comply with Terms of the Development Order

****A verbatim transcript of this hearing is on file with the Clerk's office and with the Growth Management Department. However, for the**

sake of brevity, it had not made a part of the summary minutes of this meeting.

_____County Attorney Hal Richmond administered an oath to Mr. Ballister. (It is noted here for the record that Mr. Richmond is a Notary Public licensed in the State of Florida and authorized to administer oaths.)

_____Mr. Ballister told the Board that Florida Auto was given conceptual approval of a site plan for construction of a used car sales lot on US 27 in the Fall of 1998. The approval was contingent on the placement of trees and shrubs along and adjacent to the US 27 right-of-way. The plan that Mr. Farsi and the former Growth Management Director Mike Sherman agreed on indicated a row of trees with shrubs between them along the fence on the front property line.

Mr. Ballister stated that an attempt has been made to live up to the promise to deliver. However, because of the way the trees have been planted, those trees will not survive until adulthood. Also, it has been determined that the part of the fence and trees encroach on the DOT right-of-way. The trees that are in place now will be destroyed by DOT when they clean the right-of-way.

Mr. Ballister told the Board that Mr. Farsi dug holes in the concrete and placed trees in the holes. However, the holes are not of sufficient size to insure the survivability of the trees to adulthood. He recommended that 10 ft. of the concrete be removed to provide adequate space for the trees to survive.

Absent of the removal of the concrete and compliance to the intent of the development order, Mr. Ballister recommended suspension of Mr. Farsi's permit.

Mr. Ghazvini addressed the Board on behalf of Mr. Farsi. Mr. Richmond administered an oath to Mr. Ghazvini prior to his testimony.

Mr. Farsi was also sworn an oath by Mr. Richmond upon giving testimony.

A lengthy discussion between the Board, staff and Mr. Farsi determined the following facts:

- 1) The lot had not been previously used as a car sales lot.

- 2) There was rough looking concrete poured laid on the lot but it was not a professional looking slab. It was poured prior to Mr. Farsi taking ownership of the land.
- 3) There was an agreement between Mr. Farsi and the P & Z staff from the beginning that he would have to place trees along the front of the lot. It was a condition of the development order even though the concrete was already there.
- 4) Mr. Farsi had made holes in the concrete and placed trees in the holes. The trees have subsequently died and Mr. Farsi continues to replant juvenile trees. The trees cannot survive in the current growing conditions with the concrete in place.
- 5) Mr. Farsi had been requested to remove a 10 ft. strip of the concrete to insure tree survival but he has not done so.
- 6) Mr. Farsi is willing to cut 3' x 3' holes for the trees.
- 7) Mr. Farsi believes that removing a 10 ft. strip would put a financial hardship on him.
- 8) Mr. Ballister has been working with Mr. Farsi for more than a year and a half to remove the concrete and plant the trees. As of the date of this meeting, it still was not accomplished.

Mr. Ballister's recommendation to the Board was to suspend or revoke the site plan approval unless substantive effort can be made to remove a sufficient amount of the concrete to allow the intended vegetative area to thrive. It was further recommended that at least a 10 ft. strip of the concrete be removed to ensure that plants would be off the FDOT right of way.

Commissioner McGill stated that he felt that it was unfair to make Mr. Farsi remove the concrete in view of the fact that it was already there when he took ownership of the property.

Commissioner Watson and Chair Dixon supported the staff's recommendation.

There was a consensus of the Board that this hearing should be continued until the next meeting. During that time Mr. Ballister and Mr. Farsi were instructed to come up with a plan that will settle the issue to Mr. Ballister's liking and report back to the Board.

6.3 Dynasty Homes - David McQuary - Access to Choctaw Drive

*****A verbatim transcript of this public hearing is on file with the Clerk's office and with the Growth Management Department. For the sake of brevity, it is not included with these minutes.**

_____Mr. Ballister reported that Mr. McQuary had been approved for a mobile home sales lot in December of 1999 with the expressed stipulation that no access would be permitted to Choctaw Drive for mobile home units or parts. Since that time there have been numerous complaints and violations to that stipulation reported by the area residents. Letters were mailed to Mr. McQuary regarding the complaints and he was also requested to lock the gate to the Choctaw Drive driveway and place a sign on it that indicated that no trucks were allowed access to that point.

Mr. McQuary was before the Board seeking relief from the "no access" stipulation for safety reasons, due to the difficulty in performing a 180° maneuver with a tractor and trailer when the trailer is often 60 to 70 feet in length.

Mr. Ballister's recommendation was for denial. The site plan approval was contingent on the restriction from Choctaw Drive for home units. This was known prior to any preliminary site plan approvals and has been a continuing condition of site plan approvals and the subsequent Development Order. Whatever safety conditions that may arise from turning movements are the applicant's liability. There are other routes available that will allow an approach from the north and a departure to the south without performing a U-turn in US 27.

The following people addressed the Board in opposition to Mr. McQuary's request. They were all sworn an oath by Mr. Richmond prior to giving testimony.

**Jane Blackburn
Sara Fitzgerald
Joe Fitzgerald
Kathy Grow
Charles Gaskins**

Mr. David McQuary was sworn an oath by Mr. Richmond then he addressed the Board on his own behalf arguing that Choctaw Drive is a county maintained road and that he should be allowed access.

There was lengthy discussion and dialogue between the Board and Mr. McQuary. For greater detail, see the verbatim transcript

that is on file with the Clerk's office or the Growth Management Department.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO DENY MR. MCQUARY'S REQUEST TO LIFT THE SPECIAL CONDITION (THAT HE NOT USE CHOCTAW DRIVE) FROM THE DEVELOPMENT ORDER.

6.4 Barry Bostwick - Bostwick Portables. Challenge to Conditions of Permit

Mr. Ballister reported that Mr. Barry Bostwick operates a commercial lot doing business as Bostwick Portable Buildings. There is also a small boat sales business set up on the same property. He said that when he was in the middle of talking to Mr. Farsi about his site, portable buildings began showing up on the property next door. Mr. Bostwick had bought the property and was in the process of moving his business to the site without foing through the permitting or site planning process. He stated that he informed Mr. Bostwick how to go about it but nothing happened for a while.

Mr. Ballister then told the Board that Mr. Bostwick later engaged an engineer and progressed almost all the way through the site planning process until a few months ago. He reported that the P & Z staff sent a letter on May 15th, 2000 with the final site plan requirements to Mr. Bostwick but got no response. Upon visiting the site, Mr. Bostwick told him he was not going to do some of the requirements.

Mr. Ballister recommended that the Board impose a \$500 penalty and require the completion of all works indicated on the final site plan submission and the review letter of May 15, 2000.

Commissioner McGill was opposed to a fine and suggested that Mr. Bostwick be given 60 to 90 days to come into compliance.

Mr. Bostwick appeared before the Board on his own behalf. He was administered an oath by Mr. Richmond.

There was lengthy discussion. For greater detail, please refer to the verbatim transcript on file with the Clerk's office and the Growth Management Department. For the sake of brevity, it is not included with these minutes.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 3 - 1, BY VOICE VOTE, TO IMPOSE A \$500 FINE AND EXTEND THE APPLICATION FOR 30 DAYS. THE MOTION FURTHER INCLUDED THAT IF MR. BOSTWICK DOES NOT COMPLY WITHIN 30 DAYS, THEN MR. BALLISTER SHOULD PROCEED WITH CEASE AND DESIST ORDER WITHOUT FURTHER BOARD REVIEW.

6.5 Mills & Kiley etc. - Chain Link Fence in Violation of Corridor Road Landscape Ordinance

Mr. Ballister told the Board that Mr. Johnny Mills and Mr. Kiley own a small tract of commercially zoned land situated between Choctaw Drive and the O.Z. Lawson property. He went on to say that on or about May 1st, he visited the property and found the owners in the process of installing a six foot chain link fence on the perimeter of their property including a length with no apparent setback from the US 27 right-of-way. The ordinance was enacted on April 18 and subsequently precludes fencing in the setback area of 25 ft. for residential areas and 50 ft. for commercial sites.

Mr. Johnny Mills addressed the Board on his own behalf. Hal Richmond administered an oath as to his testimony. He testified that his fence was already in progress when the ordinance was enacted.

There was some discussion between the Board and Mr. Mills as well as discussion among the board members. No exhibits were received by the recording clerk to support Mr. Mills claim that the fence was already in progress when the ordinance was passed. No other testimony was offered.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 4 - 0, TO TAKE NO ACTION AGAINST MR. MILLS IF HE COULD PRODUCE EVIDENCE (SUCH AS A RECEIPT OR INVOICE) TO SUPPORT HIS CLAIM THAT THE FENCE WAS ALREADY IN PROGRESS WHEN THE ORDINANCE WENT INTO EFFECT.

6.6 Hammock Creek Commerce Park - Major Land Use Amendment 296 Acres AG 3 to Light Industrial for St. Joe Commercial

*****A verbatim transcript of this hearing is on file with the Clerk's Office and with the Growth Management Department but not included with these summary minutes.

Mr. Ballister told the Board that St. Joe Commercial is seeking to rezone a 296.5 acre tract of land from AG 3 to Light Industrial with the expressed purpose of developing a light industrial commerce park. The site is located immediately northwest of the recently approved Talquin Wastewater Treatment Plant northwest of Midway. It lies between the rights-of-way of US 90 and Interstate 10.

He went on to say that the applicant has proposed a subdivision of the tract that would create a development in four phases. The project when completed would produce 28 lots ranging from 1.7 acres up to 21.3 acres.

For further details of the project see the attached proposal.

Mr. Patrick Hodges, a consultant representing St. Joe was present. He was administered an oath by Hal Richmond as to his testimony. A verbatim transcript of this testimony is available in the Clerk's office or the Growth Management office but has not been included in these summary minutes.

The P & Z staff recommended approval subject to special conditions as listed in the agenda packet.

The P & Z The Planning Commission recommended approval with a request that the Board not allow new billboards in this new industrial site.

Chair Dixon left the meeting for a brief time at this juncture and Commissioner Watson presided temporarily.

Commissioner Watson called for public comments. There was no response. He then called for a motion.

Chair Dixon returned in time for the vote on the motion.

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTE 4 - 0, BY VOICE VOTE TO APPROVE THE PROJECT SUBJECT TO THE RECOMMENDATION OF THE PLANNING COMMISSION AND STAFF.

6.7 Gadsden East High School - Major Land Use Amendment
100 Acres from Agriculture 3 to Public for Gadsden County High School

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_____The remainder of the meeting has been transcribed verbatim upon request.

Dixon: Next victim, Bruce.

Ballister:

The Gadsden County School Board, ah, is requesting a 100 acre tract.

Dixon: Bruce, before you start, let me, you know, I stepped outside to use the restroom and who was outside but Mr. Bostwick who took his opportunity to call me all kinds of "blank" holes and that if I came to his place, he was going to ship my ? .

Watson: Do you want to revisit the issue?

Richmond: Can't do it without due process.

Watson: No, no, no, no. I mean he deserves this opportunity regardless of whether he would. Not a very nice person. Just want you to know, Bruce, be on your guard when you go out there.

Richmond: Would you like for Lt. Carter to speak with him?

Dixon: No.

Ballister:

I'll take Curtis with me.

Dixon: But, be on your guard when you go out there and I wouldn't recommend that you commissioners be traveling that way either. Please continue.

Ballister:

O.K. Gadsden County School Board is requesting a 100 acre tract directly across from Pat Thomas Law Enforcement Academy. Need to go from AG 3 to Public. They expressed interest of relocating a high school campus. The Land Development Code allows public uses in AG 3 Zones as special exemption but the Comprehensive Plan requires AG2 or better for schools.

The School Board is seeking to satisfy their facility requirements and their guiding statutory regulations and is in need of additional facilities space that is not available on existing high school campuses. They need to shut down the Havana Northside due to its aged condition and location. Ah, this campus, as I understand it, would be a combination of the Quincy Shanks and the Havana Northside campuses. Those issues can be more or better addressed by the School Board representatives.

This site is very similar in geology and geography to the site we just discussed. It's planted pine plantations and slightly under trees. There are some wetlands in the northwest area of the site that are being respected. At site planning these will all have to be specifically identified.

They also have agreements with Talquin to provide water and sewer service. The original site plan that I saw showed a treatment plant proposed for the site. But they will be connected to the Talquin sewer system.

Staff recommendation was for approval - ah, it wasn't a whole hearted. The Comprehensive Plan mandates control over sprawl and it rarely relates to our County. However, this project location would be opposed to that mandate. It would tend to contradict with DCA's directives on locating high schools in urbanized settings. However, this county does not have the luxury of a lot of places in urbanized areas that are appropriate for a new high school. The site selected was picked from a site selection process that the School Board went through and they can answer to that also.

In the engineer's application, if you have read through that, you will see that he stated over and over that they will comply with Gadsden County's codes for approval. I just need to inform the Board that the School Board is not required to submit to local government permitting. They have to answer only to DOE building code.

We are asking that in the final development of their site plan that they respect the Corridor Road Landscaping Plan to prevent the wholesale stripping of that road frontage. Other than that, the applicant is here and can speak to

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his proposal.

McGill: You said that they are not required to follow our Land Development Code?

Ballister:

School Boards fall under the same Statutes as Community Colleges and Universities in terms of siting their physical facilities. They have a building code that they answer to but they do not have to get approval for permits.

McGill: So, all we are doing is concurring with their request? We're not going to approve it, just concur with it?

Ballister:

Well, they do have to get this Comp Plan change. Cause they are not allowed to put a school in AG 3. So, to comply with the Comprehensive Plan, they need to go to Public. But, when they get around to doing a site plan permitting, if you've read in there several times the engineer says that they will comply with all local permits but they don't have to.

McGill: I read that. I read that. That's why I was asking you. Our real role is not concurrency, it's just a change in land use?

There was a loud sound here caused by the AC thermostat box cover when it fell off the wall.

Dixon: (inaudible)

Laughter

McGill: I knew you didn't like me, but I didn't think it was that bad.

Dixon: Give us just a minute - you know what I mean - to get our nerves together.

Watson: Did you do that on purpose?

Dixon: Somebody want to go out there and pull the doors to my car?

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Ballister:

Mr. Shepard has indicated that he is willing to work with us on the Landscaping Code. I will take that in good faith and will work with him on that under final site planning. Their plan shows a lot of grading right now that will wipe out all those trees and I don't see any reason to have to. You know, it's like all re-graded or redesigned and finest and they don't have to do that.

McGill: But they don't have to follow the landscaping ordinance?

Ballister:

They don't have to. We are asking them to work with us and Mr. Shepard has indicated a willingness to do that.

Dixon: Can we hear from the other side?

McGill: I'm thinking they're going to oppose that.

Dixon: Well, you never know.

You're o.k.

Shepard: Thank you, I've been to quite a few board meetings.

Dixon: You weren't trying to be funny, were you?

Shepard: No, sir. I have learned my lesson already.

But, I have been to a lot of board meetings and they can get long and drawn out.

Mr. Ballister pretty well covered every thing that we need to talk about unless you want me to go into basically the School Board's long range facility plan. I don't know if you want me to draw that out for you. But, that's the reason we are applying for this land use change - to build a new high school.

Dixon: I'm sorry, Mr. Shepard. Will you state your name for the record please.

Shepard: I am Wayne Shepard, director of facilities for Gadsden County School System.

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Dixon: I am sorry, please continue.

Shepard: The School Board of Gadsden County has embarked on a long range facilities plan. We hope to within the next 7 - 10 years to eliminate at least 4 of our facilities that we operate. The School Board is in a declining student enrollment situation. We are losing students every year. We operate too many facilities. We feel like we have to narrow our facilities down somehow.

This is one of the reasons that we chose to consolidate two schools at this time and build a larger high school with the help of the funding from the State Board of Education which is called the Special Facilities Funding Account. Through that account, it allows small districts, small counties like us to be able to build schools - new schools for our children. This gives us an opportunity to increase academic programs, to have better facilities and to give a better overall environment for some of our students and get them out of some of our older facilities.

Our facilities in Gadsden County average about 33 years old a piece. I don't know if all of you realize, but we operate 15 schools in Gadsden County. And as I said, our population is declining. Our student population and therefore, we feel like we need to consolidate and build some new schools.

The book you have before you, if you want to look at it, the School Board made a selection on a site. We found 5 sites that were available. Most of them were owned by St. Joe Paper Company. We felt like we could get a good land deal with St. Joe. We picked Site # 2 on your - out of the selection book, which is directly across the road from Pat Thomas Law Enforcement Academy on Highway 90.

We did that for a couple of reasons. One that we felt like we had access to sewage in the near future. If you build a school of this size on any site in the County, the first thing you've got to look at is your utilities - electricity, water and sewage. We could find water and electricity on pretty much any site that we went to but sewage was a problem. So, that was one reason we chose this site. We knew that Talquin Electric was installing

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a sewage treatment down at the Midway area and we felt like that sooner or later we could tie onto that- by the time we got the school under construction and built. So, that was one reason the Board chose to do that.

Any questions that you have, I mean I, ah, everything is in the book. Ah, Mr. Ballister pretty well pointed everything else out to you. I'll be glad to answer any questions I can for you.

Dixon: My biggest problem, Mr. Shepard, is sprawl.

Shepard: I beg your pardon.

Dixon: My biggest problem is sprawl. Wherever schools go, neighborhoods tend to come. Now, that may not be a reality or concern for you, but, it is a concern for me. I don't think anybody in this room would deny that. So, I'm very concerned that what it is that we are doing, and I understand your declining enrollment and so on and so forth, but, those should not be things that move us.

My concern is, other than the water, how did you choose this site?

Shepard: We, ah, we are purchasing 100 acres of land. The State allowed us to do that. 100 acres are pretty hard to find around the cities that are already here. We don't have any existing facility that we can enlarge. The campus at Shanks is pretty confined. We couldn't enlarge that campus anyway. But with consolidation, if we did, we would have to bring the kids all the way from Havana.

We tried to get a neutral site to place those kids, those students. We chose that site because of the law enforcement academy being where it's at.

Dixon: What does that have to do with it?

Shepard: As you know, that's a part of the TCC Community College now. They own that campus. We plan to have a dual enrollment program with TCC which means that it's very accessible to us. In the relationship that we'd be right across the road from them. We have a good working relationship with them. We understand that in the

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future, things are going to happen there.

The Board looked at all avenues.

Dixon: Well, help us to understand because we ain't been brought into the loop yet.

Shepard: I just understand that that facility is going to increase over the next few years.

Watson: With regular college or law enforcement or what?

Dixon: Bring us in the loop.

Watson: Are ya'll doing dual enrollment for law enforcement for high school kids?

Shepard: No, no, no. We are doing it with Tallahassee Community College.

Dixon: (inaudible) and we haven't been privy to it.

Watson: So, there's going to be a regular TCC College Campus across the street?

Shepard: I can't stand here and tell you for sure that that's going to happen, but, we understand why.

Ballister:

I have in my office another package - I didn't want to load this meeting down with because it was already heavy - TCC is proposing a master plan for their campus that they want to present to the Board - I guess they want to keep us informed. It is not a permit request, they want to present it to the Planning Commission and the County Commission to inform us of their overall plan.

The TCC campus will expand and in a site planning context, you don't necessarily want to have better communities growing up immediately adjacent and across the street from that campus.

Dixon: But they will.

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Ballister:

But what I am saying is that a high school is a better choice than a neighborhood because a high school won't be complaining about gun fire.

Dixon: Why not?

Ballister:

Night firing is obvious.

Dixon: Why not? They fire in the day and all night.

Ballister:

They do for part of the day, but they won't be firing at night. That's just something that you know, that we are aware of. This is a less likely use to complain about.

Dixon: No, no, no, no. Don't give me that less likely use stuff. Now, come on. Somebody's got some good reasons for this thing to be here because it doesn't make good planning sense. It ain't close to Havana, people got to drive - there ain't no easy way to get from Havana. Zero. Now, how many roads are we expected to build. And how many improvements to existing roads are we expected to do because none of them roads in there can handle two buses going side by side. I mean, this is a very complex project.

Shepard: Yes, sir. That's why we chose Highway 90.

Dixon: And there ain't been nobody said nothing. But to get to Havana, you not going back to I-10 and going down and going around.

Shepard: Yes, sir. We understand.

Dixon: You're going to be going through those little roads.

Shepard: We run buses on them, Mr. Dixon, everyday.

Dixon: But, you're going to be running a concerted number of buses - day in and day out. How many buses do you run to Havana?

Shepard: I can't answer that for you. I could guess at it, but I

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don't know.

Dixon: Guess for me.

Shepard: From where?

Dixon: From anywhere - that part of the County to Havana High School.

Shepard: I would say that we probably run 10 buses there.

Dixon: How many do you run to Shanks?

Shepard: I am strictly guessing, like I told you. It's a bigger school and I would guess probably 15 - 20.

Dixon: This is more involved that I think you guys want to make it out to be.

Shepard: We're not trying to hold anything back from you. As soon as the Board made a decision -

Dixon: You ain't exactly putting everything on the paper either.

Shepard: Yes, sir, we have laid it all out for you. When the School Board made the decision for that piece of property, and I am just trying to

Dixon: You are making assumptions based on some information that you have been privy to that we haven't been privy to. And so, we don't have the same operating capacity.

Shepard: I'm just stating what I have heard.

Dixon: I mean, this amounts to - If you are going to build 100 acre site and I haven't read the fine print about how many will be in actual use, - I assume you would build a new stadium?

Shepard: Yes, sir.

Dixon: Are you going to build all those little recreational buildings and so on and so forth?

Shepard: Yes, we will have an athletic complex there, yes, sir.

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Dixon: You are in the middle of nowhere. Unless somebody thinks that it is going to be somewhere.

Shepard: Well, we would hope that area would grow, yes, sir. I'm not going to stand here and say it won't.

Dixon: But, we don't. Because you don't have to provide sheriffs and you don't have to provide public works and you don't have to provide any of that stuff. So, you're hoping it would grow and we're praying that it doesn't. Do you see the problem we have?

Shepard: I understand.

Dixon: Because we can't - you don't have to build roads or protect people. We do.

Shepard: I understand but I don't think you would have to building roads for this school to be placed there.

Dixon: No, no. We don't. But it's the things that comes with schools that we all know that come with schools. That concerns us. That is called sprawl. You know, what was the old addage on some TV show - If you build it, they will come. And they will. There is no doubt about it. Now, my concern is - I don't know - Do they have to now - I think schools have to deal now with concurrency or do we have to come to an agreement on concurrency. I don't see here anywhere where you asked us any questions about concurrency.

Shepard: I have been dealing with Mr. Ballister this whole time. That is why we are here with you tonight.

Dixon: I am really concerned because no sooner than you build this school, there will be subdivision requests, there's already down the road a commerce park request that we had tonight. I mean there is going to be that kind of encroachment. We can't protect the people we got out there now. Fire request - I mean, this really concerns me. I mean, how do we protect it in terms of fire protection? Anything near it is 10 minutes away or 15 minutes away.

Shepard: We'll be a fully sprinklered facility and monitored.

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Dixon: I am talking about the houses that come up around it.

Shepard: We'll have a water system. We'll have to put in a water system.

Dixon: Who is going to pay for it?

Shepard: We do.

Dixon: We do - not you. Where are we going to get the money from. I mean, I'm sure this is a great plan for somebody. It is a great plan for somebody. I just truly don't believe this is a great plan for Gadsden County. Because nobody consulted the County in developing the plan. That is obvious. I mean, you brought it to us and told us "Here is what we are going to do." But nobody has, it is obvious, that nobody consulted the County on this.

Shepard: I think we brought it to your Planning Commission.

Dixon: I don't agree with you. When did you bring it to them? When it was done.

Shepard: I don't, Mr. Dixon, I don't make those decisions, my School Board does.

Dixon: I know, just lean back on the Board.

Laughter.

Dixon: I mean, your goals are lofty and whatever you school people do are fine. But, you know, this doesn't fit. It doesn't fit our budget, it doesn't fit our plan, it doesn't fit. I mean, our mandate says "Make them locate as close to an urban area as possible. Force them to or don't give them a permit." That's what our mandate says. "We will not create urban sprawl at all."

Shepard: We tried to pick a neutral site, you know. We got half way between Midway, Quincy and Havana.

Dixon: It works for you. That is all it works for - It works for you.

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Bruce, don't find something to contradict me, I don't want to hear it.

Shepard: We are just asking the Board to change the

Dixon: I am going to let other commissioners talk. I mean.

Watson: Well, my concern is, after school, how are the young kids going to get home. I mean, I know that right now, a lot of people from Shanks walk home. And I wonder if it is way out there -

Dixon: Sidewalks.

Watson: That's a long way for a side walk.

Laughter.

Dixon: But you can't let them walk down the street.

Watson: That's what I know but, I don't see how after school activities are going to be accommodated by the students. I really don't.

McGill: Maybe the School Board is going to provide bus transportation for the after school programs.

Dixon: Nah. The School Board is crying about providing bus transportation now.

McGill: It was their choice to select that site.

Dixon: Yeah, that's what I said. They've got some information that we ain't got.

McGill: So, apparently they intend to use school buses or some other transportation.

Dixon: I don't trust them. I want some answers. I ain't getting them. I just don't see it in what Mr. Shepard has given me. I mean, it is

McGill: Mr. Shepard says that he is just the messenger.

Dixon: Well, messenger - they cut messenger's heads off too.

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Laughter.

Dixon: I mean, I don't see this in relation to our plan. I mean, you just watched an exercise of us slamming some people about our plan. I take it seriously and I am pretty sure some of the commissioners do. Ah, but you know, this, this doesn't work.

Shepard: I believe your plan says that we are to locate as near to the municipalities as possible if we can find land available. In this case, we couldn't find land available to build that site.

Dixon: What is your definition of available? Wasn't offered to you?

Shepard: Enough land to buy, yes, in the area that the plan talks about.

Watson: Do you think you are going to need 100 acres? That's awfully big.

Shepard: We are going to need - when we get through developing the site, Mr. Watson, we will cover about 75 of those acres with actual facilities and sports complexes and those type things. So, yes, sir. We need 100 acres.

Watson: Does the School Board - I know they address after school when people are getting home. What was discussed on that.

Shepard: They discussed that. Ah, they mentioned the same things that Mr. McGill did. We may have to bus them. But, ah

Watson: You mean, bus them home from school, then run another round of buses to take after school people home?

Shepard: Well, I am sure scheduling could be worked out so that some of them could stay and they could move their practices nearer to the end of school. Those kinds of things, I think, can be worked out.

Dixon: I could see it if we had some form of public transportation, I mean, I can see a game now - a football game where people get dropped off like they do - and

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what happens? I mean - it is a nightmare. It is an absolute nightmare. I cannot - and I certainly can't envision - Unless you're going to build a sound proofed school - why would you put it near the law enforcement academy? I mean, you know people are going to be shooting guns all day and half the night.

Shepard: But, we don't anticipate a problem with that. I mean, when we build the school, it's energy efficient and it has energy efficient windows. The sound is muffled from the inside. We didn't see that as a big problem.

Dixon: Perhaps you saw this new TCC as the bigger bonus.

Shepard: We just used that to be able to get facilities to that property.

Dixon: I am sorry. But, I am in no way convinced.

McGill: I assume that DEP has already certified the site?

Shepard: Yes, sir.

McGill: You have talked to DEP and they said it was O.K?
What did DOT say about the roads?

Shepard: The roads - DOT will work with us and we will make bigger interchanges on 90 to accommodate the buses for ingress and egress.

Watson: Mr. Chairman, I am going to need a little more time.

McGill: Do you have a target date that you have to send this in to DOE?

Shepard: I beg your pardon?

McGill: Do you have a target date to send it in to DOE.

Shepard: To send our plans in?

McGill: Yes.

Shepard: Yes, sir. We have already had to comply with that to be able to get into the funding pool. This is special

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funding account that we are working with.

McGill: But the hassle is between the School Board and the County Commission about concurrency - is that what you are saying - for concurrency?

Shepard: Say it again, Mr. McGill.

McGill: The hassle is between the School Board and the County Commission about concurrency.

Dixon: Mr. Shepard, how long have ya'll been working on this?

Shepard: Probably about 8 months.

Dixon: Are you sure?

Shepard: Yes.

Dixon: You have had plans and all and acquired the property in 8 months?

Shepard: That is correct, yes, sir.

Dixon: And you finally, see, it's that kind of thing. You know, you are finally bringing it to the Board. That just really

Watson: Ya'll have acquired the property already?

Shepard: We have a contract. We have not signed, but we are ready to sign.

Dixon: I am in no position to vote, and you know, I would like to read it again 3 times to see whatever it is that I don't see.

Shepard: I have no problem with it if the Board would like to table it. I'll bring more enforcement in at the next meeting and they can explain more maybe.

Roberson: I make a motion to table it.

Watson: Second.

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Dixon: The chair entertains a motion to table it. All in favor, a sign of "aye."

McGill
Watson
Roberson

Dixon: Aye. Not that we need it, but we appreciate it. Thank You.

McKinnon: The next meeting is November 7th. It will be 3 weeks.

Dixon: But we are going to move that because there is no way that I can - we are going to move that meeting.

McKinnon: We'll notify them, Bruce.

Dixon: Make sure you bring that up.

McKinnon: Yes, sir, I have a note on that.

Dixon: Bruce, you only get 30 minutes a night and you are an hour and a half over that, I'm sorry an hour forty-five minutes.

Tallahassee Northside Mobil Home Park - 4 Additional Units

Ballister:

One last short one. The applicant Tallahassee Northside Estates has an existing mobile home park on 27 North right in the thick of this night's activities. They are just north of Florida Rock Industries and just south of the Bostwick Portables. They are asking to place 4 additional units on the property so they come before the Commission for that expanded service.

We don't really have any big issues with them. The 4 new sites are going to be built on an existing loop road and directly accessible to it. They will trigger storm water management which we will work out with them during their permitting process. The new home sites will not be visible from 27 unless you really stop and look for it.

Dixon: Is Ms. May here?

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Watson: I'll move approval.

McGill: Second.

Dixon: We have a motion and second. Is Ms. May here?

No. Somebody give her the word. Stay in line. Do what is asked of you.

Ballister:
They were here at one point.

Dixon: They probably got scared.

We have a motion and a second before the chair. All in favor, a sign of "aye."

McGill
Watson
Roberson

Dixon: Aye.

Dixon: Opposes?

No response.

Dixon: Please make it unanimous.

Thank you Bruce.

7. COUNTY MANAGER'S AGENDA

7.1. Paving Policy

McKinnon: Mr. Chairman, the first item I have is - it was discussed at a workshop when we were discussing the changes to the Comprehensive Plan. The idea arose that when we were doing a major road project, we should go ahead and pave or resurface any adjoining roads at that same time if it would be cost effective and efficient to do that.

Tonight, I am just asking if that is the formal policy that you want to adopt and process to follow. I would suggest that we would present any of those adjoining roads to you and call for them in the approval process.

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Dixon: I said new construction.

McKinnon: Yes, right. It would be new construction. That is correct.

Dixon: And I don't know, I don't know if we want to put a limit on that. But, you know, just so that, I don't know - It gets complicated.

My point is that we should not be passing by roads to later have to bring a tractor back to them over new paved roads.

McGill: Mr. Chairman, I wrote something here for your consideration to look at. I just said "The Board of County Commissioners of Gadsden County hereby establishes a policy allowing for the paving of short unpaved roads that connect to or adjoin a major unpaved roads during the paving of the major unpaved road."

The rationale was that it would reduce the cost of going back to maintain, providing the residents with a safe

Dixon: Not major unpaved road. Minor unpaved road.

McGill: No, that is not what I am saying. You would pave Lanier for example. Then the roads that rest to the right of Lanier. That's what I meant by minor - with Lanier being the major.

Dixon: Oh. O.K. I'm just kidding you know. You and Commissioner Watson and the attorney like to use words.

Watson: Robert, do we have many of these side roads of extended length? I don't want to get into where a side road is going

Presnell: We have some in the County - looking at the current road paving list and the past roads over the last two years - we haven't run across any.

Dixon: We are talking about the roads that won't make the list. I think that's what everybody is talking about.

Presnell: We have some, but most of them are short in length.

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Dixon: That's what I mean.

Presnell: Most of them are short in length. That's why it makes it qualify.

Dixon: Most of them would not qualify on the list.

Presnell: We do have some long ones, but we haven't encountered any yet. We do need some leave-way in there for that when it does happen.

Watson: Can we agree that he can - when he gets ready to do one, that he can come before us and say "Now look, we've got X number of feet in side roads that we need to do" and let us make that determination then. Cause there could be a half mile of side roads and we might not want to do it.

McKinnon: That is what I need to determine.

Presnell: Should we do one with just 1 house?

McKinnon: That is what I was trying to recommend - that we would bring to you the roads and the costs. I mean, that was the purpose.

Roberson: It can't be a standard. It would have to be a one by one basis.

McKinnon: That is correct.

Dixon: I don't have a problem with that.

Watson: Do you need a motion on that?

Dixon: Do you want a motion or are you going to bring it back.

McKinnon: No, sir. We've

Roberson: He wants us to set the policy for them, I believe, tonight - on what we want to do.

Dixon: What should the policy be now, restate it for us.

McKinnon: The policy should be that the Board of County Commissioners desires that any adjoining roads to a major

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road project that we are currently doing, then those adjoining roads be considered for new construction. Before we begin each one, then, you know, that road and the costs would be presented to the Board for approval.

Dixon: Yeah. That's what we said.

McGill: That's what I said. But I just gave you a rationale statement to go with it.

Watson: Good.

McKinnon: Yes, sir.

Watson: That looks like Hebrew or Greek to me.

Dixon: Any minor road adjoining a major road.

McKinnon: But, we will bring them to you. I mean, the bottom line is that you will be informed.

Presnell: Is there any way we can amend that? The roads that we currently have under - since we're not having a meeting for 2 weeks. We've got projects underway right now - is it all right to do those or do we need to put those off and come back before the Board?

Watson: Are they short?

Presnell: Yeah.

Dixon: Yeah. Do them.

Watson: Do them.

McKinnon: Robert, I've got a way to work that out. Just see me.

Dixon: I love it. The manager's starting to feel good.

Laughter.

McKinnon: Nothing wrong with this though. We can get the approval we need.

Dixon: The manager says he is in charge. Did you get that

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Robert? Do you want to tell him again?

O.K. Did we carry the motion, ma'am?

Do we have a motion?

Will someone make a motion.

Watson: So moved.

McGill: Second.

Dixon: We have a motion and a second. All in favor, a sign of "aye."

Watson

Roberson

McGill

Dixon: Opposes?

No response.

Dixon: Please make it unanimous.

7.2 DOT Litter Grant Agreement

McKinnon: The next item under my agenda is the DOT Litter Grant Agreement. Commission McGill requested that it be placed under my agenda for discussion.

Dixon: Mr. McGill.

McGill: Mr. Chairman, the only reason I brought that out is that I looked through it very carefully and I didn't see where the Gadsden County Commission was really involved anywhere. It looks like a non-profit type operation. If the County Commission is going to act on it, I think that the County Commission needs to be spelled out in here as opposed to Keep Gadsden Beautiful, Inc. That's non-profit. If we are responsible for it, I've got a little problem with it. If that is not the case, I still think the contract ought to be Gadsden County.

Dixon: I think the money comes through us.

McKinnon: Yes, sir, it does.

McGill: It comes through us, and it should say Gadsden County somewhere then.

McKinnon: We'll bring this back to you next meeting.

McGill: O.K.

7.3 State Workforce Reduction - 5% in 5 Years

McKinnon: Just a couple of short items. One is that I attended a workshop with the Leon County Board of County Commissioners today. They are studying and looking at the Governor's proposal for the State Workforce reduction of 5% in 5 years and the impact that is going to have on this region. I do have some information and I will present you a written report by the end of the week on that. But, that issue, they intend to approach us with that issue and ask for our help.

7.4 Cancellation of November 7, 2000 Meeting

And then, Commissioners, the November 7th date. What do ya'll want to do about that? That is election day.

Roberson: I'd like to make a motion that we move that meeting. I don't know if ya'll want to make that another day or if you just want to - rather than skip it, do we need to move it?

Dixon: Move it to the following Tuesday?

Watson: Can we skip it?

Dixon: Can we skip it?

Watson: Anything going to be pressing?

McKinnon: Where is Bruce?

Bruce's items won't come up until the middle of the month.

Roberson: The next meeting will be the 21st and that is right

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McKinnon: I don't know of anything right now that needs to come up so, if you want to skip it, I believe that will be O.K.

Dixon: Just say skip it.

McGill: What about those people we told to come back in two weeks? It will affect those.

Dixon: No, it will just give them a little more time to get their act together.

McGill: But, would that nullify their position though. What about Mr. Bostwick.

Richmond: We said the next meeting.

Roberson: At the next meeting, but we didn't say two weeks.

Dixon: That's all right, I believe he will get it done.

Watson: If we were cutting his time, it would be different. But, we are giving him some time.

Dixon: Do I hear a motion?

Roberson: O.K. I make a motion that we not meet on the 7th and have our meeting on the 21st.

McGill: Second.

Dixon: Motion and second that we cancel the meeting on 7th due to the fact that it is a national election day and many of us will be working in the election, if not running in the election. All in the favor, a sign of "aye."

Watson

McGill

Roberson: Aye

Dixon: Opposes?

No response.

Dixon: Thank you.

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McGill: That reminds me Mr. Chairman, don't we need to appoint a canvassing board too?

McKinnon: No, sir. The chairman is not running for re-election and the supervisor of election is also not running in this particular election so, you know, the Statute calls for the Supervisor of Elections and our Chairman and the County Judge.

Watson: The general election is probably going to be a mess since I won't be involved with it.

Laughter.

Dixon: Wait, wait, wait, you're probably right.

Watson: It's going to be a mess.

Dixon: He ain't bad you know, when he ain't at this table.

Mr. Manager?

McKinnon: That's all I have, Mr. Chairman.

8. CONSENT AGENDA

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

- 1. Gadsden County Paving List - Change Order # 8 - added work for CR 268 - from US 90 to Atwater Road. The project will be funded entirely by the DOT Small County Road Assistance Program Grant (SCRAP) Cost of the additional work is \$296,106.00 bringing the total to \$384,396.00.**
- 2. Rent Renewal for Annex # 1 - 3 South Calhoun St. - Property Appraiser and Tax Collector's offices. Spears Estate.**
- 3. FY 2001 Emergency Food Assistance Agreement and Agreement Amendment Commodity Food Contract Number 5190 for \$15,000.**
- 4. Gadsden County Sheriff's Narcotic Unit - Notice of Grant Award Contract # 01-CJ-J1-02-30-01-175 \$100,070**

- Byrne State and Local Law Enforcement grant
5. Northwest Florida Big Bend Health Council - Re-appointment of Jerry Wynn and Appointment of Lilly Dell McCall for 2 years.
 6. Letter to Leon County Commission - Ochlockonee River Water Quality - for the record
 7. Chamber of Commerce - September 2000 Economic Development Report for the record.

9. CLERK'S AGENDA

9.1 Budget Amendments 01-10-17-01 through 01-10-17-03

____ UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE ABOVE STATED BUDGET AMENDMENTS.

9.2 Ratification of the Approval of the Payment of County Bills

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

10. COMMISSIONERS REPORTS

There were no reports.

11. ADJOURNMENT

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

Gadsden County Board of County Commissioners
October 17, 2000 Regular Meeting

EDWARD J. DIXON, CHAIR

ATTEST:

NICHOLAS THOMAS, CLERK

AT A REGULAR MEETING OF THE
BOARD OF COUNTY COMMISSIONERS
HELD IN AND FOR GADSDEN COUNTY,
FLORIDA ON NOVEMBER 21, 2000,
THE FOLLOWING PROCEEDINGS WERE
HAD, VIZ.

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

1. CALL TO ORDER

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

2. SWEARING IN OF RE-ELECTED COMMISSIONERS: William A. McGill;
Carolyn Roberson; Edward J. Dixon

Clerk Thomas administered the Oaths of Office to the above stated commissioners who were recently re-elected to office.

3. ELECTION OF CHAIR

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO ELECT E. H. FLETCHER AS THE NEW BOARD CHAIR.

4. ELECTION OF VICE-CHAIR

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO ELECT W. A. (BILL) MCGILL AS THE NEW VICE-CHAIR.

Commissioner Watson thanked Commissioner Dixon for having conducted the meetings so well. He commended him for the orderly fashion in which he directed the county's business.

There was applause from the audience.

*****Chair Fletcher began presiding over the meeting at this juncture.**

5. ADOPTION OF AGENDA

The Vibratory Compactor and 4000 Gallon Water Tanker was removed from the Consent Agenda and moved to the Public Works Agenda for discussion.

The Clerk's Agenda was amended to include approval of the Bank Resolution and Signature Cards for the new Chairman's signature.

The Planning and Zoning Agenda was amended by removing the Pat Thomas Law Enforcement Academy Master Plan.

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

6. APPROVAL OF MINUTES

October 17, 2000

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.

7. COUNTY ATTORNEY'S AGENDA

Mr. Richmond had no formal report. However, he said "In view of the things that have transpired in Gadsden County over the last two weeks, I am going to write a book." (He was speaking about the presidential election.)

Commissioner Dixon made a statement for the record regarding the role that the Gadsden County Canvassing Board played in the election process. He said "You have seen a lot of interviews and you have seen Gadsden County in places we've never been before. Mr. Watson tells me that we were in George Wills Column and CNN and New York Times and all of that stuff. But, I want you all to know, on behalf of Commissioner Watson, Judge Hood and myself, we did

our best effort to make sure that every vote in Gadsden County was looked at thoroughly and counted. We went through those ballots - we spent a lot of time going through them. We actually sat down as well and gave every opportunity to Democrats and Republicans to look at the system and the methodology we were using. We used plain, basic good common sense. I think Commissioner Watson, myself and Judge Hood stand behind our process and we think that we did the best for the Gadsden County voters that the Canvassing Board could do. We were fair at every turn and the integrity is still in the system. That is what we were more concerned about - accuracy and integrity of the numbers. So."

Commissioner Watson said in jest "It is sheer ignorance of someone to think that you and I could meet in secret and agree on anything." He was referring to rumors that had been repeated to him over the course of the re-counting and ballot observation period.

There was huge laughter.

Chair Fletcher stated "I want to add my observation for the record as well. These guys really put in some long hours and they really did a great job."

Commissioner Watson then replied "Well, we think so. As Ed said, we stand behind what we did and I will defend it forever."

Attorney Hal Richmond responded "And it may go on forever."

Because the 2000 General Election holds such historical significance, the recording secretary has included as supplemental materials to these minutes a description of the events that relate to the local Canvassing Board. Also included are local newspaper accounts of the events.

8. MARY BOOKER - PROGRAM FOR DEVELOPING COUNTY'S WEB PAGE

Ms. Mary Booker addressed the Board representing the Florida Chamber of Commerce Foundation. She told them that one of the things that her organization does is help business leaders engage with their local schools to help improve them. They also encourage young people to become economically viable in any way possible through work force preparation and better education.

She then stated that her agency receives considerable funding from private and public sources. One of the things they expect to

do during this next year is to provide web site design training for 8 - 10 young people (18-24 years of age) in Leon County and Gadsden County.

Ms. Booker explained that the students will be trained by Mainline Systems, Gateway Country Stores and the Florida Chamber of Commerce Foundation faculty. They will learn how to design web sites, use the internet, develop business plans and marketing plans. The software and hardware will be provided to the students. She then went on to say that over the course of the year, the students will be given the opportunity to develop a paid project under the direction of Mainline Information Systems.

Ms. Booker then said that she became aware that Gadsden County is looking to develop a new web site. She stated that she would like to begin a dialogue with the County that would lead to having young people (under the oversight of Mainline) actually create the web site for Gadsden County. She then explained that Mainline is one of the top E-Commerce businesses in the entire country. They have developed many award winning web sites. She then said that it is an opportunity for the County to get a high quality product with very minimal investment. She added that if the County is not pleased with the end product, it would not have to pay for it.

Commissioner McGill asked 1) Who would select the students who would be involved in the program? 2) When would it begin? 3) How many students will be from Gadsden County? 4) From where is the funding coming?

Ms. Booker answered as follows: 1) Representatives from Florida A & M University; Florida Summer Employment Project for Disadvantaged; Gadsden County School System; and a member of the foundation faculty would make the selection of the students. The selection process will be quite extensive and will involve an oral interview and a written essay in addition to other things. 2) The process will begin in January. 3) Approximately 60% of the students will come from Gadsden County. However, it is entirely possible that all of the students could come from Gadsden County - the main focus area. 4) Some of the funding will come from the WAGES program and some from private sponsorship.

Commissioner McGill then asked why she was requesting \$7,500 from the County Commission.

Ms. Booker replied that the \$7,500 would be for the payment of the web site itself. The money would go directly to the

participants.

Commissioner Watson asked if this is the type of thing that should be sent out for bids.

Commissioner Dixon answered that if the County should pursue going out for bids, it would see what an excellent opportunity this would be.

Commissioner Watson stated that Ms. Booker's agency could still bid on it and likely be awarded the bid. He reiterated that he felt the proper thing to do would be to let it out for competitive bids since it would be a first time contract and not a renewal or extension.

Commissioner Dixon told the Board that he sat down with Ms. Booker and the Chamber Executive Director and discussed the program at length. He argued that this opportunity is just too wonderful to not take advantage of it in a timely fashion.

A MOTION WAS MADE BY COMMISSIONER DIXON AND SECONDED BY COMMISSIONER MCGILL TO APPROVE MS. BOOKER'S PROPOSAL FOR THE COUNTY'S WEB SITE DESIGN.

Commissioner Watson stressed that something should be written down in advance describing the County's expectations of a web site.

Ms. Booker replied that the company would sit down and make certain that there is a clear understanding and agreement with the County as to what it would expect the outcome of the project to be. She went on to say that she would not have a problem with going through the process of bidding except for the length of time it would take.

Commissioner Watson stated that he really felt that the fair thing to do would be to also offer the opportunity to those people who are already in the profession.

Commissioner Dixon argued that this is an opportunity that is just too good to pass up.

Commissioner McGill asked Ms. Booker if they would routinely check with the Board and make progress reports at certain intervals.

Ms. Booker stated that her understanding was that someone on the County staff would work closely on a daily basis and that she would not be reporting to the Commission.

COMMISSIONER DIXON CALLED THE QUESTION. THE COMMISSIONERS VOTED 4 - 1 IN FAVOR OF THE MOTION TO APPROVE THE PROGRAM FOR DEVELOPING THE COUNTY WEB SITE. COMMISSIONER WATSON CAST THE LONE DISSENTING VOTE.

9. JIMMY ASHMORE, AIRPORT AUTHORITY FUNDING FOR FY 2001

Jimmy Ashmore, Treasurer of the Gadsden/Quincy Airport Authority addressed the Board. He referred to a request from Commissioner Dixon for quantifiable information regarding the airport that would support their funding request of \$10,000. He stated that the Authority does not have the staff that can readily produce that information. However, he said that the Chamber of Commerce is working with the airport to put together some statistics.

Mr. Ashmore went on to say that the airport is basically self-sufficient with its current rental income. However, they cannot make improvements to the airport with only that income. He also said that they can get FAA funds to buy land to improve the runways and would have to pay back only 5% of it. He explained that if the County would give them the \$10,000, they could turn it into \$200,000. He then asked them to advance the \$10,000.

Commissioner McGill stated that he had no problem with giving them the money but he turned to Commissioner Dixon and asked if he had received the information for which he asked.

Commissioner Dixon stated that he received a letter from the Authority but it did not contain the information he requested. He went on to say that if they needed additional money with which to have a study done, they should ask for it. He then asked Mr. Ashmore what he was going to do about getting the information.

Ashmore: Well, I just told you. We have contacted the best people that we know without spending \$10,000 to hire somebody to get this information - which to me is a total waste of money. We've contacted the Chamber of Commerce.

Dixon: Oh! What I am asking for is a total waste of money - is that what you are saying.

Ashmore: Well, so far as - if I am going to spend \$10,000 to get you the information to get \$10,000, it doesn't make a lot of sense, does it?

Dixon: I don't think I have asked you to spend \$10,000. But

Ashmore: We would have to hire somebody to do this. Those studies are not cheap.

Dixon: You don't think the people's money that you are spending deserve the right to know what it is that you are doing with it? Is that what you are saying?

Ashmore: No, sir. You are - The same firm that audits

Dixon: Mr. Ashmore, Mr. Ashmore.

Ashmore: Let me finish.

Dixon: No, let me finish.

Ashmore: O.K. Go ahead.

Dixon: You are saying that the people that I represent ought to just accept your word for what's going on and what you think ought to be right?

Ashmore: No. You don't accept my word. The same company that audits the County audits the Airport Authority.

Dixon: I am not talking about an audit.

Ashmore: Well, you are wanting to verify the expenditures.

Dixon: No, no, no. I didn't ask you anything about verifying expenditures. I asked you about your vision and when you would be finished. Perhaps you didn't understand what I said very clearly.

Ashmore: Mr. Dixon, we are going to butt heads on this one issue.

Dixon: No, we are not going to butt heads.

Ashmore: No, we are not, you are right. Cause I can't give you the information you want. I have already told you that.

Dixon: But, you don't seem to have a plan to get me the information that I want.

Ashmore: I think that we have and we are trying to get that information now. You want quantifiable evidence that will show you how the funds of Gadsden County are being used. I think that through the Chamber of Commerce, they will help us provide that information. That is about the best that I can give you.

Dixon: I don't see a written agreement with the Chamber, I don't see anything other than you are in front of us once again saying, "Trust me, believe me."

Ashmore: Trust me, believe me is all that I can tell you right now.

Dixon: And you are the authority and you expect - and that is all you have to say for collecting \$10,000 of the public's money.

Ashmore: No, sir. I think I have told you, as far as collecting \$10,000, we are looking at it strictly from an economic standpoint. I can't give you the information you want with quantifiable information. I can tell you that if you give me \$5,000, I can turn it into \$100,000 asset for the County. To me, that is a

Dixon: But, you haven't shown me what the asset is.

Ashmore: I can definitely show you what the asset is. The asset is going to be a runway.

Dixon: Just because we've got pavement, that doesn't mean that it is necessarily an asset. That is what you are telling me. We ought to be happy with the pavement that we get for our \$10,000. I am sure you know that is not what I am asking for.

Ashmore: You are asking for how we...We go back to the point that when you bring in businesses, they want an airport. That that helps Gadsden County. Does it not? That is what we are trying to do. We are trying to get the Chamber of Commerce to verify for us. We can't do it overnight. It will be next year before they can get that information. In order to verify how many of these businesses think

that an airport is important.

Dixon: You are a business man. What kind of business are you in.

Ashmore: My wife and I own a CPA firm.

Dixon: Ever went to the bank and got a loan?

Ashmore: Excuse me?

Dixon: Ever done a business plan for a client.

Ashmore: I don't do business plans.

Dixon: You don't? Ever had one done?

Ashmore: No.

Dixon: Do you know anybody in business who ever had one done?

Ashmore: Yes, sir, I know plenty.

Dixon: Why did they have one done?

Ashmore: Obviously to project where they want to be, to get to where they want to be in the future.

Dixon: Ah, but it is unreasonable and unfair of me to ask me for the same information?

Ashmore: Well, it is if you are giving me just \$10,000. It will cost me \$10,000 to get it done.

Dixon: No, it's going to cost us \$10,000, because you are going to ask us for the \$10,000.

Ashmore: Why would I want to do that? Why would I want to pay \$10,000 to get a study done to show that you are going to give me \$10,000. I just don't understand the philosophy behind it.

Dixon: No, you seem to be missing the philosophy.

Mr. Ashmore, I really don't want to spar with you about this. But, it's quite offensive to me that you will

stand here with nothing more than with what you stood here with during the budget session. It is quite offensive to me, personally. Maybe the other commissioners don't take it as such and that is their prerogative, but for you to stand here and basically tell me "\$10,000 just because I want it and because I think we ought to have it" and to heck with what my people think in the district that I represent or the districts that they represent. You, know, I think that is rather aloof of any public official and that is what you are as a member of the Airport Authority.

Ashmore: I agree.

Dixon: That is rather aloof, don't you think?

Ashmore: No, sir, I don't. Because of the fact, I mean, as far as you people should want to know how the money is spent. But, I am also looking at what is good for Gadsden County as a whole. Not for me personally, not for any individual.

Dixon: Well, if it is good, you ought to be able to prove to me that it is good.

Ashmore: Here we go again.

Dixon: Why can't you prove to me that it is good. You are telling me to accept that it is good because you say so.

Watson: Mr. Ashmore, are you going to keep chasing your tail?

Ashmore: I'm through. I told myself I wasn't going to get into this.

Watson: You are going in circles, partner.

McGill: I think we can reach a compromise. Commissioner, would you

Dixon: Commissioner, the compromise is bring me the information that I asked or at least ask me for the money to get the information.

Watson: I want the record to show that I do not understand myself. And, I am not the smartest man in town, I understand that, but I do not understand myself, what it

is that you are asking them for. And, what really troubles me about it is that you are not asking anybody else that we give money to for the same information and I don't think that is right.

Dixon: Commissioner, the last person that came up here asked us for \$7,500 with a detailed project outline.

Watson: It's not quantified.

Dixon: The intended outcome - "We are going to demonstrate" so on and so forth. Line item.

Ashmore: You are comparing apples and oranges.

Dixon: No, it is the same basic idea. Time line - you know, I keep asking when you are going to be finished developing the airport. Time line. O.K? Dates, places, partners, contact information. That's basic stuff, Mr. Ashmore.

Watson: You haven't gotten to the numbers yet.

Dixon: Very, very, very basic.

Watson: You have not gotten to the numbers yet.

Dixon: That is all I am asking you for. And if you are going to sit here and tell me that it is wrong for me to ask you, and so Commissioner Watson is off the mark when he says that we don't ask anybody else for this information. It is here and they volunteered it. We didn't have to beg for it. So, my concern is that you don't think you have to provide it, therefore, I don't think you have any real push to provide it.

Ashmore: That's your opinion, Mr. Dixon.

Dixon: Well, mine counts.

Watson: Well, let me say that others that came before us at the same time as they did this one, just for the public's knowledge, were not required to do what he is asking. With that, I call the question and move that we give them the \$10,000.

Roberson: I second it.

McGill: Mr. Dixon, before we vote on that, is it possible that you could write a list of those things you wish.

Dixon: I don't have to write a list, Commissioner. I am not the one running the airport.

McGill: No, I mean in terms of what you want from the Airport Authority.

Watson: Are you saying that you don't know exactly what he wants either?

McGill: I think so.

Dixon: My point is, my point is that I don't have to write a list for him. He sends that same information to the FAA. O.K. You don't just go out and willy nilly build an airport. You got to report to somebody. If you can send it to the FAA, why can't you send it to us? Now, that is my real concern. If you have quantifiable evidence of what it is that you are doing and what it is that you hope to succeed at or accomplish. Why haven't you said it here? That is my real problem, Commissioner. It's not whether I like the Airport Authority or not. It's not at all. It's about whether or not they can provide what it is, whether they feel good and want to fly, therefore, they should have an airport. That is my concern. Show me quantifiable evidence that Gadsden County benefits supporting and funding the airport.

What Mr. Ashmore has said is "Maybe, I can count three votes and I ain't got to do it. And so, to heck with it." That is the real attitude problem that I have with the Airport Authority as well as my quantifiable evidence. They just say "Hey, I ain't got it and you ain't going to get it."

Ashmore: To be real honest with you Mr. Dixon, I would like to respond to that and say one thing. I take offense to that because the Board, the authority members are volunteer members. We do our best,

Dixon: Quit if you don't like your job, Mr. Ashmore.

Ashmore: Excuse me, let me finish. We do our best to run that

airport with what we have to work with.

Dixon: Mr. Ashmore, quit. If you don't like the fact that somebody asked you for some information. It's like being a volunteer basketball coach, you don't have to do it. Somebody else will.

Ashmore: I enjoy it. I enjoy doing it, Mr. Dixon.

Dixon: Well please, stand there. If you don't like the job, quit the job, but, please don't throw up volunteerism in my face. Don't do it. Nobody burnt a stake and had you run up there and had you run up there and join the Airport Authority. Nobody.

Mr. Chairman, there is a motion and a second.

Fletcher: Did you call for the question.

Watson: I did five minutes ago.

Fletcher: The question has been called. All in favor of this motion, say "aye."

Roberson, Watson, McGill, Fletcher: Aye

Fletcher: Opposed?

Dixon: No.

Fletcher: Motion passes.

McGill: May I make another motion, Mr. Chairman, if it is all right.

I would like to move that before funding is considered in the year 2000 that all the information that Mr. Dixon wants be given to him up front in the proposal.

Ashmore: Tell him to get it to us in writing - what he wants.

McGill: No, I am not saying that.

Ashmore: We, ah, I want to answer your questions, but, I don't know what it is.

Dixon: Wait, wait, wait, wait a minute. Mr. Ashmore, you can be seated. I ain't no longer the chair but, you know, you got what you want. But, what you gentlemen don't understand is that this is not about Ed Dixon. But this is as offensive to you all.

Fletcher: What was your motion?

McGill: The motion was that prior to funding in year 2001 that all the information that Mr. Dixon requested be given to him in writing at the time their proposal is made. Or their request is made.

Dixon: How are you going to pay for it?

McGill: I don't know. That's going to be his job.

Dixon: That's right. So, you are going to be at the same problem you are at now, Commissioner. So, it makes no sense to make that motion. None at all.

McGill: Well, I guess what I am saying Mr. Dixon is this - Without that information, I will be opposed to giving them money at that time.

Dixon: You ain't going to be opposed to it. You ain't opposed to it now. It's the same set of circumstances. He ain't going to have no money then. He just told you. He ain't got no money.

McGill: But, he's got a whole year to work it out.

Dixon; That's all right. He ain't going to have no money either way because he doesn't want to have any money. Please.

Fletcher: Do I have a second?

Dixon: No, you don't.

Fletcher: Motion dies.

All right, Bruce, Mr. Ballister.

10. GROWTH MANAGEMENT AGENDA

**10.1 Major Land Use Amendment - Oil Dri Corporation 192.5 Ac
Mining to Agriculture 2 Public Hearing**

Growth Management Director Bruce Ballister introduced a request from Oil Dri Corporation for a land use amendment. He told the Board that they wish to re-zone a 192.46 acre tract of land from Mining category to Agriculture 2 (Ag 2) with the expressed purpose of marketing the property for sale. It is located on Solomon Dairy Road between Glory Road and Luten Road on the northeastern side of the right-of-way. The property is primarily located on a bluff that has some plateau areas that overlook Interlocking Lakes. It has two narrow access strips that connect to Solomon Dairy Road but the balance of the tract is located about a third to a half mile off the roadway.

Mr. Ballister stated that at the Ag 2 density, it would be possible to do a cluster development with 15 lots, however, one is not proposed at the present time. He explained that the land surrounding the parcel is already zoned Ag 2.

The Planning Commission recommended approval.

The staff recommended approval.

Commissioner Watson asked why this amendment is being considered by itself. He recalled previous land use amendments that were done collectively in the past.

Mr. Ballister explained that any moment in time an applicant can apply for a land use amendment but they will be batched with other amendments and be submitted to the Department of Community Affairs (DCA) together. This change will be submitted along with the one approved last month that was changed to "Light Industrial." He also said that if the Board approves the School Board's request for re-zoning, it will be submitted with these to DCA along with the text amendments. This current cycle will be cut off in January.

Commissioner McGill stated that he had been of the opinion that these matters would only be done twice a year.

Mr. Ballister replied that he would only submit them to DCA twice a year. This change is the first one to be submitted in this

cycle for 2001. There will be another batch that will be processed through the spring but submitted in late summer of 2001.

County Manager Howard McKinnon stated that DCA takes some time to approve them once they are submitted. Sometimes it takes several months to review them prior to approving them.

Ms. Candice Trimble, a geologist and soil scientist addressed the Board representing Oil Dri Corporation.

Commissioner Watson asked if Dr. Wright (an adjacent land owner to the property in question) was advised of the land use change. Ms. Trimble assured him that Dr. Wright knew about it and has no objections.

Commissioner McGill called attention to the fact that Dr. Wright's name did not appear on the list of people who were notified of this public hearing.

See the attached documents for further detail.

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

Commissioner Dixon asked what size lots are proposed.

Mr. Ballister replied that the scenario of the cluster homes in not really a proposal but only a demonstration of a possible use of the land. Oil Dri is merely asking for a land use change to Ag 2 which would allow one dwelling per 10 acres. If a specific development should be proposed later, the Board would then go into detail about the watershed and everything else.

Chair Fletcher called for a motion.

A MOTION WAS MADE BY COMMISSIONER MCGILL AND SECONDED BY COMMISSIONER WATSON TO APPROVE THE LAND USE CHANGE FROM MINING TO AG 2.

Commissioner Dixon asked if now would be the best time to place restrictions of development on the tract.

Mr. Richmond pointed out that it is restricted by the Ag 2 zoning. Any development must fall within that zoning and any specifics can be addressed at whatever time a development is

proposed.

**CHAIR FLETCHER CALLED FOR A VOTE ON THE MOTION. THE BOARD
VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE MOTION.**

10.2 Pat Thomas Law Enforcement Academy - Master Plan

This item was removed from the agenda.

10.3 Gadsden East High School, Major Land Use Amendment

This item was removed from the agenda.

**10.4 Update on Enforcement Action from BOCC Meeting October 18,
2000**

_____ David McQuary -	Dynasty Homes
Matthew Farsi -	Florida Auto
Barry Bostwick -	Bostwick Portables
Mills & Kiley -	Chain Link Fence in Violation of Corridor Rd. Landscape Ordinance

Mr. Ballister reported that the issues regarding the above complaints have been resolved.

11. COMMUNITY DEVELOPMENT - EDWARD BUTLER, DIRECTOR

Community Development Block Grant (CDBG) 01DB-79-02-30-01-H04

Mr. Butler addressed the Board asking for the signatures of the Chair, Vice-Chair, County Manager and the Clerk.

**UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER
ROBERSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO AUTHORIZE
THE SIGNATURES OF THE CHAIR AND/OR VICE-CHAIR, THE COUNTY
MANAGER AND THE CLERK ON THE ABOVE DESCRIBED CONTRACT.**

Courthouse Grant

Commissioner Watson asked Mr. Butler about the County having missed out on the new Courthouse grant because no county personnel was present during the hearing at the Capitol. He asked how that could have happened especially in light of the fact that the County has had a full time grant writer for an entire year.

Mr. Butler responded he had not been advised of the hearing by the grant writer nor had there been any correspondence from the State to the County Manager or himself.

Mr. McKinnon confirmed that he had not received any information from the State.

Commissioner Dixon asked Mr. Butler to call Alvin Jackson, Assistant County Manager to the Lake County Commission and ask him if there could possibly be some redress concerning the courthouse grant.

12. PUBLIC WORKS AGENDA - ROBERT PRESNELL, DIRECTOR

12.1 Purchase of Two Dump Trucks

Mr. Presnell told the Board that two of the existing dump trucks at Public Works are due to be traded under the five-year buy-back program. He asked for permission to sell them at an auction because he felt they could be sold for greater value than allowed on the buy-back dollar figure. After the sale, he asked for authorization to purchase two 2001 Mack dump trucks, piggy-backing on the Holmes County Board of County Commissioners purchase.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO AUTHORIZE THE SALE OF THE TWO DUMP TRUCKS AT AUCTION AND THE PURCHASE OF TWO NEW DUMP TRUCKS.

Mr. Presnell then asked the Board for authorization to send two 1999 dump trucks to the auction set at a minimum sale price. If they sell at that price or greater, he asked for permission to sell them. Then he asked for authorization to purchase two 2001 Mack dump trucks, piggy-backing on the Holmes County Board of County Commissioners purchase.

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO AUTHORIZE THE TWO 1999 MACK DUMP TRUCKS TO THE AUCTION AND IF THE SALE IS SUCCESSFUL, AUTHORIZE MR. PRESNELL TO PURCHASE TWO MORE 2001 MACK DUMP TRUCKS.

12.2 Vibratory Compactor Bid #00-023

Mr. Presnell called attention to the Vibratory Roller which was recently bid. The low bid was submitted by Ring Power of Tallahassee which includes the purchase price, repair guarantee and buy-back guarantee in the amount of \$66,113.00.

He went on to explain that the road construction crew has been renting equipment. He said that last year the department spent \$40,000 in rental equipment costs which included a roller. In looking at those numbers, he determined that it would be in the best interest of the County to purchase some equipment for the road construction crew. He recommended approval.

Chair Fletcher stated that he did not realize that the County had spent so much on rental of equipment. He asked what pieces of equipment were rented for the \$40,000.

Mr. Presnell answered saying they had rented a vibratory roller, water truck and motor grader.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE AWARD OF THE BID TO RING POWER AS DESCRIBED ABOVE.

12.3 4000 Gallon Water Tanker Truck

____Mr. Presnell called attention to the bids for the water tanker truck. He recommended awarding Bid 00-0024 to Ring Power of Tallahassee for \$54,618.00.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO AWARD THE BID FOR THE WATER TANKER TO RING POWER FOR \$54,618.00

13. COUNTY MANAGER'S AGENDA

Mr. McKinnon told the Board that there was a meeting in Leon County at which Georgia officials were present. The purpose of the meeting was to discuss the pollution of the Ochlockonee River. He reported that the Georgia officials indicated that they will be trying to solve the problem.

14. CONSENT AGENDA - FOR APPROVAL

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

- 1) Article V Trust Fund Grant in Aid Agreement for \$100,000
- 2) Stormwater Permit for Agricultural Center Improvements
- 3) Road Paving - High St. and Gray St., approximately 1/4 mile connecting to Highway 268 Project - \$13,500; Oak Road, approximately 3/4 mile connecting to Rice Road - \$46,500.
- 4) Bid Award #00-0025 - Four Post Shop Lift: Garage Equipment Supply of Ventura, California for \$12,145.00
- 5) Fire Service Agreements with City of Chattahoochee; Town of Havana; City of Midway; Robertsville; Sycamore; Wetumpka; and City of Gretna
- 6) Request from Sneads Volunteer Fire Department for Tanker Trailers
- 7) Satisfaction of Housing Rehabilitation Agreement - Jeanette Bethea
- 8) Bi-annual Safety Inspection of Courthouse Elevator - Agreement with Thyssen Elevator Company
- 9) County Library Plan of Service for FY2001
- 10) DOT Litter Grant Agreement for Keep America Beautiful - \$7,890.00
- 11) Road Name Requests - New Roads: Dora & Buster Road; Pine Castle Way; Pine Manor Court and Keith Court
- 12) Gadsden County DUI Enforcement Grant for 2001
- 13) Public Official Bond - George Hamilton, Property Appraiser
- 14) Public Official Bond - Carolyn J. Roberson, County Commissioner

15. CONSENT AGENDA FOR THE RECORD

- 1) Closure Assessments Report - DEP Facility #209301925 Diesel Fuel Tank Removed, County Jail 2135 Pat Thomas Parkway
- 2) Notice of Final Closeout Certification - CDBG 97DB-1E-02-30-01-Y04 - Local Mitigation Strategy
- 3) City of Quincy - Notice of Taxing Authority- Proposed Resolution Adopting the Community Redevelopment Plan
- 4) Signed Agreement with Phyllis Everett - Lease of Office

- Space for Tax Collector and Property Appraiser.
- 5) Notice of Resignation of George Burnett and Appointment of Earl Lodge to Airport Authority
 - 6) Annual Report of the Gadsden County Cooperative Forestry Assistance Program for FY ending June 30, 2000
 - 7) Chamber of Commerce Economic Development Activities for October 2000
 - 8) Appointment of Commissioner Sterling Watson to serve on the Canvassing Board for the General Election.

16. CLERK'S AGENDA

16.1 Chairman's Signature on Bank Accounts & Bank Resolution (ATTACHED)

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO AUTHORIZE THE NEW CHAIRMAN'S SIGNATURE ON THE BANK ACCOUNTS AND THE BANK RESOLUTION.

16.2 County Held Tax Certificates

Clerk Thomas informed the Board that a Tax Certificate Sale was held on October 19 and there were 10 properties that did not sell. He informed them that they may purchase the properties at the base bid during the first 90 days. After that time, they will go on the List of Lands Available For Taxes and any citizen can walk in and purchase those properties. See attached documents for further details.

16.3 Year End Reports: Clerk of Court, Tax Collector & Sheriff

Clerk Thomas called attention the above mentioned Year End Reports. He reported that the Clerk had returned \$3,541 to the Board. The Tax Collector returned \$19,298 and the Sheriff returned \$53.67.

16.4 FY 2000 Financial Statement and Cash Report as of 11/14/2000

Clerk Thomas called attention to the above described reports. He reported that there is no cash flow problem as there is \$9.8 million dollars in the bank.

16.5 Budget Amendments 01-11-21-01 through 01-11-21-10

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

16.6 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.

17. COMMISSIONERS REPORT

District 1 Report

Commissioner McGill thanked the Board for their support during the recent illness and death of his daughter Debra.

He then turned his remarks to a litter problem in his district. He asked the County Attorney to look into the litter ordinance dealing with clean-up activity. He said that there is a particular problem in the 17th Av. Section in Havana. He asked Mr. Richmond to look into the matter and get back to him regarding it. He also said that there is a problem north of Havana on Horseshoe Circle North.

District 2 Report

Commissioner Watson had no report.

District 3 Report

Commissioner Roberson had no report.

District 4 Report

Chair Fletcher had no report.

District 5 Report

Commissioner Dixon reported that he had met with the newly elected Representative Richardson and Senator Lawson. He said that they are looking for office space and he would love to have them in

Gadsden County so that Gadsden County issues can be kept before them all of the time. He stated that he felt the reason that the County missed out on the Courthouse grant is because we did not have Senator Thomas watching out for Gadsden County. He encouraged the Board to help find them office space.

18. ADJOURNMENT

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

E. H. Fletcher, Chair

ATTEST:

Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE
BOARD OF COUNTY COMMISSIONERS
HELD IN AND FOR GADSDEN COUNTY,
FLORIDA ON DECEMBER 5, 2000,
THE FOLLOWING PROCEEDINGS WERE
HAD, VIZ.

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

1. CALL TO ORDER

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

2. 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 PRESENTED.

3. APPROVAL OF MINUTES

November 21, 2000 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.

**4. PLANNING AND ZONING (P & Z) ISSUES - BRUCE BALLISTER, GROWTH
MANAGEMENT DIRECTOR**

Gadsden East High School, Major Land Use Amendment

Chair Fletcher made note of the fact that the members of the Gadsden County School Board were present: Katherine James, Walter McPherson, Isaac Simmons, Buddy Pitts and Roger Milton. Also present were Superintendent Sterling Dupont and Wayne Shepard, School Board Facilities Director.

Growth Management Director Bruce Ballister stated that the School Board is seeking to change the land use of a 100-acre tract on US 90 from Agriculture 3 (Ag 3) land use category to Public land use category so that they can locate a new high school.

Mr. Ballister reminded the Board that the County made a stipulated Comprehensive Plan change just last year regarding the siting of schools. In that agreement, The Department of Community Affairs (DCA) specifically requested that schools not be sited in Ag 3 zones. Since the School Board's request for the placement of the new high school is contrary to that agreement, they must get a land use change if it is to be located at the proposed site.

Mr. Ballister recommended approval of the site due to extenuating circumstances. (These circumstances are described by the Superintendent later in these minutes.) The P & Z Commission also recommended approval but with a recommendation that the School Board work with the County in achieving the intent of the Corridor Road Landscaping Ordinance.

Mr. Ballister told the Board that DCA has taken the position that high schools need to be in urban areas or downtown areas; junior high schools need to be in urbanizing areas and elementary schools should be in neighborhoods. He said that policy works for a developed county. However, he pointed to the Wakulla County in which they have a high school located in the middle of nowhere. That high school serves the entire county and officials have reported that it functions very well. He continued by saying that knowing Wakulla County's success, it led him to his recommendation for approval.

Mr. Ballister also told the Board that he had researched the Florida Statutes on how much school boards need to adhere to local ordinances. He reported that in regard to building codes, schools are solely within the purview of the State Education Building Code. However, for site planning purposes, they are subject to local development codes and comprehensive plans (Comp Plan.) He turned the meeting over to School Board Superintendent Sterling Dupont at this point.

Mr. Dupont addressed the Board. He told them that Gadsden County has an opportunity to get a brand new facility which the State of Florida will fund. He said that there is a tremendous need for facilities. He related that the School Board had reached a decision to combine Havana Northside High School and Shanks High School due to declining enrollments at both schools. Having made

that determination, the School Board set out to find a site along State Road 12 but they were not successful in finding available land that was large enough or suitable.

Commissioner McGill stated that a new facility would do a lot to enhance academic performance because with it would come new equipment (computers, science lab, band instruments, etc.), books and other materials. He then asked if the administrative costs would be reduced by combining the schools and how after school activities would be handled.

Mr. DuPont stated that a new facility would also allow the Board to attract the best teachers and students to the school, thus enhancing the academics. He assured the Board that activity buses would be made available to every child who is involved with after school activities.

Chair Fletcher called for public comments.

Ms. Brunette Chandler asked if busing for the parents of students would be made available. She reminded the Board that the many parents do not have transportation to get to after school activities.

Mr. DuPont stated that meetings would be held in communities all over the county on a scheduled basis. He did not respond to her question about parent transportation. He did say that he would be available to come to any parent at any time they needed to speak with him or a member of his staff.

Mrs. Brenda Holt questioned the Board about the process of construction and the awarding of the contract. She also called attention to the fact that both the School Board and the County Commission meets on the same evenings and that makes it impossible to attend both. She asked them if they would consider adjusting the schedule.

Dr. Moritz Dehler, representing Key Properties, addressed the Board. He stated that he owns property adjacent to the School Board Administration Building, Stewart Street Elementary and the Transportation Depot. He stated that he believed that his property would lend itself as an alternative site for the high school. He asked them to consider it.

Commissioner Dixon asked questions regarding the size of Key Properties.

Dr. Dehler answered that it is 633 acres. It extends to Pat Thomas Parkway on the west; SR 268 on the east; Martin Luther King Blvd. on the north to High Bridge Road to the south.

Mr. DuPont responded that they had looked to find a property located between Havana and Quincy. They did not want it to be a Quincy High School or a Havana High School.

Jim Parham, a resident on Lanier Road, spoke to the Board. He voiced his concerns about the location of the new high school. He referenced Item P (Traffic Circulation Element - Policy 2.31) in the Land Use Plan Amendment prepared by George and Associates - Compliance with the Comprehensive Plan. He made note of the fact that the engineer made comments about the level of service for US 90 but made no comments as to the collector and local roads. He made the same observation of Item Q.

Mr. Parham then suggested that the development meets the description of a DRI. He said that Lanier Road will suffer tremendously. He used a graphic map to demonstrate that Lanier Road is the most direct route from Havana to the site.

There was some discussion about the bus traffic. Mr. DuPont assured them that the School Board has no plans to use Lanier Road for transportation.

Mr. Parham stated "If you are creating an activity center where you are causing traffic generation, whether you are the actual driver, it's under your auspices of your school buses or otherwise, if you are creating an activity center where you draw those to you, you are responsible for it. And that is the Comprehensive Plan stuff. I mean, so, ah, they are responsible for it. Any way you cut it, it is just going to funnel right into Lanier Road and down.

If it ends up that you put a school there, there needs to be - not just a look at it - but we need to be able to say that school buses will be directed over onto 159 and not down Lanier Road.

This thing, and pardon me for being a little cynical here, but this sure thing sure seems to be more about linkage to the law enforcement academy and to TCC than it does to the linkage of Quincy and Havana.

If T.K. Wetherall is successful in wrestling Lively Tech away from Leon County School System, and it's going to be a nice little

arrow in it's quiver to be able to say that the consolidated high school of Gadsden County is right across the road from them. And that, ah, that's my cynical side, that is what this thing is about - linkage to TCC more than it is to Quincy or Havana."

Hal Richmond, a Notary Public licensed by the State of Florida, administered an oath to Mr. Parham and Mr. Dupont as to the testimony which they had already given.

Chair Fletcher pointed out that Lanier Road is next on the county's priority list for paving.

Mr. Parham stated that he understood that the County would use cold mix on Lanier Road and that kind of surface is not intended to carry heavy trucks or heavy traffic. "Paving of one kind is not paving of all kinds."

Chair Fletcher pointed out that CR 159 has been approved by the State to be resurfaced. He also stated that the School Board is willing to invest some money to offset the cost of widening of CR 159.

Mr. Parham argued that Lanier Road is a public road and no one has a right to request that local people not use it. He said that it is their right. However, he cautioned against loading the road with traffic which it was not designed for.

Dr. Atkins was sworn as to his testimony. He stated that there would only be 6 or 7 buses channeled down CR 159. He stated that he did not envision using Lanier Road at all. Everything west of Little River would be channeled down Highway 12 and US 90. Everything east of Little River would be channeled down CR 159.

Greg Jubinski, a resident on Lanier Road, was sworn an oath by Hal Richmond. He stated that there are more than 40 families on Lanier Road and they all take pride in their community. He voiced concerns about the increased traffic for his neighborhood as well as the impact on the new surface.

Ms. Mary Sprinkles was administered an oath by Hal Richmond. She stated that she lived off Lanier Road and that she is a Leon County high school teacher. She said that as a high school teacher, she could tell them that students will drive their cars to school and they will drive the shortest distance. She also stated that high school students don't observe the speed limits. She then spoke against the larger school concept. She placed a letter into

the record.

Commissioner Dixon questioned Ms. Sprinkles regarding her objections to the size of the school and the placement of the school.

Chair Fletcher stated that the testimony and the discussion did not relate to the issue before the Board.

Commissioner McGill questioned Ms. Sprinkles about school related matters.

Mr. Richmond tried to re-focus everyone's attention to the issue that was before the Board which is a land use change.

Ms. Bonnie Fowler, a resident of Lanier Road, was administered an oath by Hal Richmond. Her concerns were about traffic and maintenance of the road.

Ms. Margarite Matthews was administered an oath by Hal Richmond. She asked what alternate sites were considered and why they were eliminated.

Mr. Wayne Shepard was administered an oath by Hal Richmond. He stated that seven sites were originally considered. The primary site was SR 12 at CR 270 (St. Joe property) but here were DOT problems as well as environmental concerns. He also stated that they looked at other parcels in that same area but the land owners did not want to sell. They looked at 3 sites along US 90 that were owned by St. Joe but finally settled on the one being considered for this meeting.

Mr. Greg Jubinski asked if there were environmental concerns on SR 12/CR 270.

Mr. Shepard answered that there was a wetland area that ran through the property that they first considered. It would have required that the campus be split into two sections. It would also have required a sewage treatment plant to be built on the site which would have interfered with the wetland area.

Mr. Jubinski then asked if there are any wetland concerns for the property for which they were seeking a land use change.

Mr. Shepard stated that there are some wetland areas on the western side of the property but it is located in such a way that

it does not interfere with the placement of the campus or sewage treatment plant if they have to install one. The parcel is 100 acre with about 15-20 acres of wetlands. The minimum size required for the school is 75 acres.

Bill Rutherford, architect, was administered an oath by Hal Richmond. He stated that wetlands at the site at CR 270/SR 12 was not an issue but it was the fact that the wetlands divided the site in half. Either parcel of 25 - 30 acres was not large enough for the school. He said that there were also problems because the property was low and wet and the drainage of the property went toward the creek. That fact alone would have required twice as much storm water retention provision.

Chair Fletcher stated once again that the questions being asked are really more a matter for the School Board and not the County Commission.

Mr. Richmond stated once again that the issue before the Board is for only the one parcel. He went on to say that the Board must limit itself to discussion regarding the change in land use.

Mr. Jim Parham recalled that the concept of the Growth Management Act was to deter sprawl and stretching out of government services. He then said that he had not heard adequate assurances regarding the impact onto Lanier Road nor did the application for the land use change contain any information about the traffic loading onto Lanier Road. He requested that if the Board should approve the land use change, that it be a conditional approval contingent on making all bus traffic be directed down CR 159 and away from Lanier Road.

Commissioner Dixon stated that he would have a problem with that request in that Lanier Road is about to be paved so that it can handle the growth. He said he could not see how the Board could deny the School Board the use of the road.

Mr. Parham once again stated that he believes that the new school should be considered a development of regional impact (DRI) and that the playing field should be the same for a government agency as it is for a private developer with regard for traffic loading on any collector roads. According the Gadsden County Land Use Plan, the level of service on state highway systems and for roads not on the highway system should be preserved according to the locally adopted LOS.

Commissioner Dixon stated emphatically that the project is not a DRI.

Hal Richmond then administered an oath to Mr. Ballister as to his prior testimony and forthcoming testimony.

Mr. Ballister stated that Lanier Road does not have an assigned LOS rating and he explained that was because it is currently a dirt road. There is not a calculable figure in the DOT tables. However, he said that upon paving, it will become calculable. He reiterated that the School Board could be encouraged to develop policies that would ask the students to respect the Lanier Road residents' wishes.

Chair Fletcher called for a motion.

Commissioner McGill asked Mr. Richmond if the Board could legally keep the bus traffic off Lanier Road.

In turn, Mr. Richmond asked Public Works Director Robert Presnell if the road would support school buses.

Mr. Presnell was administered as oath as to his testimony. He then said that the road upgrade (cold mix) is designed using the FDOT manual for 1,000 trips per day with an expected life span of 20 years. He stated that it would support bus traffic.

Mr. Richmond then told Commissioner McGill that the Board could not restrict the use of Lanier Road for school bus traffic.

COMMISSIONER MCGILL MADE A MOTION TO APPROVE THE LAND USE CHANGE.

Chair Fletcher passed the gavel to Commissioner McGill and asked him to temporarily preside over the meeting.

COMMISSIONER FLETCHER THEN SECONDED THE MOTION TO APPROVE THE LAND USE CHANGE.

Commissioner Dixon recalled that someone said that the County needs the better facilities to enhance the learning for local children. He remarked that facilities in Gadsden County has never had much to do with kids learning - the facilities have always been notoriously bad, yet kids have gone on to college and beyond. He then said that he is not convinced that new facilities will

necessarily attract new kids to the schools because that is not why they are not coming.

Commissioner Dixon then went on to say that he is concerned about the sprawl that is certain to come about with the placement of this school. He said he was disappointed that there was no mention of it in the presentation. He said that he would like to know how the Board can approve the project and still control the sprawl.

Mr. Ballister told the Board that if Talquin Electric takes water and sewer to the Pat Thomas Academy, there will be magnetic draw of new development whether the high school is ultimately located there or not. He then stated that with SR 12 is near its carrying capacity until or unless another lane is added. For that reason, he stated that he believes that the next growth sector for Gadsden County will be along the US 90 corridor between Quincy and the river - including Midway.

Mr. Ballister stated that he had secured some initial cooperation with DCA about organizing some possible design charettes to help the County envision the growth for this portion of the County. However, he said he must first finish with the Comp Plan amendments before he can devote the time that charettes would require. He said that it would certainly be to the County's benefit to plan the growth with some forethought with all the parties involved which should include the future owners of Violetta Farms. Such a scenario would allow for a regional planning effort on the footprint of US 90. He said that there is also some true thinking possibility for a new road that will link US 90 to SR 12 other than Lanier and CR 159.

Further discussion followed.

Chair Fletcher declared a recess.

The meeting reconvened after 5 minutes.

Chair Fletcher called for a vote on the motion.

COMMISSIONERS MCGILL AND FLETCHER VOTED YES. COMMISSIONER WATSON, ROBERSON AND DIXON VOTED NO. THE MOTION TO APPROVE THE LAND USE CHANGE TO "PUBLIC" FAILED.

A MOTION WAS MADE BY COMMISSIONER DIXON TO APPROVE THE LAND

USE CHANGE FOR THE SCHOOL BUT TO IMPOSE A MORATORIUM ON GROWTH IN THE SECTION ALONG US 90 CORRIDOR BETWEEN THE CITY LIMITS OF MIDWAY AND THE NEW SCHOOL UNTIL A PROPER GROWTH ANALYSIS CAN BE DONE IN THAT AREA. THE LENGTH OF THE CORRIDOR WOULD EXTEND TO I-10 ON THE SOUTH AND TO SR 270/SR 12 TO THE NORTH, LITTLE RIVER TO THE EAST AND MIDWAY CITY LIMITS TO THE WEST. COMMISSIONER MCGILL SECONDED THE MOTION. COMMISSIONERS DIXON, FLETCHER AND MCGILL VOTED IN FAVOR OF THE MOTION. COMMISSIONERS WATSON AND ROBERSON VOTED NO. THE MOTION PASSED BY A VOTE OF 3 - 2.

Further discussion followed but no other motions were made.

5. COUNTY ATTORNEYS' AGENDA

Mr. Richmond told the Board that in doing the codification of the county ordinances, the County will need to address some of the changes that may be needed with regard to how they affect code enforcement issues such as: "Who does the enforcement? He asked for their guidance.

6. NUISANCE COMPLAINT - CATHERINE RICH

Mr. Ballister called for Catherine Rich. She was not present. He then called for Abigail Williams, the complainant. Details of the complaint are in the attached documentation.

There was some discussion of options for handling this type of complaint.

Ms. Abigail Williams addressed the Board telling them how the matter got to this point. She described the nuisance and the events that had taken place.

COMMISSIONER WATSON MADE A MOTION TO IMPOSE A \$500 FINE ON MS. RICH. COMMISSIONER MCGILL SECONDED THE MOTION.

COMMISSIONER WATSON AMENDED HIS MOTION TO INCLUDE SENDING A CERTIFIED LETTER GIVING MS. RICH 5 DAYS TO CLEAN UP THE NUISANCE; IF THE NUISANCE IS NOT ABATED IN THE 5 DAYS, THEN IMPOSE THE \$500 FINE. COMMISSIONER MCGILL SECONDED THE AMENDED MOTION.

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

COMMISSIONER DIXON MADE A MOTION THAT IF THE NUISANCE IS NOT ABATED BY THE END OF THE 5TH DAY, THAT THE COUNTY NOT ONLY IMPOSE THE \$500 FINE BUT TO ALSO INSTRUCT THE COUNTY STAFF TO FILE CHARGES WITH THE STATE ATTORNEY FOR CRIMINAL PROSECUTION OF THE MATTER. COMMISSIONER WATSON SECONDED THE MOTION. THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE MOTION.

7. HOLIDAY SCHEDULE

____Management Services Director Arthur Lawson presented the holiday schedule for 2001.

____UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE 2001 HOLIDAY SCHEDULE WHICH INCLUDES NEW YEARS DAY, MARTIN LUTHER KING BIRTHDAY, GOOD FRIDAY, MEMORIAL DAY, INDEPENDENCE DAY, LABOR DAY, THANKSGIVING DAY, DAY AFTER THANKSGIVING, CHRISTMAS EVE AND CHRISTMAS DAY.

9. CONSENT AGENDA

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

- 1) DUI Enforcement specialist Grant J8-06-06-05-01
- 2) Designation of Howard McKinnon as Voting Representative to the 2000 Annual Members Meeting of Florida Association of Counties Trust
- 3) TDS Telecom Centrex Service Agreement - 9% increase over current rates. The new rates will go into effect on July 1, 2001.
- 4) Purchase of 2000 Model Mowing Service Truck under State Contract for \$28,627.
- 5) Approval of Financing for Public Works Department Equipment - One Padded Drum Compactor and One 4,000 Gallon Water Tanker - Capital City Bank at a Rate of 5.38% (\$197,231.00 for 48 Months; Annual Payments of \$49,307.75 Principal plus Interest
- 6) Request to Have Emergency Repairs Made to an Ambulance by Big Bend Auto Body. (The Ambulance Was in an Auto

- Accident on 11/30/00)
- 7) EMS Write-off of Bad Debts totaling \$110,557.61;
Resolution # 2000-019
 - 8) Public Official's Bond - Nicholas Thomas, Clerk
 - 9) Public Official's Bond - Edward J. Dixon, Commissioner
 - 10) TRIM Compliance Notice - for the record

10. CLERK'S AGENDA

10.1 Budget Amendments 01-12-05-01 through 01-12-05-02

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

10.2 Ratification of Approval to Pay County Bills

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

11. COMMISSIONERS REPORTS

District 1 Report

Commissioner McGill had no report.

District 2 Report

Commissioner Watson had no report.

District 3 Report

Commissioner Roberson had no report.

District 5 Report

Commissioner Dixon stated that he did not like what the State Attorney had to say about Gadsden County in the New York Times. In jest, he suggested that they be put out of the County's office space.

12. ADJOURNMENT

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

E. H. Fletcher, Chair

ATTEST:

Nicholas Thomas, Clerk

AT THE REGULAR MEETING OF THE
BOARD OF COUNTY COMMISSIONERS
HELD IN AND FOR GADSDEN COUNTY,
FLORIDA ON DECEMBER 28, 2000,
THE FOLLOWING PROCEEDINGS WERE
HAD, VIZ.

PRESENT: E. H. FLETCHER, CHAIR
STERLING L. WATSON
CAROLYN ROBERSON
EDWARD J. DIXON
HAL RICHMOND, COUNTY ATTORNEY
HOWARD MCKINNON, COUNTY MANAGER
MURIEL STRAUGHN, DEPUTY CLERK

ABSENT: W. A. (BILL) MCGILL

1. CALL TO ORDER

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

2. ADOPTION OF THE AGENDA

The agenda was amended as follows:

- 1) Move the Growth Management Director's agenda to Item No. 3 before the County Attorney's agenda.
- 2) Add the bid award for the electronic on-line services for the Library - recommendation of the Bid Committee
- 3) Public Official's Bond for Dale Summerford, Tax Collector
- 4) Removal of Budget Amendment # 01-12-28-00

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

3. PLANNING AND ZONING (P & Z) ISSUES

**3.1 Ordinance 2000-006 to Adopt Comprehensive Plan Amendment
2000-02**

Growth Management Director Bruce Ballister addressed the

Board. He stated that the County can now move forward with the 22 quasi-judicial (private property) land use changes that were approved at previous meetings. He then stated that they have been approved by the Department of Community Affairs (DCA). He added that the text changes will be transmitted by a separate ordinance at a later date.

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

3.2 Ebenezer Major Subdivision

Mr. Ballister reported that Maurice Evans is proposing an eleven lot subdivision for site built homes on a 16.48 acre tract located on McNair Road which was recently paved. The conceptual plat that was submitted to the Planning and Zoning Commission indicated nine 100 ft. wide lots along McNair Road and a 47 ft. access easement to two lots in the rear of the subdivision. Since the County requires 65 feet rights of way for roads, the 47 ft. easement would not meet the County Code. Therefore the lay-out was revised to indicate a 65 ft. right of way with 98.5' lot widths. Thus, Mr. Evans will need a variance from the County's lot width requirement of 100 ft. in order to allow adequate right of way for the road to the rear lots. To reduce the impact points along McNair Road, Mr. Evans agreed to combine some of the drive-ways. .

Mr. Ballister stated that the City of Tallahassee has a power utility easement and limits construction in its rights of way. They also take no liability for damage to pavements that are constructed in their rights of way. In an effort to limit the number of driveway accesses onto McNair Road, Mr. Ballister recommended that all the driveways be 16 ft. wide with dual hard pack road base on lots 1,2,5,6,7,8. Lots 3 and 4 however, must have individual drives due to the power line structure. He went on to say that Mr. Evans will need an access variance because the Code stipulates that residential developments with less than 25 lots shall have only one access to the existing road system.

The parcel lies on the east side of McNair Road and runs downhill to a stream that follows the east property line. A storm water system with swales and treatment areas will be designed to satisfy Florida Department of Environmental Protection (FDEP) and the County's storm water criteria. Further details of the project are in the attached documentation.

The P & Z staff recommended approval subject to the matters discussed above and in the attached documentation. Likewise, the

P & Z Commission recommended approval.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 4 - 0, BY VOICE VOTE TO APPROVE THE EBENEZER MAJOR SUBDIVISION SUBJECT THE RECOMMENDATIONS DISCUSSED ABOVE AND IN THE ATTACHED DOCUMENTATION.

4. COUNTY ATTORNEY'S AGENDA

Engineering Services

Mr. Hal Richmond recalled that the Board had not approved a new contract with the existing engineers. He asked how he should proceed with engineering matters - modify the old contract to extend it or to seek new contract. He asked for directions.

Commissioner Dixon said that he was satisfied with the current contract and would like to continue it.

Commissioner Watson stated that he would like to go out for a RFP.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 3 - 1, TO GO OUT FOR RFP FOR ENGINEERING SERVICES. COMMISSIONER DIXON CAST THE LONE DISSENTING VOTE.

5. FIRE SERVICES AGENDA

Fire Services Director Oliver Sellars told the Board that when he submitted his original budget, he requested a used tanker truck for the Chattahoochee area. However, he said that since that time, he has learned that he can secure a new one for only a few dollars more. He asked for permission to take bids on a new truck.

A MOTION WAS MADE BY COMMISSIONER WATSON AND SECONDED BY COMMISSIONER ROBERSON, TO SEEK BIDS FOR NEW TANKER TRUCK.

Dixon: Oliver, what is the process? I have been trying to figure this out for about 2 years now. What is the process by which we go through to buy trucks, heavy equipment for fire services under your program? I know what it used to be when we have the chiefs.

Sellars: We just basically bid it out.

Dixon: No, no, no. Are you in a room just deciding who gets the next fire truck?

Sellars: No. I've got a plan.

Dixon: What is the plan? Could I see it sometime?

Sellars: Yeah, I've got it. I'll get you a copy of it. I've got it spelled out according to the age and the condition of the vehicles. This was an extra truck that was needed - out of the ordinary.

Dixon: Based on what?

Sellars: Need. There is no water in the Chattahoochee area near Sycamore.

Dixon: When you say no water, what do you mean?

Sellars: There are no water lines.

Dixon: No water lines.

Roberson: No place to fill the trucks.

Sellars: It is very, very sparse as far as water is concerned.

Dixon: I guess I should have posed this to the Manager. Is there a comprehensive, long range plan for fire?

Sellars: Yes, as far as pumper trucks is concerned. For the replacement of them.

Dixon: For replacement. I mean comprehensive - not just replacement of trucks.

McKinnon: We've got a plan for the replacement of trucks and for upgrading the waterlines county-wide where we can.

Dixon: You've done the hydrants county-wide?

McKinnon: Yes, sir. That's what we have in place.

Dixon: Let me ask you a question. Have we gotten with Talquin to basically change the type of line that they put down that, you know, basically moves them toward using hydrant ready lines? Is that all that they use now?

Sellars: That is basically what they are putting in. Anything

they put in now is basically big enough for hydrants.

Dixon: As they go through, are we putting hydrants in?

Sellars: Not as many as we should be. They are putting in some.
But not at the

Dixon: Why aren't we?

Sellars: Dollars.

Dixon: I haven't seen a plan asking for dollars.

Sellars: You are talking \$3,000 a piece.

Dixon: I didn't ask for that. I haven't seen plans asking for dollars.

McKinnon: We, you know, we've got the district-wide plan and we've got about, in the budget, in the fire budget, there is about \$20,000 - \$25,000 for hydrant upgrades based on - we have a plan. We have a plan for replacing a truck each year and then operating and so forth. Now, if you want to add some money to the fire plan, then we can increase that for hydrants.

Fletcher: Won't Talquin put these hydrants in if we give them the right-of-way for putting the lines down?

McKinnon: We can explore that possibility.

Fletcher: Absolutely. They ought to be putting them in when they build the lines.

Dixon: That's my point. We are defeating the purpose by having to go back and dig up water lines. Nobody wants to do that, especially if they just put them down. I mean that it seems like we are just shooting ourselves in the foot and going around in circles. Every time I look around, somebody says their house just burned down because the truck that came and the truck came after that and the third truck came and still didn't have enough water.

I mean, in Lake Yvette hadn't got no water, I am real concerned about what our long range plans. I would like to see that plan. For replacing not only capital items but what we intend this fire protection to look like in 5 years. We need to see where we are going with this because this stuff ain't working.

Thank you, Mr. Chairman.

I call the question.

THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE REQUEST TO GO OUT FOR BID FOR A NEW TANKER FOR THE CHATTAHOOCHEE AREA INSTEAD OF A USED ONE.

6. PUBLIC WORKS AGENDA

Purchase of New 2001 International 4700 4 X 2 with Flat Bed Dump from Tallahassee Mack Sales, Inc.

Public Works Director Robert Presnell told the Board that his budget included replacement of a six wheel dump truck. He stated that he had received quotes from the State of Florida Contract price list (International Truck and Engine Corp) and another from Tallahassee Mack Sales, Inc. He reported that the same truck was available from Tallahassee for less than the state contract price. He requested approval to purchase the truck from the dealership directly.

Chair Fletcher asked why it was cheaper from the dealership than it is from International Sales.

Mr. Presnell answered that he had found this scenario to be true a number of times but could not explain why.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE PURCHASE OF THE FLAT BED DUMP TRUCK FROM TALLAHASSEE MACK SALES FOR \$38,568.13.

7. CONSENT AGENDA

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

- 1) Elected Officials Bond - Bill McGill, County Commissioner - for approval**
- 2) Elected Officials Bond - W. A. Woodham, Sheriff - for approval**
- 3) Public Official's Bond for Dale Summerford, Tax Collector**

- 4) Unpaved Road Maintenance Agreements with Chattahoochee; Midway and Gretna - for approval (Cost increase from \$62.66 pr. Hour to \$67.44 per hour)
- 5) Financing Purchase of Four 2001 Mack Dump Trucks - for Approval - Municipal Services Group, Inc. of Littleton, Co Total of \$318,000 for 48 Months at 5.27%. First Payment Due 1 Yr. From Date of Loan Closure.
- 6) WEB Page Development Agreement between Florida Chamber Foundation and the Gadsden County Board of County Commissioners for WEB Page Development. The County agrees to pay \$7,500.00 for the services to the Foundation.
- 7) Promissory Note - Centennial Healthcare. Original note matured August 2000 with a balance of \$145,027.22. This note begins September 1, 2000 and will extend the terms until March 2001.
- 8) Appointment of Bill McGill, and Evelyn Rollins to the Governing Board of the Apalachee Regional Planning Council
- 9) Reappointment of Bill McGill as the Chairperson of the Transportation Disadvantaged Coordinating Board.
- 10) Appointment of Bill McGill and Carolyn Roberson to the Small County Coalition and appointment of Howard McKinnon as the Staff Liaison.
- 11) Articles of Incorporation and Certificate of Incorporation of Gadsden County Development Council. (N00000008343)
- 12) Notice from FDOT that Gadsden County Will Receive Funding Through Small County Outreach Program (Scop) for Realignment of Cr 65 in Fy 2001. Fdot Will Provide Joint Participation Agreement (Jpa). Upon Execution, a Notice to Proceed Will Be Issued. Dot Share - \$727,734.00 Gadsden County Share - \$242,578.00.
- 13) Gadsden County Chamber of Commerce Activities Report for November 2000.
- 14) Notice of Intent to Cancel Lease from Metrocall (Lease of Space on Radio Tower Effective January 2001) for the Record.
- 15) Bid Award for the Electronic On-line Services for the Library - Recommendation of the Bid Committee to Award to EBSCO Information Services of Ispwich, Ma in the Amount

of \$19,186.00 - For Approval.

9. CLERK'S AGENDA

9.1 Budget Amendments 02-12-28-00 though 09-12-28-00 (01-12-28-00 was pulled from the agenda)

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

9.2 Ratification of Approval to Pay County Bills

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

10. COMMISSIONERS REPORTS

10.1 Commissioner McGill

Commissioner McGill was not present.

10.2 Commissioner Watson

Cancellation of January 2, 2001 Meeting

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 4 - 0, TO CANCEL THE MEETING OF JANUARY 2, 2001.

10.3 Commissioner Roberson

Commissioner Roberson had no report.

10.4 Commissioner Fletcher

Chair Fletcher had no report.

10.5 Commissioner Dixon

Commissioner Dixon had no report.

AJOURNMENT

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

E. H. FLETCHER, CHAIR

ATTEST:

NICHOLAS THOMAS, CLERK